

COVER PHOTO:

40MM ROCKET-PROPELLED GRENADES RECOVERED FROM ISLAMIC STATE FORCES IN IRAQ, MAY 2017.

CREDIT: © CONFLICT ARMAMENT RESEARCH, ITRACE® DATABASE

© 2018 ATT Monitor. Control Arms Secretariat, 205 E. 42nd Street, 20th Floor, New York, NY, 10017, USA. www.attmonitor.org

ISBN: 978-1-943930-19-7

Attribution: Please cite the work as follows: Control Arms Secretariat (2018). ATT Monitor 2018. New York. 20 August 2018.

All photos within this publication are provided courtesy of Conflict Armament Research, Control Arms, the Omega Research Foundation, Small Arms Survey, Ralf Schlesener, the United Nations and the United States Department of Defense.



ATT MONITOR 2018 ACKNOWLEDGEMENTS 2

#### **ACKNOWLEDGEMENTS**

Control Arms wishes to thank the generous financial support of the governments of Australia, Finland, Ireland, Netherlands, New Zealand and Sweden.

The ATT Monitor Annual Report 2018 was coordinated and edited by Verity Coyle and Katherine Young. All of the chapters and data sets were drafted by an expert team of researchers, analysts and collaborators including Shannon Dick, Bruno Hellendorf, Ishtiaq Khan, Nicolas Marsh, Robert Muggah, Robert Perkins, Rachel Stohl, Nathan Thompson, Katherine Aguirre Tobón, Pieter Wezeman, Siemon Wezeman and Katherine Young.

A number of peer reviewers also provided extensive comments, feedback and suggestions during the drafting stage. They include Martin Butcher, Kenneth Epps, Roy Isbister, Elizabeth Kirkham, Anna Macdonald, Daniel Mack, Robert Perkins, Rasha Abdul Rahim, Deepayan Basu Ray, Stephen Mwachafi Singo, Oliver Sprague, Christophe Stiernon and Patrick Wilcken. The ATT Monitor would also like to thank collaborators who provided feedback and peer reviews but chose to do so anonymously.

The ATT Monitor Annual Report 2018 was produced with support of fact checkers Jeffrey Moxom and Bailey Reed, copy editor Nicolas Bouchet, art director and graphic designer Dave Watson, and translators Sarah-Louise Raillard (French) and Alberto Estévez (Spanish).



## **CONTENTS**

AC	KNOWLEDGEMENTS	4
COI	NTENTS	5
ACF	RONYMS	6
	E ATT MONITOR PROJECT	
STA	TE OF THE ARMS TRADE TREATY: A YEAR IN REVIEW JUNE 2017-MAY 2018	9
CH	APTER 1: EXPLORING THE ATT'S 'ASIAN FRONTIER'	17
CH/	APTER 2: ARMS EXPORTS AND IMPORTS: ASSESSING THE FIRST TWO YEARS OF ANNUAL REPORTS	
2.1:	2016 ATT Annual Report Analysis	31
2.2:	Country Profiles	35
2.3:	2016 Discrepancy Analysis	85
CH/	APTER 3: ATT REPORTING UPDATES AND INSIGHTS FROM 2017	
3.1:	Reviewing ATT Annual Reports	93
3.2:	ATT Initial Reports and Implementation Analysis	97
CH/	APTER 4: ASSESSING ARMS DIVERSION IN LATIN AMERICA	101

ATT MONITOR 2018 ACRONYMS 6

## **ACRONYMS**

ARF	ASEAN Regional Forum	PoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects	
ASEAN	Association of Southeast Asian Nations			
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives Arms Trade Treaty			
		PrepCom	Preparatory Committee	
ATT		SALW	Small Arms and Light Weapons	
ATT-BAP	Arms Trade Treaty-Baseline Assessment Project	SDGs	Sustainable Development Goals	
CAR	Conflict Armament Research	SIPRI	Stockholm International Peace Research Institute	
CARICOM	Caribbean Community	UN	United Nations	
CIFTA	Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials	UNLIREC	United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean	
CSP	Conference of States Parties	UNODA	United Nations Office for Disarmament Affairs	
CSO	Civil Society Organization  Delivery Certification Certificates  Electronic Tracing System  European Union	UNROCA	United Nations Register of Conventional Arms	
DVC		UNSCAR	United Nations Trust Facility Supporting Cooperation on Arms Regulation	
eTrace		VTF	Voluntary Trust Fund	
EU		WGETI	Working Group on Effective Treaty	
EUC	End-user Certificate		Implementation	
LAC	Latin America and the Caribbean	WGTR	Working Group on Transparency and Reporting	
MANPADS	Man-portable Air-defense System			
OAS	Organization of American States	WGTU	Working Group on Treaty Universalization	

#### THE ATT MONITOR PROJECT

ATT Monitor is a project of Control Arms.

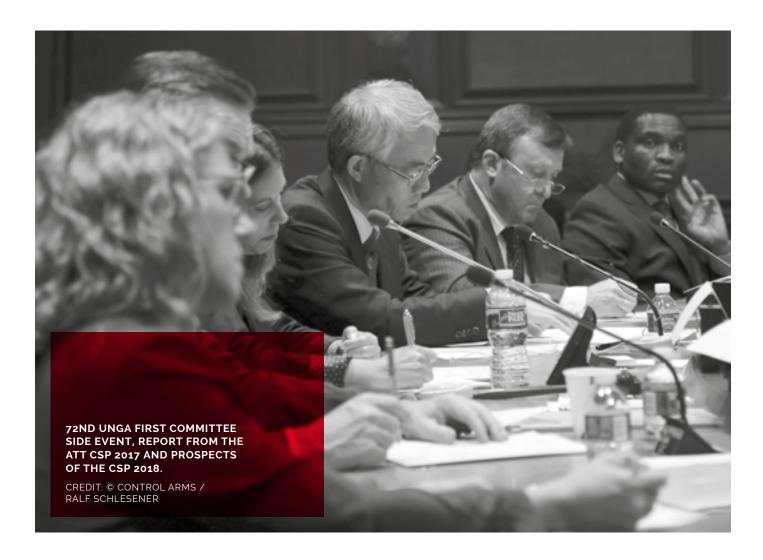
The project was launched in January 2015 with the support of the governments of Austria, Australia, Ireland, Netherlands, Norway, and Trinidad and Tobago.

The ATT Monitor serves as a trusted source of information on the implementation of and compliance to the Arms Trade Treaty (ATT). This includes monitoring transfer data contained in Annual Reports and tracking measures to embed the Treaty's obligations in national practice, such as the passing of new legislation and the development of national control systems.

The ATT Monitor produces credible qualitative and quantitative research and analysis, and explores emerging trends and practices that have an impact on the effectiveness of the Treaty and its provisions.

The ATT Monitor aims to:

- Synthesize information to advance the ATT's universalization and implementation in a user-friendly format accessible to government policymakers, civil society organizations, the media and the public.
- Promote and stimulate the sharing by countries and other actors of credible information on, and analysis of, the ATT's universalization and implementation.
- Identify key challenges in advancing global acceptance of the ATT's norms and its full implementation, and propose steps to ensure that these challenges are addressed.





### STATE OF THE ARMS TRADE TREATY: A YEAR IN REVIEW JUNE 2017-MAY 2018

This review covers the period between 1 June 2017 and 31 May 2018, up to and including the deadline for submission of the Arms Trade Treaty (ATT) Annual Reports.¹ It explores some of the key events and milestones during the past year, and assesses their impacts on the overall performance of States Parties to the Treaty regarding universalization and compliance.

This review first takes stock of universalization efforts around the world during the above-mentioned period. It then considers the decisions and outputs of the three working groups that were established as standing at the Third Conference of States Parties to the ATT (CSP 2017), which took place in Geneva in September 2017. Finally, the review looks at compliance with the ATT's core provisions, and assesses whether the cumulative actions have contributed to the Treaty's objective of reducing human suffering.

#### **UNIVERSALIZATION**

As of 31 May 2018, 95 countries were States Parties to the ATT,<sup>2</sup> accounting for nearly half (48 per cent) of all United Nations (UN) member states. A further 40 were signatories.

Three countries became States Parties to the ATT between 01 June 2017 and 31 May 2018. Kazakhstan and the State of Palestine acceded, and Chile ratified the Treaty.<sup>3</sup> This is more

than a 50 per cent drop in new membership when compared to last year.<sup>4</sup> In general, it is anticipated that the pace of new membership to any treaty will slow over time. However, these percentages represent a notable slowing in universalization progress and is a trend that continues from the previous year.<sup>5</sup>

Even with new members, the geographic spread of States Parties remains uneven again this year (see map). As of 31 May 2018, the regions with the lowest number of ATT States Parties are Asia (six of 14), Oceania, (four of 14), and Africa (22 of 54). Europe (39 of 43 countries) and the Americas (24 of 35) have greater regional proportionality of States Parties.

The ATT continues to enjoy particularly strong support among certain sub-regional blocs, for example:

- The European Union (EU), where all members are ATT States Parties.
- The Economic Community of West African States (ECOWAS), with 13 of its 15 members (87 per cent) being States Parties.
- The Caribbean Community (CARICOM), with 12 of 15 members (80 per cent) being States Parties.8

Notably this year, the accession of the State of Palestine marks the first ATT State Party from the Middle East sub-region.

<sup>1</sup> The ATT Secretariat extends a grace period of seven days to States Parties before a report is considered late, thereby setting a de facto deadline of 7 June 2018 for the 2017 annual reports.

<sup>2</sup> Cameroon ratified the ATT after the 31 May 2018 deadline. Its participation in the ATT as a State Party will be captured in next year's ATT Monitor report.

<sup>3</sup> UNODA (2018), "Arms Trade Treaty: Status of the Treaty", New York: UNODA, http://disarmament.un.org/treaties/t/att/deposit/desc.

<sup>4</sup> Between 01 June 2016 and 31 May 2017, a total of 6 countries ratified and 1 acceded: See: UNODA (2018), "Arms Trade Treaty: Status of the Treaty", New York: UNODA, http://disarmament.un.org/treaties/t/att/deposit/desc.

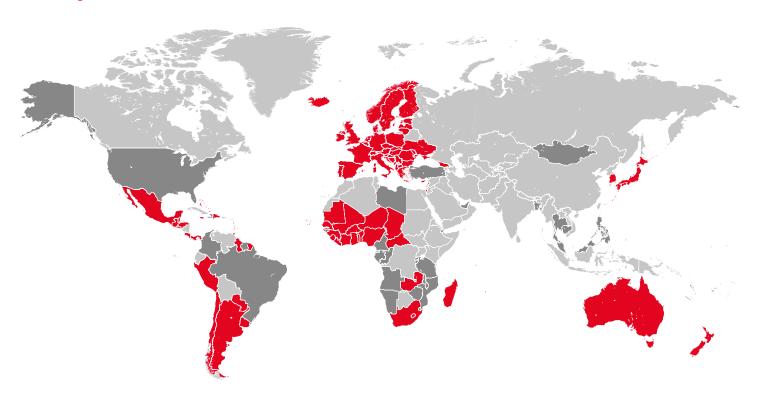
<sup>5</sup> Between 1 June 2016 and 31 May 2017, six countries ratified and two one acceded. See Control Arms Secretariat (2017). 'ATT Monitor 2017'. 11 September 2017. https://attmonitor.org/en/wp-content/uploads/2017/0g/EN-ATT\_Monitor-Report-2017\_ONLINE-1.pdf, pg. 9.

<sup>6</sup> This also does not account for Cameroon.

<sup>7</sup> Analysis based on UN Statistics Division regional groupings. https://unstats.un.org/unsd/methodology/m49/.

<sup>8</sup> CARICOM (N.D.). 'Membership'. http://caricom.org/membership. One of the members of CARICOM, Montserrat, is not a UN member state and so is not a State Party to the ATT.

# MAP OF STATUS OF RATIFICATIONS AND STATES PARTIES (AS OF 31 MAY 2018)





RATIFIED/ACCEDED: Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Benin, Bulgaria, Burkina Faso, Cape Verde, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Georgia, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Niger, Nigeria, Norway, State of Palestine, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Trinidad and Tobago, Tuvalu, United Kingdom, Uruguay, Zambia.



SIGNED: Andorra, Angola, Bahrain,
Bangladesh, Brazil, Burundi, Cambodia,
Cameroon\*, Colombia, Comoros, Congo
(Republic of), Djibouti, Gabon, GuineaBissau, Haiti, Israel, Kiribati, Lebanon, Libya,
Malawi, Malaysia, Mongolia, Mozambique,
Namibia, Nauru, Palau, Philippines, Rwanda,
Sao Tome and Principe, Singapore,
Suriname, Swaziland, Tanzania, Thailand,
Turkey, Ukraine, United Arab Emirates,
United States of America, Vanuatu,
Zimbabwe.



NOTYET JOINED: Afghanistan, Algeria, Armenia, Azerbaijan, Belarus, Bhutan, Bolivia, Botswana, Brunei Darussalam, Canada, China, Cuba, DR Congo, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, Laos, Maldives, Marshall Islands, Micronesia, Morocco, Myanmar, Nepal, Nicaragua, North Korea, Oman, Pakistan, Papua New Guinea, Qatar, Russia, Saudi Arabia, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Tajikistan, Timor-Leste, Tonga, Tunisia, Turkmenistan, Uganda, Uzbekistan, Venezuela, Vietnam, Yemen.

<sup>\*</sup> Cameroon ratified the ATT after the 31 May 2018 deadline. Its participation in the ATT as a State Party will be captured in next year's ATT Monitor report.

Regional training workshops brought together CSOs and representatives from different countries to explore technical challenges and legal requirements of membership to the ATT.

A small sample of such workshops include:

- In New Zealand, 14 Pacific countries,<sup>9</sup> and representatives from the International Committee of the Red Cross (ICRC) and civil society organizations attended the 'Pacific Conference on Conventional Weapons Treaties' to advance universalization and implementation of the ATT, along with two other conventional weapons treaties.<sup>10</sup> The conference was hosted by the Ministry of Foreign Affairs of New Zealand in partnership with Australia.
- In Senegal, participants, including parliamentarians from 10 countries,<sup>11</sup> diplomats and civil society organizations from West Africa took part in a conference on 'Promoting Stakeholder and Parliamentary Dialogue on the Arms Trade Treaty'. Hosted by Parliamentary Forum on Small Arms and Light Weapons, in cooperation with the Friedrich-Ebert-Stiftung (FES) Berlin and the FES Competence Centre for Peace and Security in Sub-Saharan Africa, this event discussed the role of parliamentarians in promoting the universalization and implementation of the ATT.
- In Palau, representatives of the Palau Working Group for the Arms Trade Treaty, the Centre for Armed Violence Reduction (CAVR) and the Stimson Centre participated in the 'Palau National Arms Trade Treaty Workshop.' Participants took part in training modules to develop institutional, administrative, legislative and legal baselines needed for ratification and implementation of the ATT by Palau.<sup>12</sup>

 In Nepal, government representatives, parliamentarians and civil society from Afghanistan, Bangladesh, Bhutan, India, Nepal, Sri Lanka, and Pakistan came together for a roundtable meeting on 'Promoting Universalization and Strengthening Implementation of the Arms Trade Treaty in South Asia.' This meeting encouraged sharing of best practices to deepen knowledge of the ATT in support of advancing universalization and strengthening implementation of the ATT in the region.<sup>13</sup>

Cooperation and assistance activities in support of universalization efforts have also continued this past year. Mechanisms like the UNSCAR, the EU ATT Outreach Project and bilateral assistance initiatives have continued to provide resources to channel technical, material and financial assistance to States Parties and countries in the process of ratifying or acceding to the Treaty.

Among these funding mechanisms, UNSCAR grants were disbursed for the fifth year to a range of UN agencies, international and regional organizations, CSOs and research institutes. These include Nonviolence International, the Geneva Centre for Security Policy (GCSP), Stockholm International Peace Research Institute (SIPRI), and the Regional Centre on Small Arms (RECSA).<sup>14</sup>

This year marked the first funding cycle of the ATT Voluntary Trust Fund (VTF). The VTF is intended to support national implementation of the Treaty and relies on voluntary contributions to make up its entire disbursement budget. The ATT encourages each State Party to contribute resources to the VTF. As of 31 May 2018, 14 States Parties<sup>15</sup> have made voluntary contributions totaling US\$6.5million.<sup>16</sup>

<sup>9</sup> Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Papua New Guinea, Palau, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

<sup>10</sup> In addition to the ATT, this conference covered universalization and implementation of the Convention on Cluster Munitions (2008) and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (1997).

<sup>11</sup> Cameroon, Ghana, Mali, Mozambique, Palestine, Serbia, Tanzania, Togo, Uruguay and Zimbabwe.

<sup>12</sup> CARV (2018). 'Capacity-Building Workshop on Enhancing the Arms Control System in Palau.' 16 February 2018. http://www.armedviolencereduction.org/capacity-building-workshop-enhancing-palaus-arms-control-system/.

<sup>13</sup> Control Arms Secretariat (2018). 'Important progress made towards ATT Universalization in South Asia.' 15 June 2018. https://controlarms.org/blog/important-progress-made-towards-att-universalization-in-south-asia/

<sup>14</sup> United National Office for Disarmament Affairs (UNODA) (2017). 'UNSCAR projects selected in 2017.' New York: UNODA. https://www.un.org/disarmament/unscar/2017-2/.

<sup>15</sup> Argentina, Australia, Czech Republic, Finland, France, Germany, Ireland, Japan, Netherlands, New Zealand, Spain, Sweden, Switzerland and the United Kingdom. Germany also contributed to the VTF Outreach Programme.

<sup>16</sup> ATT Secretariat (2018). 'Arms Trade Treaty: Status of VTF Finances'. 1 June 2018. http://www.thearmstradetreaty.org/images/CSP4/CSP4\_preparatory\_process/May\_WG\_Prep\_Meetings/180601\_-\_ATT\_Secretariat\_-\_Status\_of\_VTF\_Finances\_01\_June\_2018.pdf.

After making its first call for project proposals in December 2016, the ATT Secretariat approved VTF funding for 17 projects to be implemented in 15 countries, <sup>17</sup> with a combined total budget of US\$1.3million. <sup>18</sup> Many of these projects will be implemented by or with CSOs as implementation partners, as part of the vital role partnerships play in meaningfully advancing universalization and implementation efforts.

#### SYSTEMS AND PROCEDURES

CSP 2017 was attended by 106 countries, including 79 States Parties, 23 Signatories and four observers. Also attending the conference were representatives of 13 international and regional organizations, including UN agencies, 53 member organizations of the Control Arms Coalition, and 23 other civil society organizations, research institutes, and associations representing industry. Ambassador Klaus Korhonen of Finland served as the President of the conference.

- Exploring and highlighting synergies between the ATT and the 2030 Agenda for Sustainable Development, with particular emphasis on the Sustainable Development Goals (SDGs).
- Establishing the Working Group on Effective Treaty Implementation (WGETI), Working Group on Transparency and Reporting (WGTR) and the Working Group on Treaty Universalization (WGTU) as standing working groups.
- Emphasizing the need for a sponsorship programme to support the participation of States in all conferences, not only conferences held in Geneva.
- Electing Ambassador Nobushige Takamizawa of Japan as President for CSP 2018.
- Electing Argentina, Georgia, France and South Africa as Vice Presidents for CSP 2018.
- Setting the date for CSP 2018 as 20-24 August 2018.<sup>20</sup>

Two informal preparatory meetings to develop an agenda and working plan for CSP 2018 were also held during this time period. Working groups met prior to these meetings.

Chaired by Switzerland, the WGETI appointed facilitators to lead discussions on three priority sub-topics: general implementation (Article 5), prohibitions and risk assessment (Articles 6 and 7), and diversion (Article 11). The sub-division was meant to provide for more focused and substantive discussion among States Parties.

Discussions around the implementation of Articles 5, 6 and 7 highlighted that States Parties are at different baselines in the extent of their engagement within the arms trade as exporters, importers, transit or transhipment, or no engagement at all. States Parties are also at different baselines in experience developing necessary structures and mandates to implement these obligations. For example, some States Parties have long-established systems and norms and others are currently developing those systems. This was kept in mind as States Parties, including Costa Rica, Jamaica, and Côte d'Ivoire, shared concrete experiences, case studies, and practical measures related to the implementation and compliance with Articles 5 and 11. States Parties were less forthcoming in sharing concrete experiences with the implementation of Articles 6 and 7, and instead focused more on the development of guidance documents.21

The WGTR, co-chaired by Mexico and Belgium, focused mainly on challenges to reporting as highlighted by States Parties, as well as measures that can be taken to promote implementation of reporting obligations. The WGTR agreed to work towards establishing more practical guidelines to ease and facilitate reporting obligations of States Parties, including a FAQ document and increased support and capacity-building.

And finally, the WGTU, co-chaired by Finland and Japan, heard updates from a number of States Parties on their ratification processes. This included a detailed update from new State Part Kazakhstan. The Stimpson Centre stated that there is general support for ATT universalization from the heavy conventional weapons U.S. industry, arguing that its ratification would provide transparency and predictability for the defence industry.

<sup>17</sup> Cameroon, Costa Rica, Côte d'Ivoire, El Salvador, Guatemala, Liberia, Mauritius, Palau, Philippines, Samoa, Senegal, Sierra Leone, Togo, Zambia and Swaziland.

<sup>18</sup> For a complete list of projects, see ATT Secretariat (2017). '1st Voluntary Trust Fund Cycle (2017): Overview of Projects Approved for ATT VTF Funding'. 8 November 2017. http://thearmstradetreaty.org/images/ATT\_VTF/ATT\_Secretariat\_-\_Overview\_of\_2017\_VTF\_Projects\_08\_November\_2017.pdf.

<sup>19</sup> ATT Secretariat, 'Final Report of Third Conference of States Parties', ATT/CSP3/2017/11-15. http://www.thearmstradetreaty.org/images/CSP3\_Documents/Statements/CSP3\_Draft\_Final\_Report\_ATT.CSP3.2017.SEC.184.Conf.FinRep.Rev1.pdf. 20 lbid., paragraphs 4-10.

<sup>21</sup> Control Arms Secretariat (2018). 'Summary of ATT CSP 2018 Preparatory Committee Meeting'.

Informal Preparatory Committee (PrepCom) meetings for CSP 2018 were held on 9 March 2018 and 1 June 2018. The first PrepCom meeting for CSP 2018 offered cursory discussion of the agenda for CSP 2018. Japan took this opportunity to pledge a US\$3 million contribution to the Voluntary Trust Fund, part of which will be earmarked towards universalization efforts in Asia Pacific. The second PrepCom meeting built on these discussions and included an additional substantive thematic session exploring synergies between the ATT and SDGs, continuing discussions from CSP 2017.

Overall, preparatory meetings ahead of CSP 2018 have marked a more positive move towards slightly more substantive conversation and debate, a shift from previous CSP agendas focused almost exclusively on procedural matters. The sharing of concrete experiences of implementation of Treaty obligations, as well as more open dialogue regarding concerns and challenges, are examples of this positive shift. However, it is imperative that States Parties also ensure that adequate discussions are held in relation to issues such as compliance with, and violations of, the ATT.

