

**Canada and Saudi Arabia: Legal Frameworks and Policy Options**  
**University of Windsor, Faculty of Law**  
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This document consists of three parts. Part I provides an overview of some of select issues concerning Canada's relationship with Saudi Arabia. Part II includes a summary of select documents related to the relationship. These parts were prepared by Windsor Law III student, Fatima Husnain. Part III includes a preliminary list of sources compiled by Windsor Law III student Andrew DiMarco on December 9, 2018

This document was prepared to assist those interested in submitting a paper proposal for the *Canada and Saudi Arabia: Legal Frameworks and Policy Options* workshop that will be held at the Faculty of Law, University of Windsor on May 30, 2019.

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## Part I: Overview of Select Issues

### • The Canadian Response to Jamal Khashoggi's Murder and Torture

Jamal Khashoggi, a Saudi dissident and well-known journalist of the Washington Post was killed inside the Saudi Arabian consulate in Turkey on October 2, 2018<sup>1</sup>. According to published sources, Khashoggi was “suffocated before being dismembered and decapitated by 15 members of a Saudi hit squad, including men who were known to be close to Crown Prince Mohammed bin Salman”<sup>2</sup>. Canada has imposed sanctions pursuant to *The Justice for Victims of Corrupt Foreign Officials Act* against 17 Saudi nationals, freezing their assets in Canada and deeming them inadmissible in the country<sup>3</sup>. However, trade relations between Canada and Saudi Arabia remain unchanged after this murder.

Possible Questions to Consider: Does Canada have any legal obligations under national or international laws to respond to the Khashoggi murder? If so, what are they and what do they require of Canada? In particular, does the Convention Against Torture create any obligations upon Canada?

### • The Sale of Light Armoured Vehicles (LAVs) to Saudi Arabia

In 2015, the Liberal government stood by the \$15-billion sale of Ontario-built light armoured vehicles [LAVs] to Saudi Arabia<sup>4</sup>. The LAVs are constructed by General Dynamics Land Systems-Canada (GDLS-C) in a factory in London, Ontario<sup>5</sup>. Controversy regarding the deal arose when an article published by *The Globe and Mail* in April 2016 stated that a new key exports permit had been signed by Stéphane Dion, the Minister of Foreign Affairs at the time<sup>6</sup>. An export permit was necessary before any LAVs could be shipped to Saudi Arabia under the *Export and Import Permits Act*, RSC 1985, c E-19 [EIPA]<sup>7</sup>. The permit was granted on April 8, 2016 by Minister Dion. The determining factor for the Minister regarding military exports and human rights was “whether the goods were likely to be used to commit human rights violations or whether there existed a reasonable risk that they could be used against the civilian population”<sup>8</sup>. Based on a memorandum prepared by the Department of Foreign Affairs, “there was no connection between the LAVs and human rights violations in Saudi Arabia”<sup>9</sup>. The report also found that although Saudi Arabia has participated in airstrikes in Yemen, there was no evidence that Canadian LAVs had been involved. The Minister’s decision also survived judicial review<sup>10</sup>.

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<sup>1</sup> “Jamal Khashoggi Case”, (29 Nov 2018), Global Affairs Canada: <https://www.canada.ca/en/global-affairs/news/2018/11/jamal-khashoggi-case.html>.

<sup>2</sup> “Canada and the West caving to Saudi ‘blackmail’ with refusal to act in Khashoggi murder: journalist”, Connolly, Amanda (25 Nov 2018), Global News: <https://globalnews.ca/news/4693323/jamal-khashoggi-chrystia-freeland-justin-trudeau-no-action>.

<sup>3</sup> *Supra*, note 1.

<sup>4</sup> “A nation of feminist arms dealers? Canada and military exports”, Vucetic, Srdjan, (11 Dec 2017), International Journal: <https://srdjanvucetic.files.wordpress.com/2015/03/vucetic-nation-of-feminist-arms-dealers1.pdf> at 503.

<sup>5</sup> “Beyond LAVs: corruption, commercialization, and Canadian defence industry”, Gutterman, Ellen, Lane, Andrea, (13 Dec 2016), Canadian Foreign Policy Journal: <https://www.tandfonline.com/doi/full/10.1080/11926422.2016.1254663> at 77 and 80.

<sup>6</sup> *Supra*, note 4 at 504.

<sup>7</sup> *Turp v The Minister of Foreign Affairs* 2017 FC 84 at paras 6-7. The decision was upheld at the Federal Court of Appeal (see *Turp c Canada (Affaires étrangères)* 2018 FCA 133) and an application for leave to the Supreme Court of Canada was filed on September 28, 2018.

<sup>8</sup> *Ibid* at para 10.

<sup>9</sup> *Ibid*.

<sup>10</sup> *Ibid* at paras 76-77.

The defense industry in Canada creates approximately 63,000 jobs across the country and \$10 billion in revenue<sup>11</sup>. Half of this revenue comes from exports to countries such as Saudi Arabia<sup>12</sup>. To demonstrate similar conduct, the Canadian government removed human rights considerations from its feasibility analysis in 1994 to allow the sale of weapons to Thailand even as other countries prohibited exports<sup>13</sup>.

Moreover, Canada has insisted that it must uphold pre-existing contracts. Minister Freeland explained that “Canada is a trusted partner, and people must continue to be sure of the high worth of our word and our commitments” that must endure beyond elections. As a result, Canada will honour pre-existing contracts as much as possible<sup>14</sup>.

Possible Questions to Consider: What factors did the Federal Court bring to bear in upholding the ministerial decision? Is this an issue that should fall to courts? What scope should Canadian courts have in shaping Saudi Arabia-Canada relations? What is Canada’s history of trading arms to authoritarian regimes and what does the Saudi deal tell us about this history, and visa versa. What are the legal and policy frameworks within which such decisions are made? What should they be? By what standards can we judge Canada’s insistence that it must uphold existing contracts to remain trustworthy on the international scene? What are the emerging issues in Canada’s trade with authoritarian regimes? In particular, does Canada export new and emerging technologies to authoritarian regimes? Do these technologies help or hinder authoritarian regimes when they violate human rights at home or abroad? What does Canada’s sale of LAVs to Saudi Arabia and its history of trade with authoritarian regimes more generally tell us about Canada’s role and influence in the world? What leverage does Canada have, if any, to help prevent these regimes from using Canadian goods to perpetuate human rights abuses? How does partisan politics enter into decision-making, if at all?

- **Canada, Saudi Arabia and Human Rights**

The LAV contract has spurred some outrage amongst Canadians. For example, 73% of respondents to a June 2016 poll expressed opposition to the sale and some observers have warned that Canada will damage its own human rights record by its engagement with Saudi Arabia.<sup>15</sup> Scholars have opposed the contract, including The Group of 78 who strongly condemn relations between Saudi Arabia and Canada based on Saudi Arabia’s domestic human rights record and its actions in Yemen<sup>16</sup>. Canada has also condemned the actions in Yemen and has provided \$130 million of humanitarian aid to the country and has issued a public statement for an end to the conflict.<sup>17</sup>

In a recent report, The Standing Senate Committee on Human Rights found that the Government of Canada “too often appears willing to compromise its values in order to advance economic and other foreign policy interests”<sup>18</sup>.

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<sup>11</sup> *Supra*, note 5 at 81.

<sup>12</sup> *Ibid* at 82.

<sup>13</sup> *Ibid* at 83.

<sup>14</sup> “Speech by the Honourable Chrystia Freeland, Minister of Foreign Affairs, to the Standing Committee on Foreign Affairs and International Development”, Global Affairs Canada, (8 Feb 2018): [https://www.canada.ca/en/global-affairs/news/2018/02/speech\\_by\\_the\\_honourablechrystiafreelandministerofforeignaffairs.html](https://www.canada.ca/en/global-affairs/news/2018/02/speech_by_the_honourablechrystiafreelandministerofforeignaffairs.html)

<sup>15</sup> *Supra*, note 11 at 78.

