

ISSUE BRIEF

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The Failings and Structural Irrelevance of the U.N.'s Small-Arms Process

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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 was held in New York City. The purpose of MGE2 was to allow nationally nominated experts to address technical issues raised at the Fifth Biennial Meeting of States (BMS5), which was held June 16–20, 2014, and to prepare for the Sixth Biennial Meeting of States (BMS6), to be held in 2016.

The “Chair’s Summary” of MGE2, released on June 17, 2015, demonstrates again that the PoA is accomplishing nothing and that it continues to be a forum for demands for increased U.S. aid and the promotion of government controls on private individuals.¹ Moreover, as a U.N. mechanism, the PoA makes it harder to address the genuine challenges stemming from the illicit arms trade.

Problematic Conclusions of MGE2 Point the Way to BMS6

The MGE2’s agenda focused on polymer firearms (i.e., so-called plastic guns); modular firearms (i.e.,

guns with interchangeable parts); 3-D printed firearms; and calls from some U.N. member nations for increased foreign aid. These four subjects are supposedly central to controlling the illicit arms trade.

In reality, while polymer firearms do pose interesting technical challenges, they are not a widespread or significant issue. Modular firearms are as old as Samuel Colt’s revolvers. 3-D printed firearms are an even less significant issue than plastic guns. Finally, the problems that many U.N. member nations face have more to do with their own incapacity or corruption than with a lack of aid.

The “Chair’s Summary” will help to set the agenda for BMS6. In light of this, it is disturbing that the Summary, following China’s urgings, calls for consideration of “strengthening 3D printing regulations in the context of 3D weapon printing,” for “ensuring export licenses [are] in place for 3D printers,” for highlighting “the need to pay attention to the resale of such printers,” and for “strengthening controls over 3D printing technology.”² This is an unfounded demand that would radically expand government control of a rapidly growing and widely used technology.

The Summary’s emphasis on tracking of civilian owners and control of their firearms is equally unacceptable. It suggests that radio-frequency ID chips, GPS tracking, and biometric technologies be applied “to civilian-owned weapons” and that the U.N. create “adequate and sensible safe storage requirements for weapons owned by civilians.”³ Again, these demands would radically expand government controls, this time in the realm of privately and legally held firearms.

The Summary calls repeatedly for more foreign aid, including both “capacity-building” and “the transfer of technology and knowledge” to help close

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a so-called technological divide between richer and poorer U.N. member nations. It even includes the suggestion that this be done through the U.N.'s regular budget, of which the U.S. pays 22 percent. But in some situations, as the Summary itself concedes, "a pen-and-paper approach to record-keeping" may be the most effective, and if nations are not organized or capable enough to use a pen, they are not going to be able to use a donated computer to keep their records.⁴

Finally, the Summary contains a grab-bag of other problematic issues raised by U.N. member nations, including the supposed need to promote "a culture of peace" (which is code for government propaganda and censorship); concerns about "craft production of small arms and light weapons" (which in the U.S. is entirely legal if done on a noncommercial basis); and a call to promote "linkages between the Programme of Action and the Arms Trade Treaty," instruments that are in fact legally separate. The sole redeeming feature of the Summary's inclusion of these subjects is that they are only part of a laundry list of "additional issues" related to the PoA, a list that lacks any emphasis or commitment to further action.

The Uselessness of the PoA

There is widespread agreement among both supporters and critics of the PoA that it has achieved nothing. In 2008, the U.N. Secretary-General stated that the PoA's results were not "substantive." A 2012 survey by New Zealand's permanent representative to the U.N. acknowledged that "it is almost impossible to acquire an accurate picture of Programme of Action implementation and effectiveness" and that

"the results of those more limited assessments that have been undertaken have not been encouraging."⁵ A 2014 assessment by nominal PoA supporters, titled "Firing Blanks: The Growing Irrelevance of the U.N. Small Arms Process," condemns it for focusing on "peripheral issues."⁶

For these supporters, the reason for the PoA's failure is that it has supposedly excluded "references to legal gun possession by civilians."⁷ In practice, as the Summary proves, such references are not completely excluded. The supporters are, in fact, merely disappointed that they have been unable to use the PoA to promote gun control through the U.N. In reality, the problems of the PoA are inherent in the structure of the U.N. itself.

In theory, nations are politically committed to submitting biennial reports on their implementation of the PoA, but in practice, reporting is steadily declining.⁸ Moreover, while in theory the annual meetings on the PoA offer an opportunity to assess whether nations are living up to their commitments under the PoA, in practice, the meetings are almost completely devoid of any such assessments. Revealingly, the Summary both acknowledges that "many" nations are not implementing the PoA, and asserts that "the international community remains ever ready and ahead of the curve" in addressing the illicit arms trade.

