

CHAPTER 4: BRIEF ASSESSMENT OF ANNUAL TRANSFER REPORTS

Annual Transfer reports are due on 31 May every year. In order for the ATT Monitor to undertake any analysis on the content of these, States Parties would have to meet this deadline and make their reports public. So long as the annual Conference of States Parties (CSP) is scheduled for August every year, the ATT Monitor will not have adequate time to carry out a thorough analysis of annual reports within this short window. The ATT Monitor's own production schedule presents an unavoidable structural incompatibility given the time constraints established by the two fixed points of the 31 May reporting deadline and the dates of the annual CSP in August.

To ensure that the analysis of these annual transfer reports is of the highest quality, the ATT Monitor will publish a detailed assessment of the contents of the Annual Transfer reports in a Special Report, to be launched later in the year.

As part of their obligations under the Arms Trade Treaty (ATT), States Parties must submit an Annual Report on their transfer activity in the previous calendar year. Specifically, Article 13.3 states that:

Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.¹



**AMMUNITION IS SEEN ON THE
GROUND AS PARATROOPERS
ASSIGNED TO COMANCHE
COMPANY, 1ST BATTALION
(AIRBORNE), 501ST INFANTRY
REGIMENT, 4TH INFANTRY
BRIGADE COMBAT TEAM
(AIRBORNE), U.S. ARMY ALASKA.**

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JUSTIN CONNAHER

¹ Arms Trade Treaty, Article 13.3 (adopted 2 April 2013, entered into force 24 December 2014)_UNTS_(ATT) Art 13(3). <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

In accord with the Object and Purpose of the Treaty, these reports aim to build confidence between States Parties, to promote greater transparency in the arms trade, and to enable States Parties to demonstrate that their arms-trade policies are consistent with their obligations in the Treaty (especially Articles 6 and 7).

To provide the most useful information, States Parties should report on authorized as well as actual exports and imports of conventional arms. Article 13.3 requires them to report on exports and imports of equipment specified in Article 2.1. It is important that reporting States Parties recognize that Article 13.3 only outlines the minimum expectations for them, and under Article 5.3, they are all encouraged to apply the provisions of the Treaty to the broadest range of conventional weapons.

THE IMPORTANCE OF PUBLIC REPORTING

Public reporting will be critical for the ATT's long-term success. Only with greater transparency will governments and observers be able to verify adherence to the Treaty's obligations as well as its Object and Purpose, and build confidence in the Treaty itself. The ATT Monitor has previously demonstrated the high level of existing public reporting to other mechanisms relating to the arms trade by States Parties and Signatories – indicating a widespread acceptance of public reporting as a norm.² Of the 130 states who were either States Parties or Signatories to the Treaty when it entered into force on 24 December 2014, 105 had explicitly called for public reporting.³

Sixty-three States Parties were due to submit Annual Reports by 31 May 2016.⁴ Once the Treaty has entered into force for a new State Party, it is obligated to submit a report covering the previous calendar year by the next May deadline.⁵

The following is an analysis of Annual Reports on Imports and Exports that were published on the ATT Secretariat website as of 14 June 2016 Reports submitted by the following 30 States Parties were published online by the ATT Secretariat:

Albania, Argentina, Australia, Bosnia and Herzegovina, Bulgaria, Costa Rica, Czech Republic, Dominican Republic, France, FYR Macedonia, Germany, Hungary, Italy, Latvia, Liechtenstein, Mexico, Netherlands, New Zealand, Norway, Portugal, Romania, Samoa, Senegal, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom.

Overall, **only half** of States Parties that should have reported on their exports and imports actually did so.

In addition, the ATT Secretariat website notes that two States Parties (Moldova and Slovakia) submitted a report, but 'with preference that the report is posted only on the restricted area of the ATT website.' Moldova ratified the Treaty on 28 September 2015, so it is to be congratulated for submitting a report that presumably covered a period in 2015 before it became a State Party. These two represent three per cent of all 63 reports that are mentioned as confidential on the ATT Secretariat website.

Of the 30 states whose reports were published, in terms of UN regions, 2 were from Africa, 1 from the Asia Pacific, 10 from Eastern Europe, 4 from Latin America and the Caribbean, and 13 from Western Europe and Others. The highest rate of reporting was from Eastern Europe at **71 per cent**, and the lowest was from Africa at **25 per cent**.

2 Control Arms (2015). "ATT Monitor 2015". ATT Monitor, 25 August 2015, Chapter 3, pp. 98-101. <http://armstreaymonitor.org/current/wp-content/uploads/2015/08/Full-Annual-Report.pdf>

3 See Karim, A. and Marsh, N. (2015). "State positions and practices concerning reporting and the Arms Trade Treaty". ATT Monitor. <http://controlarms.org/en/wp-content/uploads/sites/2/2015/02/States-Practices-PT1.pdf>

4 The states that were due to report were Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, FYR Macedonia, Germany, Ghana, Grenada, Guyana, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Romania, Samoa, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Sweden, Switzerland, Trinidad and Tobago, UK, Uruguay.

5 The ATT's obligations relating to arms transfers do not take effect until the Treaty has entered into force for a State. As such, a State is required to submit its first annual transfer report covering the first full calendar year after entry into force of the Treaty for that State Party. Sixty-three States had ratified the ATT by 2 March 2015 (the last date prior to 31 May 2015 before the 90 days specified by Article 22.2 for the Treaty to enter into force) and where therefore due to report on 31 May 2016. See, "The ATT Working Group on Reporting Templates- the Issue of initial reporting deadlines," 27 May 2016. http://thearmstradetreaty.org/images/160527_ATT_Working_Group_on_Reporting_Templates_-_Issue_of_initial_reporting_deadlines.pdf

Concerning the content of the reports, of the 30 that were published online:

- Seven stated that sensitive information had been withheld (Bosnia and Herzegovina, Bulgaria, Dominican Republic, Germany, Macedonia, Senegal and Sweden).
- Twenty-six used the provisional reporting template discussed at CSP 2015, and four used their own reporting formats (Australia, France, Senegal and United Kingdom).
- Nine reported on national definitions of arms covered by the report.
- Five reported on additional equipment types (beyond those specified in Article 2.1) (Dominican Republic, New Zealand, Norway, Senegal and Sweden).
- Concerning exports of major weapons, six reported authorizations, and 14 reported actual exports. Some submitted 'nil' reports or did not specify what the data concerned. Two (Romania and South Africa) reported both.
- Concerning exports of small arms and light weapons, five reported authorizations, and 14 reported actual exports.
- Three (Portugal, Slovenia and Sweden) reported the financial value and the numbers of major weapons exported, and 19 reported just the number of arms exported.
- Three (Bosnia and Herzegovina, Portugal and Slovenia) reported on the financial value and the numbers of small arms and light weapons exported. Sweden reported just the financial value, and 20 reported on just the number of small arms and light weapons exported.

Note that some States Parties submitted 'nil' reports indicating that they did not import or export any relevant arms, and some did not specify the form of the data reported, so in some of the points above the number of States Parties does not add up to 30.

RECOMMENDATIONS

- States Parties must continue to meet their annual reporting deadlines as part of their legal obligations under Article 13.3 of the ATT.
- States Parties are encouraged to submit as much information as possible into the public domain so as to enhance confidence-building measures.
- States Parties should continue to work towards the improvement of the annual reporting template in the future, taking every opportunity to continually refine and improve the template.