

PERSONAL STATEMENT OF MR. THIERRY JACOBS

United Nations International Small Arms Control Standards Independent Industry Consultant

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Introduction: The following is the full text of the personal statement of the Independent Industry Consultant to the UN'S International Small Arms Control Standards Multi-stakeholder Initiative (MSI). It was submitted to TSM Worldwide LLC via electronic mail as part of an ongoing international legal research project.

"I work for a leading small arms manufacturing firm serving government and consumer clients globally but the views expressed here are my own. I was one of a handful industry representatives allowed to participate in the United Nations (UN) International Small Arms Control Standards (ISACS) process.

"I was officially appointed as a member of the ISACS project Expert Reference Group in September 2009 . My role was to review draft standards and provide input. I agreed to participate in this effort on behalf of my employer with the understanding that the process would be in line with accepted ISO standard setting norms. As part of the on-boarding process, I was given project documentation defining international standard setting as involving consensus seeking. This gave me, and presumably the rest of us from industry and affiliated civil society groups, a basis for confidence that the UN ISACS process would be run as a true multi-stakeholder initiative (i.e. it would be transparent, inclusive, accountable, responsive, consensus-driven, etc).

"What I think we all experienced was something very different however. I now see the ISACS as a lost opportunity. If for some modules, the rules that has been defined previously has been respected, To my surprise, the content of some modules and more especially the cross cutting modules was outlined before industry was allowed to really engage, and industry has been not engage in the discussions and corrections of these modules. And it wasn't long before the rest of us from industry came to the conclusion we had been used to confer and air of technical competence and normative legitimacy to the whole project...to give the impression to the rest of the world that the UN ISACS project wasn't just the idea of self-seeking UN development and disarmament bureaucrats and their own stakeholders.

"While I would not characterize the ISACS process as entirely abusive towards industry, our considerations and remarks has been discussed and taken into consideration in some technical modules, there was a significant degree of disregard to our interests and the interests of our constituents (e.g. our customers, suppliers, distributors, etc.). We were plainly not on an equal footing alongside other stakeholders from the humanitarian or anti-firearms segments of civil society. We were kept outside and ignorant of the standards development decision making process, and we felt we were seen by the ISACS project sponsors more as useful technical experts than as specially-affected civil-society stakeholders with legitimate rights and freedoms of our own to defend.

"This said, I had professional and respectful interactions with some draft standards writers. But I would say that this was exceptional and varied on the standard being drafted and the personalities involved. There were no structural mechanisms (i.e. consensus rules) to ensure consistent stakeholder accountability or regard. It didn't help that ISACS drafters tended to be from organizations known for their anti-industry bias either. Bias often manifested in the form of false or debatable assumptions. For example, writers assumed the existing international instruments underpinning their various standards were accepted universally, and so used them in an inappropriately conflationary manner.

"This resulted in "standards" that seem designed to serve as one-size-fits-all prescriptions for national legislation without any regard for whether a given nation stood behind the various international instruments used to justify a given standard to begin with. This unfortunately gives the ISACS an arbitrary and capricious character.

"Some writers were actually hostile and dismissive to such an extent that even the ISACS project coordinator offered apologies for the behaviours of standard writers on occasion. This said, offending standards writers always kept their jobs and contentious ISACS drafts were always later approved in secret and despite objections from industry. This is among the reasons why one ISO-accredited industry group from America, the Sporting Arms and Ammunition Manufacturer's Institute (SAAMI), resigned from ISACS in protest in 2012.

"On balance, while there were a few non-controversial standards that industry strongly endorsed, the overall ISACS process was not based on balancing the interests of all stakeholders equally. Industry and its constituents were clearly second-class stakeholders and this has turned industry from collaborators in good faith to critics and skeptics. Despite my personal good faith efforts as a member of the Expert Reference Group, I have seen and experienced enough to conclude the ISACS process was fundamentally flawed and grossly unresponsive to industry stakeholder interests. As such, I believe the ISACS suffers from a fatal legitimacy deficit and can't honestly be described as the product of impartial and inclusive international standards development."