<sup>16</sup> “Re: An Open Letter to the Prime Minister on Saudi arms deal authorization”, The Group of 78 (NGO’s), (25 April 2017): <https://www.amnesty.ca/sites/amnesty/files/CanadaSaudiArabiaJointLetterPM25April16.pdf> at 2.

<sup>17</sup> “Canada calls for an end to the conflict in Yemen”, (1 Nov 2018), Global Affairs Canada: <https://www.canada.ca/en/global-affairs/news/2018/11/canada-calls-for-an-end-to-the-conflict-in-yemen.html>

<sup>18</sup> “Standing Senate Committee on Human Rights—Promoting Human Rights: Canada’s Approach to its Export Sector”, (7 June 2018): [https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-06-04\\_ExportandImport\\_e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-06-04_ExportandImport_e.pdf).

Possible Questions to Consider: What legal and policy considerations shape or should shape Canada's response to the violence in Yemen? What legal and policy tools are at Canada's disposal? What mechanisms are available to Canadians under national or international law if they oppose Saudi's actions in Yemen and/or Canada's reaction to Saudi in that regard? What remedies do victims of Saudi atrocities in Yemen or beyond have in Canadian courts? Do others have standing? If so, on what basis?

- **Saudi in the Context of Canadian-American Relations**

In order to fully understand the relationship that has developed between Canada and Saudi Arabia, it is necessary to understand the relationship between the United States and Saudi Arabia. The actions taken by the Canadian government are often shaped by the United States as the United States is Canada's largest ally<sup>19</sup>. Between 2011 and 2015, Saudi Arabia was the number one buyer of arms exports from the United States<sup>20</sup> which grew in 2017 when President Donald Trump visited Saudi Arabia and participated in the Riyadh summit. More than 55 of mostly Arab or Muslim-majority states attended and a USD300 billion arms deal was announced<sup>21</sup>. Some scholars note that the LAV deal is consistent with Canada's goal of maintaining and promoting its relationship with the United States and upholding the United States-Saudi Arabia relationship<sup>22</sup>. The Honourable Chrystia Freeland, Minister of Foreign Affairs, has emphasized that "taking unilateral measures not aligned with the export controls of [Canada's] allies and partners could severely limit the impact [Canada] can have in protecting international human rights and humanitarian law, while putting legitimate Canadian exporters at a significant competitive disadvantage"<sup>23</sup>.

Possible Questions to Consider: How has Canada's allegiance with the United States impacted its actions historically and how is this reflected in the current debate over Saudi Arabia? How does Canada's economic and trade relationship with the United States impact their relations with Saudi Arabia? What is the nature of the relationship between London's General Dynamics Land Systems-Canada and its US parent? Does this relationship define the roles and obligations of the Canadian company? If so, how and why? What are the political implications, if any, of this relationship?

- **Canada-Saudi Diplomacy**

On May 22, 2018, Foreign Affairs Minister Chrystia Freeland tweeted "Canada is extremely concerned by the arrests of civil society and women's rights activists in #SaudiArabia. We call on Saudi authorities to release peaceful activists." In August, three additional tweets were made: one from the Minister's account, one from the department account and a translated version in Arabic on the embassy's account condemning the arrest of Samar Badawi.<sup>24</sup> Hours later, the Saudi government

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<sup>19</sup> "Canada and Saudi Arabia: A deeply flawed but necessary partnership", Juneau, Thomas (July 2016), Canadian Global Affairs Institute:  
[https://d3n8a8pro7vhmx.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada\\_and\\_Saudi\\_Arabia.pdf?1467224247](https://d3n8a8pro7vhmx.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada_and_Saudi_Arabia.pdf?1467224247) at 1.

<sup>20</sup> *Ibid.*

<sup>21</sup> Amnesty International: *Annual Report on Saudi Arabia (2017/2018)*:  
<https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/> at 317.

<sup>22</sup> *Supra*, note 19 at 3.

<sup>23</sup> Government Response to Senate Report (Freeland): [https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-11-05\\_GovResp\\_ExportsAct\\_e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-11-05_GovResp_ExportsAct_e.pdf) at 2.

<sup>24</sup> "How events unfolded after foreign affairs minister sent tweets rebuking Saudi Arabia", Marcoux, Jacques & Barghout, Caroline (7 Dec 2018), CBC News: <https://www.cbc.ca/news/canada/how-events-unfolded-after-foreign-affairs-minister-sent-tweet-rebuking-saudi-arabia-1.4935735>.

announced that “it was expelling Canada’s ambassador, and it would sell off Canadian assets, cease flights to Canada, stop buying Canadian wheat and barley and suspend student exchange programs”<sup>25</sup>. Saudi officials also rebuked Canada for its own human rights record, including its treatment of Indigenous peoples. In September, Freeland expressed a desire to mend the relationship with Saudi Arabia, however Saudi Foreign Minister Adel al-Jubeir asserted that Canada must first apologize. No public apology was made by Canada and the death of Jamal Khashoggi soon overshadowed this twitter induced spat between the two nations.

Possible Questions to Consider: How can Canada best engage diplomatically with Saudi Arabia? What is the significance of Saudi Arabia’s invocation of Canada’s poor human rights record in relation to Indigenous peoples? Will this spur Canada to reconsider its relationship with Indigenous peoples? Should it? What is Saudi Arabia’s status and influence in the larger Middle East and what are the larger consequences of Canadian diplomatic mistakes or diplomacy with Saudi Arabia going astray? What role does the Saudi Arabian diaspora play in defining this relationship, if any?

- **Education and Other Saudi-Canadian Ties**

Saudi Arabia provides full scholarships to 17,000 post-secondary students in Canada, including medical residents and trainees<sup>26</sup>. In September, Saudi Arabia recalled all of its medical residents and fellows when Minister Freeland urged Saudi Arabia to release jailed human-rights activists. A few weeks later, Saudi Arabia indicated that it would allow the trainees to remain in Canada until they secured alternative arrangements; however, this announcement exposed Canada’s dependence on the country. Saudi Arabia pays \$100,000 per year per trainee, in addition to covering trainees’ salary. These trainees make up 95% of international trainees in Canada<sup>27</sup>. Saudi Arabia also sends pilots to the NATO Flying Training in Canada<sup>28</sup>. One scholar states that Canada should increase and promote these initiatives as they may begin to change the culture and problematic actions of Saudi Arabia<sup>29</sup>.

Possible Questions to Consider: What is the nature and scope of Canada’s ties with Saudi Arabia in the areas of education and employment? What are the laws and policies that govern these relationships? On what basis can we conclude that these kind of exchanges and alliances help shape change?

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<sup>25</sup> *Ibid.*

<sup>26</sup> “*Fast Facts: The Saudi Arabian Cultural Bureau (SACB)*” (Saudi Arabian Cultural Bureau in Canada): <https://www.saudibureau.org/en/inside.php?ID=24>.

<sup>27</sup> “*Saudi medical trainees may keep posts in Canada*”, Vogel, Lauren, (17 Sept 2018), Canadian Medical Association Journal: <http://www.cmaj.ca/content/190/37/E1120>

<sup>28</sup> *Ibid* at 2.

<sup>29</sup> *Supra*, note 19 at 5.

## Part II: Select Literature Summary

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## 1) Scholarly Social Science and Legal Literature:

**“A nation of feminist arms dealers? Canada and military exports”, Vucetic, Srdjan, (11 Dec 2017), International Journal: <https://srdjanvucetic.files.wordpress.com/2015/03/vucetic-nation-of-feminist-arms-dealers1.pdf>**

In 2015, the Liberal government stood by the \$15-billion sale of Ontario-built light armoured vehicles (LAVs) to Saudi Arabia<sup>30</sup>. Controversy and uproar arose when an article published by *The Globe and Mail* stated that a new key exports permit had been signed by Stéphane Dion<sup>31</sup>. This article asks if the Liberal and Conservative governments are equally inclined to facilitate the export of military goods to risky destinations and how Canada’s actions compare internationally. Vucetic conducted a quantitative historical-comparative analysis of Canada’s arms exports since the 1980s and found that both the Liberal and Conservative governments have similar records “both overall and in terms of their willingness to grant export permits for military goods going to human rights-abusing buyers”<sup>32</sup>.