#### REPORTING ON IMPLEMENTATION AND COMPLIANCE

#### **INITIAL REPORTS**

As of 31 May 2018, nearly every State Party was required by Article 13.1 of the ATT to submit their Initial Reports on implementation.<sup>22</sup> Of the 92 States Parties that were required to report on efforts undertaken to implement the treaty, 67 States Parties have done so as of June 2018. This represents a compliance rate of 73 per cent.<sup>23</sup>

Ten new reports were due since the last edition of the ATT Monitor.<sup>24</sup> As of June 2018, six of these new reports – Benin, Cyprus, Honduras, Madagascar, Monaco, and Republic of Korea – have been submitted to the ATT Secretariat. A seventh report, Georgia, was submitted early and captured in the 2017 ATT Monitor.<sup>25</sup>

Though States Parties are only required to complete an Initial Report 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. To date, no States Parties have provided these updates to the Secretariat, despite reporting to the WGTR that steps were taken to adapt national policies and procedures to better align with ATT provisions. <sup>26</sup> This lack of updated information could stymie efforts towards comprehensive treaty implementation and undermine the value of transparency in national control systems.

Chapter 3 of this report explores in more detail the implications of what States Parties reported in their Initial Reports, and the extent to which their national systems are in compliance with the ATT. It also identifies areas of good practice that may provide elements for replication in other country/institutional contexts.

#### **ANNUAL REPORTS**

As of the 31 May 2018 deadline, 89 States Parties were required by Article 13.3 of the ATT to submit their 2017 Annual Reports.<sup>27</sup> Of them, only 36 States Parties submitted their Annual Transfer reports on time, and a further four submitted their reports shortly after the deadline – bringing the tally to 40 out of 89 (45 per cent).<sup>28</sup> An in depth analysis of the contents of these reports can be found in Chapter 3.

The overwhelming majority of submitted Annual Reports were made public (95 per cent). Only two States Parties, Argentina and Madagascar, elected to keep their 2017 Annual Reports private. This is a continuation of the positive trend identified during the last reporting timeframe, and will pay dividends in reinforcing the norms that the ATT is built upon – transparency, accountability, and mutual security and confidence building.

<sup>22</sup> Each ATT State Party must submit its Initial Report within the first year after entry into force of the ATT for that State Party. Arms Trade Treaty. Article 13.1 (adopted 2 April 2013, entered into force 24 December 2014)\_UNTS\_(ATT) Art 13.1. https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf.

<sup>23</sup> ATT Secretariat (2018), 'Reporting'. http://www.thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports.

<sup>24</sup> Benin, Cape Verde, Cyprus, Georgia, Guatemala, Honduras, Madagascar, Monaco, Republic of Korea, Zambia.

<sup>25</sup> 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 2017 ATT Monitor.

<sup>26</sup> 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.

<sup>27</sup> 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.

<sup>28</sup> ATT Secretariat, "Reporting", http://thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports

## TAKING STOCK - DID STATES PARTIES LIVE UP TO THEIR OBLIGATIONS?

Ongoing arms transfers play a continued, destabilizing role in conflict and armed-violence situations around the world. In Yemen, a devastating attack on the port city of Hodeidah that began in June 2018 adds to the mounting evidence of serious breaches of international humanitarian law and human rights law documented by the UN, the ICRC, Human Rights Watch, Amnesty International and Mwatana Organisation for Human Rights, among other CSOs.<sup>29</sup>

This evidence poses important questions for States Parties in their efforts to implement the ATT in accordance with its object and purpose of reducing human suffering. As implementation increases, it should be expected that transfers that violate the Treaty decline. There have been encouraging signs that some States Parties are actively implementing and amending national policies and procedures that increase compliance with ATT obligations.

In December 2017, Norway suspended exports of weapons and ammunition to the United Arab Emirates over concerns regarding their use in Yemen, citing 'increasing risks' of the UAE-military involvement in the conflict.<sup>30</sup> Norway suspended export licenses that had already been issued, taking measures to ensure the export of arms and ammunition to the United Arab Emirates would cease immediately.<sup>31</sup> Also at this time, Germany announced that it would stop authorizing arms exports to any party to the conflict in Yemen.<sup>32</sup> However, it seems that deliveries from previously agreed contracts can continue.<sup>33</sup>

In June 2018, a number of export licenses for arms sales to Saudi Arabia were suspended in the Walloon region of Belgium after the Council of State, an independent judicial body, found that the Walloon government had not demonstrated in practice that it had carried out a risk assessment sufficiently in line with Belgian laws on arms exports. On the contrary, it found that the condition of urgency was no longer fulfilled since the licenses in question were fully executed.<sup>34</sup> Previously, the Walloon government announced that it would no longer supply arms to the Saudi Arabia Ministry of Defence for use in operations outside of Saudi-territory, though this new restriction was not being applied to the Saudi Royal and National Guards on the grounds that these forces only operate internally.<sup>35</sup>

While the relevant authorities have not explicitly referenced the ATT when announcing these policies, it is this type of behavioural change that monitors of the ATT will look toward as indicators of the Treaty's impact in effect.

Yet, not all signs are encouraging. An initial survey of data from the 2017 Annual Reports indicates that exports of arms have continued to take place to countries where risks of misuse of arms persist and information about such misuse is available. The conflict in Yemen is one of the most concerning cases in which arms transfers have continued, and the attack on Hodeidah has reignited calls by governments and civil society for countries to re-evaluate arms sales to members of the Saudi-led coalition. For this to become commonplace, more examples of good practices must be made available, and States Parties must openly and actively reference their Treaty obligations in their arms-transfer decisions.

<sup>29</sup> See, for example, Amnesty International (2018). 'Stranglehold: Coalition and Huthi Obstacles Compound Yemen's Humanitarian Crisis'. London. https://www.amnesty.org/download/Documents/MDE3185052018ENGLISH.pdf; Human Rights Watch (2016). 'Yemen: US Bombs Used in Deadliest Market Strike'. 7 April 2016. https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike; Amnesty International (2016). 'Yemen: Children Among Civilians Killed and Maimed in Cluster Bomb 'Minefields''. 23 May 2016. https://www.amnesty.org/en/latest/news/2016/05/yemen-children-among-civilians-killed-and-maimed-in-cluster-bomb-minefields/; Amnesty International (2016). 'Yemen's Horror Exposes the Deadly Hypocrisy of Arms Exporters Like the UK and the USA'. 26 August 2016. https://www.amnesty.org/en/latest/news/2016/08/yemens-horror-exposes-the-deadly-hypocrisy-of-arms-exporters-including-britain-and-the-u/; Médecins Sans Frontières (2016). 'MSF Internal Investigation of the 15 August Attack on Abs Hospital Yemen: Summary of Findings'. 27 September 2016. http://reliefweb.int/sites/reliefweb.int/files/resources/Yemen\_Abs\_investigation\_summary\_final.pdf; Human Rights Watch (2016). 'Yemen: US-Made Bombs Used in Unlawful Airstrikes'. 8 December 2016. https://www.hrw.org/news/2016/12/08/yemen-us-made-bombs-used-unlawful-airstrikes.

<sup>30</sup> Ministry of Foreign Affairs, Netherlands (2017). 'Suspension of export licenses to the United Arab Emirates'. 1 January 2018. https://www.regjeringen.no/en/aktuelt/suspension-of-export-licences-to-the-united-arab-emirates/id2583359/.

<sup>31</sup> Ibic

<sup>32</sup> DW News (2018). 'Germany halts weapons exports to parties in the Yemen conflict'. 19 January 2018. https://www.dw.com/en/germany-halts-weapons-exports-to-parties-in-yemen-conflict/a-42229376.

<sup>33</sup> Saferworld (2018). 'The beginning of the end? European arms exports for the Yemen war'. 1 March 2018. https://www.saferworld.org.uk/resources/news-and-analysis/post/759-the-beginning-of-the-end-european-arms-exports-for-the-yemen-war.

<sup>34</sup> Conseil d'État (2018). 'Licences d'exportation d'armes et de matériel lié à la défense vers l'Arabie Saoudite'. 29 June 2018. http://www.raadvst-consetat.be/?page=news&lang=fr.

<sup>35</sup> Saferworld (2018). 'The beginning of the end? European arms exports for the Yemen war'. 1 March 2018. https://www.saferworld.org.uk/resources/news-and-analysis/post/759-the-beginning-of-the-end-european-arms-exports-for-the-yemen-war.

#### THE 2018 ATT MONITOR REPORT

This fourth edition of the ATT Monitor report seeks to build on the analysis of previous reports.

Chapter 1 of this report is a special thematic section on the ATT in Asia. CSP 2018 will be hosted in Japan, which helps focus attention on a region broadly categorized by low ATT membership, rising arms imports, and countries expanding or initiating moves to produce and export arms. This chapter profiles the state of conventional arms control in Northeast Asia, Southeast Asia and South Asia, and outlines challenges and barriers to ATT universalization in the region.

Chapter 2 assesses the current state of ATT Annual Reports. This chapter includes an overall analysis of reporting practices, comparing 2016 ATT Annual Reports with reports for 2015. This comparative analysis identifies changes in reporting practices and determines whether inconsistencies and gaps identified in the analysis of 2015 reports were resolved in 2016 reports.

Chapter 2 also includes country profiles for each State Party that was due to submit an ATT Annual Report for 2016. Each profile provides data on key reporting practice metrics (public reporting, timely reporting, withholding security information), as well as a summary of areas of good practice and areas for improvement in reporting. The profiles also contain a summary of transfers reported by each State Party, focusing on basic comparable information such as number and status of export/import partners, and highlighting the largest transfers reported by that State Party in the 2016 reporting calendar year.<sup>36</sup>

Chapter 2 also looks at the extent to which exports and imports reported by States Parties in 2016 Annual Reports are comparable. For example, if one State Party reports an export of assault rifles to another, does the second State Party also

report the import? This analysis identifies the major types of discrepancies in reported figures of exports and imports and assesses the quality and functionality of the reports with a view to assisting States Parties in effective and meaningful reporting.

Chapter 2 also includes a summary assessment of Annual Reports submitted for arms exports and imports during 2017 before 31 May 2018.<sup>37</sup> It is anticipated that more States Parties will submit their report in the window between the legal deadline of 31 May and the beginning of the CSP 2018. As such, this analysis will be further expanded in next year's Monitor report.

Chapter 3 includes a summary assessment of Initial Reports submitted by States Parties as of June 2018. From this assessment comes an analysis of reporting non-compliance, highlighting challenges States Parties face in fulfilling reporting obligations. Article 13.3 of the ATT requires States Parties to provide the ATT Secretariat with relevant updates or changes to their national arms transfer control systems. This chapter finds that States Parties are not updating their initial reports. A lack of updated information could stymie efforts towards comprehensive treaty implementation and undermine the value of transparency in national control systems.

Finally, Chapter 4 presents an overview of diversion and the ATT through the regional lens of Latin America and the Caribbean (LAC). This chapter reviews what the ATT's provisions relating to diversion, as well as what LAC States Parties do to address diversion—both in terms of Initial Reports and specific policy and programming responses. To illustrate the diverse manifestations of diversion, this chapter applies a broad understanding of how and when it occurs – from the point of production to the point of end use.

<sup>36</sup> In 2016 Annual Reports, States Parties reported authorized or actual exports and imports of conventional arms from 1 January 2015 to 31 December 2015.

<sup>37</sup> 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.



# CHAPTER 1: EXPLORING THE ATT'S 'ASIAN FRONTIER'

Despite universalization efforts remaining a high priority for States Parties and civil society, participation in the Arms Trade Treaty (ATT) continues to be regionally uneven. The Japanese presidency of CSP 2018 has helped shift attention to ATT participation in Asia as a region that still maintains relatively low membership. The Head of the ATT Secretariat reported in March 2018 that only 12 per cent of countries in Asia are States Parties, and 63 per cent have yet to join. Comparatively, the ratios are 91 per cent and five per cent in Europe, and 66 per cent and 17 per cent in the Americas.<sup>1</sup>

While ATT participation remains low in Asia, it is also interesting to note that the only three countries that opposed the ATT (Iran, Syria, Democratic People's Republic of Korea) are part of this vast region.

This chapter focuses on Northeast Asia,<sup>2</sup> Southeast Asia<sup>3</sup> and South Asia.<sup>4</sup> Though Central Asia is an important region to consider—with its own importance to the Treaty—Northeast, Southeast and South Asia contain some of the world's largest arms producers and importers, all of which are central to the key challenges to universalization in the region. The focus of this chapter is on these bigger players in the international arms market, whose behaviour is partly fuelled by potentially destabilizing territorial and maritime disputes in the region.

This analysis finds that though there is acknowledgement over the Treaty's importance for curtailing the illicit trade of arms, there are key impediments to participation in the ATT by Asian countries. These include a combination of political caution, ambitious industrial and technological policy goals, and an overall lack of trust toward a process that is largely perceived as biased in favour of traditional arms exporting countries.



- 1 ATT Secretariat (2018). 'Arms Trade Treaty: Status of Participation'. ATT. 7 March 2018. http://thearmstradetreaty.org/images/CSP4/CSP4\_preparatory\_process/March\_WG\_\_Prep\_Meetings/180307\_-\_ATT\_Secretariat\_-\_Status\_of\_Participation.pdf. Regional analysis based on Analysis based on UN Statistics Division regional groupings. https://unstats.un.org/unsd/methodology/m49/.
- 2 China, Democratic People's Republic of Korea, Japan, Mongolia and Republic of Korea.
- 3 Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste and Vietnam.
- 4 Bangladesh, Bhutan, India, Maldives, Marshall Islands, Nepal, Pakistan, Sri Lanka.

#### **GROWING REGIONAL TENSIONS IN ASIA**

Asia is marked by simmering disputes and fast-evolving security threats linked directly to rising defence spending.<sup>5</sup> The widening gap in military power between China and its neighbours is creating demand for arms imports, defence technology development and industry cooperation throughout the region.<sup>6</sup> For example, from 2013 to 2017, India was the world's largest importer of major arms and accounted for 12 per cent of the global total.<sup>7</sup> Its imports increased by 24 per cent between 2008 to 2012 and 2013 to 2017. Also during this time period, Indonesia increased its arms imports by 193 per cent.<sup>8</sup> On the whole, Vietnam, Indonesia and Cambodia more than doubled their spending on the military between 2005 and 2015. In Thailand and the Philippines, military expenditure also rose sharply.<sup>19</sup>

The increased flow of arms in the region has led to concerns over the impact on international peace and security. Implementing international mechanisms such as the ATT is necessary to address both the increased flow of arms and security concerns. This is all the more required given geopolitical tensions in the region, particularly in the Indian subcontinent, the Korean peninsula, the Taiwan Strait, and the East and South China Seas. All have the potential of catalysing systemic, high-intensity armed conflicts and influencing directly the level of defence spending of countries in the region and their commitment to arms control mechanisms.



THE INCREASED FLOW OF ARMS IN THE REGION HAS LED TO CONCERNS OVER THE IMPACT ON INTERNATIONAL PEACE AND SECURITY. IMPLEMENTING INTERNATIONAL MECHANISMS SUCH AS THE ATT IS NECESSARY TO ADDRESS BOTH THE INCREASED FLOW OF ARMS AND SECURITY CONCERNS.

- 5 Duchatel, M. (2018). 'China's military build-up may be a game changer for European arms transfers'. South China Morning Post. 5 February 2018. http://www.scmp.com/news/china/diplomacy-defence/article/2131937/chinas-military-build-may-be-game-changer-european-arms.
- 6 Ibid.
- 7 'SIPRI (2018). 'Asia and the Middle East lead rising trend in arms imports, US exports grow significantly, says SIPRI'. Stockholm International Peace Research Institute. 12 March 2018.
  - https://www.sipri.org/news/press-release/2018/asia-and-middle-east-lead-rising-trend-arms-imports-us-exports-grow-significantly-says-sipri.
- 8 Ibid.
- 9 Heiduk, F. (2018). 'An Arms Race in Southeast Asia? Changing Arms Dynamics, Regional Security and the Role of European Arms Exports'. Stiftung Wissenschaft und Politik Research Paper 10. August 2017. https://www.swp-berlin.org/fileadmin/contents/products/research\_papers/2017RP10\_hdk.pdf.
- 10 SIPRI (2018). op. cit.
- 11 See, for example, Hellendorff, B. and Kellner, T. (2017). 'Crise nord-coréenne : diplomatie, menace nucléaire et défense antimissile'. Brussels: Group for Research and Information On Peace And Security (GRIP), GRIP's Reports. 13 February 2017. https://www.grip.org/fr/node/2250; Kristensen, H. M. and Norris, R. S. (2018). 'North Korean nuclear capabilities, 2018'. Bulletin of the Atomic Scientists. 74(1), pp. 41-51; The New York Times (2017). 'Arms race in the making as North Korea's alarmed neighbours consider deploying deadlier weapons'. The Straits Times. 9 August 2017.
- https://www.straitstimes.com/asia/east-asia/arms-race-underway-in-asia-as-north-koreas-alarmed-neighbours-consider-deploying; Benjamin Schreer, 'The DoubleEdged Sword of Coercion: CrossStrait Relations After the 2016 Taiwan Elections', Asian Politics & Policy, 9(1), 2017, pp. 50-65; 'The New 'Normal' in the East China Sea'. The Diplomat. 24 February 2017.
- https://thediplomat.com/2017/02/the-new-normal-in-the-east-china-sea/; Pham, T. N. (2018). 'A Sign of the Times: China's Recent Actions and the Undermining of Global Rules'. Center for International Maritime Security. 6 March 2018.
- http://cimsec.org/sign-times-chinas-recent-actions-undermining-global-rules-pt-2/36168; Hellendorff, B. (2018). 'Mer de Chine méridionale : érosion de la règle de droit ou renforcement de la diplomatie?'. Note d'Analyse du GRIP. 5 April 2018. https://www.grip.org/fr/node/2539; Vuving, A. (2017). 'Force Buildup in the South China Sea: The Myth of an Arms Race'. Center for Strategic and International Studies (Asia Maritime Transparency Initiative). 16 October 2017. https://amti.csis.org/force-buildup-scs-myth/; Heiduk, F. (2018). 'Is Southeast Asia really in an arms race?'. East Asia Forum. 21 February 2018. http://www.eastasiaforum.org/2018/02/21/is-southeast-asia-really-in-an-arms-race/.

#### \*BOX 1: SITUATION IN THE PHILIPPINES

Despite violent internal conflicts, arms imports by the Philippines have been modest in the last two decades due to financial constraints. However, imports increased eightfold in 2013-2017 compared with imports from 2007-2012. Most imports to the Philippines between 2013 and 2017 were from the United States (40 per cent), Republic of Korea (24 per cent) and Indonesia (18 per cent). Pany of the imports from the United States were military aid supplies. 13

Concerns about territorial disputes in the South China Sea have been one reason for the procurement of warships and combat aircraft. However, some of the newly procured major arms have seen actual use in combat, mainly against Abu Sayyaf and other IS-affiliated groups in the south of the country. Hot also in the country-wide war against the New People's Army (NPA). In these conflicts, small arms play an important role and have been supplied mainly by the United States, China, according to the Philippines last UNROCA report in 2008.

Soon after his election in 2016, President Rodrigo Duterte started a crackdown in which thousands of civilians have been killed by police and security forces.<sup>16</sup> The campaign has faced international criticism,<sup>17</sup> but only in a few instances have countries refused to authorize export licences for arms to the Philippines. For example, in 2016 the United States halted a planned sale of 26,000 rifles to the Philippine police.18 However, these restraints did not mark a broader shift in policy. As Russia and China began providing military aid, including small arms, the United States made clear its continued support for the Philippines through, for example, the United States-Philippines Mutual Defense Treaty.19 Despite the violence brought about by the government's war on drugs, exports of major weapons continue. Even countries with relatively restrictive arms export policies continue to market arms to the Philippines. For example, the Saab Group, a Swedish company, opened an office in Manila in 2017 after making known its intention to supply combat aircraft and other military equipment to the Philippines.20

 $<sup>{\</sup>tt 12~SIPRI~(2018).~'Arms~Transfer~Database'.~https://www.sipri.org/databases/armstransfers.}\\$ 

<sup>13</sup> Ibid

<sup>14</sup> South China Morning Post (2017). 'Philippines use Korean-made fighter jets in combat for first time to target terror suspects'. 29 January 2017. https://www.scmp.com/news/asia/southeast-asia/article/2066352/philippines-use-korean-made-fighter-jets-combat-first-time.

<sup>15</sup> Asia Foundation (2017). 'The State of Conflict and Violence in Asia'. 29 December 2017. https://asiafoundation.org/wp-content/uploads/2017/10/The\_State\_of\_Conflict\_and\_Violence\_in\_Asia-12.29.17.pdf. pp. 142-155.

<sup>16</sup> HRW (2018). 'Philippines: Duterte's "Drug War" Claims 12,000+ Lives'. 18 January 2018. https://www.hrw.org/news/2018/01/18/philippines-dutertes-drug-war-claims-12000-lives.

<sup>17</sup> Kine, Phelim (2017). 'Philippine President Rodrigo Duterte's "War on Drugs": Human Rights Watch. 7 September 2017. https://www.hrw.org/news/2017/09/07/philippine-president-rodrigo-dutertes-war-drugs.

<sup>18</sup> Zengerle, P. (2016). 'Exclusive: U.S. stopped Philippines rifle sale that senator opposed'. Reuters. 31 October 2016. https://www.reuters.com/article/us-philippines-usa-rifles-idUSKBN12V2AM; South China Morning Post (2017). 'Philippines use Korean-made fighter jets in combat for first time to target terror suspects'. 29 January 2017. https://www.scmp.com/news/asia/southeast-asia/article/2066352/philippines-use-korean-made-fighter-jets-combat-first-time.

<sup>19</sup> Mogato, M. and Stewart (2017). 'U.S. touts military ties in Philippines as Duterte courts Russia, China'. Reuters. 24 October 2017. https://www.reuters.com/article/us-asia-mattis-philippines/u-s-touts-military-ties-in-philippines-as-duterte-courts-russia-china-idUSKBN1CToTH; South China Morning Post (2017). 'Philippines use Korean-made fighter jets in combat for first time to target terror suspects'. 29 January 2017. https://www.scmp.com/news/asia/southeast-asia/article/2066352/philippines-use-korean-made-fighter-jets-combat-first-time.

<sup>20</sup> Mabasa, R. (2017). 'Saab opens Philippine office'. Manila Bulletin. 12 March 2017. https://business.mb.com.ph/2017/03/12/saab-opens-philippine-office/.

