

CHAPTER 2: ARMS EXPORTS AND IMPORTS: ASSESSING THE FIRST TWO YEARS OF ANNUAL REPORTS

2.1 – 2016 ATT ANNUAL REPORT ANALYSIS

The Arms Trade Treaty (ATT) aims to increase transparency in the global arms trade by requiring States Parties to submit Annual Reports on arms exports and imports. Transparency with regard to exports and imports can help shed light on global arms transfers, mitigate the risks associated with an arms trade conducted in secret, and serve as a confidence-building measure that can lead to international cooperation and assistance.¹ Accurate, comprehensive and timely reporting is essential for States Parties and civil society to be assured that all States Parties have fulfilled their obligations under the Treaty. All should be confident that no State Party has reneged on its commitments.²

Accurate, comprehensive and timely reporting is also essential to assist States Parties in making export-licensing decisions. An important component of the risk assessments set out in Article 7 and preventing diversion in Article 11 should be examination of arms already imported by a potential recipient. It should be a cause for concern if the quantity of arms imported from all sources appears inconsistent with the nature of the end user or stated end uses.

Analysis of 2015 and 2016 Annual Reports³ presented in the remainder of this chapter shows that a group of States Parties displayed commitments to comprehensive, public reporting. However, this report finds that overall progress on public reporting has been disappointing, both in terms of the quantity and the quality of received reports.

Overall, States Parties can be divided into three similar-sized groups, those which:

- Have not submitted reports or requested that their reports not be made public.
- Did not provide enough information to properly assess whether they have met their Treaty obligations.
- Provided comprehensive and detailed information in their reports, or submitted a 'nil' report indicating zero exports or imports.

REDUCED REPORTING RATES

Of the 75 States Parties that had a legal obligation to submit an Annual Report on their arms exports and imports during 2016 by 31 May 2017,⁴ 26 States Parties did not submit a report.⁵

The number of States Parties that were required to report increased from 63 in 2015 to 75 in 2016. However, the number of submitted reports remained the same at 49 in both years. The reporting rate, therefore, dropped from 77 per cent in 2015 to 65 per cent in 2016.⁶ Five States Parties reported for 2015 but not for 2016.⁷ Twelve did not report in both years.⁸ The lower rate of reporting for 2016 is mainly due to this group of 12 and to 14 new States Parties that ratified or acceded to the Treaty in 2015 but did not report on their exports and imports for 2016.⁹

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, pg. 18.

2 For a summary, see Control Arms Secretariat (2015). 'State positions and practices concerning reporting and the Arms Trade Treaty'. ATT Monitor. <https://controlarms.org/wp-content/uploads/2018/03/States-Practices-PT1.pdf>.

3 The deadline for States Parties to submit Annual Reports falls mid-production cycle for the ATT Monitor. To give sufficient time for analysis of these reports, ATT Monitor annual reports provide extensive and in-depth analysis on exports and imports from the previous calendar year. The ATT Monitor Annual Report 2018 provides a comparative analysis of reports from the previous two years.

4 Consistent with the ATT Monitor Annual Report 2017, reports are considered on time if they are published on the ATT Secretariat web site as of 7 June 2017 (one week after the deadline set out in Article 13). See 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, pp. 52-55..

5 The 26 States Parties that did not submit a report are: Antigua and Barbuda, Bahamas, Barbados, Belize, Chad, Costa Rica, Côte d'Ivoire, Dominica, Dominican Republic, Grenada, Guinea, Guyana, Iceland, Jamaica, Mali, Malta, Mauritania, Niger, Nigeria, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Samoa, San Marino, Trinidad and Tobago, and Tuvalu.

6 The total of 49 States Parties for both years does not include those States Parties that submitted reports even though they were not required to do so.

7 The States Parties that did not report in 2016 are: Costa Rica, Dominican Republic, Jamaica, Mali and Samoa.

8 The states that did not report in both years are: Antigua and Barbuda, Bahamas, Grenada, Guinea, Guyana, Iceland, Malta, Nigeria, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago.

9 The 14 States Parties with a requirement to report in 2016 but not in 2015 are: Barbados, Belize, Chad, Côte d'Ivoire, Dominica, Liberia, Mauritania, Mauritius, Moldova, Niger, Paraguay, San Marino, Switzerland and Tuvalu.

