Statement to the First Committee
of the
United Nations General Assembly
Concerning the Proposed Arms Trade Treaty
24-25 October 2011
Mister Chairman, thank you once again, for the opportunity to offer comments concerning the proposed arms trade treaty from the perspective of an industry that manufactures and sells military small arms and light weapons to enable states to meet their legitimate national security and law enforcement requirements and does so in strict compliance with the most demanding and rigorous export licensing system in the world. We believe that a legally binding treaty that subjects all manufacturers world-wide to a similar level of export controls can be of great benefit in combating armed violence caused by the illicit trade in military weapons.

However, Mister Chairman, after three PrepComs and the working groups that preceded them, it would appear that we have come to a decision point concerning what the purpose and nature of the proposed arms trade treaty will be. There are some for whom the goal of the treaty should be to achieve some form of global Small Arms Control; and, although such an outcome would be at great variance with the committee’s mandate, they clearly will be disappointed if the final document fails to fully address inter alia all of the causes of armed violence, perhaps by requiring state-parties to further restrict or even eliminate the ownership of arms by civilians. There are other states for whom the purpose of the undertaking is to better and more uniformly regulate the international trade in conventional military arms with a view to more effectively combating the flow of illegal arms that are responsible for much—but not all—of the armed violence in many regions.

There is an obvious and fundamental difference between an arms trade treaty and
an arms control treaty. While a single document could conceivably attempt to address both, it seems unlikely that it would gain consensus, especially among all of the major arms producing and exporting states whose support is essential, and be even less likely to be effectively implemented.

An unfortunate example of another, similar instrument that was drafted with the best of intentions can be found in the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms or, CIFTA, as it is commonly known. While clearly the intent of that treaty was to combat the illicit international trade in small arms in the Americas, the actual language created concerns about its possible impact on civilians who wished to continue lawfully possessing firearms for legitimate purposes and in full compliance with their countries’ existing laws and regulations. Because the treaty lacked sufficiently precise language making its purpose clear, those concerns were left unaddressed and the treaty, which President Clinton signed in 1997, has never even been considered for approval by the United States Senate, no matter which political party has been in power during the 14 years since. Although it was mentioned here recently, no astute political observer believes CIFTA has a serious chance of being approved by the US Senate, either now or in the foreseeable future. And while we fully understand that many other states have ratified CIFTA, some question the efficacy of any arms treaty that fails to include the largest arms producing states.

Mister Chairman, I mention the experience of that regional treaty because it is to be hoped that we are not on course to make the same mistakes with the currently
proposed Arms Trade Treaty. If the ATT is indeed to be about combating the illicit trade in conventional arms through requiring state-parties to adopt more effective export controls, its language should clearly say so. And, if that is its only purpose, there is nothing to be lost by including language that makes it unequivocally clear that the ATT will not interfere with the possession and use of civilian arms that are held in full compliance with states' domestic laws and regulations.

An ongoing failure to make this distinction in plain language will continue to fuel suspicions regarding the true purpose of the arms trade treaty and the agenda of those who are promoting it and lead to even greater fears of how it might ultimately be implemented. Clear language excluding civilian arms from the treaty's scope, based not on their originally intended purpose—an admittedly problematic approach—but rather on their legal status vis-à-vis the state within which they are possessed, sold or used, could do much to resolve such concerns and could serve as a much-needed trust and confidence building measure.

Mister Chairman, our organization is comprised of companies that manufacture military small arms and light weapons; we are not primarily concerned with civilian firearms matters. However, we offer these observations in the belief that a treaty that works to curb the illicit trade in military weapons through the better regulation of exports is something that deserves serious consideration. But we believe the current confusion about the true purpose of the treaty has the potential for preventing its widespread adoption and implementation. Our segment of the industry believes that a treaty that
focuses clearly and exclusively on trade regulation, rather than arms control—and is structured primarily to raise the standards world-wide for exporting military weapons—is not only one that we could potentially support but also one that is more likely to be adopted and successfully implemented.

Mister Chairman, the political antibodies are growing stronger each day. A bipartisan majority of the United States Senate has already expressed its adamant opposition to any treaty that infringes upon civilian arms ownership. The time is growing short in which the decision about the fundamental nature and purpose of the treaty must be both made and clearly articulated.

Mister Chairman, thank you for the opportunity to offer these remarks. As always, if we may be of assistance, please do not hesitate to call upon us.

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