Yet, there were some positive shifts towards diplomacy and de-escalation in the region in 2017 and 2018.21 In April 2018, a third and historic inter-Korea summit was held in Panmunjom, leading to promises on the part of Democratic People's Republic of Korea to work toward the goal of a denuclearized peninsula.<sup>22</sup> In the wake of this summit, Taiwan's President Tsai confirmed its willingness to engage China for the sake of peace and stability.<sup>23</sup> Further, Chinese incursions into Japanese airspace dropped by 41 per cent in 2017 compared to 2016.24 Diplomacy between China and the Association of Southeast Asian Nations (ASEAN) is progressing on the basis of a Framework for the Code of Conduct of Parties in the South China Sea.<sup>25</sup> However, there are no signs that this deescalation will translate into immediate and radical shifts in defence spending in the region. Structural conditions remain largely unchanged. Sovereignty conflicts are never far from the surface, nationalist discourses are gaining momentum everywhere and political disagreements, historical and present, show no sign of lessening.

Further compounding these trends are the relative under-development of regional institutions and a generalized lack of trust in international processes seeking to monitor defence trade behaviour. In this sense, the region could benefit greatly from cooperation and assistance activities in support of ATT universalization. There are very few regional forums in South Asia that effectively address security issues. Meanwhile, East Asia is home to overlapping institutions concerned with security affairs, including the East Asia Summit, the ASEAN Regional Forum (ARF) and the ASEAN Defence Ministers Meeting Plus. However, none have a decisive role in driving regional cooperation on conventional arms control.<sup>26</sup> There are regional strategies and declarations pertaining to transnational crime and counter terrorism,<sup>27</sup> but they are not as yet influential in the region.

The issue of SALW regulation is being discussed within the ARF, mostly through the lens of fighting transnational crime. Additionally, the forum promotes eventual participation of all ARF members in the UN Register of Conventional Arms (UNROCA).28 Non-official mechanisms exist that allow for such issues to be discussed, like the Council for Security Cooperation in the Asia-Pacific. However, the degree to which the results of their deliberations affects policy is limited. No common position on arms export control is to be found in Asia, as it is in Europe, West Africa or elsewhere. India, Republic of Korea and Japan are the only Asian members of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. As explained by the Japanese academic Tsutomu Kikuchi, 'Given the uncertainty and unpredictability of the future shape of international relations in the region, all the states in the region want to maintain a variety of institutional choices to respond to their uncertain futures. They avoid making firm commitments to any specific institution and keep other options open so as to hedge against future risks'.29

#### **CHALLENGES AND BARRIERS TO THE ATT**

Amidst growing regional tensions, a key barrier to ATT universalization is the perception by several countries of the Treaty as an emanation of the West and as biased in favour of traditional arms exporting states. For some Asian countries, this perceived bias surfaces in the balance between obligations of exporting and importing states set forth in the ATT. The overall concern is about the potential effect of this imbalance on national sovereignty and the legitimate right to self-defence. For Asian countries locked in potentially destabilizing disputes with their neighbours and a fast-changing security environment, the security and predictability of their weapons supplies is a strategic priority.

22 Ibic

- 23 AFP (2018). 'Taiwan leader Tsai Ing-wen willing to meet Xi Jinping 'for peace and stability''. South China Morning Post. 28 April 2018. http://www.scmp.com/news/china/policies-politics/article/2143820/taiwan-leader-tsai-ing-wen-willing-meet-xi-jinping.
- 24 Gady, F. (2018). 'Japan Air Self Defense Force: Intercepts Down 23 Percent'. The Diplomat. 17 April 2018. https://thediplomat.com/2018/04/japan-air-self-defense-force-intercepts-down-23-percent/.
- 25 Storey, I. (2017). 'Assessing the ASEAN-China Framework for the Code of Conduct for the South China Sea'. ISEAS Yusof Ishak Institute Perspective. No. 62. 8 August 2017. https://www.iseas.edu.sg/images/pdf/ISEAS\_Perspective\_2017\_62.pdf.
- 26 See, for example, Beeson, M. (2018). 'Asia's competing multilateral initiatives: quality versus quantity'. The Pacific Review. 15 May 2018. Doi 10.1080/09512748.2018.1470556.
- 27 Including the South Asian Association for Regional Cooperation's Colombo Declaration (2000), the ASEAN Declaration on Transnational Crime (1997), the ASEAN Plan of Action to Combat Transnational Crime (1999), the ASEAN Convention on Counter-Terrorism (2007), the ASEAN Comprehensive Plan of Action on Counter-Terrorism (2009) and the Kuala Lumpur Declaration on Combating Transnational Crime (2015).
- 28 Chairman's Statement at the First ASEAN Regional Forum Bangkok, Thailand. 25 July 1994.
- 29 Kikuchi, T. (2017). 'ASEAN-led Regional Institutions in the Era of 'the Rest of Asia". In ASEAN at 50 A Look at its External Relations. Singapore: Konrad Adenauer Stiftung, September 2017. http://www.kas.de/politikdialog-asien/en/publications/49989/. pp. 70-71.

<sup>21</sup> A third and historic inter-Korea summit was held in April 2018, leading to promises by Democratic People's Republic of Korea to work toward the goal of a denuclearized peninsula. See Kim, C. et al. (2018). 'Korean leaders set 'denuclearization' goal, Trump says will maintain pressure'. Reuters. 26 April 2018. https://www.reuters.com/article/us-northkorea-southkorea/korean-leaders-set-denuclearization-goal-trump-says-will-maintain-pressure-idUSKBN1HX216.

An additional concern for some Signatories to the ATT, like Cambodia or Thailand, relates to the breadth and scope of regulatory adjustment. Bringing domestic legislation in line with ATT provisions is not seen as a political priority, and resources and staff may be lacking at the working level when it is.<sup>30</sup>

In Asia, numerous countries are hoping to transition from the status of arms importers to that of arms exporters. This is due in part to their ambitious industrial and technological policies. Through offsets – provisions attached to a contract that outline additional investments a foreign contractor must make in the local economy – many of them hope to build up their defence and technology industrial base.<sup>31</sup>

Countries like China, Japan and Republic of Korea have mature industries and compete in multiple segments of the world market (aerospace, automotive, maritime, weaponry, information and communication technology). In Southeast Asia, the landscape is one of diversity. Singaporean companies have grown prominent in several niche areas where they can supply high-end equipment and services. Starting from a much lower base, Malaysia, Indonesia, Vietnam,<sup>32</sup> Thailand<sup>33</sup> and the Philippines<sup>34</sup> have ambitious plans for industry developments, even if they are hindered by budgetary constraints.<sup>35</sup> Laos and Cambodia, with fewer resources, and Brunei, rich with

oil, display different priorities for their industrial future and their defence acquisition programmes. In India and Pakistan, domestic industries are a priority but suffer from an important lack of capacity and integration into global supply chains.<sup>36</sup>

In such countries as China,<sup>37</sup> India<sup>38</sup> or Indonesia<sup>39</sup> – each a big player in its respective sub-region – stabilizing and regulating the defence sector appears to be a priority not only in macroeconomic policy but also for nation-building.

The global defence sector has undergone major transformations over the last decade, with its production chains now more globalized and more integrated with commercial markets than ever.<sup>40</sup> Regulating the flow of defence products and technologies has grown more difficult, while international standards are still being developed. Given the security dynamics in Asia, this has had a unique effect on the region, and explains in part why there is 'considerable interest in the ATT across the region from public servants' while 'political resistance and lack of political will' remain key impediments to ATT universalization.<sup>41</sup>

The ATT can make a contribution to regional confidence-building measures.<sup>42</sup> Asia should therefore stand out as the ATT's 'next frontier', even if, or perhaps because, resistance to ATT membership varies through important sub-regional differences and unique contexts.

- 30 Persi Paoli, G. and Kytomaki, E. (2016). 'Towards a Universal Arms Trade Treaty: Understanding barriers and challenges in South-East Asia'. Santa Monica: RAND. https://www.rand.org/pubs/research\_reports/RR1779.html.
- 31 The Economist (2013). 'The defence industry: Guns and sugar'. 25 May 2013. https://www.economist.com/business/2013/05/25/guns-and-sugar.
- 32 Abuza, Z. and Nguyen, N. A. (2016). 'Vietnam's Military Modernization'. The Diplomat. 28 October 2016. https://thediplomat.com/2016/10/vietnams-military-modernization/.
- 33 Grevatt, J. (2017). 'Moving up the value chain: Thai military modernisation'. IHS Markit. 14 November 2017. https://ihsmarkit.com/research-analysis/moving-up-the-value-chain-thai-military-modernisation.html.
- 34 Binici, E. (2018). 'Turkey's story of defense industry development inspires Philippines'. Daily Sabah. 7 February 2018. https://www.dailysabah.com/defense/2018/02/08/turkeys-story-of-defense-industry-development-inspires-philippines.
- 35 See, for example, Jaipragas, B. (2017). 'How China Is Helping Malaysia's Military Narrow The Gap With Singapore, Indonesia'. South China Morning Post. 20 August 2017. http://www.scmp.com/week-asia/geopolitics/article/2107408/how-china-helping-malaysias-military-narrow-gap-singapore; Parameswaran, P. (2017). 'What's in the New China-Philippines Defense Industry Pact?'. The Diplomat. 20 November 2017. https://thediplomat.com/2017/11/whats-in-the-new-china-philippines-defense-industry-pact/.
- 36 Bitzinger, R. A. (2017). 'India needs to grow its defence industry to grow its global clout'. Asia Times. 2 October 2017. http://www.atimes.com/does-india-matter/; Gidda, M. (2017). 'Why India Is Building Up Its Arms Industry'. Newsweek. 6 March 2017. http://www.newsweek.com/india-defense-arms-trade-narendra-modi-pakistan-china-modi-f-35-564542; The Indian Express (2017). 'Pakistan defence industrial base better than ours: Army vice chief'. 25 July 2017. https://indianexpress.com/article/india/pakistan-defence-industrial-base-better-than-ours-army-vice-chief-4766949/.
- 37 Bitzinger, R. A. and Popescu, N. (eds) (2017). 'Defence industries in Russia and China: players and strategies'. Paris: European Union Institute for Security Studies (Report 38). 6 December 2017. https://www.iss.europa.eu/content/defence-industries-russia-and-china-players-and-strategies.
- 38 Malhotra, A. (2017). 'India as an Arms Exporter: Changing Trends'. IFS Insights 2/2017. https://brage.bibsys.no/xmlui/bitstream/handle/11250/2453435/IFS%20Insights\_2\_2017\_Malhotra%20(003).pdf?sequence=1&isAllowed=y.
- 39 Hellendorff, B. (2015). 'L'industrie de défense indonésienne : la clef de la puissance ?'. GRIP's Analysis. 12 January 2015. https://www.grip.org/fr/node/1453.
- 40 Gilli, A. and Gilli, M. (2017). 'European defence cooperation in the second machine age'. Paris: European Union Institute for Security Studies. Issue Brief 14. 26 April 2017. https://www.iss.europa.eu/content/european-defence-cooperation-second-machine-age.
- 41 Stohl, R. and Holtom, P. (2017). 'Reporting Challenges and Assistance Needs in the Asia-Pacific Region'. Arms Trade Treaty Baseline Assessment Project. p. 1. https://www.stimson.org/content/reporting-challenges-and-assistance-needs-asia-pacific-region.
- 42 For more on the importance of confidence-building, see Control Arms Secretariat (2017). 'ATT Monitor 2017'. 11 September 2017. https://attmonitor.org/en/wp-content/uploads/2017/0g/EN-ATT\_Monitor-Report-2017\_ONLINE-1.pdf, pg. 28.

#### \*BOX 2: CASE OF SINGAPORE

Singapore was the twelfth-largest arms importer in the world during from 2008 to 2017.<sup>43</sup> It imported major conventional arms from Sweden (warships), United States (combat aircraft), Germany (battle tanks and warships) and France (warships). As such it has contributed to a discussion on a possible arms race in the region.<sup>44</sup> It regularly reports its imports and exports of major conventional arms to UNROCA, though some imports seem to have been omitted by Singapore in this reporting. For example Germany reported to the register the export of battle tanks to Singapore in 2016 and 2017, while Singapore did not report their import.<sup>45</sup> Priorities for Singapore's military force are territorial defence and ensuring that Singapore's lines of communication, in particular shipping lanes, are secured.

Singapore began manufacturing arms in 1967 with an ammunition factory that grew into Singapore Technologies Engineering Ltd (ST Engineering). According to SIPRI, in 2016 Singapore was the fifty-first largest arms producer globally, producing and marketing small arms, armoured vehicles, artillery, warships and a variety of components for major weapons systems. In gapore has a well-established arms export control system. Which in recent years has licensed exports to a variety of destinations. This includes, however, licenses to countries involved in violent conflict. For example, Singapore reported to the UNROCA that it exported to Nigeria and the United Arab Emirates mortars in 2014 and 2015.



- 43 SIPRI (2018). 'Arms Transfer Database'. https://www.sipri.org/databases/armstransfers.
- 44 Heiduk, F. (2018). 'An Arms Race in Southeast Asia? Changing Arms Dynamics, Regional Security and the Role of European Arms Exports'. Stiftung Wissenschaft und Politik Research Paper 10. August 2017. https://www.swp-berlin.org/fileadmin/contents/products/research\_papers/2017RP10\_hdk.pdf.
- 45 Germany and Singapor UNROCA submissions for 2016 and 2017.
- 46 SIPRI (2017). 'The SIPRI Top 100 Arms-producing and Military Services Companies, 2016'. 'https://www.sipri.org/sites/default/files/2017-12/fs\_arms\_industry\_2016.pdf; https://www.stengg.com/en/singapore-technologies-engineering/.
- 47 Singapore Customs (2016). 'A Handbook on the Strategic Trade Scheme'. November 2016. https://www.customs.gov.sg/-/media/cus/files/business/strategic-goods-control/2016-02-04-sts-handbook.pdf.

#### **SOUTH ASIA**

In South Asia, India's longstanding confrontation with Pakistan and its security posture in relation to China have a determining effect on the shape and parameters of regional security. India and Pakistan oppose each other explicitly on the issue of terrorism, as India insists on the importance of instituting strong checks on illegal transfers of weapons and ammunition to non-state actors. Though standards are needed on the conventional arms trade, it is important to both countries that international agreements on such issues reinforce the legitimate right of arms importing states to ensure their security through legal defence trade.

India was an active participant in the ATT negotiations, and at the time of the Treaty's adoption India asserted its view that the ATT did not ensure a balance of obligations between exporting and importing states. It abstained from signing it on the grounds that it 'cannot accept that the Treaty be used as an instrument in the hands of exporting states to take unilateral force majeure measures against importing states parties without consequences.'48 India argued that the text involved an imbalance between the interests of importers and exporters and that the process would affect its national sovereignty.49 Several Indian commentators pointed at India's status as the world's largest arms importer. For one of them, the ATT was perceived as instituting impunity for exporting countries wishing to unilaterally cut strategic supplies in case of diplomatic disagreements.50

India also wanted an explicit prohibition on arms transfers to non-state actors. Elaborating on India's position, a former senior member of its military explained that the Treaty failed to address its concern over the channeling of Chinese and Pakistani arms into conflict areas like Jammu and Kashmir

or the Northeastern provinces.<sup>51</sup> There was not majority support for the inclusion of non-state actors in the Treaty text and an explicit prohibition on transfers to non-state actors was not included in the final text of the Treaty. However, proper implementation of the ATT text as is would severely circumscribe the legal ability of States Parties to transfer arms to non-state actors where a high risk of violations of international human rights and humanitarian law exists.

Though India's position endures since the negotiations,<sup>52</sup> it has increased international engagement in export control and shifted to align its policies with international norms in related contexts. It is a member of three export control regimes that work to check weapons of mass destruction: the Missile Technology Control Regime, the Wassenaar Arrangement, and the Australia Group.<sup>53</sup> It is currently in discussions to join the fourth, the Nuclear Suppliers Group.<sup>54</sup>

Pakistan has stated that it sees the ATT as 'a first step towards regulating trade and transfer of conventional weapons'55 while insisting that it should not be considered an arms control instrument. Its Ambassador to the UN argued that, 'The treaty may be seen by many as essentially a product of and by the exporters only. It falls short of striking an appropriate balance of interests and obligations among the exporters and importers as well as the affected states'.56 While Pakistan voted in favour of the ATT at the UN General Assembly,57 it did not sign it, arguing that 'the ATT's success, effectiveness and universality will be assessed on its non-discriminatory implementation, in particular its criteria and strict adherence by its States Parties to the treaty principles'.58 Pakistan's stance is thus one of carefully monitoring the progress of the ATT to ensure that its implementation does not have repercussions for its core security interests.

<sup>48</sup> Sujata Mehta (2013). 'Why India abstained on Arms Trade Treaty.' The Hindu. 3 April 2013. https://www.thehindu.com/opinion/op-ed/why-india-abstained-on-arms-trade-treaty/article4573882.ece.

<sup>49</sup> Rajagopalan, R. (2013). 'From Defensive to Pragmatic Multilateralism and Back: India's Approach to Multilateral Arms Control and Disarmament'. In Sidhu, W. P. S. et al (eds). (2013). 'Shaping the Emerging World: India and the Multilateral Order'. Washington D.C.: Brookings Institution Press. pp. 203-204.

<sup>50</sup> Mrinal Suman (2013). 'Arms Trade Treaty: A wake-up call for India'. Defence and Security Alert. August 2013. http://www.dsalert.org/arms-trade-treaty-and-india-russia-relations/659-arms-trade-treaty-a-wake-up-call-for-india.

<sup>51</sup> Kanwal, G. (2013). 'India abstains and exposes the Arms Trade Treaty'. IDSA. 8 April 2013. https://idsa.in/idsacomments/IndiaabstainsandexposestheArmsTradeTreaty\_gkanwal\_080413.

<sup>52</sup> Jain, Sangeet (2018). "Why India's Position on the Arms Trade Treaty Endures'. Small Wars Journal. http://smallwarsjournal.com/jrnl/art/why-indias-position-arms-trade-treaty-endures.

<sup>53</sup> The Economic Times. (2018). 'India's inclusion in NSG will boost global export control system: Germany'. 16 April 2018. 54 Ibid.

<sup>55</sup> Statement by Ambassador Tehmina Janjua, Permanent Representative of Pakistan to the United Nations in Geneva and the Conference on Disarmament at the First Committee Thematic Debate On Conventional Weapons. 26 October 2015, New York. http://statements.unmeetings.org/media2/7653881/pakistan-26th-rev.pdf.

<sup>56</sup> First Post. (2013). 'UN Arms Trade Treaty: Pakistan backs India's stand'. 30 March 2013. https://www.firstpost.com/world/un-arms-trade-treaty-pakistan-backs-indias-stand-679336.html.

<sup>57</sup> Khan, T. (2013). 'Pakistan votes in favour of UN arms trade treaty'. News Pakistan. 3 April 2013. http://www.newspakistan.pk/2013/04/03/pakistan-votes-favour-arms-trade-treaty/.

Bangladesh is the only South Asian Signatory to the ATT. Its representative before the Disarmament Commission said in 2016 that 'Our political leadership remains positively disposed towards our possible ratification of the Treaty following our signature in 2013. We are currently looking into possible means to enhance our capacity for compliance with the Treaty provisions'.<sup>59</sup> However, ratification seems to be anything but a political priority for Bangladesh's leaders.<sup>60</sup>

By and large, it seems that resistance to ATT accession in South Asia is primarily framed as a concern over the security of arms supplies, as well as the effect of strategic rivalries in hindering the trust-building needed for international partners and institutions to buy-in to the process. It has also been argued that 'without [India playing a] role as a trailblazer, progress within South Asia seems to remain complicated!<sup>61</sup>

#### **NORTHEAST ASIA**

In Northeast Asia, Japan and Republic of Korea are States Parties. For Japan, the control of the arms trade has long been a sensitive issue. From 1949 onwards, it retained strict arms export rules that were formally institutionalized in 1967 as the 'three principles' (meaning, no arms sales to communist countries, embargoed countries, and conflict zones) and then converted in 1976 to a general ban on arms exports. Throughout the Cold War, Japan was an active member of the Coordinating Committee for Multilateral Export Controls,

which became the Wassenaar Arrangement in the 1990s. In 2014, Japan lifted most of its self-imposed restrictions as part of an overall bid to normalize its international status. 62 Export control regulation appears as an intrinsic part of its foreign policy identity and interest. Japan, one of the original 'coauthors' of pro-ATT Resolutions, characterized its participation in the process as a success of its own brand of 'proactive multilateralism'  $^{\rm 63}$  and what its own government termed its 'proactive contribution to peace'.64 In its bid for election as non-permanent member of the UN Security Council for 2016-2017, Japan promoted its 'co-sponsoring of the ATT' as a prime achievement of its diplomacy. 65 It is notable, however, that the ATT's provisions are considerably less stringent than Japan's own regulatory framework, even amended. In this context, there has been some domestic concern that the government's sponsoring of the Treaty could serve 'as a legitimization to weaken national policies on arms transfers'.66

For Republic of Korea, regulating sensitive goods and technologies has long been an important part of its effort to prevent Democratic People's Republic of Korea from acquiring weapons of mass destruction and their means of delivery. It is actively taking part in most multilateral export control regimes and developed the view that a streamlined regulatory framework would be conducive to its export goals. Republic of Korea established in 2007 the Korea Strategic Trade Institute to support implementation of export controls for the sake of promoting international trade.<sup>67</sup>

<sup>59 &#</sup>x27;General Exchange of Views at the 2016 Substantive Session of the UN Disarmament Commission, Monday, 03 April 2017'. https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/04/Bangladesh.pdf.

<sup>60</sup> Weiss, M. (2017). 'The Arms Trade Treaty in the Asia-Pacific'. The Diplomat. 22 December 2017. https://thediplomat.com/2017/12/the-arms-trade-treaty-in-the-asia-pacific/.

<sup>61</sup> Ibid.

<sup>62</sup> Hagström, L. and Gustafsson, K. (2015). 'Japan and identity change: why it matters in International Relations'. The Pacific Review. 28(1), pp. 1-22; Hellendorff, B. 'Le Japon, Nouvel Exportateur D'armements. Histoire, régulations et perspectives stratégiques'. Brussels: Les Rapports du GRIP 2016/5. https://www.grip.org/fr/node/2057.

<sup>63</sup> Yasutomo, D. T. and Ishigaki, T. (2017). 'Japan's Proactive Multilateralism: The UN Arms Trade Treaty of 2013'. Asian Survey. 57 (5), pp. 956-979.

<sup>64 &#</sup>x27;The 13th IISS Asian Security Summit -The Shangri-La Dialogue - Keynote Address by Prime Minister Abe'. 30 May 2014. https://japan.kantei.go.jp/96\_abe/statement/201405/0530kichokoen.html.

