

FIREARMS AND AMMUNITION INDUSTRY: CONCERNS WITH UNITED NATIONS ARMS TRADE TREATY (ATT)

The United Nations General Assembly approved the Arms Trade Treaty (ATT) on April 2, 2013. The United States voted in favor of the treaty regulating international trade in conventional arms, after suddenly reversing its long-standing insistence on a consensus agreement. As of March 1, 2017, 130 countries have signed the treaty and 88 have ratified it.ⁱ The implementation process started 90 days after 50 signatories have ratified the treaty, which occurred on Dec. 24, 2014.ⁱⁱ

The Obama administration signed the treaty on September 25, 2013. Like the [CIFTA](#) treaty signed by the Clinton Administration, it is unlikely the ATT will ever be ratified by the U.S. Senate because of strong congressional opposition to the ATT. The Trump Administration is not expected to implement the ATT through the adoption of federal policies in line with the treaty.

The Obama administration asserted that the treaty would not affect domestic arms sales and would merely require the rest of the world to adopt America's already strong export controls.ⁱⁱⁱ However, the treaty's vague text leaves much of the details open to interpretation.

Nation-state signatories and unelected anti-gun international bureaucrats are likely to politicize the implementation process to restrict legitimate commercial sales and sales to foreign military and law enforcement. There are already signs that anti-gun groups are helping countries draft implementing

legislation. Some of these groups' proposals could prevent countries from exporting to the U.S., with real business implications for the firearms industry. Under the proposed rules, exporting countries might require end-user certificates from U.S. gun purchasers, not just from U.S. importers.^{iv}

As it stands, the firearms and ammunition industry has several concerns with the ATT. For example, the scope of the ATT is not limited to the trade in military arms and equipment because it includes civilian firearms. The treaty will also have a significant negative impact on the importation of firearms into the U.S., a major source of supply for the consumer market. And it will impose new regulations on the "transit" of firearms, the term defined so broadly that it would cover everything from container ships stopping at ports, to individuals who are traveling internationally with a single firearm for hunting or other sporting purposes.

The threat to the firearms industry does not end with implementation. In six years, the treaty will be open to amendments. Countries that ratify the treaty will have a chance to add even more restrictive provisions. However, because the U.S. Senate is unlikely to approve ratification, the U.S. may not have a formal seat at the table for the amendment process.

The Obama Administration had also pursued an Export Control Reform (ECR) initiative, to modernize



export regulations to advance and strengthen U.S. national security and to bolster U.S. businesses' ability to compete worldwide.^v NSSF joined with the entire export community in supporting the ECR initiative, although we were disappointed that under President Obama, the White House chose to sideline the Categories I, II, and III over gun politics. Implementation of the ATT has the potential to undermine the ECR effort. Other countries should not be allowed to hamper economic growth or infringe on U.S. citizens' Second Amendment Rights.

- i United Nations Office of Disarmament Affairs, as of March 1, 2017, <http://www.un.org/disarmament/ATT/>
- ii Theodore R. Bromund, Ph.D., "New Risks, Dangers Loom as UN Arms Trade Treaty Opens for Signature," Heritage Foundation, June 7, 2013. <http://www.heritage.org/research/commentary/2013/6/new-risks-dangers-loom-as-un-arms-trade-treaty-opens-for-signature>
- iii Secretary of State John Kerry, "Historic Arms Trade Treaty," April 2, 2013. <http://www.state.gov/secretary/remarks/2013/04/206982.htm>
- iv Remarks made by Major General (Ret.) Allen Youngman, executive director of the Defense Small Arms Advisory Council, during the National Shooting Sports Foundation (NSSF) and FireArms Import/Export Roundtable (FAIR) Trade conference Aug. 6, 2013.
- v National Shooting Sports Foundation, "Export Control Reform" <http://www.nssfblog.com/nssf-objects-to-u-s-government-abandoning-position-that-u-n-treaty-must-be-based-on-international-consensus-2/>

