

### 3.2 – ATT INITIAL REPORTS AND IMPLEMENTATION ANALYSIS

Transparency and reporting remain essential Arms Trade Treaty (ATT) objectives and are a key component of its effective implementation.<sup>1</sup> ATT Initial Reports shed light on national control systems and can be used to identify good implementation practice or gaps in implementation. Detailed public reports allow the United Nations (UN) Secretariat, States Parties, and civil society to understand Treaty implementation and interpretation.

Ten new Initial Reports were due since the last edition of the ATT Monitor (Benin, Cape Verde, Cyprus, Georgia, Guatemala, Honduras, Madagascar, Monaco, Republic of Korea, and Zambia). As of 7 June 2018, six have been submitted to the ATT Secretariat (Benin, Cyprus, Honduras, Madagascar, Monaco, and South Korea). Of these six, five are private and one (Monaco) is publicly available on the ATT Secretariat's website. A seventh report (Georgia) was submitted early and its data was captured in the ATT Monitor Annual Report 2017.

Additionally, information for two States Parties (Greece and Paraguay) that were due to submit their Initial Reports in previous years but had not yet done so in time to be included in the ATT Monitor Annual Report 2017 were considered in this year's analysis.

#### OVERVIEW OF RECENT REPORTS

Nearly every State Party was required by Article 13.1 of the ATT to submit their Initial Reports on implementation. Specifically, 92 of the 95 States Parties were required to report on efforts undertaken to implement the Treaty. The exact reporting deadlines vary by State Party, and 67 had submitted their Initial Reports as of June 2018. This represents a compliance rate of 73 percent.<sup>2</sup> Yet many States Parties have failed to meet their legal reporting obligations. Of the 10 States Parties that were due to submit their Initial Reports since the ATT Monitor Annual Report 2017, only Monaco has provided a publicly available report. Monaco did not use the provisional reporting template to complete its Initial Report, and instead used a national format.

Although some States Parties submitted their Initial Reports as early as 2015, none have provided updates as required under Article 13.1. Moreover, no clear process or template has been established for updating Initial Reports. The need to provide updates has been discussed at the Working Group for Transparency and Reporting (WGTR) meetings, yet no process for initiating a template or to encourage States Parties to provide updates has been decided.

Of the 67 submitted Initial Reports, 56 are publicly available on the ATT Secretariat's website while 11 are private. Regional reporting compliance continues to vary, with Europe maintaining the highest level of reporting and Africa the lowest. Although some regions have a lower total number of reports required, and the percentage comparison may be less useful, it is still helpful to identify the regions that have lower reporting rates in order to provide reporting assistance to those where States Parties could benefit from training and technical support.

**Table 3.2: Initial Report submissions by region (as of 7 June 2018)<sup>4</sup>**

Region	States Parties due to report by 31 May 2018	States Parties that have submitted reports	Regional reporting rate
Africa	22	11	50%
Americas	23	12	52%
Asia	3	3	100%
Europe	40	38	95%
Oceania	4	3	75%

1 Control Arms Secretariat (2017). 'ATT Monitor 2017'. 11 September 2017.

[https://attmonitor.org/en/wp-content/uploads/2017/09/EN-ATT\\_Monitor-Report-2017\\_ONLINE-1.pdf](https://attmonitor.org/en/wp-content/uploads/2017/09/EN-ATT_Monitor-Report-2017_ONLINE-1.pdf), pg. 18.

2 ATT Secretariat (2018). 'Reporting'. <http://www.thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports>.

3 ATT Secretariat (2018). 'ATT Working Group on Transparency and Reporting Co-chairs' Report of 8 March 2018 meeting'. 4 April 2018. [http://thearmstradetreaty.org/images/CSP4/CSP4\\_preparatory\\_process/May\\_WG\\_Prep\\_Meetings/ATT\\_WGTR\\_CSP4\\_8\\_March\\_2018\\_meeting\\_Co-chairs\\_report.pdf](http://thearmstradetreaty.org/images/CSP4/CSP4_preparatory_process/May_WG_Prep_Meetings/ATT_WGTR_CSP4_8_March_2018_meeting_Co-chairs_report.pdf).

4 Analysis based on UN Statistics Division regional groupings. <https://unstats.un.org/unsd/methodology/m49/>.



## REPORTING NON-COMPLIANCE

Though States Parties are only required to complete an Initial Report on ATT implementation once within the first year of the entry into force for that State Party, Article 13.1 requires them to provide the ATT Secretariat with relevant updates or changes to their national arms transfer control systems. Such information could include insights on revised legislation and/or national processes that facilitate treaty implementation, adoption of national control lists, or clarification of risk assessment procedures, among many other details. To date, however, no State Party has provided relevant updates to the ATT Secretariat, despite the fact that States Parties have described in meetings of the WGTR the steps they have taken to adapt their national policies and procedures to better align with and reflect the ATT's provisions.<sup>5</sup>

This lack of updated information could stymie efforts towards comprehensive treaty implementation and undermine the value of transparency in national control systems. If little to no information is publicly available on updates to national control systems, it is impossible to gauge how States Parties are updating these to align with treaty obligations and serve as good practice for others. It is also challenging to determine potential gaps in implementation and to identify appropriate support to fill those gaps if States Parties desire assistance to implement the Treaty. Lastly, it is important for States Parties to update their Initial Reports on progress made on implementation as a way to convey recent progress to others and to the ATT Secretariat, as well as to identify ways in which the ATT is relevant to national and global practice.