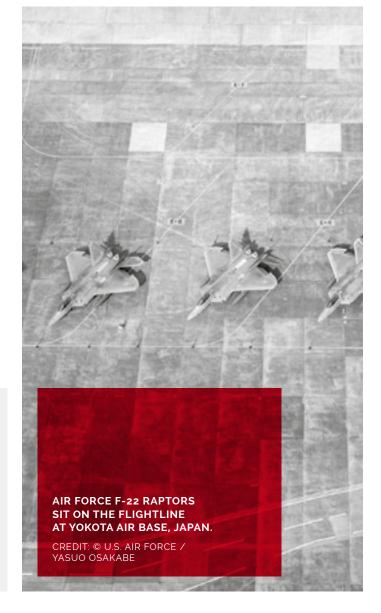
<sup>65 &#</sup>x27;Japan, Candidate for the United Nations Security Council 2016-2017'. Leaflet published by the government of Japan. https://www.mofa.go.jp/mofaj/files/000050422.pdf.

<sup>66</sup> Natsuki, M. (2014). 'ATT should not be used as a legitimization to weaken national policies on arms transfers: Japan's ratification and its abandonment of the ban on arms exports'. Control Arms Blog. 9 May 2014. https://controlarmsblog.wordpress.com/2014/05/09/japan-ratification/.

<sup>67</sup> Lee, J. (2013). 'South Korea's Export Control System'. Stockholm International Peace Research Institute Background Paper. November 2013. https://www.sipri.org/sites/default/files/files/misc/SIPRIBP1311.pdf.

China did not sign the Treaty, but its diplomatic position changed considerably during the negotiations, positioning it more in line with ATT provisions, such that by the time of adoption China stated its reason for refusing to sign was not substantive but was based on a preference for adoption by consensus rather than vote.<sup>68</sup>

China's defence industry has grown tremendously over the last two decades. From a prime importer of weapons, the country has rapidly become a top arms exporter, with South and Southeast Asia as its main markets. <sup>69</sup> Chinese exports to Thailand, for example, as well as military assistance provided to the Philippines, suggest that 'China is using arms exports as an instrument of its foreign policy to project power and influence to create strategic dependencies in areas that are vital to China's interests. <sup>70</sup> This would partly explain why the People's Liberation Army has been more reluctant to endorse ATT provisions than the Ministry of Foreign Affairs. <sup>71</sup> China's export behaviour <sup>72</sup> is therefore influential in how the ATT is viewed by countries in the region. <sup>73</sup>





BY AND LARGE, IT SEEMS THAT RESISTANCE TO ATT ACCESSION IN SOUTH ASIA IS PRIMARILY FRAMED AS A CONCERN OVER THE SECURITY OF ARMS SUPPLIES, AS WELL AS THE EFFECT OF STRATEGIC RIVALRIES IN HINDERING THE TRUST-BUILDING NEEDED FOR INTERNATIONAL PARTNERS AND INSTITUTIONS TO BUY-IN TO THE PROCESS.

- 68 Stavrianakis, A. and He, Y. (2014). 'China and the Arms Trade Treaty: Prospects and challenges'. Saferworld. May 2014. https://www.saferworld.org.uk/downloads/pubdocs/china-and-the-att.pdf.
- 69 Huang, K. (2017). 'The weapons sales making China a big gun in Southeast Asia'. South China Morning Post. 5 October 2017. http://www.scmp.com/news/china/diplomacy-defence/article/2114172/weapons-sales-making-china-big-gun-southeast-asia; Zaugg, J. (2017). 'Les ventes d'armes chinoises explosent en Asie'. Le Temps. 11 October 2017. https://www.letemps.ch/monde/ventes-darmes-chinoises-explosent-asie.
- 70 Raska, M. (2017). 'Strategic Contours of China's Arms Exports'. S. Rajaratnam School of International Studies. Commentary (N°165). 11 September 2017. https://www.rsis.edu.sg/rsis-publication/rsis/co17165-strategic-contours-of-chinas-arms-exports/#.Wu1P6y\_pM6U. See also Huang, K. (2018). 'China's arms sales rise as it vies with US for influence on the world stage'. South China Morning Post. 12 March 2018. http://www.scmp.com/news/china/diplomacy-defence/article/2136877/chinas-arms-sales-rise-it-vies-us-influence-world-stage.
- 71 Stavrianakis, A. and He, Y. (2014). op. cit.
- 72 Timm, L. (2018). 'As China Increases Arms Exports, More Weapons End up in the Hands of Terrorists and Dictators'. The Epoch Times. 12 January 2018. https://www.theepochtimes.com/as-china-increases-arms-exports-more-weapons-end-up-in-the-hands-of-terrorists-and-dictators\_2412798.html.
- 73 For more information on Chinese export regulation practices, see Control Arms Secretariat (2016). 'ATT Monitor 2016'. New York. p. 48. https://armstreatymonitor.org/en/wp-content/uploads/2017/06/ATT-Monitor-2016-English-April-17.pdf.

#### \*BOX 3: CASE OF CHINA

According to SIPRI, China was the fifth-largest arms exporter in the world between 2013 and 2017.74 During this period, it exported arms to 48 countries. Exports were to Asia and Oceania (72 per cent), Africa (21 per cent), the Americas (5 per cent) and the Middle East (2 per cent). Pakistan was the main recipient of China's arms exports (35 per cent), followed by Bangladesh (19.2 per cent), Algeria (10 per cent), Myanmar (8 per cent), Venezuela (4 per cent), Thailand (3 per cent), Turkmenistan (3 per cent), Indonesia (3 per cent), Cameroon (2 per cent), Tanzania (2 per cent), Sudan (2 per cent) and Nigeria (1 per cent).75

'The Regulations of the People's Republic of China on Administration of Arms Export', <sup>76</sup> put into effect in 1997 and revised in 2002, set out the country's administrative regulatory framework in the field of arms export. China defines arms exports as 'export for trade of equipment, special production facilities and other materials, technology and related services which are used for military purposes'. <sup>77</sup> An arms export administration list was also issued in 2002 to supplement the revised regulations. <sup>78</sup> It is meant to be regularly adjusted. Three fundamental principles for arms export are: conduciveness to the capability for just self-defence of the recipient country; no injury to the peace, security and stability of the region concerned and the world as a whole; and no interference in the internal affairs of the recipient country.

Only a limited number of companies are authorized for arms export activities. Companies are required to submit proposals for exports for approval from the State Administration for Science, Technology and Industry for National Defence (SASTIND) before they can submit a contract for export with valid certification documents from the recipient country for approval also from SASTIND, and finally apply for an arms export license for the approved contract. Decisions to grant licenses can also be made in consultation with the Central Military Commission and the Foreign Ministry.

China is in the review process of its legal framework for export controls. A draft Export Control Law was published by the Ministry of Commerce for public comments in June 2017. It contains a clear definition of items and technologies, as well as of activities that are subject to controls. It also contains an explanation of licensing procedures, with reference to the verification of end-users and end-use certificates, and the establishment of a blacklist of foreign importers and end-users in violation of the law. It also introduces concepts such as re-export controls and has provisions in relation to re-export transactions. The competent authorities are granted with broad investigative powers. Stronger penalties are also introduced.

The draft Export Control Law was revised after public comments and submitted to the State Council for consideration. It has been listed into the legislative work plan for the Standing Committee of the National People's Congress for 2018 and is likely to be 'reviewed and considered in 2018 or the coming year'. Once adopted, it will be the first comprehensive law in China that has integrated references to export controls that until now can only be found in various existing laws, administrative regulations and guidelines.

<sup>74</sup> SIPRI (2018). 'SIPRI: Trends in international arms transfers, 2017'. March 2018. https://www.sipri.org/publications/2018/sipri-fact-sheets/trends-international-arms-transfers-2017.

<sup>75</sup> Statistics for 2013-2017 are generated from SIPRI Arms Transfers Database, https://www.sipri.org/databases/armstransfers. These figures are SIPRI Trend Indicator Values.

<sup>76 &#</sup>x27;Regulations of the People's Republic of China on Administration of Arms Export'. http://www.npc.gov.cn/englishnpc/Law/2007-12/14/content\_1384262.htm.

<sup>77</sup> Ibid

<sup>78</sup> The list contains 14 categories of military items that are subject to regulations, including: 1) light weapons; 2) artillery and other launching devices; 3) ammunition, landmines, aquatic mines, bombs, anti-tank missiles and other explosive devices; 4) tanks, armoured cars and other military vehicles; 5) military engineering equipment and facilities; 6) military vessels and their special equipment and facilities; 7) military aircrafts and their special equipment and facilities; 8) rockets, missiles, military satellites and their auxiliary facilities; 9) electronic products for military purposes and devices for fire control, range finding, optics, guiding and controlling; 10) explosives, boosters, incendiary agents and related compounds; 11) training aids; 12) protective equipment and facilities against nuclear, biological and chemical weapons attacks; 13) logistic equipment, military supply and other auxiliary equipment; and 14) other products. The arms export administration list (2002). http://www.china.com.cn/zhuanti2005/txt/2002-11/25/content\_5237298.htm.

<sup>79 &#</sup>x27;The legislative work plan for the Standing Committee of the National People's Congress for 2018'. http://www.npc.gov.cn/npc/xinwen/2018-04/27/content\_2053820.htm.

#### SOUTHEAST ASIA

In Southeast Asia, the landscape is split between Signatories to the Treaty that have so far shown limited progress in ratifying it (Cambodia, Malaysia, the Philippines, Singapore and Thailand) and other countries in the region. Overall, however, there seems to be a convergence of views among ASEAN members on the important contribution that the ATT can play in preventing diversion and illegal arms flows. Speaking on behalf of ASEAN at the UN in 2017, Thailand's Ambassador, Virachai Plasai, said, 'ASEAN recognizes the legitimate right and authority of sovereign nations to use conventional weapons to maintain internal security and to defend territorial integrity. At the same time, the international community must recognize the growing illicit proliferation of conventional weapons which hampers economic and social progress and threatens peace and security.'80

Indonesia, which is not an ATT Signatory, has been subject to arms embargos before, and in 2012 it enacted a defence industry law rejecting any form of conditionality imposed by a foreign partner on arms deals. While involved in Treaty discussions, Indonesia was concerned that the inclusion of human rights provisions would provide 'an unfair advantage to major arms exporters like the United States, Russia and China'.

A reluctance to join the ATT can also be the result of an uneven understanding of its terms. While specialized units within ministries of foreign affairs seem to be favourable to the ATT overall, other ministries and, to a degree, military and political staff appear less willing to engage with the subtleties of the text.<sup>82</sup>



<sup>80 &#</sup>x27;Statement delivered by H.E. Mr. Virachai Plasai, Ambassador and Permanent Representative of the Kingdom of Thailand to the United Nations at the General Debate of the First Committee (2nd Meeting of the First Committee), Seventy-second Session of the United Nations General Assembly'. 2 October 2017, New York. https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/10/statement-by-thailand-on-behalf-of-the-association-of-southeast-asian-nations-asean-.pdf.

<sup>81</sup> Sinurat, D. L. (2013). 'Indonesia Abstains From UN Arms Trade Vote, Calling Treaty 'One-Sided''. Jakarta Globe. 4 April 2013. http://jakartaglobe.id/news/indonesia-abstains-from-un-arms-trade-vote-calling-treaty-one-sided/.

<sup>82</sup> Persi Paoli, G. and Kytomaki, E. (2016). op. cit.

#### \*BOX 4: CASE OF INDONESIA

Two arms embargoes have been imposed on Indonesia one by the United States from 1991 to 2006, and another by the EU from 1999 to 2000. These embargoes were imposed in reaction to serious violations of human rights and international humanitarian law by the Indonesian military in East Timor.83 However, Indonesia has seen rapid democratic development, a decrease in armed conflict and improvements in human rights after leaving East Timor in 2002. In the past 10 years, therefore, there have been few international and national restrictions on arms exports to the country. A rare example occurred in 2012 when Netherlands blocked the sale of battle tanks to Indonesia due to concerns about the risk they would be used in problematic military operations, particularly in West Papua. Indonesia then turned to Germany instead, which authorized the sale of the same type of battle tanks.84

From 2008 to 2017, Indonesia has imported significant quantities of weapons from a diverse group of suppliers. Top suppliers were Russia, Netherlands, United States, Republic of Korea, United Kingdom, France, Germany, China, Switzerland and Spain. Its imports of major conventional arms almost tripled between 2008-2012 and 2013-2017. In the latter period, it was the tenth-largest arms importer in the world. 85

Indonesia's arms industry is gradually expanding and produces small arms, armoured vehicles, warships and ammunition, mainly under licence or based on imported technology. These weapons are mainly for internal use. Efforts to find export markets have yielded some results. The Indonesian company Pindad has exported small numbers of assault rifles each year for decades. Some of these have turned up on the illegal market in the Philippines, illustrating the need for tighter export controls. In recent years, Indonesia expanded its arms exports selling warships and light transport aircraft to countries in South East Asia.

The fact that ATT Signatories in Southeast Asia (Cambodia, Malaysia, the Philippines, Singapore and Thailand) still have not ratified the Treaty points toward a common concern over domestic regulation adjustment. Electoral cycles have obstructed swift ratification processes because they generated a turn-over at the higher levels of administration and at the political level, and also because contested campaigns and party politics impacted the agenda of policymakers. When joining the ATT was reiterated as a priority, as is the case in the Philippines, further delays were attributed to a lack of capacity.<sup>89</sup>



WHEN JOINING THE ATT WAS REITERATED AS A PRIORITY, AS IS THE CASE IN THE PHILIPPINES, FURTHER DELAYS WERE ATTRIBUTED TO A LACK OF CAPACITY.

<sup>83</sup> Morrissey, S. (2006). 'U.S. Lifts Indonesia Arms Embargo'. Arms Control Association. 1 January 2006. https://www.armscontrol.org/act/2006\_01-02/JANFEB-Indonesia; SIPRI (2012). 'EU arms embargo on Indonesia'. 21 November 2012. https://www.sipri.org/databases/embargoes/eu\_arms\_embargoes/indonesia.

<sup>84</sup> Schramade, K. (2013). 'De Leopard-soap'. Follow the Money. 10 December 2013. https://www.ftm.nl/artikelen/leopard-soap?share=1.

<sup>85</sup> SIPRI (2018). 'Arms Transfer Database'. https://www.sipri.org/databases/armstransfers.

<sup>86</sup> Cochraine, J. (2014). 'Indonesian Arms Industry Seeks to Drum up Business'. New York Times. 13 February 2014. https://www.nytimes.com/2014/02/14/business/international/indonesian-arms-industry-seeks-to-drum-up-business.html.

<sup>87</sup> Vining, M. (2017). 'Indonesian SS1-V1 self-loading rifle in the Philippines'. Armament Research Services. 16 October 2017. http://armamentresearch.com/ss1-v1-philippines/.

<sup>88</sup> SIPRI (2018). 'Arms Transfer Database'. https://www.sipri.org/databases/armstransfers.

<sup>8</sup>g Kytömäki, E. 'Arms Trade Treaty Signatory States – Gaps and Possibilities for Treaty Universalization'. Saferglobe. n.d. https://www.saferglobe.fi/wp-content/uploads/2017/09/att\_universalization\_web.pdf.

#### CONCLUSION

As CSP 2018 is held in Japan, Asia appears to be the Treaty's 'next frontier'. In East Asia, its strong supporters are Japan and Republic of Korea. Signatories like Bangladesh, Cambodia, Malaysia, the Philippines, Singapore or Thailand have publicly stated their intention to ratify the Treaty<sup>90</sup> but domestic politics and lengthy regulatory adjustment processes have had an overbearing effect on their capacity to do so.

After a successful start, the challenge for the ATT is to maintain momentum. Asia is a very diverse region. When it comes to acceding to the ATT or ratifying it, resistance displayed by countries in the region varies considerably. In South Asia, the strategic rivalry between India and Pakistan pushes toward inflexible stances on the rights of arms importing states as well as on Treaty provisions on terrorism and non-state actors. Clearer terminology was cited as conditions for accession, for fear that the ATT would grant traditional weapon exporters an additional leverage over the defence policies of importers.

In East Asia, as sophisticated arms exporting countries that are already members of other multilateral export control mechanisms, Japan and Republic of Korea are strong supporters of the ATT. Both countries recognize the benefits of ATT risk assessment obligations, seeing compliance with Treaty obligations as going hand-in-hand with industry success. China has become a major arms exporter and is increasingly relying on such exports for strategic purposes in the region.<sup>91</sup>

In Southeast Asia, a common thread has been the insistence on balancing the interests of importers and exporters of defence equipment and technologies. Most countries in the region have also demanded clearer terminology. Yet, half of ASEAN members are Signatories to the Treaty, implying that



AFTER A SUCCESSFUL START,
THE CHALLENGE FOR THE ATT IS TO
MAINTAIN MOMENTUM.

many countries do subscribe to the spirit of the ATT, although ratification processes have been slow due to electoral cycles, changing political priorities and limited resources.

The relative reluctance of many countries in the Asian region to join the ATT may still be largely attributable to specific issues raised during negotiations. Asian countries believe these concerns were not addressed in the final text of the Treaty, and they continue to fear that it confers traditional exporters important leverage over their defence and security policies. Their governments tend to be cautious in matters of defence cooperation and transparency, and no regional institution has clearly been able to generate concrete changes. Several Asian countries also have ambitious industrial development plans, making them more cautious over the possible constraints that an ATT could put on their industry.

Ultimately, many Asian countries appear to be adopting a 'wait and see' approach to the Treaty. Therefore further efforts geared toward ATT universalization should include emphasis on political dialogue mechanisms in the region in addition to capacity-building programmes.

go See, for example, Kytömäki, E. 'Arms Trade Treaty Signatory States – Gaps and Possibilities for Treaty Universalization'. op. cit.; Raksaseri, K. (2017). 'Thailand preparing to ratify Arms Trade Treaty'. The Bangkok Post. 16 April 2017; 'Statement by Singapore'; First Conference of States Parties to the Arms Trade Treaty. 24-27 August 2015, Cancun, Mexico. http://www.thearmstradetreaty.org/images/Singapore.pdf; Persi Paoli, G. and Kytomaki, E. (2016). op. cit.



# 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 Reports<sup>3</sup> 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,<sup>4</sup>, 26 States Parties did not submit a report.<sup>5</sup>

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.<sup>6</sup> Five States Parties reported for 2015 but not for 2016.<sup>7</sup> Twelve did not report in both years.<sup>8</sup> 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.<sup>9</sup>

- 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, 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. 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). 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.<sup>12</sup> 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. 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.

<sup>10</sup> 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.

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

<sup>12</sup> 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.

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

<sup>14</sup> 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. 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.<sup>17</sup> 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).<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup>

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).<sup>21</sup>

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.<sup>22</sup>

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.

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

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> 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').

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

<sup>20</sup> 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.

<sup>21</sup> 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.

<sup>22</sup> 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.

CREDIT: © U.S. MARINE CORPS / CPL. MIGUEL ROSALES



#### 2.2 - COUNTRY PROFILES

This section examines the Annual Reports submitted by States Parties to the ATT covering their exports and imports of conventional arms in 2016. It presents analysis of reporting and transfer practices of each reporting State Party in the form of country profiles. By disaggregating its analysis on a country-specific basis, the ATT Monitor intends to provide easily comparable and nationally relevant findings to help inform future practice.

Seventy-five States Parties were due to submit an Annual Report for 2016 to the ATT Secretariat by 31 May 2017. As of 1 February 2018, 50 had done so, of which 47 made theirs publicly available. These reports form the basis of the analysis presented here.

Annual Reports are one of the key tools for transparency at the disposal of States Parties. They help to build confidence between countries, and enable States Parties to demonstrate that their arms trade policies are consistent with their obligations in the ATT (especially Articles 6 and 7). In order for Annual Reports to fulfil this pivotal role, it is necessary that States Parties complete them in a comprehensive, accurate and public manner.

Following the first round of annual reporting on 2015 exports and imports, the ATT Monitor conducted an assessment of reporting practices, identifying a baseline of trends, examples of good national practices, and interpretive and practical challenges that were common among States Parties.<sup>2</sup> The analysis here seeks to supplement that baseline and to build on the findings of that initial assessment.

#### **METHODOLOGY**

All Annual Reports were downloaded for analysis by 1 February 2018. Any submitted subsequently, or amended by a State Party, have not been taken into consideration.

Where applicable, State Parties' reports for 2016 were compared to the ones for 2015, to consider the extent to which national reporting practices changed following the first round of annual reporting under the ATT, and to assess if the common challenges identified after the first year had changed. Reporting practices were assessed for each State Party according to key criteria, identified in previous ATT Monitor reports.

These criteria are as follows.

- Submitting a report as per each State Party's legal obligation under Article 13.3.
- Submitting a report on time (in this case by 31 May 2017).
- Making a report publicly available (including not withholding data for reasons of commercial sensitivity or national security).
- Completing accurate and non-contradictory information.
- Providing data that is clearly disaggregated by weapon type and country.<sup>3</sup>
- Whether a State Party provides information that goes beyond the minimum requirements specified in Article 13.3 (for example, reporting on exports/imports of ammunition, voluntary national categories, etc.).

Overall, each State Party is considered on the extent to which its Annual Report contributes to or undermines the objective of increased transparency in the global arms trade. The analysis is not intended to highlight technical errors or as a 'name and shame' exercise, but to present comparable information that is country-specific in order to inform more clearly policymakers and civil society in each State Party, and to help support knowledge capacity among officials responsible for filling in ATT Annual Reports.

The ATT Monitor takes as its reference for timely reports the analysis presented in Chapter 2.3 of its 2017 annual report, which lists the 30 States Parties that submitted their ATT Annual Reports for 2016 on the public website of the ATT Secretariat by 7 June 2017; that is, within one week of the legal deadline passing. Some States Parties have indicated that their date of submission for their 2016 Annual Reports was before the 31 May deadline, although they were only made available after the reported date of submission. The reason for the gap between the stated and actual dates of submission is unclear.

Transfer summaries include a monetary value of States Parties' imports or exports. All values have been converted to US dollars using the conversion rate for each currency on 31 December 2016, the end of the reporting period for 2016 Annual Reports.

<sup>1</sup> Consistent with the ATT Monitor 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.

<sup>2</sup> Ibid., pp. 33-51.

<sup>3</sup> In order to be classified here as having provided clear, disaggregated data for each reported export and import, a State Party must clarify if it was reporting an Authorized or Actual import/export (or both), provide a number or value for each item, and clearly name the final exporting/importing country.

<sup>4</sup> Control Arms Secretariat (2017). 'ATT Monitor 2017'. 11 September 2017. https://attmonitor.org/en/wp-content/uploads/2017/0g/EN-ATT\_Monitor-Report-2017\_ONLINE-1.pdf, pp. 52-55.

In addition to assessing reporting practices, each country profile includes key baseline data relating to the exports and imports described by States Parties in their Annual Reports. This data includes the following:

- Total number of export/import partners, and their Treaty status (as of 1 February 2018).
- The overall number and categories of major weapon items reported, if available.
- The overall number and sub-categories of small arms and light weapons (SALW) reported.
- The principal trade relationships and major deals reported by the State Party.

