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Declines in National Reporting Reveal Failure of U.N.'s Programme of Action on Small Arms

Ted R. Bromund, PhD

In 2001, the United Nations created the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). The PoA is not a treaty. Rather, it is a political mechanism for encouraging voluntary cooperation. On June 1–5, 2015, the Second Meeting of Governmental Experts (MGE2) under the PoA will be held in New York City.

The purpose of MGE2 is to allow nationally nominated experts to address technical issues raised at the Fifth Biennial Meeting of States, which was held on June 16–20, 2014. One of these issues is the “continued and enhanced effectiveness of national...record-keeping” of firearms, a subject that is likely to lead to demands for technology transfers and foreign aid from the U.S. for the purpose of enabling foreign governments to record, track, and control civilian firearms.¹

This emphasis on record-keeping is in tune with the wider emphasis the PoA places on national reporting on matters relating to the “production, holdings, trade, legislation and use” of firearms.² U.N. member nations have committed to report biennially on their implementation of the PoA, but over the past decade, reporting has steadily declined. This decline demonstrates the failure of the PoA, and it has broader implications for the U.N. Arms Trade Treaty (ATT).

Trends in National Reporting Under the PoA

Because the PoA is not a treaty, reporting under it is voluntary. Both the U.N. and the PoA itself emphasize the importance of receiving national reports on the implementation of the PoA and seek to “increas[e] the submission rate and improv[e] the utility of reports.”³ But in practice, the reverse has happened: Far from increasing, national reporting under the PoA has steadily declined.

National reports are available through the U.N. for 2003 through 2014. In the early years of the PoA, reporting expectations were not clearly established, but it is now understood that nations should submit a biennial report, preferably in alternating years when—as in 2014—a biennial meeting of states is held.

At first, PoA reporting was high: In 2005 and 2006, the U.N. received 165 reports. But in 2007–2008, this fell to 147 reports; in 2009–2010, to 118 reports; and in 2011–2012, to 96 reports. In 2013–2014, the U.N. received 79 reports.⁴ Thus, since 2005–2006, PoA reporting has fallen substantially. This decline cannot be attributed to the creation of the ATT, as the PoA is a different and unrelated instrument.

Moreover, even the figure of 79 reports is generous, as the value of some of these reports is questionable at best. In 2014, for example, the war-torn nations of Iraq, Mali, Somalia, South Sudan, and Ukraine, among others, are recognized as having submitted their PoA reports. It is doubtful whether the information contained in these reports bears any relationship to what is going on in the nations concerned.

This paper, in its entirety, can be found at <http://report.heritage.org/ib4412>

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

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Comparing ATT Commitments and PoA Reporting

Many PoA participants have also supported, signed, or ratified the ATT. Unlike the PoA, the ATT is a treaty, and as such, its obligations are binding on those nations that have ratified it. But like the PoA, the ATT (in its articles 12, 13, 15, and elsewhere) places considerable emphasis on the importance of national record-keeping and reporting. The first annual report on authorized or actual exports and imports of conventional arms covered by the ATT is due on May 31, 2016.

The seriousness with which U.N. member states treat their voluntary commitments under the PoA offers insight into the seriousness with which they are likely to treat their treaty commitments under the ATT. When the ATT was adopted by vote of the U.N. General Assembly on April 2, 2013, it received the support of 154 nations. To date, it has been signed by 130 nations and ratified by 69 nations.

But of these 154 nations, 65 did not submit a PoA report in 2013–2014. Of the 130 ATT signatories, only 59 have submitted a current PoA report, and of the 69 nations that have ratified the ATT, only 45 have submitted a PoA report in the past two years.⁵ In short, in spite of the fact that PoA reports are short, consist largely of checkboxes, can be submitted electronically, and will usually be less demanding than the reporting required by the ATT, a majority of ATT signatories have not submitted a current PoA report.

Evidence from the ATT-Baseline Assessment Project (BAP) also implies that nations were far more willing to support the ATT with their voice and vote than they will be to live up to its reporting requirements over the long haul. The BAP seeks “to establish a baseline assessment of States’ abilities to implement the Treaty.”⁶

To date, in spite of heavy promotion by the U.N., only 47 nations—26 of them in Europe—have responded to the BAP’s Survey. Ironically for a survey intended to promote reporting, 16 responding nations have requested confidentiality. The pattern of responses is similar to that of the PoA, where 31 of the 76 current reports come from Europe.