The decrease in the reporting rate from 77 to 65 per cent and the existence of a group that has never reported is a matter of great concern. If it becomes common practice that a group of States Parties does not live up to their reporting obligations, then the objectives of the Treaty will be impaired.

There are several explanations for States Parties that did not submit a report. First, some may lack the capacity, resources, and time to adequately collect data and report on their exports and imports. States Parties that lack the capacity to adequately monitor arms flows into and out of their territory should be a priority for international cooperation and assistance. Regional approaches to capacity building—for example, in the Caribbean and in West Africa—may be warranted.

A second explanation for poor or non-existent reporting is that States Parties have made a deliberate decision not to fulfil their legal obligation to report at all or that their reports will not contain accurate and comprehensive information. Doing so is a great problem, as one purpose of reporting, as stated in Article 1 of the Treaty, is to engender confidence among States Parties that all have fulfilled their obligations.

LATE REPORTS

Of the 75 States Parties that had a legal obligation to submit an Annual Report on their arms exports and imports during 2016, only 30 submitted a report within a week of the deadline.¹⁰ Nineteen submitted late reports. The number of late reports is not easily explained by a lack of capacity (States Parties concerned include Austria, France and Norway). It is more likely that these States Parties have not yet adjusted their internal data collection and reporting procedures. Panama and Senegal submitted a report but requested that it be kept confidential and only available on a restricted part of the ATT Secretariat website.

QUALITY OF INFORMATION REPORTED

Some States Parties submitted reports that did not contain accurate and comprehensive information, therefore making it difficult to properly assess whether they have met their Treaty obligations.

Notably, 2016 Annual Reports submitted by Austria and the United Kingdom showed a continued practice from the previous year of not reporting arms imports. Austria did not submit the import section of the reporting template and the United Kingdom left that section blank. It is possible for a State Party to submit a 'nil' report if it did not import anything (though ATT export reports and other data on the arms trade may show exports to these countries).¹¹ Whether the exclusion of all information on imports is a consequence of deliberate policy or of the lack of capacity to collect and report data, the absence of import data for two years in a row is concerning.

In addition, France only provided information on imports of small arms and light weapons (SALW), with no indication of whether it imported major weapons or whether that information was withheld.

Some States Parties provided excessively aggregated information. The over-reliance on excessive aggregation has rendered a number of Annual Reports incomplete or problematic – insofar as determining compliance with the ATT's obligations are concerned. The country profiles in this chapter show that 17 States Parties used aggregation, which for some or all sections makes it impossible to determine what type of weapon was exported or imported, or the suppliers or destination of exports and imports.¹² One of the most clear examples is Croatia, whose 2015 and 2016 Annual Reports simply provide the number of arms exported under the categories found in the template but no information on the importing and exporting countries (for example, in its 2016 Annual Report, Croatia reported an export of 599,422 revolvers and self-loading pistols, but the report does not state to where).

A further six States Parties provided an overall number of small arms exported or imported along with a list of partner countries, but the quantity of each weapon type was not given.¹³ Doing so provides more information, but it is not enough to assess whether a State Party is meeting its Treaty obligations in taking account of the risks associated with a particular destination if one cannot know how many arms were exported to which destination. There is a big difference between the export of one assault rifle and of one thousand.¹⁴

10 The 30 States Parties that submitted their 2017 reports on time are: Albania, Argentina, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, El Salvador, Finland, Germany, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Netherlands, New Zealand, Portugal, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom and Uruguay. In addition, Greece submitted a report in 2017 even though it was not yet required to do so.

11 See the SIPRI Arms Transfers Database. <https://www.sipri.org/databases/armstransfers>.

12 Excessive aggregation was identified as involving reports submitted 2016 exports and imports by: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Croatia, Denmark, El Salvador, Estonia, Ireland, Italy, Macedonia, Mauritius, Norway, Paraguay, South Africa and Sweden. A description for each can be found in the country profiles.

13 States that just provide a list of importers or exporters are: Bosnia and Herzegovina, El Salvador, Estonia, Ireland, Macedonia and Paraguay.

