

Statement of the Defense Small Arms Advisory Council (DSAAC)
Before the First Committee
23 October 2009

Thank you, Mister Chairman, for the opportunity to offer a few comments.

By way of background for those delegates who may not be familiar with our organization, the DSAAC is an association comprised of most of the US-based companies that produce and sell military small arms for both the US government and the international market. One of our association's purposes over the past five years has been to serve as a channel of communication between our industry and government agencies on policy matters. In that role, we have participated in the 2006 Review of Progress Made in Implementing the Program of Action to Combat the Illicit Trade in Small Arms and Light Weapons as well as the Open Ended Working Group and other international efforts to deal with the serious problems posed by small arms being delivered into the wrong hands. As representatives of the legitimate arms trade, we feel that we can offer a perhaps unique and hopefully useful perspective on steps that might be taken to curb the illicit trade. In that spirit, I offer the following comments:

First, if there is to be an Arms Trade Treaty, its emphasis should be on how to better regulate that trade. Focusing on trade regulation is not, as some have suggested, a lowest common denominator solution but rather is the heart of the matter. As has been repeatedly noted, the objective of this treaty is not the outlawing of conventional arms nor is there any intent to eliminate or interfere with the right of states to acquire and maintain them for legitimate purposes. States will continue to need and industry will continue to provide arms to countries that employ them lawfully and responsibly as tools to deter and, when necessary, defend against, external aggression and to maintain internal order against the forces of lawlessness and, by so doing, fulfill their responsibilities toward international security.

The purpose of such a treaty should be to better regulate the process of global commerce through which conventional arms are bought and sold so that only legitimate users become the ultimate recipients. The more the treaty drafting process focuses on regulating that trade, the more politically viable and practically enforceable it will be. However, the more the discussion tilts away from arms trade regulation and toward

small arms control, the greater the political risk to its eventual adoption and implementation. Additionally, focusing solely on small arms tends to shape the dialogue in ways that may not be ultimately as helpful as working toward a treaty to regulate the trade in all conventional arms.

Second, if there is to be an arms trade treaty, its scope should be drawn carefully and realistically. There are many violence-related issues that cannot be resolved by a trade treaty no matter how skillfully and optimistically it is crafted. The key to success will be found in accurately identifying those matters that the treaty can successfully address and focusing the solution precisely on those areas. Yielding to the understandable temptation to overload a treaty with myriad provisions that cannot, and therefore will not, be enforced may ultimately undermine the credibility and legitimacy of those provisions that can be implemented.

Third, enforceability is a significant issue and cannot be assumed. My industry operates under the intense scrutiny of a government that has both the capability and the consistent determination to insure that we function solely within the export licensing regime established by our laws and regulations. Our government has the ability to legally and even physically prevent us from selling military arms outside that process. It would be a mistake to base a treaty on the assumption that all nations have both the resources and the resolve to implement it to that same extent. It will be a major challenge for many states to enforce the provisions of such an agreement, even if they are wholeheartedly committed to doing so. For that reason, it would seem that achieving consensus in adopting the treaty will be the *sine qua non* for its effective implementation. Any treaty adopted on a basis other than consensus—particularly among the arms-producing states—would seem pre-destined to become an exercise in selective compliance.

Fourth, when assessing the role of civil society in this debate, it would be counter-productive to assume that there are only two sides. While we have much in common with organizations that defend the right of responsible citizens to lawfully possess firearms for purposes such as hunting and self-defense, we also share an interest with other groups in curtailing the un-regulated trade in military arms that contributes to instability and suffering in many places around the world.

For our industry, it is both a moral issue and a business matter; we believe that a properly crafted, effectively implemented, evenly applied and fairly enforced arms trade treaty can serve to reduce the advantages currently held by those arms manufacturers and brokers around the world who are presently subject to little restraint and to whom questionable buyers may resort with little or no scrutiny. Even legitimate purchasers frequently find it easier to obtain arms from companies located in countries that do not subject every proposed transaction to the lengthy and exhaustive vetting process employed by our government. To be candid, we would like to see all of our colleagues in the global small arms industry begin to enjoy to the same extent that we do the assurance and peace-of-mind that come from the certain knowledge that their every sale is a legitimate one.

Fifth and finally, please consider the DSAAC as a resource. The arms trade is a specialized field with its own language. If allowed to do so, we may be able to help prevent the inadvertent inclusion of well-intended but unfortunately-chosen wording that leads to unforeseen political consequences. In prior forums, several speakers have used the analogy of a ship sailing in dangerous waters; as representatives of an industry that regularly navigates those waters, we may be of use in pointing out some of the rocks and shoals that are not immediately visible from the surface.

Mister Chairman, thank you and the delegates for the opportunity to offer these remarks. If we may be of assistance, we trust that you will call upon us.

Contact: Major General (Retired) D. Allen Youngman, Executive Director,
execdir@dsaac.org or PO Box 6025, Arlington VA 2206