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The ISACS project thanks SAAMI for its report and provides this response, which seeks to reiterate the purpose of the project and to correct inaccuracies and misleading information contained in SAAMI's report.

The role of the UN Coordinating Action on Small Arms (CASA) mechanism in developing ISACS, and the use of consensus in the standard-setting process, have been made clear since the outset of the project and were discussed in detail at a 2010 workshop in which SAAMI participated. The following excerpt from the workshop report remains valid:

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### ***The role of CASA***

*International Small Arms Control Standards (ISACS) are being developed on the initiative of the United Nations Coordinating Action on Small Arms (CASA) mechanism as a means to coordinate policymaking, programming and practice on small arms control across all CASA partner organisations. CASA has invited a broad and diverse group of technical, policy and legal experts from outside of the UN system to contribute to the standard-setting process in order to ensure that ISACS will be a high-quality product and that they will be relevant and useful to the global small arms community of practice. The ultimate responsibility for the content of ISACS rests with CASA.*

### ***Consensus in the standard-setting process***

*The ISACS project is adhering as closely as possible to the model of standard setting employed by the International Organisation for Standardisation (ISO). According to ISO, a standard is a*

*“document, established by consensus and approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context” (ISO/IEC Directives, Part 2:2004)*

*ISO recognises, however, that “Consensus need not imply unanimity” (ISO/IEC Guide 2:2004). The ISACS project has made clear from the outset that, given the diversity of perspectives in the Expert Reference Group (ERG), it is to be expected that some feedback received from different members of the ERG may be either be mutually incompatible or not fully compatible with established policies and principles of the UN and its CASA partners. The ISACS project will take into account the opinions of all members of the ERG and will make every effort to resolve fundamental differences of*

*opinion between them. Nevertheless, there may still be occasions where it is not possible to reflect certain feedback in a revised version of an ISACS module. Although this approach may not preserve unanimity in all cases, it is fully compatible with the overarching goal of achieving consensus on ISACS.*

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- 1. Factual errors and misleading information in SAAMI's report are addressed individually below (in bold and introduced by #####).**
  - 2. Valid criticisms of individual ISACS modules will be taken into consideration when the modules are being finalised.**
  - 3. No commentary is provided on SAAMI's opinions about the ISACS project.**
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MINORITY REPORT SUBMITTED BY THE SPORTING ARMS AND  
AMMUNITION MANUFACTURERS' INSTITUTE IN RESPONSE TO  
DRAFT INTERNATIONAL SMALL ARMS CONTROL  
STANDARDS PROMULGATED BY THE UNITED NATIONS COORDINATING  
ACTION IN SMALL ARMS

When the Sporting Arms and Ammunition Manufacturers' Institute ("SAAMI") joined the United Nations Coordinating Action in Small Arms (CASA) as part of that body's effort to establish International Small Arms Control Standards (ISACS), it did so for two primary reasons. The first of these was to ensure that the process by which the International Small Arms Controls Standards were drafted, evaluated, and set were in accordance with widely accepted standards-setting protocols. SAAMI has been a standard-setting organization since its formation in 1926 and is an American National Standards Institute ("ANSI") accredited and rigorously scrutinized standard-setting organization. SAAMI is respected both for its expertise and for the careful methodology by which it has established standards of common understanding, clarity, and consensus relating to small arms and ammunition design.

The second reason SAAMI joined CASA as part of evaluation of ISACS was to provide critically-needed factual expertise to what are often the highly technical and complicated logistical issues being addressed by the core ISACS modules.

#### The Process

SAAMI's experience during the ISACS standard-setting process has validated its belief in the importance of both of its reasons for involvement. Unfortunately, this validation has occurred in part because throughout the course of the ISACS process SAAMI has witnessed, objected to, and seen advance significant breaches in standard-setting protocols.

These breaches in protocol have included:

1. Unwillingness to credit all input equally, resulting in refusal to consider opposing views.

By one count, 65% of comments provided by the Expert Reference Group to the ISACS drafters have been ignored, sometimes with comments that the opposition viewpoints were rejected simply because others did not like the resulting effect on the standards to be prepared.