14 And vice versa for imports.

Italy's 2016 Annual Report was more aggregated than it was in the previous year. In its 2015 Annual Report, it detailed the number of SALW exported to each destination. In its 2016 Annual Report, it switched to merely stating the number exported. Two States Parties submitted improved reports for 2016 exports and imports. Montenegro and Switzerland started to provide disaggregated data on the origin of their small arms imports, and on the destinations of exports in Montenegro's case. South Africa also showed some improvement. In its 2015 Annual Report, it provided no information on exports and imports of SALW, while in 2017 it provided the number of all types of small arms exported and imported to or from each partner.

Four States Parties that provided aggregated data in their 2015 Annual Reports either did not submit a 2016 Annual Report or requested that it not be made public.¹⁵ Thirteen used excessive aggregation two years in a row. It is concerning that among these States Parties, a common practice may be developing whereby all or parts of reports do not provide enough information for others to assess whether they are meeting their Treaty obligations.

GOOD PRACTICE – ACCURATE AND COMPREHENSIVE INFORMATION

Twenty States Parties displayed a commitment to accurate, comprehensive reporting.¹⁷ They provided disaggregated data so it was possible to tell the quantity of arms of each category exported to each destination or imported from each supplier. They also included descriptions of at least the major weapons imported or exported (except if such transfers were not reported at all).¹⁸ Notable examples of States Parties that also included descriptions of SALW include Hungary, Mexico, Montenegro and Slovenia. Membership of this group is fairly stable, with 13 of its members providing similar information in their 2015 Annual Reports.¹⁹

Montenegro and New Zealand improved the quality of their reports. Montenegro added descriptions of arms and further comments. In New Zealand's 2015 Annual Report, the small arms categories 'Revolvers and self-loading pistols' and 'Rifles and carbines' were aggregated, but in its 2016 Annual Report, they were disaggregated.

2016 Annual Reports submitted by Portugal and Latvia contained less information than the previous ones. Portugal stopped including descriptions of some SALW while Latvia stopped including descriptions altogether. In addition to providing disaggregated data and descriptions, 14 States Parties also included information in comments explaining some transfers.²⁰

A further four States Parties included disaggregated data in their 2016 Annual Reports, but did not include descriptions of the arms exported or imported (with two providing the same information in the previous year).²¹

South Africa provided disaggregated data and descriptions for its transfers of major weapons, but not for SALW. The United Kingdom provided disaggregated export data and descriptions for most of its exports, but did not report any data on its imports.²²

The States Parties that are committed to reporting and providing information that is accurate and comprehensive should be applauded for their commitment to the Treaty. Their reports can serve as guides to best practices for other States Parties. A further positive sign is that almost all the submitted Annual Reports for 2015 and 2016 were made public. It appears that a norm of public reporting is continuing.

15 Dominican Republic and Jamaica did not submit a 2016 Annual Report, and Panama and Senegal requested that their report be kept confidential.

16 The 13 States Parties that used excessive aggregation are: Australia, Austria, Belgium, Bosnia and Herzegovina, Croatia, Denmark, El Salvador, Estonia, Ireland, Macedonia, Norway, Paraguay and Sweden.

17 The 20 States Parties are: Albania, Argentina, Bulgaria, Hungary, Japan, Liechtenstein, Lithuania, Mexico, Moldova, Montenegro, Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, Sierra Leone, Slovakia, Slovenia and Switzerland.

18 Descriptions of SALW were not deemed necessary to reach this standard as the categories in the template are fairly specific already (for example, 'assault rifles' or 'recoilless rifles').

19 The 13 States Parties are: Albania, Bulgaria, Hungary, Japan, Liechtenstein, Lithuania, Mexico, Netherlands, Poland, Romania, Serbia, Slovenia and Switzerland.

20 The 15 States Parties that also included comments are: Albania, Argentina, Hungary, Liechtenstein, Lithuania, Mexico, Moldova, Montenegro, Poland, Romania, Serbia, Sierra Leone, Slovenia and Switzerland.

21 These are: Czech Republic, Germany, Latvia and Spain (with only Latvia and Germany having changed their reporting practices). Czech Republic includes some comments but not descriptions.

22 Domestic law in the United Kingdom does not require it to maintain a system of import licensing.

**NORWEGIAN COASTAL RANGER
COMMANDOS AND U.S. MARINES
CONDUCT WATER CASTING TRAINING
ABOARD A FAST ASSAULT CRAFT
IN HARSTAD, NORWAY.**

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