**Canadian arms exports in context.** Vucetic states that although there were changes in the Canadian arms exports between 1970 and 2015, the changes have little to do with the party in power<sup>33</sup>. Canada’s “recognized peers”, Sweden and the Netherlands, had similar rates of transfers to recipients with “bad” or “very bad” human rights records at 15, 10 and 14 percent, respectively<sup>34</sup>. With regard to overall arms exports, both Sweden and the Netherlands exported higher levels than Canada since the 1970s. This may be due to the large Cold War-era investment in the defence industry in Sweden and the capitalization of strengths in shipbuilding, aerospace and logistics in the Netherlands<sup>35</sup>. However, the author states these numbers are misleading as a large portion (estimated to be one-half to two-thirds by Project Ploughshares) of Canada’s arms exports are to the US, majority of which are exempt from export permit requirements<sup>36</sup>. The exact numbers of arms exported by Canada is extremely political. The author interviewed a state official who states that the federal government deliberately avoided collecting data on “small scale transfers” to keep trade practices “away from the media spotlight”<sup>37</sup>.

**More context: Human rights.** The Political Terror Scale (PTS), a dataset with information by Human Rights Watch, Amnesty International and the US State Department found that Canada has more recorded transfers at 1,662 compared to Sweden (1,375) or the Netherlands (1,108)<sup>38</sup>. The three countries also had comparable trends for transfers to countries with “very good” or “good” human rights records and those with “bad” or “very bad” human rights records<sup>39</sup>. The same methods were used to analyze the Liberal governments and Conservative governments between 1981 and 2010, and overall very little variation was found in exports<sup>40</sup>.

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<sup>30</sup> “A nation of feminist arms dealers? Canada and military exports”, Vucetic, Srdjan, (11 Dec 2017), International Journal: <https://srdjanvucetic.files.wordpress.com/2015/03/vucetic-nation-of-feminist-arms-dealers1.pdf> at 503.

<sup>31</sup> *Ibid* at 504.

<sup>32</sup> *Ibid* at 505.

<sup>33</sup> *Ibid* at 507.

<sup>34</sup> *Ibid* at 505. Vucetic explains why these three countries are “recognized peers” based on their similar defense industries and image in the world as being “international do-gooders” at 508.

<sup>35</sup> *Ibid* at 510.

<sup>36</sup> *Ibid* at 511.

<sup>37</sup> *Ibid*.

<sup>38</sup> *Ibid* at 512.

<sup>39</sup> *Ibid* at 513.

<sup>40</sup> *Ibid* at 515.



**From Canada with LAVs, forever?** The author finds that Canada may end its relationship with Saudi Arabia, especially if the government wishes to help build gender-equitable societies around the world<sup>41</sup>. The author foresees increased uproar from the media and society regarding Saudi scandals and the new deal that commits Canada to “helping prop up the Saudi government until 2028” and become the “second largest exporter to the Middle East”<sup>42</sup>. The author suggests this will force the Trudeau government into policy change, to make it more difficult for the Canadian arms industry to sell to repressive governments<sup>43</sup>.

***“Beyond LAVs: corruption, commercialization, and Canadian defence industry”*, Gutterman, Ellen & Lane, Andrea, (13 Dec 2016), Canadian Foreign Policy Journal: <https://www.tandfonline.com/doi/full/10.1080/11926422.2016.1254663>**

This article discusses the implications of the light armored vehicle (LAV) contract, namely that this contract contributes to the “violence and corruption of the international arms trade”, subordinates Canadian foreign policy and questions the importance of the Canadian defence industrial base<sup>44</sup>. The article states that proponents of this contract believe it significantly benefits the Canadian economy by potentially creating 3000 new jobs over the next 14 years, promoting more affordable domestic procurement by the Canadian Armed Forces, supporting research and development, and promoting United States and Canada relations by bolstering the US’s important relationship with Saudi Arabia<sup>45</sup>. There has also been significant outrage by the general public and concern that Canada is damaging their international reputation<sup>46</sup>. In addition, contracts with Saudi Arabia in general have been a notorious breeding ground for corruption. To demonstrate, the *al-Yamamah* deal with the United Kingdom is wrought with “transnational bribery, secret corporate slush funds, and illicit offshore payments”, which cast serious doubt on Canada’s attempt to curb global corruption<sup>47</sup>.

The authors argue that Canadians should not be surprised by this contract as it is a clear example of Canada’s defence scheme which requires “the promotion of corruption and violence abroad”. However, the authors state that Canada should “probably not” become a “global player in the international arms trade in order to sustain its domestic defence industry”<sup>48</sup>.

There are many reasons why the LAVs are lucrative for the Canadian government. Southern Ontario has seen a significant decrease in manufacturing jobs, making the potential employment gains attractive<sup>49</sup>. The political climate in London, the home to the plant that will be producing the LAVs, also likely impacted the decisions of the liberal government. In 2008 and 2011 several traditionally Liberal ridings elected Conservative governments, which changed in the 2015 election when the Liberal government promised to uphold the LAV deal<sup>50</sup>.

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<sup>41</sup> *Ibid* at 517.

<sup>42</sup> *Ibid* at 518.

<sup>43</sup> *Ibid*.

<sup>44</sup> “*Beyond LAVs: corruption, commercialization, and Canadian defence industry*”, Gutterman, Ellen, Lane, Andrea, (13 Dec 2016), Canadian Foreign Policy Journal: <https://www.tandfonline.com/doi/full/10.1080/11926422.2016.1254663> at 77.

<sup>45</sup> *Ibid* at 78.

<sup>46</sup> *Ibid*.

<sup>47</sup> *Ibid* at 79.

<sup>48</sup> *Ibid*.

<sup>49</sup> *Ibid* at 81.

<sup>50</sup> *Ibid*.

**Why is Canada selling LAVs to Saudi Arabia?** Many Canadians do not realize how much the Canadian government actually spends on the defence industry, an industry that encompasses over 700 companies, 63,000 jobs across the country and \$10 billion in revenues<sup>51</sup>. The authors state that the market for Canada's defence industry is difficult as Canada has no real neighbours, "either politically or geographically, who might be incentivized into purchasing significant quantities of Canadian defence goods"<sup>52</sup>. After the Cold War, western economies required exports to sustain their national defence industries, in Canada, about 50% of revenues come from exports. The buyers of defence products are "developing countries, often with unstable regimes, questionable human rights practices, and internal conditions of violent unrest" – such as Saudi Arabia, the second largest buyer in the world today, second only to India. Saudi Arabia's imports have increased 275% between 2011 and 2015 to comprise of 27% of the total arms transfers to the Middle East<sup>53</sup>.

Canada has engaged in actions to promote exports to Saudi Arabia and similar markets through government efforts. For instance, in 1994, the federal government removed human rights considerations from its feasibility analysis, and then sold weapons to Thailand while other countries stopped exports to Thailand because of their actions in relation to the regime in Burma and the Khmer Rouge in Cambodia<sup>54</sup>. The authors outline additional examples of Canadian trends of arms sales to other questionable countries, concluding that the current LAV contract is a continuation of a "long-standing Canadian policy to promote arms sales abroad"<sup>55</sup>.