**#### Please clarify whose count this is and provide the full study.**

Example: When several commentators documented the positive and tangible social benefits that can be gained from organized youth target shooting programs (such as closer interaction with family members and peers, building of confidence among participants, increased exposure to outdoor activity, etc.), inclusion of such comments was expunged from any ISACS drafts because “UNICEF could not support messages about guns being a recreational and useful thing for children and youth, together with the issue of lawful use, etc. The same goes for safe handling messages dealing with arms.”

2. Stating universal rules for the inclusion of input but failing to employ those rules on an even-handed (namely, if the result did not support the small arms control stipulation being sought) basis.

Example: For ISACS Module 03.30, Draft 2.0 (“National Controls Over the Access of Civilians to SALW” [Small Arms and Light Weapons]), when one commentator pointed out that “Levels of civilian ownership are not related to levels of armed crime” the drafters of the document responded that “[g]iven that these standards are global, research results that are not global in nature are not specifically referred to.” Elsewhere in the ISACS modules, however, reference is frequently made to local issues involving firearm misuse (for example, in unstable conflict zones) as a justification for restrictions being sought, without acknowledgement that such misuses are also local or episodic in nature; while at the same time ignoring that equally local or regional examples of safe and extensive ownership of firearms exist. (See, for example, evidence that in Switzerland or, in the United States, in states such as Vermont and Idaho, firearm ownership is widespread without causing heightened criminal misuse.)

3. Revealing unsubstantiated and provocative editorial bias during the drafting process that impairs the integrity of the process and is thus likely to hinder serious, balanced discussion.

Example: As stated by one drafter, “In some countries, especially the U.S., dealers routinely [emphasis added] look the other way when selling weapons to someone who by all accounts presents [sic] a risk.”

In fact, instances in which a firearm dealer in the U.S. knowingly sells or provides a gun to an illegal customer (called “trafficking”) are rare. A felony, prosecutions for such misconduct seldom occur, with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives stating that less than 0.04% of licensed dealers are prosecuted for any criminal offenses, let alone trafficking. Criminals confirm that firearm acquisition in this manner is not likely, with almost all firearms being obtained for criminal misuse coming from theft, from a friend or family member, or from non-criminal purchase (when, for example, the criminal acquires a firearm prior to having committed criminal acts).

This drafter’s comment also ignores the fact that any person acquiring a new firearm in the United States may do so only after passing a background check conducted by the FBI. The evidence that criminals do not typically acquire firearms from licensed dealers for purposes of immediate misuse is further supported by the fact that, when a firearm retrieved from a crime scene is traced to its original sale by a dealer, the average amount of time that elapses between original sale and the trace is over eleven years.

4. Where objections were made that were accommodated by changes in text, such a change was often made by simply converting a mandatory requirement into a discretionary one without rescinding the unjustified or false premise upon which the original stipulation was based.

Example: Where objection was made that it would be completely unreasonable to demand retroactive marking of millions of firearms already in civilian hands the drafter agreed, stating “Concur and this is not the intention of the paragraph. The retroactive marking of weapons has been rejected by the international community.” Notwithstanding this comment, ISACS Module 05.30, Section 4.1.1 requires that each small arm be marked five separate times during its service life (at manufacture, at import, at transfer to civilian use, at confiscation, and at deactivation).

**#### This comment conflates retroactive marking with marking. Marking at the time of manufacture is hardly retroactive. Nor is marking at the time of import or transfer to permanent civilian use; all of which are called for by the International Tracing Instrument and the UN Firearms Protocol.**

5. The comment periods provided after release of each complex, extensive and multi-page Module were often so time-constrained as to appear to have been staged purposefully in order to avoid careful analysis and input. In all, 22 ISACS modules totaling more than 791 pages have been released (sometimes in multiple versions per draft) in the past year and a half for comment in this manner.

**#### This accusation is unfounded, for the reasons set out below. The ISACS project works to tight, but reasonable, deadlines, due to the volume of work to be completed.**

Examples:

a) Module 02.30 (“Small Arms and Light Weapons Control in the Context of Security Sector Reform”) was released for comment on August 25, 2010, with input requested only eight business days later.