Several States Parties have also noted challenges in meeting their reporting obligations. According to a study undertaken by the Arms Trade Treaty-Baseline Assessment Project (ATT-BAP), some encountered obstacles in fulfilling their reporting requirements and completing their Initial Reports. Principle among these challenges was limited internal communication and coordination, which ultimately delayed the reporting process for several States Parties.<sup>6</sup> When asked about their reporting experiences, States Parties claimed that they found it time-consuming to identify the appropriate experts to complete various sections of the Initial Report, and they noted the cumbersome internal processes for clearing and approving information before reports are submitted to the ATT Secretariat. Other commonly cited challenges include limited availability of information as well as technical and administrative obstacles to reporting.<sup>7</sup> States Parties also cited a lack of capacity, resources, and time to complete the reports.<sup>8</sup>

5 ATT Secretariat (2018). 'ATT Working Group on Transparency and Reporting Co-chairs' Report of 8 March 2018 meeting'. 4 April 2018. [http://thearmstradetreaty.org/images/CSP4/CSP4\\_preparatory\\_process/May\\_WG\\_Prep\\_Meetings/ATT\\_WGTR\\_CSP4\\_8\\_March\\_2018\\_meeting\\_Co-chairs\\_report.pdf](http://thearmstradetreaty.org/images/CSP4/CSP4_preparatory_process/May_WG_Prep_Meetings/ATT_WGTR_CSP4_8_March_2018_meeting_Co-chairs_report.pdf).

6 ATT-BAP (2017). 'Reporting in Review: Examining ATT Reporting Experiences'. Washington, DC. August 2017. p.15. [http://www.armstrade.info/wp-content/uploads/2017/04/Reporting-in-Review\\_Examining-ATT-Reporting-Experiences\\_ATT-BAP.pdf](http://www.armstrade.info/wp-content/uploads/2017/04/Reporting-in-Review_Examining-ATT-Reporting-Experiences_ATT-BAP.pdf).

7 Ibid. p. 15

8 Ibid. p. 15

Different regions and groups of States Parties experienced specific challenges that complicated their reporting processes. Small States Parties in particular, that have personnel and resource limitations, may face additional challenges. For example, States Parties in the Asia-Pacific region and from the Caribbean Community (CARICOM) identified several challenges to reporting, including that many of them were not aware of the ATT reporting requirements.<sup>9</sup> Although this is not an excuse for not meeting reporting requirements, for some States Parties this challenge resulted from changes of government and/or shifts of key personnel, which disrupted the flow of ATT-relevant information. In several cases, poor communication between government ministries and the lack of a national point of contact hindered reporting efforts. At the time of ATT-BAP's research, most States Parties noted that they had not yet developed processes or mechanisms to help address these challenges. And those that were aware of reporting requirements were often faced with competing deadlines and priorities, or with uncertainty as to where to acquire relevant information and how best to disseminate it to the appropriate officials. In some cases, more political will is needed to encourage government officials and staff to prioritize implementation of ATT obligations. Without it, the situation will not change and reporting will continue to take a back seat to other government agendas.

Some States are faced with the challenge of being required to collect and disseminate information related to the arms trade for the first time. Many in the Asia-Pacific region have not yet developed inter-agency processes or coordination mechanisms to facilitate the completion of their ATT Initial Reports.<sup>10</sup> Such problems may be compounded by the fact that many States Parties within this region do not have much experience reporting on their national arms transfer control systems, and many have never reported to other instruments that seek similar information, such as the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA).<sup>11</sup> As such, few States Parties in the region have established systems to collect, compile, and store relevant information. For many States Parties, then, the ATT Initial Report will serve as an opportunity to ensure robust measures are in place to augment national control processes and successfully implement the Treaty.

## CONCLUSION

Reporting levels allow observers of the ATT process to assess States Parties compliance with ATT obligations. Reporting is not a voluntary element, and without a commitment to fulfilment of reporting obligations, the ATT will not reach its full potential. Reporting symbolizes a key component of its core objectives – to support transparency in the global arms trade. Without a clear dedication to that objective, the ATT will suffer. If States Parties are able to ignore one of their obligations with impunity, it could lead to other obligations also being ignored, and it could ultimately undermine the Treaty's impact on promoting a more responsible, transparent, and accountable arms trade. States Parties, the ATT Secretariat, and civil society have identified a variety of ways to improve reporting throughout the meetings of the WGTR.



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<sup>9</sup> Ibid. p. 10

<sup>10</sup> Ibid. p. 11

<sup>11</sup> Ibid.

**THE UN MISSION IN COLOMBIA  
CONCLUDING THE PROCESS OF  
EXTRACTING ALL THE ARMAMENT  
AND SCRAP AMMUNITION FROM THE  
26 FARC-EP (REVOLUTIONARY ARMED  
FORCES OF COLOMBIA-PEOPLE'S  
ARMY) CAMPS.**

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