



F.A.I.R.

Firearms & Ammunition Import/Export Roundtable

The question under consideration in this meeting revolves around the role of industry. The answer, in the context of the Arms Trade Treaty (ATT), is straightforward: a company's primary duty is to adhere to the laws and regulations set forth by the countries in which it operates. It is essential to recognize that companies are not direct parties to international agreements; countries are. Consequently, these countries incorporate and implement their international obligations into their national laws, and companies, in turn, comply with these national laws.

While adhering to national laws concerning the transfer of regulated products, companies also bear the responsibility of providing comprehensive and accurate information about proposed transfers to the relevant countries. Journalists and investigators often rely on addressing the who, what, when, where, how, and why to convey a complete story. These same six questions are applicable to narrating the entire story of any export/import. It becomes the full responsibility of a company to furnish relevant countries with complete and accurate answers to five of these questions: who is receiving the shipment, what exactly is being shipped, when the shipment will take place, where the shipment will be delivered, and how the shipment will be executed.

By providing comprehensive answers to these questions, companies can offer government officials crucial information for their decision-making role. Subsequently, it is the duty of both the exporting and importing states, and if applicable, the transshipment state, to address the final question—why (or why not)—by approving or rejecting export and import permits, respectively.

Throughout presentations this week, special thanks to Benin, the Philippines, China, and Romania were extended for highlighting the involvement of numerous ministries and agencies in determining the reasoning behind an arms shipment. Expecting businesses, especially small ones, to undertake these evaluations is, at best, unjustifiable due to their limited resources and, perhaps more significantly, their lack of access to all the information available to governments. At its worst, it represents an attempt by organizations and special interest groups to exert control and undermine both a state's decision-making process and an industry's capacity to export certain classes of controlled goods. While the focus here is on small arms, the flawed logic applies to all types of goods.

Industry plays a crucial role in reinforcing its country's ability to exercise national sovereignty by promoting international trade in goods and services that can compete in the legal international marketplace. Placing the burden of answering the "why" on any industry becomes a starting point for bankrupting companies relying on international trade, undermining the relatively free markets of international commerce, and removing the rightful burden of sovereigns to determine the "why" inherent in their national interest, particularly in the case of Small Arms and Light Weapons (SALW) and national security. Imposing the "why" on industry will

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inevitably decrease legal trade, creating a void for bad actors and those less aligned with the UN's goals, whether in the black market or not, to thrive with less competition and a growing demand for small arms. Undoubtedly, this unintended consequence is undesirable for all parties involved.

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