**#### This is incorrect. The module was opened for review on 21 August 2010, with a deadline for receipt of comments of 6 September 2010 — 16 days later. The module was actually closed for review on 8 September, giving a window of 18 days for comments to be received. SAAMI provided feedback on the module.**

b) Module 05.40 (“Voluntary Collection of Small Arms and Light Weapons”) opened for review on February 22, 2012, and Module 04.20 (“Designing and Implementing Community Safety Programming”) opened for review 5 days later on February 27, 2012, leaving little time for a review of either module.

**#### This is misleading. It is true that both modules were opened for review on the dates mentioned above. It is also true, however, that reviewers have 4 weeks to provide feedback on each module.**

#### Results Obtained from the Process

The net result of these breaches in standard-setting protocols has been the creation of numerous drafts of alleged small arms “standards” that are, in fact, not standards at all as that term is understood by standard-setting organizations. Instead, the resulting modules have the characteristics of opinion pieces passing under facade of being carefully-considered, broadly-recommended model legislation.

The impacts that come from this deception are numerous. For one, the credibility for honesty and intellectual neutrality and rigor of the institutions that have allowed them to occur—including the United Nations—is at stake. That being said, if the end result of the defective standard-setting protocol had been that somehow widely respected, accurate and compelling modules had been created, the risk of the defective protocols by which they were prepared would be lessened. Unfortunately this is also not true.

By circumventing careful debate and by ignoring contrary points of view the drafters of the ISACS modules have either willfully or ignorantly embraced judgmental and factual errors that defeat the credibility of the end product and the role of those involved in its preparation.

Those errors are too numerous to list in detail in this Minority Report but include, without being limited to, the following:

1. The Modules would require that the Director or Corporate President of a firearm or ammunition manufacturer must be capable of manufacturing (ISACS 03.10, Section 4.3.3). This stipulation is stated without explaining why that expertise is required for someone in an executive position, why manufacturing expertise by a company executive

is relevant to small arms control, or why entrepreneurs and executives skilled in the creation of jobs and management of business operations and/or corporate financial matters should be excluded from practicing those skills because they cannot operate a lathe or drill press.

2. The Modules call for small arms or ammunition manufacturing licenses to be withheld unless the applicant proves their ability to protect State secrets (ISACS 03.10, Section 4.4.2). Why this is relevant or needed is not explained.

3. The Modules call for purchase and use of fixed and/or mobile x-ray or gamma ray scanners at border crossings in an attempt to detect small arms smuggling (ISACS 05.60, Section 9.2.3(d)) without considering the cost and relative effectiveness of such.

**#### ISACS 05.60 recommends these pieces of equipment at large border crossing points.**

4. The Modules would require that sport shooting associations only exist if licensed by the State, thus precluding numerous amateur, informal or local involvements in the sport. (ISACS 03.30, Section 7.2).

**#### The relevant provision reads, "Sport shooting associations should be registered as legal entities and licensed by a competent State authority *in order to be eligible to acquire and possess small arms that are used and/or stored at their premises*" (emphasis added).**

5. The Modules require that an importer mark a small arm with a serial number unique to the importing country. (ISACS 05.30, Section 4.3.2(c)) What this Module does not explain is how an importer can know what serial numbers are being used by other importers or by domestic manufacturers within their country since no mechanism for gathering and disseminating this information, either globally or locally, exists.

**#### The module requires the marking of a serial number at the time of import only for weapons that are inadequately marked. It does not require the importer to apply the mark. Establishing a system to ensure uniqueness is up to the importing State.**

6. Since almost any shipment of small arms could be at risk of theft or simple shipping error, the Modules would effectively prohibit almost all small arms shipments by calling for denial of a firearm shipment if "there is a clear risk that the transfer could be diverted before reaching the authorized end-user." (ISACS 03.20, Section 5.4.4(f)).

