

Two important additions have been made to the ECL during the last decade. First, since 1984 controls have been placed by the principal producers, meeting as the Australia Group, on the export of products used to manufacture chemical weapons. The countries concerned established a list of fifty ingredients of combat gas, or "precursors", for which permits are required if they are to be exported to certain countries. The list is included in Group 5 of the ECL. Missile technology is the second important addition to the ECL since the establishment of the Missile Technology Control Regime (MTCR) in 1987.⁸

The ECL has its critics. Except in the case of nuclear items and certain elements of Group 5 (mainly those included for strictly economic reasons, such as softwood lumber), anyone wishing to export strategic goods or arms to the United States does not need a permit. This exemption from permits is part of the Defence Production Sharing Agreements signed by Canada and the United States in 1959. Military trade with the United States is enormous, but almost completely secret.

Area Control List

Since COCOM-targeted countries were removed in 1986, this list has only two countries on it. Libya was placed on the list in 1986 because of its support of international terrorism, and South Africa in 1989 because of its policy of *apartheid*. An export permit is required for all transfers to these two countries. Most export applications are refused.

Automatic Firearms Country Control List

This new list comprises ten countries with which Canada has signed bilateral agreements on defence, research and development, or production. These are the only countries which may receive automatic weapons from Canada. They are: the United States, Great Britain, France, Germany, Italy, the Netherlands, Belgium, Denmark, Norway and Sweden. The government is expected to add the name of Saudi Arabia to the list so as to allow the delivery of light armoured vehicles with 25mm rapid-fire guns sold by General Motors of Canada.

Cabinet Guidelines on Arms Exports

On 10 September 1986, the Mulroney government published the guidelines applied by cabinet in deciding on arms sales to other countries.⁹ It was the first time in the history of Canada that such rules were made public. The Minister of External Affairs, Joe Clark, stated at the time that Canada "would closely control" the sale of military goods and technology to countries: (a) which threaten Canada and its allies; (b) which are "involved in or under threat of imminent hostilities"; (c) which are subject to the sanctions of the UN Security Council;

and, (d) "whose government has 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." In the spirit of these guidelines, cabinet is updating the secret lists of countries to which the export of military goods is closely controlled.

The official press release suggested that the criteria made public were an adaptation and update of criteria which had been applied for some time and last reviewed in 1978. For example, it stated that changes were made to the guidelines on restrictions against countries which violate human rights, so as to make them easier to apply. It should be noted that Canadian guidelines distinguish between military and non-military goods intended for armed forces, and between offensive and non-offensive weapons. The purpose of these distinctions is to give the government greater flexibility in facilitating exports of typical Canadian industrial products, such as telecommunications systems or their components, transport aircraft, and their parts, trucks, trailers and rolling stock.

Canada's Nuclear Non-Proliferation Policy

Canada sells nuclear products under conditions defined by its membership in the International Atomic Energy Agency (IAEA) and the "London Suppliers' Group" (LSG), its adherence to the Non-Proliferation Treaty (NPT), and by public statements made in 1974 and 1976.

The NPT requires that non-nuclear weapons states signatory to the treaty submit their nuclear facilities to IAEA full international safeguards. However, as the NPT does not address safeguards on sales to non-signatory countries, a group of IAEA nuclear-producer countries drew up a list of items in the 1960s (Zangger list), all exports of which should be subject to IAEA safeguards. This list was subsequently revised and then broadened as part of the discussions of the London Suppliers' Group. The items on the list are included in the ECL.

Since 1974, the Canadian government has required the application of IAEA safeguards or their equivalent, not only for exported products but also for their derivatives and for materials and systems using Canadian products. Thus, the "contamination" principle is applied; anything in a customer's nuclear programme closely or remotely connected to products exported by Canada must be subject to IAEA safeguards. Canada also requires that its customers agree to submit for its approval any retransfer of nuclear products and the enrichment of Canadian uranium to over 20%. It should be noted that Canada applies the principle of extraterritoriality (i.e., the application of domestic law beyond