**Should Canada be a global player in the international arms trade, in order to sustain its domestic defence industry?** The first major problem with the LAV sales are the negative externalities of the arms trade which spread "violence, political instability, human rights abuse and corruption"<sup>56</sup>. Engaging in this industry directly impacts the lives and deaths of billions of individuals around the world and corruption supports crime and terrorism<sup>57</sup>. The authors argue that the "international arms trade poses one of the greatest threats to international peace and security today"<sup>58</sup>. Second, the international arms trade subordinates foreign policy to commercial aspirations and electoral politics. The authors argue that the search of short-term electoral gains are causing a subversion of international norms<sup>59</sup> and state that often the offsets ("agreements by sellers to purchase goods, transfer technology or invest in buyer-country enterprises in exchange for making the sale") do not overcome the "welfare-diminishing effects of military expenditures". It is also "questionable whether the gains from offsets make up for the economic and political cost of subsidizing and supporting the defence industry, nor for the 'made-in-Canada premium' paid on major capital projects like warships, conservatively estimated even by industry proponents to be at least 10 per cent"<sup>60</sup>. The third issue is the questionable importance of a defence industrial base in Canada. In this section the authors debunk the assumption that in order to maintain military defense force there is a need to accept the negatives associated with it. In any situation it is likely that Canada will be able to rely on the power of the United States, and therefore

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<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid* at 82.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid* at 83.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid* at 84.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid* at 85.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid* at 86.

Canada should rely on the United States umbrella instead of building their own, evidenced by historic examples of Canada relying on its allies<sup>61</sup>.

Overall, this article indicates the problems of military sales and the fact that when other countries are stopping their engagement with Saudi Arabia, Canada is heading in the wrong direction<sup>62</sup>.

## **Other material relevant to understanding and contextualizing Saudi Arabia**

***“A realist foreign policy for Canada in the Middle East”*, Juneau, Thomas, (2017), International Journal:**

**[https://www.researchgate.net/publication/319278196 A realist foreign policy for Canada in the Middle East](https://www.researchgate.net/publication/319278196_A_realist_foreign_policy_for_Canada_in_the_Middle_East)**

This article highlights the lack of studies and scholarly articles about Canada and the Middle East, evidenced by a brief survey of the research available<sup>63</sup>. The information available on Canadian foreign policy in the Middle East focusses on past policies, and very little recommends ways ahead for Canada<sup>64</sup>. The lack of academic literature on what Canada should do in the region forces individuals to rely on the media which results in two contrasting and unrealistic perspectives. The internationalist side promotes the view of Canada as a peace-loving nation, a view that is inconsistent with historical Canadian actions. The conservative side claims that “their preferred policies are guided by high-minded principles such as supporting democracies and opposing tyranny”<sup>65</sup>.

**Realism and Foreign Policy.** In order to build a realistic framework there needs to be an assessment on how the security in the Middle East will impact Canada. The instability in the area is not likely to end soon, however, Canada does not face direct security threats from the region<sup>66</sup>. Although there have been some attacks in Canada by legitimate threats, the numbers are far less than many other countries and should not be inflated. The important focus is that Canada is fairly secure, as a result, the author states the defensive realism is an appropriate framework to guide Canadian policy<sup>67</sup>. Defensive realists use policies based on deterrence, containment and homeland defense and question the effectiveness of large-scale military force which should only be used as a last resort<sup>68</sup>.

**Canada’s Interests.** The author states two principles that should guide discussions about Canadian interaction with the Middle East: “Canada has limited direct interests there, and it has scarce resources to allocate to international policies”<sup>69</sup>. Canada must consider the trade-offs associated with engaging with the Middle East, namely the potential reduction of its margin of manoeuvre and potentially locking itself out of other initiatives. The author introduces four general interests that trade-offs should be steered by. First: Alliance management, specifically with the United States and within NATO.

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<sup>61</sup> *Ibid* at 86-87.

<sup>62</sup> *Ibid* at 88.

<sup>63</sup> “*A realist foreign policy for Canada in the Middle East*”, Juneau, Thomas, (2017), International Journal: [https://www.researchgate.net/publication/319278196 A realist foreign policy for Canada in the Middle East](https://www.researchgate.net/publication/319278196_A_realist_foreign_policy_for_Canada_in_the_Middle_East) at 401-403.

<sup>64</sup> *Ibid* at 403.

<sup>65</sup> *Ibid* at 403-404.

<sup>66</sup> *Ibid* at 404.

<sup>67</sup> *Ibid* at 405.

<sup>68</sup> *Ibid*.

<sup>69</sup> *Ibid* at 406.

Second: As there are no imminent security threats, the policies should maintain the status quo, and ideally improve it to maintain Canada's advantageous position. Third: Promote the "establishment, consolidation, and perpetuation of a stable and predictable international and regional order based on the rule of law". Fourth: No strategic logic would justify increasing defence involvement in the Middle East, rather, Canada should focus on diplomacy and the pursuit of influence and trade<sup>70</sup>.

**Canada and the Middle East: A Realist Take.** The author states that "Canada should be wary of participating in future large-scale military interventions in the Middle East", due to the high resources used and the lack of return on investment<sup>71</sup>, rather "Canada should commit resources only if it has a reasonably high confidence that the return will be at least comparable with the investment"<sup>72</sup>. Canada should engage in activity that develops stronger regional security and encourages regional dialogue in the Middle East. Canada should increase its arsenal of capacity-building tools to provide greater assistance<sup>73</sup>.

Ultimately the author states that there are potential gains from Canada diversifying as it will allow Canada to maximize the allocation of its resources. As a result Canada should "develop cordial but necessarily limited bilateral relations with most states in the Middle East". The author then outlines specific recommendations for specific Middle Eastern countries. In terms of Saudi Arabia, the author states that partnering "comes at a cost" due to their "abysmal human rights records and many counterproductive foreign policy decisions". However, the author still recommends keeping Saudi Arabia close as creating rivals would be much worse<sup>74</sup>.

***"Canada and Saudi Arabia: A deeply flawed but necessary partnership"*, Juneau, Thomas (July 2016), Canadian Global Affairs Institute:**  
**[https://d3n8a8pro7vhm.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada and Saudi Arabia.pdf?1467224247](https://d3n8a8pro7vhm.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada_and_Saudi_Arabia.pdf?1467224247)**

This author recognizes the validity of the criticism of the contract with Saudi Arabia based on human rights concerns but states that the criticisms do not account for the valid underlying rationale and the necessity of having good relations with Saudi Arabia, as turning Saudi Arabia into a rival would be much worse.

**The US and Saudi Arabia.** The US-Saudi Arabia relationship must be assessed to understand the relationship between Canada and Saudi Arabia. As Canada's largest ally, the actions taken by the US shape Canadian actions<sup>75</sup>. The partnership between US and Saudi Arabia is built because Saudi Arabia holds the largest reserves of conventional oil and is the largest exporter in the world, which provides leverage in the global economy<sup>76</sup>. In addition, Saudi Arabia was the top buyer of US arms exports

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<sup>70</sup> *Ibid* at 406-407.

<sup>71</sup> *Ibid* at 407.

<sup>72</sup> *Ibid* at 408.

<sup>73</sup> *Ibid* at 409.

<sup>74</sup> *Ibid* at 411.

<sup>75</sup> *"Canada and Saudi Arabia: A deeply flawed but necessary partnership"*, Juneau, Thomas (July 2016), Canadian Global Affairs Institute:  
[https://d3n8a8pro7vhm.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada and Saudi Arabia.pdf?1467224247](https://d3n8a8pro7vhm.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada_and_Saudi_Arabia.pdf?1467224247) at 1.

<sup>76</sup> *Ibid* at 1.

between 2011 and 2015<sup>77</sup>. Both oil and the arms trade result in US and Saudi Arabia needing each other and maintaining a positive relationship<sup>78</sup>.

**Canada and Saudi Arabia: Cordial But Limited Relation.** Both countries cooperate on shared interests and disagreements between them typically maintain a low profile<sup>79</sup>. To demonstrate, \$2.5 billion of Canadian sales revenues have come from selling military goods to Saudi Arabia since 1993<sup>80</sup>. Saudi Arabia also sends pilots to the NATO Flying Training in Canada program<sup>81</sup>. Saudi Arabia is already Canada's largest trade partner in the Middle East and North Africa. After the Conservative government created the LAV deal, the transition materials for the Liberal government in 2015 "advocated for continuity, advising that closer economic ties with Saudi Arabia is in Canada's strategic interest"<sup>82</sup>.