**#### The term "clear risk" is used since it is the term that UN Member States have been using in preparatory work for an Arms Trade Treaty. If a different term is used in the negotiated ATT, the module will be revised accordingly.**

7. The Modules bar the subsequent resale, gift, bequest, or reshipment of a firearm by requiring shipment only if an end-user certificate is in place that restricts possession to the first stated end-user (ISACS 03.21, Section 6.2.5(f)).

**##### The clause cited above refers exclusively to end-user certificates for shipments of weapons to government armed forces, not commercial shipments intended for resale, which is covered in clause 6.3.**

The Modules then void this prohibition by allowing groups to receive and dispose of firearms within the group (ISACS 03.21, Section 2.3.1) but does not give the same rights of transfer to disaggregated individuals.

**##### There is no Section 2.3.1 in this module.**

At the same time the Modules ask that an original small arms shipper not allow subsequent re-export of those products without explaining how the original shipper would be able to monitor and enforce such a restriction given that the re-shipment would now be initiated in a foreign country, outside the control of the shipper and possibly at a date decades after the original shipment. (ISACS 03.21, Section 6.2.5(f)(3))

**##### The clause cited above does not require anything of the shipper. The undertakings related to re-export are to be provided by the competent State authority of the importing State that issues the end-user certificate.**

8. The ISACS Modules set restrictions now for small arms and light weapons control, but does not call for research into the advisability of such restrictions. Surveys are intended to support implementation of these preconceived small arms and light weapon control initiatives, rather than evaluating the need and/or advisability of these initiatives. (ISACS 05.10, e.g. Section 5.2.2)

**##### Incorrect. SALW surveys are intended to evaluate, through research, the need for strengthened controls. As stated in the introduction to the module cited above, "A small arms and light weapons survey collects and analyzes comprehensive quantitative and qualitative information on small arms and light weapons within a specific geographical area (e.g. region, country or community) with a view to determining the need for and nature of safe, effective and efficient interventions by appropriate stakeholders."**

9. The Modules required that “vulnerabilities in an individual’s life” be examined if that person is hired at a facility where small arms and light weapons are kept. Such “vulnerabilities” include divorce and changes in sexual orientation. (ISACS 05.20, Sections 9.7(b) and (e)). The Module does not explain what is to be done after such “vulnerabilities” are examined.

**##### The above comment is based on a previous draft (3.0) of the module. During its final review, SAAMI provided feedback that led to the module being revised to its current draft 3.1, which has addressed these concerns.**

10. The Modules fail to acknowledge or protect firearm access for hunting, skeet shooting, trap shooting, pistol and rifle shooting, and other shooting sports unless such activities “are part of the Olympic Games. . .” (ISACS 03.30, Section 3.1, read in combination with Sections 6.2.2, 7.1, and 7.2).

**##### This is patently ridiculous. ISACS 03.30 clearly recognizes hunting and sport shooting, among other uses, as legitimate uses of small arms. The definition of "sport shooting" points out, in a note, that it is an Olympic sport.**

Lest readers of this Minority Report reach the assumption that these examples were distortedly construed

**##### If the above examples are not construed in an intentionally distorted manner, then they are the result of a serious misunderstanding of the ISACS modules.**

or discovered only after a narrow and painstaking reading of the Modules, the following additional examples of errors in fact, logic, or judgment from the Modules should provide a sense of the extent to which such issues are replete in the documents:

1. Requests a “Certificate of Good Conduct,” a medical certification, and fingerprints for every employee of an ammunition or small arms manufacturer (ISACS 03.10, Section 4.4.1) without explaining what is required to obtain such a certificate or medical certification, without considering the costs of implementing this requirement for the tens or hundreds of thousands of people worldwide involved in making ammunition or small arms, and without explaining why such extensive and onerous stipulations justify the costs (both to companies and to the Governments) involved.

**##### Incorrect. The clause cited above does not require a certificate of good conduct and does not require fingerprints of every employee (only of the applicant for a manufacturing licence).**

2. Suggests that firearms be tracked by the country authorizing original shipment, to whoever delivered, even if decades after initial shipment, without considering the cost or

feasibility of doing so and without explaining the benefit gained thereby. (ISACS 03.21, Sections 7.3 and 7.4).

