



100 Pearl Street, 14th Fl. Hartford, CT 06103 USA
tel: +1 (855) ORCHID-0 fax: +1 (800) 507-4409



UN Arms Trade Treaty Impacts Firearm Industry

Friday, October 4th, 2013

Last Wednesday, Secretary of State John Kerry signed the UN Arms Trade Treaty, calling it a "significant step" in addressing illicit firearms sales, while claiming it would protect Second Amendment rights.

Kerry was quoted as saying: "This is about keeping weapons out of the hands of terrorists and rogue actors. This is about reducing the risk of international transfers of conventional arms that will be used to carry out the world's worst crimes. This is about keeping Americans safe and keeping America strong. This treaty will not diminish anyone's freedom. In fact, the treaty recognizes the freedom of both individuals and states to obtain, possess, and use arms for legitimate purposes."

The UN Arms Trade Treaty is a multilateral treaty that regulates the international trade in conventional small arms. International small arms commerce has been estimated at over \$70 billion a year. The treaty was negotiated at a global conference under the auspices of the United Nations in July of 2012 and was adopted as a resolution by the UN General Assembly on April 2, 2013. The treaty was opened for formal signature on June 3, 2013, and has been signed by 112 states, but will not enter into force until it has been ratified by at least 50 countries.

The treaty covers all types of transfers (import, export, re-export, temporary transfer and transshipment) in state sanctioned and commercial trade, plus transfers of technology, loans, gifts and aid of battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles, small arms, ammunition, reloading components and production equipment in all transactions from dealers and brokers to those providing technical assistance, training, transport, storage, finance and security.

Over 30 states have voiced opposition to various parts of the UN Arms Trade Treaty during negotiations, the primary concerns being

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the implications for national sovereignty. Individual Second Amendment Advocacy groups in the US such as Gun Owners of America, the Heritage Foundation, the International Association for the Protection of Civilian Arms Rights (IAPCAR), the National Rifle Association (NRA) and the National Shooting Sports Foundation (NSSF) have voiced concerns that the treaty will undermine and circumvent the Second Amendment and similar guarantees in state constitutions in order to impose domestic firearms regulations.

In July 2012 the National Rifle Association's Institute for Legislative Action (ILA) wrote that:

"Anti-gun treaty proponents continue to mislead the public, claiming the treaty would have no impact on American gun owners. That's a bald-faced lie. For example, the most recent draft treaty includes export/import controls that would require officials in an importing country to collect information on the 'end user' of a firearm, keep the information for 20 years, and provide the information to the country from which the gun was exported. In other words, if you bought a Beretta shotgun, you would be an 'end user' and the U.S. government would have to keep a record of you and notify the Italian government about your purchase. That is gun registration. If the U.S. refuses to implement this data collection on law-abiding American gun owners, other nations might be required to ban the export of firearms to the U.S."

Advocates of the UN Arms Trade Treaty claim that it only pertains to international arms trade, and would have no effect on current domestic laws. These advocates point to the UN General Assembly resolution stating that it is: "the exclusive right of States to regulate internal transfers of arms and national ownership, including through constitutional protections on private ownership."

According to the UN Office for Disarmament Affairs, the treaty will not interfere with domestic arms commerce or the right to bear arms in Member States; ban the export of any type of weapon; harm legitimate right to self-defense; or undermine national arms regulation standards already in place.

Some of the more vocal organizations in support of the treaty such as Amnesty International have stated that civilian firearms must be included in any workable arms trade controls; otherwise, governments could authorize the import and export of sporting arms similar in function to their military and police counterparts. The group is specifically targeting bolt-action rifles and pump-action or semiautomatic shotguns commonly used in hunting because they share similarities with military sniper rifles and police riot shotguns.

Ratification by the US Senate is still required for the treaty to take effect. In the current political climate of the US, ratification seems unlikely on the surface. Yet with a Democrat Majority in the Senate and a mandate from President Obama ratification could be possible by the slimmest majority.

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