This section looks solely at transfer data as reported by each State Party in its Annual Report. It does not compare the data with other relevant reporting mechanisms or findings by independent experts, such as media sources, national reports to parliamentary authorities, or the work of think tanks such as the Arms Transfer Database of the Swedish International Peace Research Institute (SIPRI). Integrating information from such external sources would likely cast a different picture of the global arms trade, particularly the percentage of trade between countries. In order for the analysis conducted by the ATT Monitor and others to be as accurate as possible, it is critical that States Parties submit clear and comprehensive Annual Reports, and that they take reporting as an opportunity to support the ATT's goal of greater transparency in the global arms trade.



# **ALBANIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Albania provided comments on transfer of exports and imports reported in 2016, describing the end use/r. For example, the 20,000 AK-47 assault rifles exported to Iraq in 2016 were reported to be a donation to the international coalition against Islamic State.



#### Room for improvement:

Albania aggregated information in several places in its 2016 Annual Report. For example, when asked to provide information on the 'State of Origin (if not exporter),' in several cases it reported only 'Different Countries.' Similarly under 'Description of Items' for exports of SALW, it reported only 'Different types' on several occasions.

#### Transfer summary - 2016: Export Data

- Albania reported exports to three countries in 2016, but was not the country of origin for exports to Austria (different countries) or Bulgaria (China).
- Iraq was the only non-State Party destination for which Albania reported exporting arms in 2016.
- Albania reported exports of 27,088 SALW items, covering five sub-categories.
   The largest deal was for 20,000 AK-47 assault rifles to international coalition forces in Iraq.

#### Reporting practice summary - 2016

Albania reported **Actual Numbers** of exports and imports for SALW in 2016. It did not report any exports or imports of major weapons in 2016.

Albania's reporting practice has not changed since 2015. The information provided in its 2016 Annual Report did match the check boxes on the front page of its report, whereas in 2015 it checked neither 'yes' nor 'no' for 'nil' reports, but provided data on major weapons and SALW.

### Transfer summary - 2016: Import Data

- Albania reported imports from seven countries in 2016.
- All imports were from ATT States Parties or Signatories.
- Main importers were Italy (42 per cent of reported import items), Slovakia (21 per cent) and Austria (16 per cent).
- Albania reported imports of 1,730 SALW items in 2016. The largest deal was for 376 semi-automatic rifles from Italy for the civilian market/state police.

## **ANTIGUA AND BARBUDA**

# **ARGENTINA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

The information Argentina provided in its Annual Report for 2016 matched what it specified in the check boxes on the front page of the report.

With the exception of one transfer (the import of five manned combat aircraft from Spain and the United States), Argentina did not aggregate key data, and it provided clear, specific information on each item and country.



#### Room for improvement:

Argentina did not report on any voluntary national categories.

It only provided descriptions of major conventional weapons it imported in 2016 but did not provide any descriptions for its exports or its imports of SALW.

#### Transfer summary - 2016: Export Data

- Argentina reported exports to seven countries in 2016.
- Of these, three were ATT States Parties, two were Signatories and two were non-members (Canada and Nicaragua).
- All reported export items were SALW (revolvers and self-loading pistols).
   In total, Argentina reported the export of 77,517 items in 2016.
- The vast majority of Argentina's reported SALW exports in 2016 were to the United States (97 per cent). The next largest importers were El Salvador and Uruguay (1 per cent each).

### Reporting practice summary - 2016

Argentina did not change its reporting practice from 2015 to 2016, and reported **Actual Numbers** of exports and imports for SALW and major conventional arms in both years.

- Argentina reported imports from eight countries in 2016.
- · All importers were ATT States Parties or Signatories.
- Main importers were Brazil (29 per cent), the United States (28 per cent), Italy and Turkey (19 per cent each).
- Argentina imported four large-calibre artillery systems from Italy and five manned combat aircraft from Spain and the United States. All other imported items were SALW, covering three sub-categories.
- Argentina reported imports of 29,278 items of SALW in 2016. The single largest deal was for 5,615 shotguns from Turkey.

# **AUSTRALIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Unspecified

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Unspecified



#### Good practice:

Australia provided clear, disaggregated information on its exports of major weapons in 2016, and it included the value, as well as the number, of items transferred.



#### Room for improvement:

Australia left several boxes un-ticked. For example it did not:

- · Include a date of submission,
- Specify if 'commercially sensitive/national-security' related data had been withheld from the report,
- · Specify if it was reporting Authorized or Actual imports of major weapons.

Australia aggregated all SALW sub-categories together in its reporting on exports and imports for 2016.

Australia aggregated all states from which it imported SALW in 2016 and reported them only as 'Various'.

#### Transfer summary - 2016: Export Data

- Australia reported authorizations of arms exports to 24 destinations in 2016.
- Of these, nine were ATT States Parties, six were Signatories and five were non-members (Canada, China, India, Oman and Papua New Guinea).<sup>5</sup>
- The largest export deals of major weapons reported by Australia were 14 armoured combat vehicles, collectively worth US\$15.2m to New Zealand, and two warships to Oman (no value given).
- Australia reported the export of 6,112 SALW in 2016.<sup>6</sup> The largest recipient was New Zealand (82 per cent), followed by the United Kingdom (10 per cent) and China (2 per cent).

#### Reporting practice summary - 2016

Australia changed its reporting practice in its 2016 ATT Annual Report from 2015.

- Its definition of the term 'export' expanded from just 'Physical transfer of items across a national border' to include 'Transfer of Control'.
- It reported the **Number** and **Value** of exports of major weapons and of SALW in 2016, having reported only the **Number** in 2015.
- It did not provide descriptions of items or comments on transfers in 2016, after having done so for some categories in its 2015 Annual Report.

- The only imports of major weapons reported by Australia in 2016 were six armoured combat vehicles, and 24 manned attack helicopters from the United States.
- Australia aggregated its imports of SALW in 2016. In total, it reported imports of 97,125 items, covering three sub-categories, including items under 'Other'.

<sup>5</sup> Australia also reported exports to four non-UN member states (Cook Islands, Hong Kong, Jersey and Norfolk Island).

<sup>6</sup> There is a minor discrepancy in Australia's report as the cumulative total of SALW exports it reported actually added up to 6,097 items.

# **AUSTRIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Unspecified - Austria did not submit a front page

Unspecified - Austria did not submit a front page



#### Good practice:

Austria reported the Number and Value of its exports of major weapons and SALW in its 2016 ATT Annual Report.



#### Room for improvement:

Austria did not include the front page of its 2016 ATT Annual Report. It therefore is unclear why Austria has not reported on imports, nor if any information has been withheld for 'commercial sensitivity/national security-related' reasons.

- · Austria provided no information on how it defines the term 'export'.
- · Austria aggregated all SALW sub-categories in its 2016 ATT Annual Report.

#### Transfer summary - 2016: Export Data

- Austria reported exports of arms to go destinations in 2016. It was not always the country of origin for exports.
- Of these, 54 were ATT States Parties and 13 were Signatories. Another 17 were nonmembers (Algeria, Bolivia, Canada, Ecuador, India, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Nicaragua, Oman, Qatar, Russia, Saudi Arabia, Tunisia and Uganda).
- Austria reported the export of eight armoured combat vehicles to Germany and three to Finland.
- Austria reported the Authorized export of 88,704,572 SALW in 2016, 99 per cent of which went to the United States.

## Reporting practice summary - 2016

Austria reported **Actual** exports of major weapons, and **Authorized** exports of SALW. It reported the **Number** and **Value** of all exports.

Austria's reporting practice for its 2016 ATT Annual Report matched its 2015 ATT Annual Report, except that in 2015 it reported Actual and Authorized exports of SALW, but in 2016 it only reported Authorized exports.

For 2015 and 2016, Austria did not report imports.

#### Transfer summary - 2016: Import Data

- Austria did not include the front page of its 2016 ATT Annual Report. It therefore is unclear why Austria has not reported on imports, nor if any information has been withheld for 'commercial sensitivity/national security-related' reasons.
- Austria provided no information on how it defines the term 'export'.
- Austria aggregated all SALW sub-categories in its 2016 ATT Annual Report.

# **BAHAMAS**

Did not submit an ATT Annual Report for 2016.

# **BARBADOS**

# **BELGIUM**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Belgium reported on voluntary national categories in 2016. These were reported under the EU Common Military List's criteria ML1: Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, as follows, and specially designed components. This information was provided in lieu of providing a breakdown of SALW sub-categories.



#### Room for improvement:

Belgium only reported values for its exports and imports of voluntary national categories.

## Transfer summary - 2016: Export Data

- · Belgium reported exports to 63 destinations in 2016.
- Of these, 34 were ATT States Parties, 13 were Signatories and 15 were nonmembers (Bhutan, Botswana, Brunei, Canada, Democratic Republic of Congo, Indonesia, Jordan, Kuwait, Morocco, Oman, Pakistan, Qatar, Russia, Saudi Arabia and Tunisia).<sup>8</sup>
- Belgium reported two exports of major weapons for 2016: 26 battle tanks to Poland and six armoured combat vehicles to Austria. It was not the country of origin for either export.
- Belgium's reported Authorized exports of ML1 items in 2016 totalled €218.4m (US\$229.8m).9 The most valuable export destinations were the United States (24 per cent of reported value), the United Arab Emirates (22 per cent) and France (11 per cent).

#### Reporting practice summary - 2016

Belgium made several changes to its reporting practice from its ATT Annual Report for 2015.

- It changed the reporting language, submitting its ATT Annual Report for 2016 in French rather than English.
- It reported Actual exports of major weapons in 2016, having reported Authorized exports in 2015.

Belgium provided different types of information depending on the type of transfer.

- · Actual Numbers of major weapon exports in 2016.
- Authorized Value for SALW exports (as voluntary national category).
- · Authorized Numbers of major weapons imports.
- Actual Numbers of SALW imports for 2016, but Authorized Values for imports of voluntary national categories.

- Belgium reported imports from 32 countries and territories in 2016.
- Of these, 20 were ATT States Parties, five were Signatories and four were non-members (Canada, China, India and Russia).<sup>10</sup>
- The only Authorized imports of major weapons reported by Belgium in 2016 were one armoured combat vehicle from Switzerland and one missile or missile launcher from Ukraine.
- Belgium's reported imports of ML1 items in 2016 totalled €48m (US\$55.5m).<sup>11</sup> The highest value importers were Japan (29 per cent), the United States (26 per cent) and Germany (21 per cent).
- 8 Belgium also reported exports to one non-UN member state in 2016 (Taiwan).
- 9 Currency conversion via XE, reflecting conversion rate on 31 December 2016. https://www.xe.com/currencytables/?from=EUR&date=2016-12-31.
- 10 Belgium also reported imports from three non-UN member states in 2016 (Hong Kong, Kosovo and Taiwan).
- 11 Currency conversion via XE, reflecting conversion rate on 31 December 2016. https://www.xe.com/currencytables/?from-EUR&date-2016-12-31.

# **BELIZE**

Did not submit an ATT Annual Report for 2016.

# **BOSNIA AND HERZEGOVINA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Yes (for exports and imports, but reported data for both)

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:

Bosnia and Herzegovina provided both **Numbers** and **Values** of SALW exports and imports.

Bosnia and Herzegovina provided descriptions of items exported and imported in 2016.



#### Room for improvement:

Bosnia and Herzegovina did not specify if it was reporting **Authorized** or **Actual** exports or imports, and left the boxes blank.

Bosnia and Herzegovina excluded some data for 'commercial sensitivity/ national security-related' reasons and did not specify where or how much information was withheld.

Bosnia and Herzegovina grouped together the final exporting and importing states and just provided the overall number and value of items transferred.

#### Transfer summary - 2016: Export Data

- Bosnia and Herzegovina reported exports to six countries in 2016.
- Of these, two were ATT States Parties, three were Signatories and one was a non-member (Pakistan).
- In total, Bosnia and Herzegovina reported the export of 1,243 SALW covering four sub-categories. Collectively, these exports were worth €916,120 (US\$963,992).
- Bosnia and Herzegovina grouped together final importing states under each sub-category of SALW so it is impossible to distinguish which countries were destinations for the largest number of arms in 2016.

## Reporting practice summary - 2016

Bosnia and Herzegovina made several changes to its reporting practice in its 2016 Annual Report.

- It ticked 'yes' on the front page for Annual Reports of exports and imports (in 2015 it had left the boxes blank). It also ticked 'yes' for 'nil' reports of both exports and imports, even though it did have data to report.
- It provided a detailed national definition of the term 'export' and correctly ticked the 'other' box on the template, whereas in its 2015 Annual Report it provided the same alternative definition but ticked the box specifying 'Physical transfer of items across a national border'.

- Bosnia and Herzegovina reported imports in 2016 from 15 countries and territories.
- Of these, 11 were ATT States Parties, and three were Signatories. None were non-members.<sup>13</sup>
- In total, Bosnia and Herzegovina reported the import of 7,312 SALW, covering five subcategories. Collectively, these reported imports were worth €2.6m (US\$3m).<sup>14</sup> These were impossible to disaggregate by exporting country because it grouped them together in its report.

<sup>12</sup> Ibid

<sup>13</sup> Bosnia and Herzegovina also reported imports of SALW from one non-UN member state (Saint Helena).

<sup>14</sup> Currency conversion via XE, reflecting conversion rate on 31 December 2016. https://www.xe.com/currencytables/?from=EUR&date=2016-12-31.

## **BULGARIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Bulgaria provided clear, disaggregated data for every reported export and import in 2016.

Bulgaria provided descriptions of its exports and imports of major weapons and light weapons.

In its 2016 Annual Report, Bulgaria indicated that it did not keep any data confidential because of 'commercial sensitivity or national-security related' reasons, having done so previously for 2015.

Bulgaria provided descriptions of its exports or imports of light weapons sub-categories.



### Room for improvement:

Bulgaria did not provide descriptions of its exports or imports of small arms sub-categories.

Bulgaria provided no comments on its transfers in 2016.

### Transfer summary - 2016: Export Data

- Bulgaria reported exports to 28 destinations in 2016.
- Of these, 15 were ATT States Parties, four were Signatories, and nine were nonmembers (Algeria, Egypt, India, Indonesia, Iraq, Morocco, Saudi Arabia, Uganda and Uzbekistan).
- Of major weapon categories, Bulgaria reported the export of 173 armoured combat vehicles and 1,759 large-calibre artillery systems. The largest reported deal was for 796 120mm and 82mm mortars to Saudi Arabia. It reported the export of 74,496 SALW items in 2016, covering nine sub-categories. The main destinations for SALW exports were: Saudi Arabia (56 per cent), Iraq (26 per cent) and the United States (9 per cent).
- The largest reported SALW export was 36,950 assault rifles to Saudi Arabia.

### Reporting practice summary - 2016

Bulgaria's reporting practice in its 2016 Annual Report was the same as for its 2015 Annual Report, with the exception of its response provided under 'Scope of report' on the front page of the reporting template (see below).

Bulgaria reported **Actual Numbers** of exports and imports for both major weapons and SALW.

- Bulgaria reported imports in 2016 from 19 countries.
- Of these, 17 were ATT States Parties, one was a Signatory, and one was a non-member (Canada).
- Of major weapon categories, Bulgaria reported the import of 1,623 large-calibre artillery systems. The largest reported deal was for 1,393 120mm and 82mm mortars from Serbia.<sup>15</sup>
- Bulgaria reported 8.498 SALW items in 2016, covering eight sub-categories. The major SALW importers reported were: Romania (27 per cent), the Czech Republic (15 per cent) and Austria (11 per cent).
- The largest reported SALW import was 1,795 handheld under-barrel and mounted grenade launchers from Romania.

<sup>15</sup> Bulgaria appears to have included a large number of artillery imports under the category of 'Combat Aircraft'. The ATT Monitor has assumed this to be a reporting error and has treated these items as imports of 'Large-calibre artillery systems'.

# **BURKINA FASO**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



### Good practice:

Burkina Faso provided details of items for some of its imports of SALW in 2016.



#### Room for improvement:

Burkina Faso did not specify if it was reporting Actual or Authorized imports of SALW

Burkina Faso did not indicate the names of any of the exporting countries, leaving that column blank.

Burkina Faso excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

### Transfer summary - 2016: Export Data

Burkina Faso did not report any exports in 2016.

## Reporting practice summary - 2016

Burkina Faso indicated that the reporting period covered was 24 December 2016 to 31 May 2017.

This was the first Annual Report submitted by Burkina Faso.

### Transfer summary - 2016: Import Data

 Burkina Faso reported the import of a total of 5,243 SALW, covering three sub-categories, 71 per cent of which were reported as 'Other: civil arms'. It did not name the exporting country.

# **CHAD**

Did not submit an ATT Annual Report for 2016.

# **COTE D'VOIRE**

Did not submit an ATT Annual Report for 2016.

# **COSTA RICA**

# **CROATIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Yes (for exports and imports, but reported data for both)

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:



## Room for improvement:

Croatia ticked the boxes to indicate it had submitted export and import 'nil' reports, but provided data for exports and imports.

Croatia did not name any exporting or importing countries in 2016.

Croatia excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

## Transfer summary - 2016: Export Data

- Of major weapon categories, Croatia reported the Authorized export of 195 large-calibre artillery systems in 2016. It did not provide any further information, including the final importing state.
- Croatia reported the Authorized export of 600,422 items of SALW in 2016, 99 per cent of which were revolvers and self-loading pistols.<sup>16</sup> It did not name the importing states or provide any further information.

### Reporting practice summary - 2016

Croatia reported on **Authorized Numbers** of exports for major weapons and SALW, and for imports of SALW. It did not report on imports of major weapons.

Croatia's reporting practice for its 2016 Annual Report was the same as in 2015.

- Croatia did not report imports of major weapons in 2016
- In total, Croatia reported the Authorized import of 1,645 SALW items, covering three sub-categories; 61 per cent of reported SALW imports were rifles and carbines. It did not name the exporting countries or provide any further information.

## **CZECH REPUBLIC**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

The Czech Republic provided clear, consistent and disaggregated data for each reported import and export.

The Czech Republic provided comments on some, but not all transfers in 2016.



#### Room for improvement:

The Czech Republic provided comments only for some transfers (to indicate exports for collection purposes, or imports that were being returned to the manufacturer). These comments did not include details of the end use/r. It provided no descriptions of items being transferred.

## Transfer summary - 2016: Export Data

- The Czech Republic reported a total of 59 export destinations in 2016.
- Of these, 36 were ATT States Parties, seven were Signatories and 15 were non-members (Afghanistan, Azerbaijan, Bahrain, Bolivia, Canada, Egypt, Indonesia, Iraq, Jordan, Kenya, Laos, Sri Lanka, Tunisia, Turkmenistan and Vietnam).<sup>17</sup>
- The Czech Republic reported the export of a total of 228 items of major weapons, covering four sub-categories. The largest deal was the export of 110 armoured combat vehicles to Bulgaria.
- In total, the Czech Republic reported the export of 46,714 SALW items in 2016, covering 10 sub-categories. The majority of these were reportedly exported to Slovakia (52 per cent), Burkina Faso (7 per cent) and Rwanda (6 per cent).

#### Reporting practice summary - 2016

The Czech Republic has not changed its reporting practice for 2016 from 2015. It reported **Actual Numbers** of imports and exports for major weapons and SALW.

- The Czech Republic reported imports from 11 countries in 2016.
- Of these, six were ATT States Parties, three were Signatories and two were non-members.
- The Czech Republic did not report imports of major weapons in 2016.
- In total, the Czech Republic reported the import of 3,987 SALW items. The majority of reported SALW imports were from Turkey (44 per cent), Mexico (28 per cent) and Israel (17 per cent).
- Reported SALW imports in 2016 covering eight subcategories, mostly rifles and carbines (47 per cent) and revolvers and self-loading pistols (41 per cent).
- The single largest import deal reported by the Czech Republic in 2016 was for 1,740 rifles and carbines from Turkey.

# **DENMARK**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Denmark provided descriptions of some items, but did so selectively (only for the imports of light weapons).



### Room for improvement:

Denmark aggregated all countries relating to its trade in small arms in 2016, reporting them collectively as 'Multiple importing states' and 'Multiple exporting states'. It only provided disaggregated data for its imports of light weapons in 2016.

### Transfer summary - 2016: Export Data

 Denmark reported the total export of 6,537 small arms in 2016, covering three categories. 70 per cent of these reported exports were rifles and carbines.
 It did not name the importing countries or provide any further information.

### Reporting practice summary - 2016

Denmark did not change its reporting practice in 2016 from 2015. It reported **Actual Numbers** of imports and exports for SALW. It did not report data for exports or imports of major weapons in 2016.

### Transfer summary - 2016: Import Data

Denmark reported the import of 20,370 SALW items in 2016, spanning six sub-categories. As it reported all trade partners for its small arms imports as 'Multiple exporting countries', it is impossible to determine where its imports came from in 2016, but it did report imports of 551 light weapons from two States Parties: 500 heavy machine guns from the United Kingdom and 51 hand-held under-barrel and mounted grenade launchers from South Africa.

# **DOMINICAN REPUBLIC**

# **EL SALVADOR**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Yes (for exports)

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Not ticked



#### Good practice:

El Salvador reported descriptions of all its imported items in 2016.



#### Room for improvement:

El Salvador did not specify if it had kept some information confidential for 'commercial sensitivity/national security-related' reasons.

El Salvador aggregated the total amounts of items imported under each sub-category, so that it was unclear which exporting country was involved in each transfer.

### Transfer summary - 2016: Export Data

· El Salvador submitted a 'nil' report for exports in 2016.

## Reporting practice summary - 2016

El Salvador reported both **Authorized** and **Actual Numbers** of its imports of major weapons in 2016, but just reported Authorized Numbers of its SALW imports.

- El Salvador reported imports from nine countries in 2016. Of these, four were ATT States Parties, four were Signatories and one was a non-member (Canada).
- Of major weapons, El Salvador reported the import of two large-calibre artillery systems from Israel in 2016.
- El Salvador reported the import of 25,268 SALW items in 2016, covering three sub-categories. 74 per cent were revolvers and self-loading pistols, which it further disaggregated into 15,775 semi-automatic pistols, 2,873 revolvers and 100 automatic pistols.

# **ESTONIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Estonia provided some descriptions of items, but did so selectively, for two of the nine sub-categories of weapons for which it reported export and import data.



### Room for improvement:

In all sub-categories where there was more than one exporting or importing state involved, Estonia aggregated all the countries together within each sub-category, making it impossible to analyse which country was involved in each transfer.

## Transfer summary - 2016: Export Data

- Estonia reported exports to ten countries in 2016.
- Of these, nine are ATT States Parties and one is a Signatory. None were non-members.
- Estonia reported the Authorized export of a total of 724 SALW items in 2016.
   These covered four sub-categories, mostly rifles and carbines (52 per cent of reported SALW exports) and revolvers and self-loading pistols (45 per cent).

### Reporting practice summary - 2016

Estonia made no changes to its reporting practice for its 2016 ATT Annual Report.

Estonia reported Authorized Numbers of exports and imports for major weapons and SALW.