**#### Clause 7.3 provides guidance on "post-delivery inspection." The feasibility of post-delivery inspections is demonstrated by the fact that they are carried out (the Blue Lantern Programme of the US Government is a good example). Their benefit is clearly stated in the clause cited above — "in order to verify that the end-user is abiding by undertakings it made in the end-user certificate or end-user statement, in particular regarding the end-user, end-use and re-export."**

3. Asks that a firearm "not exist" where children are present (ISACS 03.30, Section 8.6) without explaining why this prohibition is necessary if firearms are kept locked. The Module also fails to define what is meant by "present" (for example, in the same room, apartment, house, building, etc.?) nor does it describe how to enforce this prohibition if, for example, children visit a grandparent who keeps a firearm for self-defense or hunting.

**#### This is perhaps the clearest example of the distorted representation of ISACS that runs throughout SAAMI's report. What the module says is this:**

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### ***8.6 Keeping children safe***

***The most effective way of keeping children safe from small arms is to ensure that small arms do not exist in the environments in which children live.***

***Where small arms do exist in children's environments, the most effective way of keeping children safe is to educate them about***

- a) the dangers of interacting with small arms; and***
- b) what to do if they see a small arm (immediately leave the place where the weapon is and tell a parent or other adult).***

***Educating children in order to keep them safe from small arms is not a one-off exercise but should be repeated and reinforced over time in order to ensure that children internalize the key messages.***

***NOTE For further guidance, see ISACS 06.20, Children, youth and small arms and light weapons, and ISACS 04.30, Raising awareness of the need for small arms and light weapons control.***

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**The module also provides detailed guidance on the safe storage of small arms (clause 8.5).**

4. Prohibits hunting or participation in shooting sports unless someone is 18 years of age or older (ISACS 03.30, Section 8.8.2(h)), thus providing young men and women in many countries with the opportunity to first touch a firearm on the same day they can be conscripted into combat service by their national government.

**##### Incorrect. ISACS 03.30 requires that small arms licenses not be granted to children and defines "child" — in accordance with the Convention on the Rights of the Child — as anyone, "below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier." The module goes on to note that, "In certain circumstances, licensed small arms owners may be permitted to loan their weapon – temporarily, under controlled conditions and in the presence of the licence holder – to someone who is not licensed (e.g. in the context of introducing people to hunting or sport shooting)" (clause 8.7.1).**

5. Asks for markings on small internal parts without considering that such markings could weaken, damage, or render such parts unsafe or whether room would exist on the part for the markings to fit (ISACS 05.30, Section 4.2.1.1.3(d)).

**##### The clause cited above reads as follows:**

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**Markings shall be applied to the component of a weapon that is most essential to its operation, i.e.**

**a) the frame/receiver.**

**In addition, markings should be applied to other essential parts of the weapon, including the**

**b) barrel; and**

**c) slide, cylinder, bolt or breech block.**

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**The essential parts listed are not small internal parts.**

6. Asks that firearm records be kept, potentially forever, without considering the cost in terms of storage, archiving and access to such records and without explaining the benefit for doing so (ISACS 03.21, Section 9).

**##### The module cited above requires a fixed time limit of 20 years for the retention of SALW records, in accordance with the International Tracing Instrument. It further recommends that such records be kept indefinitely. The purpose of doing so, of course, is to facilitate the tracing of illicit weapons.**

7. Requires a license for civilian possession of a small arm (ISACS 03.30, Section 8.4.1),

**#### This is correct.**

meaning that someone attending a hunting or shooting event must also have a license before they can touch or borrow another person's firearm, even if under supervision, at the event.

**#### This is incorrect. The module notes that "In certain circumstances, licensed small arms owners may be permitted to loan their weapon – temporarily, under controlled conditions and in the presence of the licence holder – to someone who is not licensed (e.g. in the context of introducing people to hunting or sport shooting)." (clause 8.7.1)**

8. Prohibits purchase of a firearm for self-defense during times of urgent national or local crisis (ISACS 03.30, Section 8.4.3).

