U.N. ARMS TRADE TREATY
Don't say we didn't warn you: The morning after Barack Obama was re-elected, the U.S. delegation at the United Nations voted in favor of the negotiation of a new Arms Trade Treaty (ATT). The treaty was negotiated in March, and approved by the United Nations General Assembly in a 154-3 vote on April 3.

Twenty-three delegations abstained, though the United States voted in favor. On June 3, 2013, when the treaty opens for signature, the Obama administration will almost certainly sign the ATT.

After that, it's up to the U.S. Senate to ratify the treaty, with a two-thirds majority needed for the treaty to become binding law. At the moment, chances for ratification look slender—during budget debates in March, the Senate voted 53-46 in favor of a resolution giving the chair of the Senate Budget Committee the discretion to reallocate funds to prevent the U.S. from entering into the treaty. Unfortunately, the Budget Committee chair, at least until the next election, is staunchly anti-gun Washington Sen. Patty Murray.

Sponsored by Sen. Jim Inhofe, R-Okla., the resolution was supported by all 45 Republicans and eight Democrats. However, several senators who had previously supported NRA efforts against the ATT switched sides, such as Sen. Mark Udall, D-Colo.

Treaties usually don't get brought up for a ratification vote until supporters are ready, so the treaty can sit in the Senate for months, or years, until its proponents are ready to move. Unless there is a formal Senate vote, or the president “unsigns” it, the treaty remains permanently ready for Senate passage. Don't be surprised if a copycat mass murder sometime in the future is used as the opportunity to push through the treaty.

The 53-46 Senate vote was a good sign, and an indication of how far the treaty's advocates have to go in order to win ratification, but it's not an impossible distance. The last time a president lost a Senate treaty vote on which he went all-in was in 1919, with the defeat of the League of Nations treaty. Even then, President Woodrow Wilson could have won had he not been so obstinate as to reject all proposed Senate reservations to the treaty.

Regardless of whether the U.S. Senate ever agrees, the Arms Trade Treaty will be signed and ratified by most other nations, (Continued on page 65)
and it will become international law 90 days after it is ratified by at least 50 nations.

At the very least, it will be used as a pretext by many governments to continue eradicating gun ownership by their citizens—thus leaving U.S. firearm freedom all the more isolated and vulnerable.

Additionally, the ATT may directly endanger imports to the United States. At the worst, it will be used as a pretext to impose anti-gun repression within the United States.

The preamble of the ATT declares itself to be “mindful of” the legitimate uses of firearms for “recreational, cultural, historical, and sporting activities, where … permitted or protected by law.” This is a nice concession to duck hunters in countries where duck hunting is legal, but it is the lone sentence in the 13-page treaty that recognizes any legitimacy for guns in civilian hands. And this sentence is merely in the non-binding preamble.

Notably absent from the ATT is the slightest acknowledgement of the most important purpose of gun ownership: resistance to tyranny. This includes resistance to genocidal dictatorships (such as the Mugabe regime in Zimbabwe), ordinary tyrannical regimes (the majority of the United Nations) and micro-tyrants, such as rapists and other oppressors.

In fact, every violent and illegitimate exercise of power over another human being is an act of tyranny. This fundamental principle of human rights was articulated in the widely-read 12th century tome Polycraticus, embraced by the Founders of the American Republic, practiced by every decent person around the globe who owns a gun for self-defense—and utterly rejected by the United Nations and its pro-tyranny enablers.

At the most abstract level, the ATT is supposed to prevent the export of arms to persons or governments who would use them to violate human rights. This is certainly a good idea. For decades, the United States of America has had the strongest laws in the world on the subject. If other governments actually cared about reducing human rights violations, they could simply adopt parallel versions of the U.S. laws, without needing to bother with a U.N. treaty.

The truth, however, is that many of the countries that specialize in supplying arms to mass murderers see the Arms Trade Treaty as no impediment to their continued business. While Syria, Iran and North Korea voted against the ATT, the rest of the U.N. cesspool acquiesced.

The highly corrupt regimes of Kenya, Rwanda and South Sudan spoke about the moral imperative for an ATT—even though these same regimes have facilitated arms smuggling to warlords such as those in the eastern Democratic Republic of the Congo.

South Africa’s delegation represents a regime that is busy suppressing internal dissent and self-defense rights on the one hand, while the other hand helps smuggle arms to the genocidal Mugabe dictatorship in Zimbabwe. All of which is in flagrant violation of South Africa’s own laws.

Yet the U.N. delegation for the South African genocide enablers proudly announced its support for the ATT, because the treaty would require states to have legislation about arms exports—just like the South African laws that the South African regime violates.