**Canada's Interests: Why the Partnership Matters.** The cost-benefit calculations of Canada's relationship with Saudi Arabia are through the lens of Canada's relationship with the US<sup>83</sup>. Due to the many benefits of the relationship with Saudi Arabia and the ability for Canada to diversify its trade ties, a partnership with Saudi Arabia is necessary<sup>84</sup>.

**The LAV Deal.** The deal is consistent with the federal government's interest of preserving relations with Saudi Arabia and also helps maintain the US-Saudi Arabia partnership<sup>85</sup>. Evidenced by the US exporting origin parts to General Dynamics Land Systems Canada (GDLS-C), the manufacturer of the LAVs<sup>86</sup>. The deal will help bolster the Canadian economy and boost the Canadian defence industry. The author also states that "it is unlikely that the LAVs would be used directly to violate human rights", however there is evidence to counter this claim<sup>87</sup>. The author also argues that if Canada ends the deal with Saudi Arabia, the country will merely seek the goods from another country and not change its policies or actions at all<sup>88</sup>.

**Looking Ahead.** The author states the ultimately Canada should uphold the deal with Saudi Arabia, however, the federal government should increase consistency and transparency in handling the issues and be forthcoming on their justification. The government should also increase investment and trade ties with Saudi Arabia, increase the number of Saudi students in the country and pursue educational ties such as Algonquin College's Saudi campus as these may begin to change the culture and problematic actions of Saudi Arabia<sup>89</sup>. Canada should also prioritize avoiding entanglements with the Middle East, such as not endorsing the war in Yemen<sup>90</sup>.

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<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid* at 2.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid* at 3.

<sup>86</sup> *Ibid* at 4.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid* at 5.

<sup>90</sup> *Ibid.*

***Amnesty International: Annual Report on Saudi Arabia (2017/2018)”:***

**<https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>**

Outlines the background of Saudi Arabia and its relations with the US. Explains the discrimination faced by the Shia minority in the country<sup>91</sup>. Other topics include arbitrary arrests and detentions, torture and other ill-treatment, women’s rights, workers’ rights, and the death penalty. This report does not discuss Canada and Saudi Arabia relations.

**“Re: An Open Letter to the Prime Minister on Saudi arms deal authorization”, The Group of 78 (NGO’s), (25 April 2017):**

**<https://www.amnesty.ca/sites/amnesty/files/CanadaSaudiArabiaJointLetterPM25April16.pdf>**

This letter expresses the concerns of Amnesty and other peace organizations regarding the arms deal between Canada and Saudi Arabia. The letter asks “the government to rescind the export permits, ensuring that this deal does not go ahead unless and until relevant human rights concerns have been resolved”<sup>92</sup>.

## **2) Government Documents:**

### **Introduction to Canada and Saudi Arabia’s Relationship**

**“Canada-Saudi Arabia Relations (and fact sheet primer)” (Government of Canada) (26 January 2016): [https://www.canadainternational.gc.ca/saudi\\_arabia-arabie\\_saoudite/bilateral\\_relations\\_bilaterales/canada-saudi\\_arabia-arabie\\_saoudite.aspx?lang=eng](https://www.canadainternational.gc.ca/saudi_arabia-arabie_saoudite/bilateral_relations_bilaterales/canada-saudi_arabia-arabie_saoudite.aspx?lang=eng) & [https://www.canadainternational.gc.ca/ci-ci/assets/pdfs/fact\\_sheet-fiche\\_documentaire/SaudiArabia-FS-en.pdf](https://www.canadainternational.gc.ca/ci-ci/assets/pdfs/fact_sheet-fiche_documentaire/SaudiArabia-FS-en.pdf)**

Fact sheet about Saudi Arabia, with a comparison of the GDP of the two countries and product trade and investment. This Government of Canada website states that “the Saudi government plays an important role in promoting regional peace and stability” and states that Canada is seeking to diversify its relations with the Saudi Kingdom<sup>93</sup>.

**“Trade and Investment: Canada-Saudi Arabia”, Florian, Richard, (18 September 2017), Library of Parliament: [http://publications.gc.ca/collections/collection\\_2018/bdp-lop/ti/YM32-7-2017-568-eng.pdf](http://publications.gc.ca/collections/collection_2018/bdp-lop/ti/YM32-7-2017-568-eng.pdf)**

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<sup>91</sup> “Amnesty International: Annual Report on Saudi Arabia (2017/2018)”: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/> at 318.

<sup>92</sup> “Re: An Open Letter to the Prime Minister on Saudi arms deal authorization”, The Group of 78 (NGO’s), (25 April 2017): <https://www.amnesty.ca/sites/amnesty/files/CanadaSaudiArabiaJointLetterPM25April16.pdf> at 1.

<sup>93</sup> “Canada-Saudi Arabia Relations (and fact sheet primer)” (Government of Canada) (26 January 2016): [https://www.canadainternational.gc.ca/saudi\\_arabia-arabie\\_saoudite/bilateral\\_relations\\_bilaterales/canada-saudi\\_arabia-arabie\\_saoudite.aspx?lang=eng](https://www.canadainternational.gc.ca/saudi_arabia-arabie_saoudite/bilateral_relations_bilaterales/canada-saudi_arabia-arabie_saoudite.aspx?lang=eng) & [https://www.canadainternational.gc.ca/ci-ci/assets/pdfs/fact\\_sheet-fiche\\_documentaire/SaudiArabia-FS-en.pdf](https://www.canadainternational.gc.ca/ci-ci/assets/pdfs/fact_sheet-fiche_documentaire/SaudiArabia-FS-en.pdf).

Saudi Arabia's GDP at purchasing power parity is US\$1.8 trillion<sup>94</sup>. This fact sheet outlines Canada's merchandise trade with the country, the share of total trade and other breakdowns based on sector. The highest-valued exports in 2016 were "tanks, armoured fighting vehicles and parts thereof, and motor vehicles" which accounted for 45.2% of total Canadian exports to Saudi Arabia<sup>95</sup>. The highest imports in 2016 were of crude oil and copper ores, accounting for 97.5% of the total value of Canadian imports<sup>96</sup>.

## Global Affairs Canada: Bill C-47 Official Releases

**"Speech by the Honourable Chrystia Freeland, Minister of Foreign Affairs, to the Standing Committee on Foreign Affairs and International Development", Global Affairs Canada, (8 Feb 2018): [https://www.canada.ca/en/global-affairs/news/2018/02/speech\\_by\\_the\\_honourablechrystiafreelandministerofforeignaffairs.html](https://www.canada.ca/en/global-affairs/news/2018/02/speech_by_the_honourablechrystiafreelandministerofforeignaffairs.html)**

Freeland states that Canada has a long tradition of global engagement with a voice that stands up to intolerance which requires "demonstrating constructive leadership within the established international order and with [Canada's] partners to promote peace, security and prosperity in the world"<sup>97</sup>. Freeland states that this is exactly what Canada is doing, using examples from Venezuela, discussions about North Korea, diplomacy on Myanmar, support for Ukraine, the adoption of the Justice for Victims of Corrupt Foreign Official Act and speaking out about injustice in Yemen, Chechnya and Iran. Freeland also states that Canada is committed to an "ambitious feminist foreign policy"<sup>98</sup>.

The speech then addresses the concerns about the possible misuse of Canadian-made vehicles in Saudi Arabia and states that "officials at Global Affairs Canada found not conclusive evidence that Canadian-made vehicles were used in human rights violations", however, Canada can do better<sup>99</sup>. Bill C-47, for example, will amend the Export and Import Permits Act and allow Canada to accede to the Arms Trade Treaty [ATT] as "it is long overdue" that Canada accede to the ATT. In legislation, the government is supporting the inclusion of a substantial risk clause, which "would not allow the export of a controlled good if there were a substantial risk that it could be used to commit human rights violations"<sup>100</sup>.

Canada will also, as much as possible, honour pre-existing contracts to ensure stability and certainty and ensure Canada is seen as a trusted partner<sup>101</sup>.