**#### The clause cited above reads as follows:**

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### **8.4.3 Waiting period**

**In order to minimize the risk that a small arm could be misused following its acquisition on impulse, licensing laws and regulations shall include, explicitly or implicitly, a waiting period that establishes a time lag of at least 7 days between the submission of a licence application and the granting of a license to acquire and possess a small arm.**

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**[It should be noted that this clause is under review following feedback received during its most recent review by the Expert Reference Group]**

9. As noted previously, requires that each small arm shall be marked five separate times during its service life (at manufacture, at import, at transfer to civilian use, at confiscation, and at deactivation) (ISACS 05.30, Section 4.1.1). How firearms that have already been heat-treated to improve durability can be marked after heat-treatment is not explained

**#### As a rule, ISACS do not go into detail on "how" to comply with the standards, but rather limit themselves to specifying "what" is to be achieved, in order not to limit the range of possible solutions.**

, nor is the benefit of marking a small arm because it is being destroyed explained.

**#### ISACS do not require the marking of weapons earmarked for destruction (e.g. by cutting, smelting, etc.). They do require that deactivated weapons be marked in order to prove that their proper deactivation has been certified by a competent State authority.**

10. Asks that individual rounds of ammunition be marked without defining what markings to apply or why marking of a round will reduce criminal misuse (ISACS 05.30, Section 4.1.3).

**##### The clause cited above provides that, "Individual rounds of small arms and light weapons ammunition MAY be marked" (emphasis added), as is the practice in some countries. Clause 5.2.3.2 provides guidance on the contents of such markings.**

11. Calls for marking of “parts and components that are essential to the operation of a small arm” without appearing to realize that almost all components of a small arm (trigger, hammer, springs, pins, barrels, slides, cylinders, sears, etc.) are essential to the operation of the small arm (ISACS 05.30, Section 4.1.2).

**#### The clause cited above specifies the barrel and slide, cylinder, bolt or breech block as the essential components to which markings should be applied.**

12. Would, if ISACS 05.30, Section 4.2.1.1.1(i) was implemented and enforced, restrict the sale and transfer of small arms from civilians to State agencies if the firearm was originally made for civilian ownership. Why a civilian providing a small arm to their Government would increase safety risks is not explained.

**#### The clause cited above recommends that, if a weapon under manufacture is intended for use by a domestic State entity, it should be marked at the time of its manufacture with an identifier of said entity. This does not restrict the sale of weapons from private companies to State agencies.**

13. Calls for designation of markings based on a global number of manufacturers not to exceed 4 digits, of model codes of only 2 digits, and a serial number of only 5 digits (ISACS 05.30, Section 4.2.1.1.2) without explaining what to do if the number of manufacturers, models, or numbers of firearms produced exceed these limits.

**##### An example is provided in the above-cited module of how markings called for by the module might actually look. As this is clearly marked as an "example," the numbers of digits provided are indicative. In the event that any State (designated by its two-digit ISO country code) would have under its jurisdiction more than**

**9,999 manufacturers of SALW, it could simply add another digit to that element of the marking.**

14. Requires that a national gun registry be kept in each country without considering costs and without quantifying the benefit of doing so (ISACS 03.30, Section 8.7).

**##### Incorrect. The module cited above does not "require" gun registration. It includes it as "a course of action permissible within the limits of the document" (the ISACS definition of the word "may"). As a standard-setting organization, SAAMI is surely aware of the different meanings of the words "shall, should, may, can."**

15. Calls for border controls (ISACS 05.60, Section 8.3) without considering the extent to which such are inconsistent with regional (for example, European Union) practices to the contrary.

**##### The above-cited module provides guidance on "border controls and law enforcement cooperation" as it relates to preventing the illicit cross-border movement of SALW. Even regional trading blocs, such as the EU, have external borders and can reimpose internal border controls if the need arises. The module covers Regional Intelligence Liaison Offices of the World Customs Organization (clause 6.4) and underlines that integrated border management has a regional dimension (clause 11.1).**

16. Recommends potentially expensive licensing (both for the producer and for the licensing body of the Government involved) for the production of components even if these components have (for example, as with pins and springs) no possibility of risking public safety in and of themselves or even in combination with other components at the subassembly level (ISACS 03.10, Section 4.1).