Meanwhile, Russia, China, India and Pakistan—countries that supply the largest number of arms to human rights violators—adopted a position of neutrality on the treaty. As long as they don’t ratify the ATT, they don’t have to pretend to obey it; thus, their supply of firearms and weapons to genocidal regimes, mass murderers and other tyrants will continue unabated.

And in order to fully cement tyranny, dictatorships will use the ATT as another reason to ban civilian ownership of firearms. The Communist dictatorship in Nicaragua announced its “stringent and implacable” plan to disarm citizens, saying the ATT was part of its plan. (Like other Latin American dictatorships following the gun-banning model of Venezuela’s Hugo Chavez (now deceased), the Nicaraguan regime has learned how to incorporate sham elections into its system of repression.)

In practice, the U.N. will rarely, if ever, allow the ATT to be used to suppress arms exports to human rights-violating regimes that have even a modicum of support at the U.N. For example, there is no arms embargo against Zimbabwe since the regime there is strongly supported by South Africa and China.

Rather, the ATT may actually become a tool to outlaw the supply of arms to anyone fighting the many dictatorships that control the U.N.

In theory, everyone is supposed to pay attention to international law. But in practice, the only governments that do so are those in Europe and North America, plus a few others. This means that one practical effect of the ATT may be shutting off arms exports to the United States and Israel.

In the real world, the U.S. and Israel have exemplary records on human rights, but in the “bizarro world” of the United Nations, the U.S. and Israel are frequently condemned for human rights violations—Israel much more often than any other nation, and the U.S. on a level with the worst of them.

So the ATT supplies the pretext for a mid-level bureaucrat in some European government to deny firearm export licenses to the United States and Israel: Israel because fighting back against the terrorists who say they want to exterminate the Jews is a violation of human rights; the United States because the U.N. Human Rights Council has already declared...
that allowing police or civilians to use guns against non-lethal attackers (e.g., rapists, arsonists, burglars, armed robbers and carjackers) is a violation of international human rights law.

According to the ATT, governments are required to create a “national control list” of arms and ammunition imports and exports. Governments are “encouraged” to keep information about the “make and model” of the imports, and the “end users.” This is a polite way of describing national registration of imported guns and ammunition. The national control list is to be delivered to the U.N., which is required to make every nation’s gun registration lists available to every other country in the treaty.

Countries are urged to make their national control lists (gun owner registration lists) available to the public.

To which you might say, “So what? I’ll use an American-made gun, with American-made ammunition.”

Fine, but the ATT also covers “components” for firearms or ammunition. While the U.S. has plenty of gun manufacturers, few, if any, could keep making their current models without the importation of foreign materials such as titanium and chromium.

Note also that the treaty has a built-in mechanism for becoming progressively more onerous. A “Conference of State Parties” will (with the assistance of U.N. staff) guide the implementation of the ATT. After six years, the treaty can be amended by three-quarters of the parties, and the international gun-ban lobby is already looking forward to amendments to further repress ammunition.

Thus, what the ATT will actually “mean” in the long run is impossible to predict. When the U.N. General Assembly voted for the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, few persons would have predicted that CEDAW meant that the celebration of Mothers Day was a violation of international law.
Yet that is precisely what the U.N.’s treaty-implementing committee determined. Similarly expansive interpretations of the ATT will be possible.

Proponents say that the ATT will save lives, but the U.N.’s record on arms control suggests just the opposite. United Nations arms controls facilitated both the Rwanda genocide in 1994, and the 1995 mass murder of Bosnians in Srebrenica, in the former Yugoslavia. U.N. gun control is now a major accomplishment of President Obama’s second term. As Reuters accurately reported while the ATT was being negotiated, “The main reason the arms trade talks are taking place at all is that the United States—the world’s biggest arms trader—reversed U.S. policy on the issue after President Barack Obama was first elected and decided in 2009 to support a treaty.” (March 27). Australia’s U.N. ambassador Peter Woolcott praised Obama’s U.N. delegation for having “played a hugely constructive role” in creating the ATT.

In an ideal world, the Senate would never ratify the Arms Trade Treaty and a future pro-Constitution American president would “unsign” it. But even then, there will still be an international ATT, thanks to President Obama. It will be a permanent danger to U.S. arms imports and a permanent pretext for domestic gun control—under the theory that American laws should be interpreted and applied so as to conform to international law.

Some naïve gun owners who voted for Obama in 2012 did so because he had not been as aggressively anti-gun as President Clinton. After the election was over, but before the second term had even begun, President Obama went all-in on the anti-gun agenda, delegating many of the tactical operations to New York City Mayor Michael Bloomberg’s anti-gun lobby Mayors Against Illegal Guns.

Elections have consequences. One of the consequences of the 2012 election is that our president has created a permanent danger to the Constitution—a danger that will persist long after he finishes his final term in 2017.