- Estonia reported imports from 18 countries in 2016.
- Of these, 16 were ATT States Parties and two were Signatories. No imports were reported from non-members.
- Of major weapons, Estonia reported the Authorized imports of 14 armoured combat vehicles from the Netherlands.
- Estonia reported the Authorized import of a total of 2,219 SALW items in 2016; 54 per cent of these were revolvers and self-loading pistols.

## **FINLAND**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:

Finland provided clear, disaggregated data for every reported export and import in 2016.

Finland provided description of items for major weapon exports and imports, and for SALW imports.



## Room for improvement:

Finland ticked 'yes' to providing its national definition of categories of conventional arms, but did not include any information in Annex 2.

Finland excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

#### Transfer summary - 2016: Export Data

- Finland reported exports to 37 countries and territories in 2016.
- Of these, 30 were ATT States Parties, three were Signatories and four were nonmembers (Canada, Indonesia, Turkmenistan, Vietnam).
- For major weapons, Finland reported the export of 40 armoured combat vehicles to the United Arab Emirates, two to South Africa and one to Poland. It noted in comments that all items were manufactured and shipped from Poland.
- In total, Finland reported the export of 1,448 SALW items, all of which were rifles and carbines. Major importing states were the United States (39 per cent), Germany (10 per cent) and France (8 per cent).

### Reporting practice summary - 2016

Finland indicated that it had changed its definition of the terms 'export' and 'import'. In its 2015 Annual Report it ticked 'Physical transfer of items across a national border', but in 2016 it also ticked 'Transfer of title' and 'Transfer of control' as part of its national definition. Its definition of the term 'import' changed from just 'Physical transfer of items across a national border' to include 'Transfer of control' and 'Transfer of title'.

Finland reported **Actual Numbers** of exports and imports of major weapons and SALW.

- Finland reported imports from four countries. Three were ATT States Parties and one was a Signatory. It reported no imports from non-members.
- For major weapons, Finland reported 20 battle tanks from the Netherlands (with Germany as the state of origin), one warship from Italy, and 10 MANPADs from the United States.
- The only SALW import reported by Finland in 2016 was for an unspecified number of portable anti-tank missile launchers and rocket systems from Germany.

## **FRANCE**

Was an Annual Report submitted by 31 May 2017?

No - missed deadline

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Not specified - France used a national reporting template

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Not specified - France used a national reporting template



#### Good practice:

Although France used a national reporting template, it provided information in a format for imports and exports that allows for comparison with States Parties that use the formal template.

France provided descriptions of items for all reported exports and imports, which name the broad sub-category of weapons and in some cases provide additional details such as the calibre.



## Room for improvement:

Because France used a national template, it did not explain why it reported no data for major weapons imports in 2016, as well as other key information, such as whether data had been withheld for 'commercial sensitivity/ national security-related' reasons.

## Transfer summary - 2016: Export Data

- · France reported exports to 42 countries in 2016.
- Of these, 18 were ATT States Parties, 10 were Signatories, and 14 were nonmembers (Benin, Botswana, Brunei Darussalam, Canada, Egypt, Guinea, India, Indonesia, Iraq, Kuwait, Oman, Saudi Arabia, Tunisia and Uzbekistan).
- France reported a total of 713 major weapon items exported in 2016, covering six sub-categories. Most items were either armoured combat vehicles (49 per cent) or missiles and missile launchers (46 per cent).
- The largest importers of major weapons from France were Saudi Arabia (39 per cent of items) and India (18 per cent).
- For SALW, France reported the export of a total of 2,778 items in 2016, covering six sub-categories. 59 per cent of France's reported SALW exports in 2016 were revolvers and self-loading pistols.
- The largest importers of SALW were Côte d'Ivoire (33 per cent), Mali and Saudi Arabia (18 per cent each). The single largest export deal for SALW reported was for 605 revolvers and self-loading pistols to Côte d'Ivoire.

## Reporting practice summary - 2016

France did not change its reporting practice for its 2016 Annual Report. As in 2015, it used a national reporting template.

France reported **Actual Numbers** of imports and exports for SALW and for its reported exports of major weapons. France did not report data for imports of major weapons.

- · France reported imports from seven countries in 2016.
- Of these, six were ATT States Parties and one was a Signatory.
- France only reported the import of SALW. In total, France reported the import of 2,504 SALW items in 2016, spanning eight sub-categories.
- The majority of France's reported imports of SALW in 2016 were light machine guns (33 per cent of reported items) or assault rifles (32 per cent).
- The largest exporters of SALW to France in 2016 were Belgium (36 per cent of items), Germany (27 per cent) and Switzerland (27 per cent). The largest single import deal reported by France was for 836 light machine guns from Belgium.

## **GERMANY**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Germany did not withhold sensitive data in 2016, having done so in 2015.

Germany provided clear, disaggregated data for each reported export and import in 2016.

In some instances, Germany provided comments on transfers. For example, it indicated that exports to 'Iraq' were for the Kurdistan Regional Government, and exports to 'Yemen' were to the UN mission there.



## Room for improvement:

Germany only provided comments on transfers in some selective cases.

Germany did not provide any description of items transferred.

## Transfer summary - 2016: Export Data

- · Germany reported exports to 45 destinations in 2016.
- Of these, 29 were ATT States Parties, seven were Signatories and nine were non-members (Algeria, Canada, India, Indonesia, Iraq, Jordan, Oman, Qatar and Yemen).<sup>18</sup>
- Germany reported the export of 175 items of major weapons in 2016, covering six sub-categories. 47 per cent of these were battle tanks. The largest single reported export of major weapons was 41 battle tanks to Indonesia.
- Germany reported the Authorized export of 30,333 SALW items in 2016, covering seven sub-categories. 69 per cent of exported SALW items were assault rifles and 22 per cent sub-machine guns. The main importing destinations for SALW were Lithuania (25 per cent of reported items), France (24 per cent) and Iraq<sup>19</sup> (13 per cent).

#### Reporting practice summary - 2016

Germany's reporting practice in 2016 did not change from 2015.

Germany reported **Actual Numbers** of exports and imports for major weapons, and **Authorized Numbers** of exports and imports for SALW.

- · Germany reported imports from 12 countries in 2016.
- Of these, 10 were ATT States Parties and two were Signatories.
- The only major weapons import reported by Germany was for 24 missiles and missile launchers from Sweden.
- Germany reported the import of a total of 1,150 SALW items in 2016, covering nine sub-categories.
- 57 per cent of Germany's SALW imports were recoilless rifles.
- 61 per cent of Germany's SALW imports were from Belgium, followed by Sweden (11 per cent) and Israel (9 per cent).

<sup>18</sup> Although Iraq and Yemen were listed as the final importing countries, Germany used the 'comments on the transfer' section of its report to clarify that its exports went to the Kurdistan Regional Government and to the UN mission respectively in these cases.

# **GREECE**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:

Greece submitted an Annual Report for 2016 even though it was not required to do so as it had only recently become a State Party.

Greece provided descriptions of all items it reported and supplied some comments on selective transfers.



### Room for improvement:

Greece did not indicate if it was reporting Authorized or Actual imports of major weapons.

Greece excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

## Transfer summary - 2016: Export Data

- · Greece reported exports to three destinations in 2016, all ATT States Parties.
- · All reported exports were for missiles and missile launchers.
- In total, Greece reported the export of 30 major weapon items, 50 per cent to Republic of Korea, 27 per cent to Luxembourg, and 23 per cent to Spain.

## Reporting practice summary - 2016

This is the first Annual Report submitted by Greece.

Greece did not report exports or imports of SALW. It reported **Authorized Numbers** of major weapons exports.

## Transfer summary - 2016: Import Data

 Greece only reported one import in 2016, 10 aircraft rocket launchers from the Republic of Korea, that were imported for repair.

# **GRENADA**

Did not submit an ATT Annual Report for 2016.

# **GUINEA**

Did not submit an ATT Annual Report for 2016.

# **GUYANA**

## **HUNGARY**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Hungary provided clear, disaggregated data for each reported import and export in 2016.

Hungary provided descriptions of items for most exports and imports, and supplied some comments on transfers, including elaborating on the end use/r in some cases.



## Room for improvement:

Hungary did not provide comments or specify the end use/r for all exports and imports, but did so selectively.

## Transfer summary - 2016: Export Data

- · Hungary reported exports to six destinations in 2016.
- Of these, four were ATT States Parties, one was a Signatory and one was a nonmember (Democratic Republic of Congo). Hungary was not the state of origin for all exports it reported in 2016.
- Hungary reported only one authorized export of major weapons, a demilitarized selfpropelled missile launcher to Germany, originally exported from the Soviet Union.
- Hungary reported the export of a total of 131 SALW items, covering three subcategories. 59 per cent of reported SALW exports were rifles and carbines. The largest single export was 52 portable anti-tank guns to Republic of Korea, originally exported from the Soviet Union.

### Reporting practice summary - 2016

Hungary reported Authorized exports of major weapons in 2016, having reported Actual exports in its 2015 Annual Report. In both years it reported **Numbers** rather than Values. It reported **Actual Numbers** of its SALW exports and imports. It did not report imports of major weapons.

## Transfer summary - 2016: Import Data

- · Hungary reported imports from 16 countries in 2016.
- Of these, 12 were ATT States Parties, three were Signatories, and one was a non-member (Canada).
- Hungary reported a total of 2,570 SALW items in 2016, covering five sub-categories. 67 per cent of these reported imports were rifles and carbines, which included those for sporting and hunting purposes.
- The largest exporters of arms to Hungary in 2016 were Germany (42 per cent of reported items), the Czech Republic (23 per cent) and Austria (17 per cent).

# **ICELAND**

# **IRELAND**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:

Ireland provided comments on the end use/r for all its exports of SALW in 2016.



### Room for improvement:

Ireland indicated that it was reporting 'nil' imports in 2016, but then provided data on SALW imports. It did not indicate if these were Authorized or Actual imports.

Ireland aggregated the final importing countries under each sub-category, so it was impossible to analyse how many items within each sub-category were exported to which specific country.

Ireland excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

## Transfer summary - 2016: Export Data

- Ireland reported exports to 10 states in 2016.<sup>20</sup>
- Of these, five were ATT States Parties, three were Signatories and two were non-members (Canada and Indonesia).
- Ireland only reported SALW exports in 2016. In total, it reported the export of 965 items, covering three sub-categories.
- 75 per cent of SALW exports reported by Ireland in 2016 were rifles and carbines.
   It grouped together importing countries for this sub-category so it is unclear to where these items were exported.

## Reporting practice summary - 2016

Ireland reported **Authorized Numbers** of exports of SALW and **Actual Numbers** of SALW imports.

- Ireland reported imports of SALW from two countries in 2016. Both were States Signatories.
- In total, Ireland reported the import of 21 items of SALW, spanning three sub-categories.

## **ITALY**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:



#### Room for improvement:

Italy named all export destinations and import sources for small arms in a separate annex, making it impossible to determine which weapons were transferred to which country. It did not name exporters or importers involved in the transfer of major weapon categories or for light weapons.

Italy excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

#### Transfer summary - 2016: Export Data

- Italy reported the export of 1,985 items of major weapons in 2016, covering seven sub-categories. The vast majority of reported major weapon export items were either armoured combat vehicles (51 per cent) or missiles and missile launchers (46 per cent). Italy did not report the export destinations for these weapons.
- Italy reported the export of eight light weapons, all hand-held under-barrel and mounted grenade launchers. Again, it did not report the import destinations.
- Italy reported exporting 99,106 small arms in 2016 covering four sub-categories.
   76 per cent of reported small arms exports were revolvers and self-loading pistols.
- Italy reported the importers of its small arms in 2016, but in a separate annex so it was unclear which sub-categories were transferred to which country. In total, it reported exports of small arms to 34 countries in 2016.
- Of these, 11 were ATT States Parties, 10 were Signatories and 13 were non-members (Bolivia, Brunei, Canada, India, Indonesia, Iraq, Jordan, Morocco, Oman, Pakistan, Sri Lanka, Venezuela and Vietnam).
- The largest destinations for small arms exports were Mexico (38 per cent), Austria (18 per cent) and Venezuela (10 per cent).

#### Reporting practice summary - 2016

The reported cut-off date for Italy's 2016 Annual Report was 30 May 2017. It changed its definition of the terms 'export' and 'import' in 2016 from 'Physical transfer of items across a national border', defining them instead as 'Other – Licenses authorized in 2016'.

Italy reported **Authorized Numbers** of exports and imports for major weapons and SALW. This was a change to its reporting practice for its 2015 Annual Report, when it reported Actual major weapons imports.

#### Transfer summary - 2016: Import Data

- For major weapons, Italy reported the import of seven large-calibre artillery systems and 24 missiles and missile launchers. It did not name the exporting countries involved.
- Italy did not report any imports of light weapons in 2016.
- Italy reported the import of 666 small arms in 2016, covering four sub-categories. 70 per cent of these were sub-machine guns.
- Italy reported the countries from which it imported small arms in 2016, but did not disaggregate which sub-categories were involved. In total, it reported small arms imports from five countries in 2016.
- Four of those countries were ATT States Parties, and one was a Signatory.

## **JAMAICA**

# **JAPAN**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes



#### Good practice:

Japan reported both the Number and Value of its small arms exports and imports.



#### Room for improvement:

Japan named all export destinations and import sources for small arms in a separate annex, reporting items under sub-categories that did not correspond directly to those provided in the reporting template.

## Transfer summary - 2016: Export Data

- · Japan reported small arms exports to 11 countries in 2016.
- · Of these, 10 were ATT States Parties and one was a Signatory.
- In total, Japan reported the export of 127,201 items of small arms, worth ¥5,2bn (US\$44,5m).<sup>21</sup>
- These small arms were reported under UN Comtrade categories.
- The majority of these small arms were exported to the United States (76 per cent) and Belgium (17 per cent).

### Reporting practice summary - 2016

As in 2015, Japan provided all details of its imports and exports in an attached list to its 2016 Annual Report, and it did not use the sub-categories provided in the reporting template. It ticked boxes in the template to indicate its reporting practice.

Japan reported **Actual** exports and imports for major weapons and SALW, and reported the **Number** and **Value** of all its imports and exports.

- Japan reported small arms imports from 12 countries in 2016.
- Of these, 10 were ATT States Parties, one was a Signatory and one was a non-member (Canada).
- In total, Japan reported the import of 2,553 small arms items, worth ¥426m (US\$3,6m).<sup>22</sup>
- The largest reported importers of small arms to Japan were Italy (29 per cent), the United States (26 per cent) and Germany (23 per cent).

# **LATVIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Latvia provided clear, consistent and disaggregated data for each reported import.



#### Room for improvement:

Latvia did not provide any descriptions of items or any comments on the transfer, and did not report any voluntary national categories.

## Transfer summary - 2016: Export Data

· Latvia submitted a 'nil' report for exports in 2016.

## Reporting practice summary - 2016

Latvia reported **Actual Numbers** of imports of major weapons and SALW items in 2016.

## Transfer summary - 2016: Import Data

- In total, Latvia reported imports from 10 countries in 2016.
- Of those, nine were ATT States Parties and one was a Signatory.
- The only major weapon import reported by Latvia in 2016 was for 22 armoured combat vehicles from the United Kingdom.
- Latvia reported the import of a total of 746 SALW items, covering five sub-categories. The majority were rifles and carbines (42 per cent) and assault rifles (26 per cent).
- The main exporters of SALW into Latvia were the United States (51 per cent) and Germany (33 per cent).

# **LIBERIA**

Was an Annual Report submitted by 31 May 2017?

No – missed deadline

Was the report made public?

No – report kept confidential

# LIECHTENSTEIN

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Liechtenstein provided descriptions of items and comments on the transfer for all reported exports and imports. It used its comment section to specify that all exports and imports were non-commercial in 2016.



### Room for improvement:

Liechtenstein did not report on voluntary national categories.

#### Transfer summary - 2016: Export Data

· Liechtenstein reported only one export in 2016, a hunting rifle to Austria.

## Reporting practice summary - 2016

Liechtenstein changed its reporting of SALW imports in 2016, reporting them as Authorized rather than Actual as they had in 2015. Liechtenstein reported **Actual Numbers** of SALW exports and **Authorized Numbers** of SALW imports.

- Liechtenstein reported the import of 18 SALW items in 2016 from three countries, all ATT States Parties.
- These 18 items spanned three sub-categories.
   67 per cent were rifles and carbines.



## **LITHUANIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Lithuania provided clear, consistent and disaggregated data for each reported import and export.

Lithuania provided some comments on the transfer and descriptions of items but only did so selectively.



### Room for improvement:

Lithuania left the majority of its comments and description sections blank, including the entire export report.

### Transfer summary - 2016: Export Data

- Lithuania reported exports to seven countries in 2016, all ATT States Parties.
- Lithuania reported the export of 591 items, all of which were rifles and carbines.
   92 per cent of these items were exported to Germany.

### Reporting practice summary - 2016

Lithuania did not report major weapon exports in 2016, and reported **Actual Numbers** of major weapons imports. Lithuania changed its reporting practice for SALW in 2016, reporting export and import **Authorizations**, and **Numbers** and **Values** of its exports and imports.<sup>23</sup> In 2015 Lithuania had reported Actual Numbers of SALW transfers.

### Transfer summary - 2016: Import Data

- · Lithuania reported imports from 13 countries in 2016.
- Of those, 11 were ATT States Parties and two were Signatories.
- The only major weapon import reported by Lithuania was for eight armoured combat vehicles from Poland.
- Lithuania reported the import of a total of 3,758 SALW items, all of which were rifles and carbines. From Germany (55 per cent), Austria (14 per cent), Czech Republic (12 per cent) and Italy (12 per cent).

# **LUXEMBOURG**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Yes (both)

## **FYR MACEDONIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Macedonia provided descriptions of all imported items.



#### Room for improvement:

Macedonia aggregated all exporting countries within each sub-category, so that it was impossible to analyse how many items were supplied by each.

## Transfer summary - 2016: Export Data

· Macedonia submitted a 'nil' report for exports.

### Reporting practice summary - 2016

Macedonia did not provide any definition of the term 'export' in its 2016 Annual Report. In 2015, it defined export as 'Physical transfer of items across a national border,' 'Transfer of title' and 'Transfer of control'. These three components also made up its definition of the term 'import'.

Macedonia submitted a 'nil' export report. It reported **Actual Numbers** of major weapons imports, and reported **Authorized** and **Actual**, and the **Number** of its SALW imports. This was a change in its reporting practice from 2015, when it reported just Authorized SALW imports.

## Transfer summary - 2016: Import Data

- Macedonia reported the import of arms from 11 countries in 2016.
- Of these, nine were ATT States Parties and two were Signatories.
- The only major weapon import reported by Macedonia was one armoured combat vehicle from Turkey.
- Macedonia reported imports of a total of 1,922 SALW items in 2016. 73 per cent of these were rifles and carbines, and 27 per cent were revolvers and self-loading pistols.

## **MALI**

Did not submit an ATT Annual Report for 2016.

## **MALTA**

# **MAURITANIA**

Did not submit an ATT Annual Report for 2016.

# **MAURITIUS**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Unspecified - Not ticked



#### Good practice:

Mauritius' export and import reports matched what it indicated it would provide in its content page.



### Room for improvement:

Mauritius left several boxes un-ticked, and did not specify a national point of contact, a date of submission or if data had been kept confidential for 'commercial sensitivity and/or national security-related' reasons.

Mauritius did not name any final importing or exporting countries in its 2016 Annual Report.

Mauritius provided aggregate totals for its exports and imports of SALW items. It did not indicate which sub-categories were transferred.

### Transfer summary - 2016: Export Data

Mauritius reported the export of 404 small arms in 2016, but did not indicate
the final importing countries or the sub-categories involved.

### Reporting practice summary - 2016

This is Mauritius' first ATT Annual Report. It indicated that it defines the term export as 'Transfer of control,' and the term import as 'Transfer of title.'

Mauritius did not report any exports or imports of major weapons, and it reported **Actual Numbers** of SALW exports and imports.

### Transfer summary - 2016: Import Data

 Mauritius reported the import of 606 small arms in 2016, and of 10 light weapons, but did not specify the exporting countries or the sub-categories involved.

# **MEXICO**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Mexico provided clear and disaggregated data for each reported import in 2016.

Mexico provided descriptions of items and comments on the transfers for each reported import in 2016, clarifying the end user in each case.



### Room for improvement:

Mexico did not report any imports under voluntary national categories, such as ammunition.

## Transfer summary - 2016: Export Data

• Mexico submitted a 'nil' report for exports in 2016.

## Reporting practice summary - 2016

Mexico submitted a 'nil' report for exports, as it did in 2015. Mexico reported **Actual Numbers** of major weapons imports and SALW imports.

- · Mexico reported imports from 12 countries in 2016.
- Of these, nine were ATT States Parties and three Signatories.
- For major weapons, Mexico reported the imports of 36 armoured combat vehicles, nine attack helicopters and six combat aircraft, all from the United States.
- Mexico reported the import of a total of 41,894 SALW items in 2016, covering eight sub-categories. 62 per cent of those were revolvers and self-loading pistols.
- The largest exporters of SALW to Mexico in 2016 were Austria (34 per cent of items), Italy (17 per cent) and Israel and the United States (16 per cent each).

## **MONTENEGRO**





#### Good practice:

Montenegro provided descriptions for its exports and imports in its 2016 Annual Report.

Montenegro provided comments on the transfers for reported exports, and for its imports of major weapons (but not SALW), including providing indication of the use of end-user certificates.



### Room for improvement:

Montenegro did not provide any comments on the transfer for its imports of SALW/

Montenegro alternated between reporting values as US dollars and euros depending on the transfer, making it difficult to provide an accurate overall amount.

## Transfer summary - 2016: Export Data

- Montenegro reported exports to 11 countries in 2016. Of those, four were ATT States
  Parties, three were Signatories and four (Iraq, Saudi Arabia, Timor-Leste and Tunisia)
  were non-members.
- Montenegro reported the export of 11,524 major weapon items. The vast majority
  of these were missiles and missile launchers. 64 per cent of its major weapon
  exports were to Iraq.
- Montenegro reported the export of 50,316 items of SALW in 2016, spanning four sub-categories. Although these exports covered eight destinations, 99 per cent of them were revolvers and self-loading pistols to Germany.

### Reporting practice summary - 2016

In its Annual Report for 2015, Montenegro provided additional information under the 'Other' category for its national definition of the terms 'export' and 'import'. This information was not provided for 2016. It did not provide any information in 2016 for its definition of the term 'import'.

Montenegro reported **Authorized** exports and imports of major weapons and SALW in its 2016 Annual Report.<sup>24</sup> It provided the **Numbers** of items exported and imported, and their **Values**,<sup>25</sup> for major weapons and SALW.

- Montenegro reported imports from five countries in 2016, four of whom were ATT States Parties and one a Signatory.
- The only import of major weapons reported by Montenegro were 5,300 missiles and missile launchers from Serbia.
- Montenegro reported the import of 2,702 items of SALW in 2016, spanning two sub-categories.
   79 per cent of these were revolvers and self-loading pistols from the Czech Republic.