**##### This is a fair point. This clause will be revised in order to refer specifically to named essential components, such as frame, receiver, barrel, slide, cylinder, bolt, breech block.**

17. Calls for licensing authorities in each country to maintain records of its licensed manufacturers. (ISACS 03.10, Section 4.2.2.1) The experience of SAAMI members is that these records can potentially total millions of pages per manufacturer. With thousands of small arms and ammunition manufacturers throughout the world the net effect of this requirement would be massively costly without a clearly articulated and agreed-upon benefit.

**##### The size of the records maintained by licensing authorities will depend on (1) the number of manufacturers within a State's jurisdiction and (2) the amount of**

**data maintained for each manufacturer. Clause 4.2.2.2 of the above-cited module provides guidance on the data to be maintained for each manufacturer. While these data are comprehensive, they are in no way excessive.**

18. Calls for medical certification of the mental stability of those who wish to manufacture small arms or ammunition (ISACS 03.10, Section 4.3.4(b)) without describing by what standard such stability (the actual ISACS language is that the person be “of sound mind”) is judged and without considering the costs of implementing such a provision for the hundreds of thousands of people involved in such production processes worldwide each year.

**#### The above-cited module recommends that applicants for manufacturing licenses undergo a background check in order to ascertain, inter alia, if they are of sound mind. The method of doing so is left up to the State that chooses to apply the standard. This is in line with the approach taken throughout ISACS of specifying "what" is to be achieved without going into detail on "how" to achieve it.**

19. Would allow a manufacturing license to be suspended and the company that held the license potentially put out of business (due to the cessation of income) based simply on the question of whether an investigation into whether the manufacturing license had been violated by that company has been initiated (ISACS 03.10, Section 4.7.2).

**#### The above-cited clause has already taken this concern into account. It reads as follows:**

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#### ***4.7.2 Suspension***

***If the licensing authority has reasonable grounds to believe that the conditions of a manufacturing licence have been violated, it may suspend the licence while it conducts an investigation.***

***Since the manufacturer shall not be permitted to continue with manufacturing while the license is suspended, there should be a limit on the duration of the suspension of not more than 7 days, after which time the license should either be revoked or the suspension lifted.***

***If the licensing authority requires additional time and, consequently, a longer suspension of the license in order to complete its investigation, the manufacturer may be permitted to continue manufacturing operations, under the close supervision of the licensing authority, while the investigation continues.***

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20. Asks that manufacturing licenses be renewed each year (ISACS 03.10, Section 5.2) without explaining why such frequent renewals are needed and without considering the bureaucratic and commercial costs involved.

**#### During the final review of this draft module, 4 members of the Expert Reference Group recommended that this time-period be increased to 5 years and one recommended that it be extended "up to 10 years provided the manufacturer is complying with legislation, regulation and reporting requirements." During the review, SAAMI questioned the 1 year timeframe but, unlike other reviewers, did not suggest a solution. When the module is finalized, these views will be taken into account and the timeframe revised accordingly.**

21. Asks that every employee in an ammunition manufacturing facility be eligible to possess a small arm (ISACS 03.10, Section 6.7) without considering the cost to verify such eligibility or without explaining why such a stipulation is needed when the people involved do not necessarily either own or possess a firearm.

**#### The above-cited clause reads as follows:**

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*Manufacturers should ensure that all employees who have access to completed, manufactured weapons or ammunition are eligible to hold a licence to possess a small arm under the relevant national law.*

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**This recommendation refers to eligibility, not the actual possession of a license. The criteria for eligibility are given in clause 8.8.2 of ISACS 03.30 (a cross-reference will be provided) and include such basic requirements as no criminal record, no outstanding arrest warrant, not mentally unstable, not a child, etc.**

22. Asks that criminal penalties be used if an ammunition manufacturer or the maker of pins and springs and other small components for a small arm fail to mark their product (ISACS 03.10, Section 8.1(g) and (h)—with reference to 05.30, Sections 4.1.2 and 4.1.3).