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<sup>94</sup> "Trade and Investment: Canada-Saudi Arabia", Florian, Richard, (18 September 2017), Library of Parliament: [http://publications.gc.ca/collections/collection\\_2018/bdp-lop/ti/YM32-7-2017-568-eng.pdf](http://publications.gc.ca/collections/collection_2018/bdp-lop/ti/YM32-7-2017-568-eng.pdf) at 1.

<sup>95</sup> *Ibid* at 3.

<sup>96</sup> *Ibid* at 4.

<sup>97</sup> "Speech by the Honourable Chrystia Freeland, Minister of Foreign Affairs, to the Standing Committee on Foreign Affairs and International Development", Global Affairs Canada, (8 Feb 2018): [https://www.canada.ca/en/global-affairs/news/2018/02/speech\\_by\\_the\\_honourablechrystiafreelandministerofforeignaffairs.html](https://www.canada.ca/en/global-affairs/news/2018/02/speech_by_the_honourablechrystiafreelandministerofforeignaffairs.html).

<sup>98</sup> *Ibid*.

<sup>99</sup> *Ibid*.

<sup>100</sup> *Ibid*.

<sup>101</sup> *Ibid*.



## Official House and Senate Reports (and Brief Submitted) Regarding Bill C-47:

*“Standing Senate Committee on Human Rights—Promoting Human Rights: Canada’s Approach to its Export Sector”, (7 June 2018):*

[https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-06-04\\_ExportandImport\\_e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-06-04_ExportandImport_e.pdf)

**Executive Summary.** “Canada is committed to the protection of human rights at home and abroad. With this aim, it has made a range of international and domestic commitments, and works closely with like-minded states to advance respect for human rights. National laws and regulations, including the Export and Import Permits Act (EIPA), also aim to prevent Canada and Canadians from contributing to serious violations of internationally recognized human rights or serious violations of international humanitarian law abroad. It is with this in mind that the Standing Senate Committee on Human Rights undertook a study to examine available economic levers that can be used to enhance respect for human rights, with particular focus on the EIPA. The EIPA is Canada’s primary tool for managing the import and export of goods and technologies. It authorizes the Governor in Council to control exports by listing controlled goods and technologies in regulations. To export listed goods and technologies, companies are required to apply to the Minister of Foreign Affairs for an export permit. The risks associated with exporting such goods or technologies are reviewed as part of the permit application process. Depending on the circumstances, this review may consider whether the specific exports could be used by “countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.” The EIPA and Global Affairs Canada policies give the Minister of Foreign Affairs broad discretion to weigh the potential for human rights violations against various other foreign policy, defence and commercial considerations. The committee is concerned that Canada continues to allow the export of goods and technologies where there is a risk the exports could be used to commit or facilitate serious violations of internationally recognized human rights or international humanitarian law. The committee is also concerned about the risk that Canadian goods or technologies could be used by non-state actors to seriously abuse the internationally recognized human rights of others. Respect for internationally recognized human rights and international humanitarian law — including access to effective remedies — is an important component of human security. The committee found that even though the Government of Canada advocates for the protection of human security abroad, it too often appears willing to compromise its values in order to advance economic and other foreign policy interests. In examples presented to the committee, this compromise was not always evidently warranted or justified. Not only is the Government of Canada failing to take a leadership role in this area, but some Crown corporations have actively supported businesses that have exported Canadian goods and technologies to countries with poor human rights records, which risk being used to commit or facilitate serious violations or abuses of internationally recognized human rights or international humanitarian law abroad. The committee is of the opinion that the Government of Canada’s actions on human rights and international humanitarian law must be more consistent with its messaging. To that end, the committee identified a number of areas that could be improved to strengthen and update Canada’s export regime to ensure that Canadian goods and technologies are not being used to commit or facilitate serious violations or abuses of internationally recognized human rights or serious violations of international humanitarian law abroad, these include:

- The Export and Import Permits Act should be amended to require consideration of internationally recognized human rights and international humanitarian law in the export permit process.

- Stakeholders, including civil society and academics, should contribute to the development and use of human rights and international humanitarian law assessment tools under the Export Control List in the Export and Import Permits Act.
- The Government of Canada, in cooperation with industry representatives, civil society organizations and academia, should explore ways to better track the end-uses and endusers of Canadian goods and technologies with the goal of preventing Canadian goods and technologies from being used to commit or facilitate serious violations or abuses of internationally recognized human rights or serious violations of international humanitarian law.
- The Export and Import Permits Act export permit regime should be updated by introducing export controls for new and emerging technologies that could be used to violate or abuse internationally recognized human rights or to violate international humanitarian law. The focus of these controls should be on end-uses and end-users, rather than on categories of goods or technology.
- Global Affairs Canada should consider how to enhance transparency for the export of new and emerging technologies that could be used to commit or facilitate serious violations or abuses of internationally recognized human rights, or serious violations of international humanitarian law.
- Canadian Crown Corporations should ensure their export business practices comply with the United Nations Guiding Principles on Business and Human Rights. The Government of Canada, in cooperation with provincial and territorial governments, should take concrete steps to persuade Canadian exporters and financial institutions to do the same.
- The Export Development Act should be amended to require Export Development Canada to consider the risk that the goods, technologies and their associated services that are the subject of a transaction could be used to commit or facilitate serious violations or abuses of internationally recognized human rights or serious violations of international humanitarian law.
- Export Development Canada should be required to update Parliament annually on its human rights and international humanitarian law risk assessments as part of its existing reporting obligations.

Canada, as a protector of internationally recognized human rights and international humanitarian law domestically and abroad, must translate these words into actions. Clear, transparent and objective standards are needed to assess the risk that exports may be used to commit or facilitate serious violations or abuses of internationally recognized human rights or serious violations of international humanitarian law. Peace, security and human rights are interlinked and mutually reinforcing. Larger foreign policy, defence, and trade considerations should not diminish the importance of internationally recognized human rights or international humanitarian law considerations once it has been established that substantial risks exist. Moreover, commercial gains for Canadians should not come at the expense of the human rights of others. The Government of Canada should be more proactive in its efforts to ensure that Canadian strategic and military goods, services and technologies are not used to commit or facilitate serious violations or abuses of internationally recognized human rights or serious violations of international humanitarian law abroad”<sup>102</sup>.

***“Proceedings of The Senate Standing Committee on Human Rights, (first day of testimony dealing with "available economic levers to enhance respect for human rights, including the Export and Import Permits Act." This study is part of the committee's examination of Canada's international and national human rights obligations.)***  
<https://sencanada.ca/en/Content/SEN/Committee/421/RIDR/07ev-52645-e>

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<sup>102</sup> “*Standing Senate Committee on Human Rights—Promoting Human Rights: Canada’s Approach to its Export Sector*”, (7 June 2018): [https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-06-04\\_ExportandImport\\_e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-06-04_ExportandImport_e.pdf).

The Executive Director of Project Ploughshares, Cesar Jaramillo, delivered a presentation titled “The Saudi arms deal: A test case on the strength of Canada’s military export controls”. Jaramillo states that Canada’s export control regime has been compromised by this deal. After highlighting some facts about the deal, such as Saudi Arabia being one of the worst human rights violators in the world and footage released by *The Globe and Mail* showing the armoured vehicles being used against civilians, Jaramillo states it is clear there is reasonable risk and evidence to show the problems in the relationship<sup>103</sup>.

Another speaker, Ken Epps, Policy Advisor of Project Ploughshares, focusses on the ATT and the improvements Canada must make before they can accede to it. The first recommendation is to implement the legal obligations of Article 6 of the ATT, and, under Article 7, to “develop risk assessment procedures that deny arms transfers if the procedures reveal there are substantial risks of human rights violations, of weapons diversion, or of terrorism, organized crime or breaches of international humanitarian law”. Based on Article 10 of the ATT, Canada must implement a system to license brokers and regulate the industry. Finally, Epps states there must be an increase in transparency and reporting standards<sup>104</sup>.

The Committee then engages in a discussion about the deal where Jaramillo asserts the importance of a risk assessment based on the information already known about the country, including Canada’s own human rights assessment from 2015. Epps also recommends that a formal procedure be implemented within the Export and Import Permits Act to establish misuse after the fact. As an example, Jaramillo states that the Dutch Parliament, European Parliament and Sweden have all made efforts to cancel agreements with Saudi Arabia<sup>105</sup>.

