

The Wassenaar Arrangement is a multilateral organization with some ability to constrain inappropriate SALW transfers. This forum of 33 industrialized countries represents a high percentage of the major SALW producers in the world. Its purpose is to ensure that goods and technologies designed for military use or possessing both civilian and military applications are not shipped to regions of the globe where regional military stability would be undermined. The intent of this organization is to contribute to regional and international security by promoting transparency and responsibility in the selling of such goods. Still, the potential of the Wassenaar Arrangement to seriously control SALW is marginal given its terms of reference and the subjective and liberal nature of defining the term "destabilizing" as it relates to SALW. Notwithstanding this difficulty, most of the leading developers in new SALW technologies are members of the Wassenaar Agreement (including, importantly, some non-European/North American states). In this regard, the organization is well suited to constrain the outflow of destabilizing SALW products and manufacturing capabilities if all of its members can muster the political will to do so. However, as this is a consensus organization and decisions are non-binding, it is unlikely to be effective in constraining SALW exports.

Most states have unilateral constraints on the exports of SALW and their technologies. In Canada,<sup>37</sup> the control of SALW transfers into and out of the country is the responsibility of several regulatory bodies, including the Export Control Division of the Department of Foreign Affairs and International Trade (DFAIT) in consultation with other DFAIT divisions, the Department of National Defence (DND), Industry Canada, and, if necessary, Revenue Canada (Customs and Excise), the Canadian Security and Intelligence Service (CSIS) and the Canadian Firearms Center.<sup>38</sup> These regulatory agencies are bound by numerous legislative and administrative acts and directives.<sup>39</sup> Canada closely controls the export of military goods and technologies to countries that pose a threat to Canada or its allies, or are involved or under imminent threat of hostilities, are under UN Security Council sanctions, or 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. It

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<sup>37</sup> For details on export restriction see: "Annex C to - Canada, DFAIT, *Light Weapons and Micro-Disarmament* (Ottawa, January 1997), and Canada, DFAIT, *A Guide to Canada's Export Controls* (September, 1996). See also <http://www.dfait-maeci.gc.ca/eicb/cdaep-e.htm>. For details on the responsibilities of the Explosive Regulatory Division see <http://www.nrcan.gc.ca/mns/explosif>

<sup>38</sup> The Canadian Firearms Center will eventually take more responsibility for firearms import permits and export authorizations but will not displace the role of DFAIT's Export Division, particularly with regard to SALW over .50 in. cal. It should be noted that there are special restrictions on the export of automatic firearms of all types that limit such exports to a special list of countries that have special defence, research, development and production arrangements with Canada.

<sup>39</sup> Some acts relevant to SALW control are: the Criminal Code, various Criminal Law Amendment Acts, Customs Act, Explosives Act, Export and Import Permits Act and the National Defence Act.