**#### Misleading. ISACS do not identify pins and springs (or other such small parts) as essential components of SALW that should be marked. It identifies the barrel, slide, cylinder, bolt and breech block as essential parts that should be marked, and identifies the frame or receiver as THE essential part that shall be marked.**

23. Would require that manufacturers ensure that their facilities are “in accordance with International Labour Standards.” (ISACS 03.10, Section 4.3.2) Irrespective of the relative merits of this requirement (and aside from the implication that, if adopted, the

ISACS Modules would thus establish by administrative fiat—and without allowance for deviation—requirements that various governments may not yet have adopted through democratic or sovereign debate), what is not explained is what those labor standards are, how manufacturers throughout the world will know what those standards are, nor why this requirement is relevant to small arms and light weapon controls.

**##### Again, SAAMI is confusing key terms of standard-setting (shall vs. should).**

**The above-cited clause (reproduced below) does not set a requirement ("shall"); it makes a recommendation ("should"). There is, therefore, allowance for deviation.**

**The applicable labour standards will be provided as a normative reference when the module is finalized, following advice from the International Labour Organization. That SAAMI does not appreciate why the health and safety of workers is relevant to the manufacture of SALW and ammunition is worrying.**

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#### *4.3.2 Suitable facilities and premises*

*Applicants [for SALW manufacturing licenses] should dispose of facilities suitable for the safe manufacture of weapons and/or ammunition, in accordance with International Labour Standards, in particular those governing occupational safety and health.*

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#### Conclusion

SAAMI joined the ISACS project with the expectation of finding or ensuring therein a standard-setting process that utilized intellectually rigorous, fact-based protocols and that welcomed all points of view for the purpose of defining mutually-agreeable and, in fact, unassailable conclusions. What SAAMI found instead in the ISACS process was a methodology that ignored contrary opinions and appeared intentionally to use procedural devices to quell debate.

**##### This accusation has been addressed above and has been shown to be baseless.**

By doing so, the ISACS drafters have done themselves a disservice and have negatively affected the credibility of all parties involved.

In addition, the resultant ISACS modules achieve nothing more credible than could be accomplished by a pamphleteer passing out personal opinion leaflets or by an Internet blogger sharing with others his or her opinions.

SAAMI's reputation for professionalism, integrity, and factual expertise is such that it cannot allow its name to be associated in an approving way with the ISACS modules.

**#### SAAMI's reputation for professionalism, integrity, and factual expertise has been undermined by the mostly false and misleading assertions addressed above. The few valid points made by the report will be taken into consideration when finalizing the ISACS modules.**

In fact, at this point, even if the errors in judgment in the ISACS process and work product were corrected, SAAMI would not be able to endorse the corrected product since the entire process and result to date has been so tainted by the prejudices displayed by its drafters and by their adherents. In other words, ISACS is now irremediably tarnished by the process through which it was created.

SAAMI has been compelled to prepare this Minority Report to highlight the intellectual abuses integral to the formation of the ISACS draft modules and to make clear that SAAMI's role in ISACS is now that of an objecting party. We regret having to take this extraordinary step and we do not do so lightly but we are compelled by the abuses described and the result achieved to remonstrate against what might, to unwitting readers of the ISACS modules, be construed as the result of careful, balanced, and considerate discourse. The ISACS modules should not be viewed favorably and the abuse by which they were created has invited SAAMI's response.

**#### The ISACS project takes issue in the strongest possible terms with SAAMI's accusations of abuse in the process of developing ISACS. The ISACS project is, and will continue to be, an open and transparent process involving a wide range of opinions and expertise channelled towards developing international standards on SALW control that reflect global commitments made by UN Member States. Having read SAAMI's report and the response to it by the ISACS project, it is up to members of the Expert Reference Group and other ISACS stakeholders to determine for themselves where the abuse lies.**