Andrea Charron, Assistant Professor and Deputy Director Centre for Defence and Security Studies, University of Manitoba, then engages a discussion about sanctions and the various ways Canadian sanctions can be imposed: “via the United Nations Act, the Special Economic Measures Act, the Export and Import Permits Act, and the Freezing Assets of Corrupt Foreign Officials Act”. Charron then outlines the difficulties in sanctions<sup>106</sup>.

#### **Government Response to Senate Report (Freeland):**

**[https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-11-05 GovResp ExportsAct e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-11-05_GovResp_ExportsAct_e.pdf)**

This letter states that the government views Canada’s accession to the ATT as a welcome opportunity to formally include policy, processes and practices and Bill C-47 will formalize in the legislation the considerations from Article 7 of the ATT and include a substantial risk test. The letter states that Canada is taking a leadership role and exceeding the ATT obligations by including legislation consideration of the risk of gender-based violence and violence against women and children in the substantial risk test. The letter also highlights the importance of connecting with Canada’s allies as: “taking unilateral measures not aligned with the export controls of [Canada’s] allies and partners could

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<sup>103</sup> “*Proceedings of The Senate Standing Committee on Human Rights, (first day of testimony dealing with "available economic levers to enhance respect for human rights, including the Export and Import Permits Act."* This study is part of the committee's examination of Canada's international and national human rights obligations.)

<https://sencanada.ca/en/Content/SEN/Committee/421/RIDR/07ev-52645-e>.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

severely limit the impact [Canada] can have in protecting international human rights and humanitarian law, while putting legitimate Canadian exporters at a significant competitive disadvantage”<sup>107</sup>. The letter also states other steps Canada will take and states that the steps are complementary to the committee’s report and support the goals of the committee’s recommendations.

## **Official News Releases and Statements from Global Affairs Canada**

**“Jamal Khashoggi Case”, (29 Nov 2018), Global Affairs Canada:**

**<https://www.canada.ca/en/global-affairs/news/2018/11/jamal-khashoggi-case.html>**

Canada imposed sanctions pursuant to the Justice for Victims of Corrupt Foreign Officials Act against 17 Saudi nationals for the killing of Jamal Khashoggi. The sanctions freeze the individuals’ assets in Canada and render them inadmissible to Canada<sup>108</sup>.

**“Canada calls for an end to the conflict in Yemen”, (1 Nov 2018), Global Affairs Canada:**

**<https://www.canada.ca/en/global-affairs/news/2018/11/canada-calls-for-an-end-to-the-conflict-in-yemen.html>**

The Government states that Canada calls for a permanent end to the conflict in Yemen which has had an unacceptable and devastating impact on the people of the country. Since 2015 Canada has provided \$130 million of humanitarian aid to the country and remains concerned by the reports of the ongoing acts in the country<sup>109</sup>.

## **Federal Court Judgment re Challenge to Minister’s Decision (currently on appeal to Fed Court of Appeal)**

**“Daniel Turp v The Minister of Foreign Affairs”, (24 Jan 2017), Federal Court: [http://www.fct-](http://www.fct-cf.gc.ca/rss/T-462-16%20Daniel%20Turp%20v%20The%20Minister%20of%20Foreign%20Affairs%20ENGLISH%20FINAL.pdf)**

**[16%20Daniel%20Turp%20v%20The%20Minister%20of%20Foreign%20Affairs%20ENGLISH%20FINAL.pdf](http://www.fct-cf.gc.ca/rss/T-462-16%20Daniel%20Turp%20v%20The%20Minister%20of%20Foreign%20Affairs%20ENGLISH%20FINAL.pdf)**

An export permit is necessary in order to ship LAVs to Saudi Arabia under the *Export and Import Permits Act*, RSC 1985, c E-19 [EIPA], which was granted on April 8, 2016 by the Minister<sup>110</sup>. The determining factor for the Minister was “whether the goods were likely to be used to commit human rights violations or whether there existed a reasonable risk that they could be used against the civilian population”, for which no evidence was found. The judicial review application was determined on a reasonableness standard of review. The EIPA provides the Minister with broad discretion in issuing

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<sup>107</sup> *Government Response to Senate Report (Freeland)*: [https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-11-05\\_GovResp\\_ExportsAct\\_e.pdf](https://sencanada.ca/content/sen/committee/421/RIDR/reports/2018-11-05_GovResp_ExportsAct_e.pdf) at 2.

<sup>108</sup> “Jamal Khashoggi Case”, (29 Nov 2018), Global Affairs Canada: <https://www.canada.ca/en/global-affairs/news/2018/11/jamal-khashoggi-case.html>.

<sup>109</sup> “Canada calls for an end to the conflict in Yemen”, (1 Nov 2018), Global Affairs Canada: <https://www.canada.ca/en/global-affairs/news/2018/11/canada-calls-for-an-end-to-the-conflict-in-yemen.html>.

<sup>110</sup> *Turp v The Minister of Foreign Affairs* 2017 FC 84 at paras 6-7.

export permits<sup>111</sup>, therefore, so long as the Minister considers the relevant factors, the Minister is free to issue an export permit<sup>112</sup>. As a result, the application for judicial review was dismissed<sup>113</sup>.

### **3) Other aspects of Canada and Saudi Arabia's relationship (medical internships + foreign students)**

***“Saudi medical trainees may keep posts in Canada”, Vogel, Lauren, (17 Sept 2018), Canadian Medical Association Journal: <http://www.cmaj.ca/content/190/37/E1120>***

**Abstract.** “Saudi Arabia will allow 1,053 medical trainees to continue their training in Canada, despite a diplomatic dispute between the countries. Early this month, Saudi Arabia recalled its medical residents and fellows after Canadian Foreign Affairs Minister Chrystia Freeland urged the kingdom to release jailed human-rights activists. This week, however, Saudi Arabia told the trainees they could stay in Canada until they find alternative placements in other countries. Those who have already left Canada or taken a leave of absence may also return to their posts. Thousands of other Saudi students studying in Canada will still have to leave the country.”<sup>114</sup>

***“Fast Facts: The Saudi Arabian Cultural Bureau (SACB)” (Saudi Arabian Cultural Bureau in Canada): <https://www.saudibureau.org/en/inside.php?ID=24>***

The SACB provides two main scholarships for post-secondary students where students receive “full coverage of tuition, a monthly stipend for living costs...medical insurance, expenses for field trips, reimbursements for attending conferences/symposia/workshops, annual airfare to Saudi Arabia, and merit awards for academic achievement”. In 2014 there were 16,000 Saudi scholarship students in Canada and 1,000 Saudi medical trainees in Canada.<sup>115</sup>

***“Cancelling Canada's Saudi arms deal would merely be a feel-good measure” Momani, Bessma, (December, 2018), The Globe and Mail: <https://www.theglobeandmail.com/opinion/article-cancelling-canadas-saudi-arms-deal-would-merely-be-a-feel-good/>***

As the outrage over the LAV deal increases, Prime Minister Trudeau has stated his government will “try and see if there is a way” out by re-evaluating export permits. However, Momani states that cancelling the deal will not stop the relationship with Saudi or alleviate the suffering of Yemenis. Compared to the United States (and to a lesser degree, the United Kingdom and France), Canada's arms transfers are practically insignificant. Momani states that focus should be on the United States as their actions have the largest impact.<sup>116</sup>

Even if the war stopped, Yemen would still be left with a collapsed economy, with access to food challenges and a diminished currency. Therefore, although it is necessary to stop the war, cancelling

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<sup>111</sup> *Ibid* at para 36.

<sup>112</sup> *Ibid* at para 40.

<sup>113</sup> *Ibid* at para 77.