<sup>24</sup> For its major weapons exports, Montenegro ticked both the 'Actual' and 'Authorized' boxes for two categories under which it provided data, but only 'Authorized' for its exports of MANPADs.

<sup>25</sup> Montenegro did not provide a value for one of its major weapons exports but did for all others. The reason for this is unclear.

## **NETHERLANDS**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Yes

Yes



#### Good practice:

The Netherlands provided clear and disaggregated data for each reported export and import in 2016.

The Netherlands provided descriptions for selected items of imports and exports in 2016.

The Netherlands did not report on voluntary national categories in its 2016 Annual Report, but it did provide details and links to its national report as well as monthly data on export licenses.



#### Room for improvement:

The Netherlands did not include comments on the transfers.

## Transfer summary - 2016: Export Data

- The Netherlands reported exports to 30 countries and territories in 2016.
- Of these, 23 were ATT States Parties, two were Signatories and two were nonmembers (Canada and Jordan).<sup>26</sup>
- The Netherlands reported the export of 87 major weapon items, covering four categories. It indicated it was not the state of origin for most reported major weapon exports.
- The Netherlands reported the export of 2,132 SALW items in 2016, covering six sub-categories.
- The vast majority of reported SALW exports were either revolvers and self-loading pistols (50 per cent), or rifles and carbines (41 per cent).
- The majority of the Netherlands' exports of SALW were to Belgium (50 per cent), the United Kingdom (14 per cent) and Germany (10 per cent).

## Reporting practice summary - 2016

The Netherlands indicated that it had changed its definition of the term 'export' to 'Physical transfer of items across a national border' in 2016. In 2015 it also indicated that 'Transfer of title' was part of its definition.

The Netherlands reported on **Actual Numbers** of exports and imports for major weapons and SALW in 2016. This is the same reporting practice as for 2015.

- The Netherlands reported imports from 22 countries in 2016.
- Of these, 20 were ATT States Parties, one was a Signatory and one a non-member (Canada).
- For major weapons, the Netherlands reported the import of 12 armoured combat vehicles, one battle tank and five large-calibre artillery systems.
- In total, the Netherlands reported the import of 10,600 SALW, spanning seven sub-categories.
- The majority of SALW imports were revolvers and self-loading pistols (63 per cent).
- The major exporters of SALW to the Netherlands were Austria (44 per cent), Belgium (18 per cent) and Germany (16 per cent).

## **NEW ZEALAND**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

New Zealand provided clear, disaggregated data for each reported export and import in 2016.

New Zealand reported exports and imports under voluntary national categories, and provided extensive information in Annex 2 to clarify specific national definitions of Category VIII weapons, and of its voluntary national categories reported in 2016.



### Room for improvement:

New Zealand did not provide any comments on transfers in 2016.

New Zealand reported one of its final importing countries simply as 'Other', without providing any further explanation.

## Transfer summary - 2016: Export Data

- New Zealand reported exports to 30 countries and territories in 2016.
- Of these, 16 were ATT States Parties, two were Signatories and seven were nonmembers (Canada, China, Fiji, Indonesia, Oman, Papua New Guinea and Tonga).<sup>27</sup>
- The only major weapons export reported by New Zealand was 41 missiles and missile launchers to Peru.
- New Zealand reported the export of 1,368 SALW items in 2016, covering six subcategories. The majority of these were rifles and carbines (68 per cent). The majority of exports were to Australia (37 per cent) and Papua New Guinea (12 per cent).
- Under Section C: Voluntary National Categories, New Zealand also reported the export of two maritime anti-submarine warfare helicopters and 466 shotguns.

#### Reporting practice summary - 2016

New Zealand reported **Actual Numbers** of major weapons exports and imports in 2016, and **Authorized Numbers** of SALW exports and imports.

New Zealand did not change its reporting practice, except that in 2015, when it had no major weapons exports to report, it indicated that its practice was to report Authorized exports, not Actual. In its 2015 Annual Report, it indicated that its small arms exports were 'Small arms categories ML1 and ML901'. It did not make the same declaration in its 2016 report.

- New Zealand reported imports from 46 countries and territories in 2016
- Of these, 26 were ATT States Parties, eight were Signatories and nine were non-members (Canada, China, Fiji, India, Kenya, Kyrgyzstan, Pakistan, Russia and Vietnam).<sup>28</sup>
- · New Zealand did not report imports of major weapons.
- In total, New Zealand reported the import of 33,708<sup>29</sup> SALW items, spanning eight sub-categories. The vast majority were rifles and carbines (83 per cent).
- The main exporters of SALW to New Zealand were the United States (43 per cent), Finland (27 per cent) and China (5 per cent).
- Under Section C: Voluntary National Categories, New Zealand also reported the import of 7,458 shotguns; 46 per cent of these were from Turkey, 22 per cent from Italy and 19 per cent from the United States.

<sup>27</sup> New Zealand also reported exports to five non-UN members (Cook Islands, French Polynesia, Macau, New Caledonia and Niue).

<sup>28</sup> New Zealand also reported imports from French Polynesia, New Caledonia and 'Other'.

<sup>29</sup> There is a minor discrepancy in New Zealand's reporting of its imports of 'Rifles and carbines'. It reported an aggregate of 28,125 items but total imports add up to 28,123.

## **NIGER**

Did not submit an ATT Annual Report for 2016.

## **NIGERIA**

Did not submit an ATT Annual Report for 2016.

## **NORWAY**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No - missed deadline

Yes

Ves



### Good practice:

Norway provided selective descriptions of items and comments on transfers in 2016.

Norway reported aggregate exports of ammunition under voluntary national categories. It was the only ATT State Party to report any data for ammunition in 2016.



#### Room for improvement:

Norway aggregated the names of the final importing countries for its SALW and ammunition exports, and it did not name any exporting countries in 2016, making it impossible to analyse the source or destination for its arms transfers.

Norway excluded some data for 'commercial sensitivity/national security-related' reasons and did not specify where or how much information was withheld.

### Transfer summary - 2016: Export Data

- Norway reported exports to two countries in 2016. One was a State Party and one was a Signatory.
- Norway reported the export of one missile and missile launcher to the United States, and of 690 assault rifles to Estonia. It aggregated the final importing states for all other reported exports (of SALW).
- Norway also reported the export of NOK609m (US\$70.4m)<sup>30</sup> worth of ammunition in 2016, but reported the final importing countries as 'Various' without clarification.

### Reporting practice summary - 2016

Norway's reporting practice in 2016 was identical to that in 2015. However, in 2016 it indicated that it had decided to withhold some data on the grounds of 'commercial sensitivity/national security-related' reasons, which it had not done in its 2015 reporting.

Norway reported **Actual Numbers** of exports and imports for major weapons and SALW in 2016.

### Transfer summary - 2016: Import Data

 Norway reported the import of 58 armoured combat vehicles and 113 small arms (spanning three sub-categories), but it did not report any of the exporting countries.

# **PANAMA**

Was an Annual Report submitted by 31 May 2017?

No – missed deadline

No – report kept confidential

# **PARAGUAY**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No - missed deadline

Yes

No - missed deadline



### Good practice:

Paraguay provided descriptions of items and comments on transfers for all items reported in 2016.



## Room for improvement:

Paraguay did not indicate it was providing a 'nil' report for exports, but reported no data for exports for major weapons or SALW.

In several cases Paraguay aggregated different exporting countries under the same sub-category of SALW imports, so it was unclear how many items were supplied by each.

Paraguay did not provide numbers or values for some sub-categories where it reported imports of SALW.

#### Transfer summary - 2016: Export Data

· Paraguay did not report any exports in 2016.

### Reporting practice summary - 2016

Paraguay did not report any exports or imports of major weapons, or any exports of SALW. It reported **Authorized Numbers** of SALW imports. In its 2015 Annual Report, it did not clarify if it was reporting Numbers of items, or their Value, for its SALW imports, leaving both boxes blank. In 2016, it provided Numbers for some sub-categories but not others.

- Paraguay reported imports of SALW from seven countries in 2016. Of those, three were ATT States Parties and four Signatories.
- Paraguay reported the import of 8,020 semi-automatic pistols and 89 revolvers, as well as of 3,926 rifles and carbines. It aggregated the exporting countries, making it unclear how many weapons were provided by each. Paraguay also reported imports in three other sub-categories but did not provide numbers of items or a value amount.

# **POLAND**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Unspecified - Not ticked



#### Good practice:

Poland provided clear, disaggregated data for all reported exports and imports in 2016.

Poland provided descriptions of items for all major weapons exports.



### Room for improvement:

Poland did not specify if 'commercially sensitive/national-security' related data had been withheld from the report.

## Transfer summary - 2016: Export Data

- · Poland reported exports to 22 countries in 2016.
- Of these, 11 were ATT States Parties, five were Signatories and six were nonmembers (Bhutan, Canada, Indonesia, Iraq, Jordan and Vietnam).
- Poland reported exports of 224 items of major weapons, spanning five subcategories. The majority were MANPAD missiles (34 per cent), battle tanks (27 per cent) and armoured combat vehicles (23 per cent).
- Poland reported the export of 12,276 SALW items in 2016, spanning 10 subcategories. 90 per cent were rifle and carbines.
- 90 per cent of SALW exports were to the Czech Republic, 4 per cent to the United Kingdom and 2 per cent to Iraq.

### Reporting practice summary - 2016

Poland indicated that the cut-off date for its report was 10 August 2017.

Poland reported **Actual Numbers** of exports for major weapons and SALW as well as for imports of SALW. It did not report imports of major weapons but indicated that its reporting practice was to report Numbers.

- Poland reported imports from four countries in 2016.
   Three were ATT States Parties and one was a Signatory.
- Poland reported 3,322 items of SALW, spanning seven sub-categories.
- 78 per cent of reported imports of SALW items were revolvers and self-loading pistols. 72 per cent were from Austria and 25 per cent from Germany.

# **PORTUGAL**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Portugal provided clear, disaggregated data on all reported exports and imports in 2016.

Portugal reported descriptions of items for major weapons exports.



#### Room for improvement:

Portugal did not provide any descriptions of items for SALW exports or imports, and did not provide any comments on transfers in 2016.

## Transfer summary - 2016: Export Data

- · Portugal reported exports to 36 countries in 2016.
- Of these, 28 were ATT States Parties, five were Signatories and three were non-members (Canada, Kuwait and Tunisia).
- Portugal reported the export of 101 major weapons, including 92 armoured combat vehicles: 48 to Tunisia, 41 to Guatemala and three to Honduras, as well as nine combat aircraft to Romania.
- Portugal reported the export of 70,447 SALW items in 2016, covering two subcategories: revolvers and self-loading pistols and rifles and carbines.
- The main importers of SALW items from Portugal were the United States (58 per cent), Belgium (30 per cent) and Spain (5 per cent).

### Reporting practice summary - 2016

Portugal used different reporting approaches for different types of arms transfers in its 2016 Annual Report. It reported **Actual** exports of major weapons, and reported the **Number** of exported items and their **Values**, but only reported **Authorized Numbers** of SALW exports. It did not report any major weapons imports in 2016, and reported **Authorized Numbers** of SALW imports. This is a change in reporting practice from 2015 when it reported Actual exports and imports of SALW items, with both the Number of items and their Values.

- · Portugal reported imports from 19 countries in 2016.
- Of these, 15 were ATT States Parties, three were Signatories and one was a non-member (Canada).
- Portugal reported the import of 3,075 SALW items in 2016, spanning two sub-categories: revolvers and self-loading pistols and rifles and carbines.
- The main exporters of SALW items to Portugal were Germany (25 per cent), Italy (24 per cent) and Belgium (13 per cent).

# **MOLDOVA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Moldova provided clear, disaggregated data for each reported export and import in 2016.

Moldova reported comments on the end use/r for each sub-category of imports and exports.



### Room for improvement:

Moldova only provided a description of items being transferred in one instance.

## Transfer summary - 2016: Export Data

 Moldova reported the export of one revolver or self-loading pistol, and one rifle or carbine, both to Germany.

## Reporting practice summary - 2016

This is Moldova's first ATT Annual Report. It did not report exports or imports of major weapons. It reported **Authorized Numbers** of SALW exports and imports.

- Moldova reported imports from eight countries in 2016. Of these, six were ATT States Parties, one was a Signatory and one was a non-member (Russia).
- All imported items were SALW. 85 per cent were revolvers and self-loading pistols, and 15 per cent were rifles and carbines.
- The main exporters of SALW items to Moldova were Austria (38 per cent), the Czech Republic (27 per cent) and Slovakia (13 per cent).

## **ROMANIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

With the exception of one transfer of rifles and carbines, Romania provided clear, disaggregated data on all reported exports and imports in 2016.

Romania selectively provided descriptions of items and comments on some transfers in 2016, including comments on the end use/r.



### Room for improvement:

Romania did not provide comments on all transfers or report descriptions of all items exported and imported in 2016.

Romania aggregated the exporting countries for one import of rifles and carbines. This was the only transfer for which it was impossible to analyse which arms went to which country.

#### Transfer summary - 2016: Export Data

- · Romania reported exports to 13 countries in 2016.
- Of those, nine were ATT States Parties, two were Signatories and two were non-members (Iraq and Saudi Arabia).
- The only major weapons export reported by Romania was for seven large-calibre artillery systems to the United States.
- Romania reported the export of 38,820 SALW items in 2016, spanning seven subcategories. The majority were either assault rifles (54 per cent) or rifles and carbines (23 per cent).
- The main countries that Romania reported exporting SALW to were the United States (64 per cent), Iraq (29 per cent) and Bulgaria (3 per cent).

#### Reporting practice summary - 2016

Romania reported **Actual Numbers** of exports and imports for major weapons and SALW. Its reporting practice in 2016 was identical in 2016 to 2015.

#### Transfer summary - 2016: Import Data

- · Romania reported imports from 17 countries in 2016.
- Of those, 14 were ATT States Parties, two were Signatories and one was a non-member (Russia).
- The only major weapon import reported by Romania was for nine combat aircraft from Portugal (with the United States listed as the state of origin).
- Romania reported the import of 2,729 SALW items in 2016, spanning seven sub-categories. The majority of these were rifles and carbines (61 per cent) or revolvers and self-loading pistols (32 per cent).

## **SAINT LUCIA**

Did not submit an ATT Annual Report for 2016.

## SAINT KITTS AND NEVIS

# **SAINT VINCENT AND THE GRENADINES**

Did not submit an ATT Annual Report for 2016.

# **SAMOA**

Did not submit an ATT Annual Report for 2016.

# **SAN MARINO**

Did not submit an ATT Annual Report for 2016.

# **SENEGAL**

Was an Annual Report submitted by 31 May 2017?

No – missed deadline

Was the report made public?

No – report kept confidential



# **SERBIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Serbia provided clear, disaggregated data for each reported export and import in 2016

Serbia included descriptions of items for all major weapons exports and imports, as well as some comments on the transfers.



#### Room for improvement:

Serbia did not specify if it was providing a 'nil' report in its contents page, but as it provided data for exports and imports in 2016 it should have selected 'no' for both boxes.

Serbia did not provide descriptions of items for its exports and imports of SALW.

#### Transfer summary - 2016: Export Data

- · Serbia reported exports to 40 countries and territories in 2016.
- Of those, 19 were ATT States Parties, six were Signatories and 15 were nonmembers (Afghanistan, Algeria, Azerbaijan, China, Democratic Republic of Congo, Egypt, Indonesia, Iraq, Kenya, Oman, Pakistan, Russia, Saudi Arabia, Tunisia and Turkmenistan).
- Serbia reported exports of 2,758 major weapons in 2016, spanning three subcategories.<sup>31</sup> 99 per cent of reported major weapons exports were for large-calibre artillery systems. The majority were to Saudi Arabia (69 per cent), Bulgaria (18 per cent) and the United Arab Emirates (6 per cent).
- Serbia reported the export of 62,187 items of SALW in 2016, spanning 10 subcategories. The majority were either rifles and carbines (37 per cent), or revolvers and self-loading pistols (25 per cent).
- The main importers of SALW from Serbia were the United States (57 per cent) and Saudi Arabia (23 per cent).

#### Reporting practice summary - 2016

Serbia reported **Actual Numbers** of exports and imports for major weapons and SALW. Its reporting practice was identical in 2016 and 2015.

- · Serbia reported imports from 19 countries in 2016.
- Of those, 16 were ATT States Parties, two were Signatories and one was a non-member (Russia).
- Serbia reported imports of 1,250 major weapons in 2016, covering two sub-categories. Two items were attack helicopters from Russia, all the others were large-calibre artillery systems from Bosnia and Herzegovina (70 per cent of items), Croatia (16 per cent), Slovenia (12 per cent) and Montenegro (2 per cent).
- Serbia reported the import of 3,524 items of SALW in 2016, spanning seven sub-categories. 26 per cent were assault rifles, and 25 per cent were portable anti-tank missile launchers and rocket systems.
- The main exporters of SALW to Serbia in 2016 were Bulgaria (38 per cent of reported items), Montenegro (23 per cent), the Czech Republic (9 per cent) and Slovakia (8 per cent).

<sup>31</sup> Serbia indicated in the comments section that its export of large-calibre artillery systems to Nigeria actually took place in 2015 but was not included in that year's report because of a technical error. They have been retained in this analysis.

# **SIERRA LEONE**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Yes (for exports and imports)

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No



#### Good practice:

Sierra Leone provided clear, disaggregated data for each import reported in 2016.

Sierra Leone provided a description of items for each reported import in 2016.



#### Room for improvement:

Sierra Leone indicated a 'nil' report and an Annual Report for imports. As it provided some import data for 2016, it should have selected 'no' for an import 'nil' report.

Sierra Leone ticked 'Other' as part of its national definition of the term 'import' but it did not provide any further description.

#### Transfer summary - 2016: Export Data

· Sierra Leone submitted a 'nil' report for exports in 2016.

#### Reporting practice summary - 2016

Sierra Leone reported **Actual Numbers** of imports for major weapons and SALW in 2016.

- Sierra Leone reported imports from one country (China) in 2016.
- The only major weapon import reported by Sierra Leone in 2016 was for 10 armoured combat vehicles, which it clarified in its comments section was for the UN peacekeeping mission MINUSMA.
- Sierra Leone reported the import of 2,291 items of SALW in 2016, spanning four sub-categories.
   The majority were assault rifles (46 per cent) and sub-machine guns (44 per cent).

# **SLOVAKIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Slovakia reported publicly in 2016, having kept its 2015 Annual Report confidential.

Slovakia provided clear, disaggregated data for each reported export and import in 2016.

Slovakia provided detailed descriptions of items for each export and import of major weapons in 2016.



#### Room for improvement:

Slovakia did not specify the cut-off date for its report.

Slovakia did not provide descriptions of SALW items imported or exported in 2016, except for the sub-category 'mortars of calibres of less than 75mm'. It did not provide any comments on transfers.

#### Transfer summary - 2016: Export Data

- Slovakia reported exports to 48 countries in 2016.
- Of those, 30 were ATT States Parties, eight were Signatories and 10 were nonmembers (Canada, Egypt, Indonesia, Iraq, Kenya, Kyrgyzstan, Pakistan, Saudi Arabia, Uzbekistan and Vietnam).
- Slovakia reported the export of 5,488 major weapons, spanning four sub-categories.
   94 per cent of reported items were missiles and missile launchers. Most went to
   Serbia (86 per cent), Israel (7 per cent) and Saudi Arabia (4 per cent).
- Slovakia reported the export of 59,879 items of SALW in 2016, covering nine subcategories. The majority were either revolvers and self-loading pistols (61 per cent), or sub-machine guns (36 per cent).
- The majority of exports of SALW from Slovakia were to Mexico (24 per cent), Iraq (19 per cent) and the Czech Republic (19 per cent).

#### Reporting practice summary - 2016

Slovakia reported **Actual Numbers** of exports and imports for major weapons and SALW.

Slovakia indicated that it defined the terms 'export' and 'import' as 'Physical transfer of items across a national border'.

- · Slovakia reported imports from 20 countries in 2016.
- Of those, 15 were ATT States Parties, three were Signatories and two were non-members (Canada and Russia).
- Slovakia reported the import of 294 major weapons in 2016. Two were missiles and missile launchers and the majority were either large-calibre artillery systems (56 per cent) or armoured combat vehicles (44 per cent of reported items).
- Slovakia reported the import of 40,064 SALW items in 2016, covering nine sub-categories. The majority were sub-machine guns (42 per cent), revolvers and self-loading pistols (33 per cent), or rifles and carbines (23 per cent).
- The main exporters of SALW to Slovakia were the Czech Republic (6g per cent), Germany (7 per cent) and Austria (6 per cent).

# **SLOVENIA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Slovenia provided clear, disaggregated data for each reported import and export in 2016.

Slovenia provided descriptions of all items reported in 2016, and some selective comments on transfers, specifying the end use/r.

Slovenia indicated it made some data confidential for a reason other than 'commercial sensitivity/national security-related.' In 2015 it had ticked neither the 'yes' nor the 'no' box, leaving this unclear.



#### Room for improvement:

Slovenia only provided comments on some transfers and did not do so for the majority of cases.

#### Transfer summary - 2016: Export Data

- · Slovenia reported exports to seven countries in 2016.
- · Of those, six were ATT States Parties and one was a Signatory.
- For major weapons, Slovenia reported exports of 164 large-calibre artillery systems worth €346,000 (US\$432,136) to Serbia and to the United States.<sup>32</sup> It specified in the comment section that the export to the United States was a donation for the armed forces of Kurdistan Regional Government in Iraq.
- Slovenia reported the export of 12,779 SALW items in 2016, worth €3.2m (US\$3.4m), spanning four sub-categories.<sup>33</sup> The majority were revolvers and self-loading pistols (66 per cent).
- Almost all the items were exported to the United States (65 per cent) or Austria (34 per cent).

#### Reporting practice summary - 2016

Slovenia reported **Actual** exports of both major weapons and SALW, and for its SALW imports, and reported the **Number** of items and their **Values**. It did not report data for major weapons imports.

- · Slovenia reported imports from three countries in 2016.
- All reported imports were SALW items from ATT States Parties
- In total, Slovenia reported imports of 237 items, worth €423,230 (US\$445,346) and spanning four subcategories.<sup>34</sup>
- The majority of imported items were rifles and carbines (66 per cent).
- Germany was the largest exporter of SALW to Slovenia in 2016, responsible for 76 per cent of items. They were followed by Belgium (21 per cent) and Austria (3 per cent).

## **SOUTH AFRICA**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

South Africa provided detailed descriptions of items for every reported export and import in 2016.

South Africa provided comments on all transfers in 2016, specifying the end use/r in each case.



#### Room for improvement:

South Africa did not provide a cut-off date for its report, and it did not provide definitions for the terms 'export' or 'import'.

South Africa reported its SALW exports as an aggregate, and it did not indicate whether they were Authorized or Actual exports. South Africa also did not name any of the final importing countries for its SALW exports.