Serious assessments are lacking because an honest process would have to acknowledge that many U.N. member nations are unable or unwilling to live up to their commitments, and specific criticisms of member nations are very rare at the U.N., unless the supposed sins of the U.S. or Israel are under

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1. United Nations Office for Disarmament Affairs, "Programme of Action on Small Arms and Light Weapons: Second Open-ended Meeting of Governmental Experts 2015: Chair's Summary," June 17, 2015, https://s3.amazonaws.com/unoda-web/wp-content/uploads/2015/03/2015-06-17-Chairs_Summary-MGE2.pdf (accessed July 13, 2015).
 2. Ibid.
 3. Ibid.
 4. Ibid.
 5. Ted R. Bromund, "The U.S. Should Withdraw from the U.N.'s 'Programme of Action' on Small Arms," Heritage Foundation *Issue Brief* No. 3714, August 31, 2012, <http://www.heritage.org/research/reports/2012/08/the-us-should-withdraw-from-the-un-programme-of-action-on-small-arms#>.
 6. Daniel Mack and Guy Lamb, "Firing Blanks: The Growing Irrelevance of the U.N. Small Arms Process," *IPI Global Observatory*, August 21, 2014, <http://theglobalobservatory.org/2014/08/firing-blanks-growing-irrelevance-un-small-arms-process/> (accessed July 13, 2015).
 7. Ibid.
 8. "What the National Reports Reveal: Trends in UN PoA and ITI Reporting," Small Arms Survey *Issue Brief*, No. 13, June 2015, <http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/SAS-IB13-PoA-ITI.pdf> (accessed July 13, 2015), and Ted R. Bromund, "Declines in National Reporting Reveal Failure of U.N.'s Programme of Action on Small Arms," Heritage Foundation *Issue Brief* No. 4412, May 28, 2015, <http://www.heritage.org/research/reports/2015/05/declines-in-national-reporting-reveal-failure-of-uns-programme-of-action-on-small-arms>.
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discussion. General criticisms—such as the one of the “many” nations that have not implemented the PoA—are acceptable only because they name no names and, by calling for more aid, put the blame for failure on the donor nations instead of the ones that have actually failed. Thus, the PoA is a box-checking exercise in which, even for supporters, submitting a report is all that really matters. No one examines whether these reports are accurate, meaningful, or relevant to events on the ground.

In practice, this suits many U.N. member states just fine: They get credit for doing nothing of substance while the PoA process remains focused on peripheral issues like 3D printing. As most of the diplomats who attend MGE2 are not actually experts, many may be unaware that they are not even talking about serious concerns. But, more broadly, the institutionalization of the PoA has made it harder, not easier, to address the genuine issues surrounding the illicit arms trade, because it has given all of its participants an easy out: They can always claim that they support the PoA.

What the U.S. Should Do

The PoA has achieved and will achieve nothing of value. It will continue to be a focus of interest for supporters of gun control, though even these activists have partly shifted their emphasis from the PoA to the Arms Trade Treaty and other U.N. instruments. Ironically, if the PoA were not structurally condemned to irrelevance, it could actually try to take some steps that would be modestly useful.

Before MGE2, for example, the U.S. pointed out that many U.N. member nations fail to mark small arms when they are imported.⁹ A serious focus on

this failing would be useful. But at MGE2, discussion centered not on the failure of the member states, but on the need for their governments to impose more rules on firearms manufacturers. The problem is not a lack of rules: It is a lack of competent governments.

By the same token, the PoA could seek to eliminate what is informally known as the “Chinese exemption,” under which China is exempt in practice from the requirement to put serial numbers on its firearms, which makes them difficult to trace. Of course, China would not agree to eliminate this exemption, but the PoA could at least highlight the issue. It does the exact opposite: The MGE2 Summary laughably praises the Chinese use of “simple geometric symbols” (and thus the absence of serial numbers) as an example of “user-friendly marking.”¹⁰

The U.S. delegation at MGE2 did a professional job of minimizing the weaknesses of the Summary: Though far from perfect, it could have been a good deal worse. The worst failings of the Summary are its repeated emphasis on regulations on 3D printers, civilian tracking and control, and foreign aid through the U.N. and via technology transfer. If the U.S. continues to participate in the irrelevant PoA process, it should vigorously oppose the repetition of similar emphases in the BMS6 outcome document in 2016.

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9. “United States Working Paper,” Programme of Action on Small Arms and Light Weapons, Meeting of Governmental Experts 2015, March 2015, https://s3.amazonaws.com/unoda-web/wp-content/uploads/2015/03/MGE2_US_Working_Paper.pdf (accessed July 13, 2015).

10. United Nations Office for Disarmament Affairs, “Programme of Action on Small Arms and Light Weapons.”