<sup>114</sup> “Saudi medical trainees may keep posts in Canada”, Vogel, Lauren, (17 Sept 2018), Canadian Medical Association Journal: <http://www.cmaj.ca/content/190/37/E1120>

<sup>115</sup> “Fast Facts: The Saudi Arabian Cultural Bureau (SACB)” (Saudi Arabian Cultural Bureau in Canada): <https://www.saudibureau.org/en/inside.php?ID=24>.

<sup>116</sup> “Cancelling Canada's Saudi arms deal would merely be a feel-good measure” Bessma Momani, (December, 2018), The Globe and Mail: <https://www.theglobeandmail.com/opinion/article-cancelling-canadas-saudi-arms-deal-would-merely-be-a-feel-good/>.

the LAV deal with not do so and the penalties (loss of Canadian jobs and penalty costs) are likely more than the Liberal government can politically endure.<sup>117</sup>

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<sup>117</sup> *Ibid.*

### Part III: Preliminary List of Sources

#### 1) **Scholarly Social Science and Legal Literature:**

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#### **Other material relevant to understanding and contextualizing Saudi Arabia**

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- “*Canada and Saudi Arabia: A deeply flawed but necessary partnership*”, Juneau, Thomas (July 2016), Canadian Global Affairs Institute: [https://d3n8a8pro7vhmx.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada\\_and\\_Saudi\\_Arabia.pdf?1467224247](https://d3n8a8pro7vhmx.cloudfront.net/cdfai/pages/1069/attachments/original/1467224247/Canada_and_Saudi_Arabia.pdf?1467224247)



- *Amnesty International: Annual Report on Saudi Arabia (2017/2018)*”:  
<https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>
- “*Re: An Open Letter to the Prime Minister on Saudi arms deal authorization*”, The Group of 78 (NGO’s), (25 April 2017):  
<https://www.amnesty.ca/sites/amnesty/files/CanadaSaudiArabiaJointLetterPM25April16.pdf>

## 2) **Government Documents:**

### **Introduction to Canada and Saudi Arabia’s Relationship**

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- “*Speech by the Honourable Chrystia Freeland, Minister of Foreign Affairs, to the Standing Committee on Foreign Affairs and International Development*”, Global Affairs Canada, (8 Feb 2018): [https://www.canada.ca/en/global-affairs/news/2018/02/speech\\_by\\_the\\_honourablechrystiafreelandministerofforeignaffairs.html](https://www.canada.ca/en/global-affairs/news/2018/02/speech_by_the_honourablechrystiafreelandministerofforeignaffairs.html)
- “*Amendments to Bill C-47*”, Global Affairs Canada, (4 May 2018): <http://www.international.gc.ca/controls-controles/amendments-c-47-modifications.aspx?lang=eng> & see the amended *Bill C-47* sent back to the House of Commons

### **Bill C-47 House and Senate Progress (Records / Debates) & Further Reading List**

- “*Introduction and First Reading (House of Commons)*”, (14 April 2017), starting at page 23: <https://www.ourcommons.ca/Content/House/421/Debates/166/HAN166-E.PDF>
- “*Second Reading and Referral to Committee*”, (21 September 2017), starting at page 3: <https://www.ourcommons.ca/Content/House/421/Debates/203/HAN203-E.PDF>, (28 September 2017), starting at page 3: <https://www.ourcommons.ca/Content/House/421/Debates/208/HAN208-E.PDF>, (3 October 2017), starting at page 70: <https://www.ourcommons.ca/Content/House/421/Debates/211/HAN211-E.PDF>
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### **3) Other aspects of Canada and Saudi Arabia’s relationship (medical internships + foreign students)**

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#### 4) **Newspaper Articles and Op-Eds (with relevant hyperlinks)**

- “Federal Court dismisses LAV challenge”, Blanchfield, Mike, (25 Jan 2017), Ottawa Citizen: <https://www.pressreader.com/canada/ottawa-citizen/20170125/281711204363988>
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- “*Tanks for nothing: why Conservative and Liberal governments alike want to do arms deals with the human rights abusing Saudis*”, Petrou, Michael, (25 Jan 2016), Maclean’s: <https://library.parker.edu/eds/detail?db=edsgea&an=edsgcl.440821704&isbn=edsgea>
- “*Canada stood up to Saudi-Arabia once. It’s time to follow through and stop all arms deals*”, Moscrop, David, (17 Oct 2018), The Washington Post: <https://www.washingtonpost.com/news/global-opinions/wp/2018/10/17/canada-stood-up-to->

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- “*LFP Longform: We need to talk about our role in \$15B Saudi Arms deal*”, Rivers, Heather, (2 Nov 2018), The London Free Press: <https://lfpres.com/news/local-news/lfp-longform-we-need-to-talk-about-our-role-in-15b-saudi-arms-deal>
- “*Money, moral and machines*”, Castaldo, Joe, (24 Nov 2018), The Globe and Mail: <file:///Users/andrewdimarco/Downloads/ProQuestDocuments-2018-12-08.pdf>

## **5) Information on General Dynamics Land Systems – Canada (LAV Manufacturers)**

### **General Dynamics Corporation (US Parent Corp) Information:**

- “*Our History (General Dynamics)*”: <http://www.gd.com/about-gd/our-history28>
- “*Annual Reports Archive (Investor Relations – General Dynamics)*”: <https://investorrelations.gd.com/financial-reports/annual-reports-archive/default.aspx>
  - 2017 Annual Report: [https://s22.q4cdn.com/891946778/files/doc\\_financials/2017/annual/2017-gd-annual-report.pdf](https://s22.q4cdn.com/891946778/files/doc_financials/2017/annual/2017-gd-annual-report.pdf)
  - 2016 Annual Report: [https://s22.q4cdn.com/891946778/files/doc\\_financials/2016/annual/2016-GD-Annual-Report-a.pdf](https://s22.q4cdn.com/891946778/files/doc_financials/2016/annual/2016-GD-Annual-Report-a.pdf)
  - 2015 Annual Report: [https://s22.q4cdn.com/891946778/files/doc\\_financials/2015/2015-GD-Annual-Report.pdf](https://s22.q4cdn.com/891946778/files/doc_financials/2015/2015-GD-Annual-Report.pdf)



- 2014 Annual Report:  
[https://s22.q4cdn.com/891946778/files/doc\\_financials/2014/2014-GD-Annual-Report.pdf](https://s22.q4cdn.com/891946778/files/doc_financials/2014/2014-GD-Annual-Report.pdf)
- “SEC Filings (Investor Relations – General Dynamics)”:  
<https://investorrelations.gd.com/financial-reports/sec-filings/default.aspx>

### **General Dynamics Land Systems – Canada (subsidiary)**

#### **Academic Writing Focused on Canada’s arms production and export policies**

- “Disarming Security: Project Ploughshares, the just war, and the new world order”, Esau, Paul (2017), University of Lethbridge Research Repository  
[https://opus.uleth.ca/bitstream/handle/10133/4926/Esau\\_Paul\\_MA\\_2017.pdf?sequence=5&isAllowed=y](https://opus.uleth.ca/bitstream/handle/10133/4926/Esau_Paul_MA_2017.pdf?sequence=5&isAllowed=y)

#### **Recent News:**

- “General Dynamics Land Systems – Canada: A Partner in Canada’s Advanced Manufacturing Super Cluster”, General Dynamics Land Systems – Canada (20 Feb 2018), Cision:  
<https://www.newswire.ca/news-releases/general-dynamics-land-systems-canada-a-partner-in-canadas-advanced-manufacturing-supercluster-674616943.html>
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#### **Chronological Context:**

- “Canada’s push into new arms markets”, Epps, Kenneth, (2013), The Ploughshares Monitor:  
[http://ploughshares.ca/pl\\_publications/canadas-push-into-new-arms-markets/](http://ploughshares.ca/pl_publications/canadas-push-into-new-arms-markets/)
- “Landmark deals for General Dynamics Land Systems”, Canadian Commercial Corporation:  
<https://www.ccc.ca/en/canadian-exporters/exporter-success-stories/landmark-deals-for-general-dynamics-land-systems>
- “Arms export win is human rights loss”, Epps, Kenneth (2014), The Ploughshares Monitor:  
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