What the U.S. Should Do

The decline of PoA reporting implies that while many U.N. nations were eager to win political kudos by participating initially in the PoA or by signing the ATT, they are unwilling, or unable, to live up to their commitments under it. This points to a fundamental problem with institutions like the ATT: What is lacking in this world is not commitments and rules, but nations with competent and honest governments. If nations cannot do the simple job of making even an inaccurate or dishonest PoA report, there is no reason to believe they can or will do the much harder jobs mandated by the ATT.

The problems with the PoA are far broader than the hypocritical failure of most nations to live up to its reporting expectations: The U.S. should already

1. Ambassador Vlad Lupan (Moldova), Chair-Designate of MGE2, letter to Permanent Representatives of the MGE2 Member States, April 23, 2015, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2015/05/20150423-MGE2-Letter-informals-PoWAgenda.pdf> (accessed May 26, 2015).
2. U.N. Office for Disarmament Affairs, “Small Arms,” <http://www.un.org/disarmament/convarms/salw/> (accessed May 26, 2015).
3. U.N. Office for Disarmament Affairs letter to U.N. Member Nations, September 20, 2013, <http://www.un-arm.org/BMS5/documents/PoA-NationalReports-NV-13-295e.pdf> (accessed May 26, 2015).
4. Data derived from “National Reports on the Programme of Action,” United Nations Programme of Action Implementation Support System, “National Reports on the Programme of Action,” <http://www.poa-iss.org/NationalReport/NationalReports.aspx> (accessed May 26, 2015). Because some nations submit annual reports, the 165 reports received in 2005 and 2006, for example, do not reflect 165 separate national submissions.
5. The following 71 nations did not submit a PoA report in 2013–2014. The 24 nations in **bold** have ratified the ATT. The six underlined nations did not vote to adopt the ATT, but have since signed the treaty. **Antigua and Barbuda, Bahamas, Bahrain**, Bangladesh, **Barbados, Belize**, Benin, **Bosnia and Herzegovina**, Cambodia, Cameroon, Cape Verde, **Chad**, Comoros, Congo, **Costa Rica**, Djibouti, **Dominica, El Salvador**, Finland, Gabon, Georgia, Ghana, Greece, Grenada, **Guinea**, Guinea-Bissau, **Guyana**, Haiti, Honduras, **Iceland**, Israel, Kiribati, Lebanon, Lesotho, Libya, **Liechtenstein**, Madagascar, Malawi, Malaysia, **Malta**, Mauritania, Mongolia, Nauru, **Netherlands, New Zealand**, Niger, **Nigeria**, Palau, Peru, Philippines, Rwanda, **Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa**, San Marino, Sao Tome and Principe, Senegal, Seychelles, **Slovakia, Slovenia**, Suriname, Swaziland, Thailand, Turkey, Tuvalu, United Arab Emirates, **Uruguay, Vanuatu**, Zambia, and Zimbabwe.
6. Arms Trade Treaty-Baseline Assessment Project, “Country Profiles,” <http://www.armstrade.info/country-profiles/> (accessed May 26, 2015).

have withdrawn from the PoA process.⁷ But because it is one of the few nations with the technical expertise to participate seriously in MGE2, the U.S. is at least well-placed to encourage the meeting to focus on the supposed purpose of the PoA: the promotion of voluntary cooperation to control illicit arms trafficking.

The U.S. should emphasize that the illicit firearms trade is not the result of the legal U.S. ownership of firearms. It should discourage MGE2 from promoting high-tech, magic-bullet solutions to the problems of illicit arms trafficking and from emphasizing technology and financial transfers supposedly intended to solve high-profile but minor issues, such as hard to mark polymer firearm frames and 3D-printed firearms.

Finally, the U.S. should oppose all efforts to expand or muddy the scope of the PoA, especially for the purposes of including ammunition controls, discussing the ATT, or incorporating the U.N.'s controversial International Small Arms Control Standards. The U.S. will not be able to turn the failed PoA into a useful instrument, but at MGE2 it can, at least, seek to prevent the PoA from doing additional damage.

—*Ted R. Bromund, PhD, is Senior Research Fellow in Anglo-American Relations in the Margaret Thatcher Center for Freedom, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.*

7. See Ted R. Bromund, "U.S. Participation in the U.N.'s 'Programme of Action' on Small Arms and Light Weapons Is Not in the National Interest," June 13, 2014, Heritage Foundation *Issue Brief* No. 4238, <http://www.heritage.org/research/reports/2014/06/us-participation-in-the-uns-programme-of-action-on-small-arms-and-light-weapons-is-not-in-the-national-interest>.
