

FIREARMS AND AMMUNITION IMPORT/EXPORT ROUNDTABLE
(F.A.I.R. Trade Group)

Comments from the F.A.I.R. Trade Group
to the
Arms Trade Treaty Seventh Conference of States Parties (ATT CSP7)

Thank you Mr. President, for the opportunity for the FAIR Trade Group to offer these observations on the Arms Trade Treaty (ATT). We congratulate you on your election to Preside over this meeting, and thank you for your timely and effective leadership.

The Firearms and Ammunition Import/export Roundtable (F.A.I.R. Trade Group) brings together the leading import and export companies for the purpose of education and government interface. We understand from firsthand experience the impact of laws and regulations, and can serve as a source of real-world experience and information.

Industry Training

We acknowledge the recommendation of the Implementation working group to include industry in the ATT process, and also their recommendation to ensure adequate training opportunities exist--and point out that training of government employees is equally important. F.A.I.R. holds an annual training conference for industry (also attended by government employees), to help achieve full and efficient compliance with the myriad of complex laws and regulations that must be navigated to ensure a lawful transaction of firearms and ammunition. We recognize that minor errors and violations of otherwise lawful shipments take valuable time from enforcement agents and agencies that could best be spent investigating and shutting down the illicit market.

Emergency and unplanned port-of-call changes enroute

One area that has created problems for the legitimate and legal international trade of firearms and ammunition is the terms of Article 9 of the ATT. Specifically, vessels that are re-routed after leaving the port of departure and arriving at the final destination. Without knowing the vessel would be rerouted, neither the exporter nor importer would have the required paperwork to transit the new port. Rerouting can be the result of emergencies (weather, mechanical failure, etc.), or by an unrelated customer of the carrier placing an order for pickup at a third port-of-call while a vessel carrying firearms or ammunition is enroute between the original port of departure and port of arrival.

A real-world example was a shipment of 3 bolt action hunting rifles (total value less than US\$1,000.) that were on a plane that made an unscheduled stop in a third country. None of the parties involved had prior knowledge the vessel would be landing in the third country. All of the required permits and approvals had been granted between the country of export and the country of import. The third country, a party to the ATT, discovered the existence of the rifles. They subsequently confiscated the firearms since there was no approval from their country. We believe the ATT would be well-served by recognizing

that vessels are regularly and legitimately diverted, and allowing that those diversions from the original travel routes should not constitute a violation of the ATT.

Physical Security and Stockpile Management (PSSM)

We believe a focus on PSSM is an important part of success in achieving the goals of the ATT. Industry has long put PSSM in place to protect profits. Theft eats profits. However, an effective PSSM system cannot be a "one-size-fits-all" solution. The criteria must be proportional to the risk. Risk would include criteria such as materiel stored. As an example, storage of MANPADS should require significantly more security than storage of shotguns. Similarly, storage of munitions with energetic projectiles would require more security (and safety concerns) than ammunition with inert projectiles. Another important factor would be the quantity of materiel stored.

End Use Certificates and End User Certificates

While seemingly similar, the two terms are fundamentally different. End Use describes an action, while end user describes an entity. To use the two interchangeably ("end use/r certificate") is incorrect. Having a complete, and accurate delineation of the two terms will help ensure a more efficient and workable ATT. This applies to all international SALW instruments and initiatives.

We respectfully offer these comments in an effort to help streamline the ATT towards a more focused instrument that will significantly reduce the illicit trade without unduly impacting the lawful trade.