#### Transfer summary - 2016: Export Data

- · South Africa reported exports to eight countries in 2016.
- Of those, two were ATT States Parties, four were Signatories and two were non-members (Algeria and Saudi Arabia).
- South Africa reported exports of 152 major weapons, 93 per cent of which were armoured combat vehicles. The remaining 7 per cent were missiles and missile launchers.
- 36 per cent of South Africa's major weapons exports went to Singapore, 16 per cent to Angola and 16 per cent to the United Arab Emirates.
- South Africa reported the export of 1,495 SALW items, but did not specify the final importing countries or the sub-categories involved.

#### Reporting practice summary - 2016

South Africa reported **Actual** and **Authorized Numbers** of exports and imports for major weapons. It reported **Numbers** of SALW exports (and did not specify whether it was reporting Authorized or Actual exports), and it did not report any SALW imports in 2016.

#### Transfer summary - 2016: Import Data

 South Africa reported the import of eight armoured combat vehicles from Finland and of 50 missiles and missile launchers from China in 2016. No other imports were reported.

# **SPAIN**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Unspecified - Not ticked

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Unspecified - Not ticked



#### Good practice:

Spain provided clear, disaggregated data for all reported exports and imports in 2016.



#### Room for improvement:

Spain left several key boxes un-ticked:

- · It did not specify it was not including 'nil' reports for its imports or exports.
- It did not specify if 'commercially sensitive/national-security related' data had been withheld from the report.

Spain provided no descriptions of items or comments on transfers.

#### Transfer summary - 2016: Export Data

- · Spain reported exports to eight countries in 2016.
- Of those, five were ATT State Parties, one was a Signatory and two were nonmembers (Indonesia and Pakistan).
- Spain reported the export of 152 major weapons, all of which were large-calibre artillery systems. 90 per cent were to Italy.
- Spain reported the export of 3,198 SALW items, six mortars of calibres less than 75mm to Belgium and 3,192 portable anti-tank missile launchers and rocket systems, 80 per cent of which to Indonesia.

#### Reporting practice summary - 2016

Spain reported **Actual Numbers** of exports and imports for major weapons and SALW in 2016. It did not report major weapons imports in 2015 and so its reporting practice for this category before was unknown, but otherwise its practice is the same.

- Spain reported imports from three countries in 2016.
   Of those, two were ATT States Parties and one non-member (Brunei Darussalam).
- The only major weapons import reported by Spain was 108 battle tanks from Germany.
- For SALW, Spain reported the imports of three mortars of calibres less than 75mm from Brunei Darussalam and one from Norway.

# **SWEDEN**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?

No - missed deadline

Yes



#### Good practice:

Sweden made extensive use of 'Section C: Voluntary National Categories' to report data under 25 categories in the EU Common Military List. It reported **Actual** exports of these items and the aggregate values of its exports to each importing country.<sup>35</sup>

Sweden provided descriptions of items for all exports reported in Sections A and B, and for its sole reported import.



#### Room for improvement:

Sweden withheld some data from its Annual Report for 'commercial sensitivity/national security-related' reasons. It did indicate what information it had kept classified.

Sweden did not provide any comments on transfers in 2016.

#### Transfer summary - 2016: Export Data

- Sweden reported exports of arms under UN Registry Categories I-VIII to 12 countries in 2016.
- Of those, nine were ATT States Parties, two were Signatories and one (Canada) was a non-member.
- For major weapons, Sweden reported the export of 82 armoured combat vehicles to Norway, one combat aircraft to Hungary, and an unspecified number of missiles and missile launchers to Brazil, Ireland and Lithuania.
- Sweden reported light weapon exports to seven countries but kept the amounts of each classified.
- Under voluntary national categories, Sweden also provided data covering 25 categories of the EU Common Military List. Under ML1 items, which include small arms, it reported exports worth SEK18m (US\$2m).<sup>36</sup> The majority of ML1 exports by value were to United Arab Emirates (38 per cent), Netherlands (35 per cent) and Lithuania (11 per cent).

#### Reporting practice summary - 2016

Sweden reported **Actual Numbers** of major weapons exports and imports. It reported **Actual Numbers** of light weapons exports, but reported **Values** for small arms (under voluntary national categories). It did not report SALW imports in 2016.

#### Transfer summary - 2016: Import Data

 Sweden only reported one import in 2016, an unspecified number of missiles and missile launchers from the United Kingdom.

<sup>35</sup> Of the items reported by Sweden under voluntary national categories, only ML1 items (smooth-bore weapons with a calibre of less than 20mm, other arms and automatic weapons with a calibre of 12.7mm (calibre 0.50 inches) or less) will be considered for analysis here, as Sweden indicated in its report that these items corresponded to Small Arms (aggregated).

<sup>36</sup> Currency conversion via XE, reflecting conversion rate on 31 December 2016. https://www.xe.com/currencytables/?from-SEK&date=2016-12-31.

## **SWITZERLAND**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

Switzerland provided clear, disaggregated data on each reported export and import in 2016.

Switzerland provided some selective descriptions of items and some comments on transfers.



#### Room for improvement:

Switzerland did not provide comments on transfers in most cases in 2016 and did not clarify the end use/r.

#### Transfer summary - 2016: Export Data

- Switzerland reported exports to 52 countries in 2016.
- Of those, 36 were ATT States Parties, six were Signatories and 10 were nonmembers (Canada, China, India, Jordan, Kenya, Kuwait, Oman, Qatar, Saudi Arabia and Vietnam).
- Switzerland reported exports of five major weapons in 2016, all armoured combat vehicles.
- In total, Switzerland reported exports of 14,857 SALW items, spanning seven sub-categories.
- The majority of SALW items exported by Switzerland were hand-held under-barrel and mounted grenade launchers (30 per cent), revolvers and self-loading pistols (28 per cent), and rifles and carbines (18 per cent).
- The largest final importing countries reported by Switzerland for SALW items were the United States (35 per cent), France (34 per cent) and Slovakia (8 per cent).

#### Reporting practice summary - 2016

Switzerland reported **Actual Numbers** of major weapons exports and imports in 2016. This was a change in reporting practice from 2015, when it reported Authorized exports and did not indicate its reporting practice for major weapons imports.

Switzerland reported **Authorized Numbers** of SALW exports and imports,<sup>37</sup> same as in 2015.

#### Transfer summary - 2016: Import Data

- Switzerland reported imports from 26 countries in 2016.
- Of those, 22 were ATT States Parties, three were Signatories and one was a non-member (Canada).
- Switzerland reported imports of 102 major weapons in 2016. Two were large-calibre artillery systems from Austria and Spain, and the rest were missiles and missile launchers from the United States.
- Switzerland reported the import of 33,073 SALW items in 2016, covering seven sub-categories.
- 81 per cent of reported SALW imports were revolvers and self-loading pistols.
- The majority of reported SALW imports were from Austria (44 per cent), the United States (23 per cent) and Germany (16 per cent).

# **TUVALU**

Did not submit an ATT Annual Report for 2016.

# **UNITED KINGDOM**

Was an Annual Report submitted by 31 May 2017?

Was the report made public?

Was a nil report submitted for exports or imports in 2016?

Was data withheld for 'commercial sensitivity/national security-related' reasons?



#### Good practice:

The United Kingdom provided clear, disaggregated data for each export of major weapons and SALW in 2016.

The United Kingdom provided descriptions of items and comments on transfers for many, but not all, of its exports.



#### Room for improvement:

The United Kingdom did not indicate it was providing a 'nil' report for imports, but provided no data on imports for major weapons or SALW in 2016.

The United Kingdom did not provide comments on all reported transfers, and it did not comment on the end use/r for transfers that were not for collection/display/private use.

#### Transfer summary - 2016: Export Data

- The United Kingdom reported Authorized exports to 73 countries in 2016.
- Of those, 45 were ATT States Parties, 12 were Signatories and 16 were non-members (Afghanistan, Algeria, Botswana, Canada, Egypt, India, Indonesia, Jordan, Kenya, Kuwait, Oman, Pakistan, Qatar, Russia, Saudi Arabia and Sri Lanka).
- The United Kingdom reported authorizing the export of 442 major weapons in 2016, spanning seven sub-categories. 42 per cent were missiles and missile launchers, and 36 per cent were large-calibre artillery systems. Most were for Saudi Arabia (45 per cent), India (33 per cent) and the United States (5 per cent).
- The United Kingdom reported the Authorized export of 36,140 SALW items in 2016, spanning eight sub-categories. 78 per cent were rifles and carbines.
- The main reported destinations for SALW items were the United States (61 per cent), Austria (6 per cent), Oman and the United Arab Emirates (4 per cent each).

#### Reporting practice summary - 2016

The United Kingdom used the official reporting template in 2016 for the first time. It ticked the 'Other' box for its definition of the term 'export', elaborating that 'UK data is based on licenses granted, not actual transfers.' It did not define the term 'import'.

The United Kingdom reported **Authorized Numbers** of exports of major weapons and SALW in 2016. It did not report imports.

#### Transfer summary - 2016: Import Data

• The United Kingdom did not report imports in 2016.

# **URUGUAY**

Was an Annual Report submitted by 31 May 2017?

Yes

Was the report made public?

Yes

Was a nil report submitted for exports or imports in 2016?

Yes (for both exports and imports)

Was data withheld for 'commercial sensitivity/national security-related' reasons?

Ves



#### Good practice:



#### Room for improvement:

Uruguay provided 'nil' reports for its exports and imports in 2016, but also ticked 'yes' to indicate it was providing an 'Annual report on exports of conventional arms' and an 'Annual report on imports of conventional arms'.

## Transfer summary - 2016: Export Data

Uruguay submitted a 'nil' report for exports.

#### Reporting practice summary - 2016

Uruguay had not defined the term 'export' in its 2015 Annual Report, but in its 2016 report indicated that its definition was 'Physical transfer of items across a national border,' 'Transfer of title' and 'Transfer of control'. It indicated that its national definition of the term 'import' had not changed ('Physical transfer of items across a national border').

## Transfer summary - 2016: Import Data

Uruguay reported no data for imports in 2016.





# 2.3 - 2016 DISCREPANCY ANALYSIS

Accurate, comprehensive and timely reporting is a key tool for transparency States Parties can use to demonstrate that their arms trade policies are consistent with their ATT obligations. As identified in Chapter 2.1, some States Parties submitted 2016 Annual Reports that did not contain accurate and comprehensive information.

This section identifies significant discrepancies in information provided by States Parties in these Annual Reports and builds on analysis presented in previous ATT Monitor reports. It looks at the extent to which exports and imports reports are comparable. For example, if one State Party reports an export of assault rifles to another, does the second State Party also report the import?

As with last year, the analysis is aimed at highlighting discrepancies in the reports submitted by States Parties, and at using this analysis as a tool for assessing the quality and functionality of the reports with a view to assisting States Parties in effective and meaningful reporting.

#### CROSS-CHECKING THE 2016 ANNUAL REPORTS

The ATT Monitor Annual Report 2017 identified several major types of discrepancies in reported figures of exports and imports by States Parties to the ATT.¹ It examined 2015 Annual Reports submitted by States Parties that were identified by the Small Arms Survey as being among the largest exporters of small arms and light weapons (SALW) in the world.² It focused solely on SALW as an example category to illustrate reporting issues, as SALW are often considered to be the weapon type most susceptible to diversion, making accurate and comprehensive reporting in this area particularly important.³

This year's follow-up analysis uses and builds on the major types of discrepancies that were identified last year. The scope of the analysis has been expanded to include exports and imports from the 47 States Parties that submitted their 2016 Annual Reports and made them publicly available. Export and import information from these States Parties was considered only when data had been disaggregated by weapon-type

categories and by destination country, as some States Parties aggregated data to the extent that it was not possible to compare transactions.

While this section takes into account reporting on major conventional weapons, it acknowledges the lack of available information provided by States Parties in this category and will, therefore, focus primarily on SALW examples.

There were 1,923 separate export transactions of SALW and major conventional weapons reported in 2016 Annual Reports. Of these, only 172 reported exports, or 9 per cent, could be compared with imports reported by other States Parties (or vice versa). These comparable transactions include both 'mirrors' and 'partial mirrors'.

If a reported export corresponded exactly with a reported import and involved the same type of weapon and the same country, ATT Monitor analysis categorizes such transactions as 'mirrors'5 (for example, the Netherlands reported the export of 20 battle tanks to Finland, which reported the same as imports while both States Parties mentioned in comments that the country of origin was Germany). Transactions where the type of weapon and country are the same but quantities differ are categorized as 'partial mirrors' (for example, Germany reported the export of 90 sub-machine guns to Latvia, which reported the import of 70 sub-machine guns from Germany).

For the remaining 91 per cent of reported transactions, an export had no corresponding import of a similar type of weapon (or vice versa).

The transactions that could not be mirrored or partially mirrored contain some extraordinary discrepancies. Portugal reported the authorized export of 3.353 rifles and carbines to Spain, which did not report this import. Germany reported the authorized export of 794 assault rifles to Spain, which were not reported as an import by Spain. Table 2.1 shows more examples of notable discrepancies in transactions reported by the Czech Republic, Poland and Slovakia, where exports were not reported by the importing States Parties.

<sup>1</sup> 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. 45.

<sup>2</sup> See, for example, Small Arms Survey (2008). 'The Small Arms Survey 2008: Risk and Resilience'. Chapter 4: 'Deadly Deception: Arms Transfer Diversion'. pp. 112-153.

<sup>3</sup> 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. 45.

<sup>4</sup> Albania, Argentina, Austria, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Croatia, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Mauritius, Mexico, Montenegro, the Netherlands, New Zealand, Norway, Paraguay, Poland, Portugal, Moldova, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom and Uruguay.

<sup>5</sup> 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. 45.

### \*Table 2.1: Examples of reported exports not reported by importing States Parties

Exporter	Importer	Туре	Number of units
Poland	Czech Republic	Battle tanks	60
Poland	Czech Republic	Armoured combat vehicles	7
Poland	Czech Republic	Rifles and carbines	10,720
Poland	Czech Republic	Assault rifles	200
Poland	Czech Republic	Light machine guns	39
Poland	Czech Republic	Heavy machine guns	26
Poland	Czech Republic	Portable anti-tank guns	5
Poland	Czech Republic	Portable anti-tank missile launchers and rocket systems	117
Slovakia	Czech Republic	Large-calibre artillery systems	10
Slovakia	Czech Republic	Revolvers and self-loading pistols	4,108
Slovakia	Czech Republic	Rifles and carbines	119
Slovakia	Czech Republic	Sub-machine guns	7.000
Slovakia	Czech Republic	Mortars of calibres less than 75mm	59
Czech Republic	Poland	Revolvers and self-loading pistols	64
Czech Republic	Poland	Rifles and carbines	120
Czech Republic	Poland	Sub-machine guns	242
Czech Republic	Poland	Assault rifles	24
Czech Republic	Poland	Light machine guns	120
Czech Republic	Poland	Portable anti-tank guns	280

There were also instances of partially mirrored transactions that contained large discrepancies. Notably, Slovakia reported the export of 14,502 revolvers and self-loading pistols to Mexico, while Mexico only reported the import of 12 revolvers and self-loading pistols from Slovakia. Switzerland reported the export of 199 assault rifles to Germany, while Germany reported the import of only one such weapon type from Switzerland. Also, the United Kingdom reported the export of three rifles and carbines to New Zealand, which in turn reported the import of 479 rifles and carbines from the United Kingdom.

When States Parties provide additional information on the context of arms transfers, this sometimes provides explanations for discrepancies. For example, some States Parties used the 'comments' section to state that a transfer was temporary. Unfortunately, such additional information has not been provided for the transfers mentioned above (concerning the Czech Republic, Germany, Mexico, New Zealand, Poland, Portugal, Slovakia, Spain, Switzerland and the United Kingdom). Reasons for these discrepancies could be due to differences in reporting practices and data-collection methods, which may include factors such as different definitions of an export or import, or weapons sent to military stations abroad.

These present alternatives to criminal activity and deliberate misreporting. Below, this section outlines some of these possible causes of discrepancies in reporting data.

The analysis then compared those 172 transactions that could be mirrored or partially mirrored and looked at the quantities that had been reported by the exporter and importer. Only 31 of the reported 1,923 export transactions were 'mirrors' and not 'partial mirrors'. This means that only 1.6 per cent of all reported exports matched exactly with corresponding reported imports (for example, Serbia reported the export of 100 light machine guns to Slovakia, which also reported the import of 100 light machine guns from Serbia).

The remaining 141 transactions were partially mirrored. Of these, there were 114 transactions where an exporter and importer each reported a transaction of the same weapon type but there was a difference in the quantities reported.

- In eight transactions, the discrepancy was relatively minor, at less than 10 per cent (for example, the United Kingdom reported the export of 99 sub-machine guns to New Zealand, which reported an import of 102).
- In 27 transactions, the discrepancy was between 10 and 50 per cent.
- In 79 transactions, the discrepancy was 50 per cent or more (for example, Germany reported the export of 4.713 assault rifles to France, which reported the import of 484 assault rifles from Germany).

An additional 27 transactions were considered to be partially mirrored when the exporting or importing State Party reported transactions of one category of weapon in multiple entries, while the other State Party reported them in one single entry (for example, one State Party reported the export of a large number of large-calibre artillery in a single entry, while the importing State Party provided a breakdown of the imported artillery according to different calibres).

#### **COMPARING 'NIL' REPORTS**

States Parties that reported 'nil' exports or imports were not included in the above analysis of transactions. Eight States Parties<sup>6</sup> submitted a 'nil' exports report and five<sup>7</sup> reported 'nil' imports by ticking the relevant boxes in the reporting template (thereby declaring that the State Party did not transfer anything). However, there are inconsistencies within some of the reports. Some countries chose to indicate a 'nil' report but also entered transfer data. For example, Bosnia and Herzegovina and Croatia each submitted 'nil' reports for exports and imports but also reported data on at least one or more categories within major conventional weapons or SALW. Ireland and Sierra Leone submitted 'nil' reports for imports but also reported import data on one or more categories within major conventional weapons or SALW.

Although Ireland submitted a 'nil' report on imports, other States Parties reported exports to Ireland in their 2016 Annual Reports. Belgium reported exports to Ireland of €1,580,540 (US\$1,772,050)<sup>8</sup> worth of SALW within the ML 1 category of the EU Common Military List (it did not provide quantities),<sup>9</sup> while Switzerland reported the export of 125 'hand-held under-barrel and mounted grenade launchers'. Germany also reported the export of 90 sub-machine guns to Ireland.

Uruguay submitted 'nil' reports for both exports and imports, but Argentina and Austria listed combined exports of 4,131 units of SALW to Uruguay. Sierra Leone submitted a 'nil' report for exports. However, Switzerland reported the import of 20 revolvers and self-loading pistols from Sierra Leone.

As suggested in the ATT Monitor Annual Report 2017, this confusion could be addressed through an amendment to the reporting template that would allow States Parties to submit 'nil' reports on imports or exports for: (a) all weapon types (as in the current template, (b) major weapons only (categories 2a-g in the ATT), or (c) small arms only (category 2h).<sup>10</sup>



- 6 Bosnia and Herzegovina, Croatia, El Salvador, Latvia, Macedonia, Mexico, Sierra Leone and Uruguay.
- 7 Bosnia and Herzegovina, Croatia, Ireland, Sierra Leone and Uruguay.
- 8 Currency conversion via XE, reflecting conversion rate on 31 December 2016. https://www.xe.com/currencytables/?from=EUR&date=2016-12-31.
- 9 See Official Journal of the European Union, Reference No. 2015/C 129/01. Common Military List of the European Union. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2015:129:TOC.
- 10 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. 35.

#### **EXPLAINING THE DISCREPANCIES**

Although discrepancies between reports by an exporter and importer may indicate cases of diversion, fraud or deliberate concealment of information, it is more likely that the reasons relate to differing definitions and record-keeping used by States Parties in their transfer control and reporting systems. As mentioned above, a lack of clarity around the use of the reporting template can also explain some of these discrepancies. A number of likely explanations were also identified in last year's ATT Monitor report." With the expanded scope of this year's analysis, these explanations are expanded below.

#### WITHHOLDING OF 'SENSITIVE' INFORMATION

States Parties are able to withhold sensitive information from their Annual Reports. Because doing so risks undermining the transparency objective of the ATT, withholding of sensitive information is one of the most problematic types of discrepancies presented in this section. Ten States Parties¹² advised that they withheld sensitive information from their Annual Reports, and a further eight¹³ did not check the box to indicate whether they had or not. If one State Party withholds information and the other does not, a discrepancy is automatically produced.

Other States Parties may have withheld information but did not report doing so in their Annual Reports. Whether a State Party indicates it withheld information or not, there is no guarantee that all information was provided and consistent with the objective of transparency in the ATT. Additionally, some transfers may not be subject to standard authorization procedures and are therefore not included in Annual Reports. The identity of the buyer and/or seller and the nature of the transaction (for example, in the case of a Ministry of Defence disposing of surplus), may keep a State Party from reporting the transfer.

#### STATES NOT REPORTING IMPORTS

Austria and the United Kingdom did not report any imports. Austria did not submit the import section of the reporting template and the United Kingdom left the section blank. However, other States Parties reported exports of over 20,000 items to Austria and 2,877 items to the United Kingdom.

# STATES ASKING FOR REPORTS TO BE KEPT CONFIDENTIAL

Liberia, Panama and Senegal each submitted an Annual Report to the ATT Secretariat on condition of it being kept confidential.

# DIFFERING LEVELS OF AGGREGATION OF INFORMATION

Some States Parties (including Australia, Austria, Belgium, Bosnia and Herzegovina and Estonia) provided varying levels of aggregated information. Some aggregated information by weapon type or country, making information difficult or impossible to compare. Notable examples include:

- States Parties collectively reported a total of 45,729
  units of arms exported to Belgium. However, Belgium
  aggregated imports by EU common military weapon type
  and by country, and it did not provide any quantities save
  for a very small number of imports.
- Austria reported the export of 88,704,572 units of SALW, without disaggregating data by specific weapon types within the broad SALW category.
- States Parties collectively reported exports of 78,826 units of arms to Norway. However, Norway only reported a very small number of imports and did not provide an exporting country.
- Australia reported imports of 97,125 units of small arms, aggregating the data by weapon type, and only stating 'various' in the exporting-country column (it provided only numbers and no specific country or countries for each weapon type).
- Spain reported the export of 500 portable anti-tank missile launchers and rocket systems to Estonia, which aggregated information by weapon type and country (Estonia provided the number of items and a list of exporting countries for each weapon type in most cases).

Aggregation makes it impossible to compare data with trade partners, and it is difficult to know in these cases exactly how many weapons are being exported, and to which country.

<sup>11</sup> lbid. pp 45-51.

<sup>12</sup> Bosnia and Herzegovina, Burkina Faso, Croatia, Finland, Greece, Ireland, Italy, Norway, Sweden and Uruguay.

#### **AUTHORIZATIONS AND DELIVERIES**

In Annual Reports, ATT States Parties can choose to report on either transfer authorizations (permissions granted by a government to export or import) or actual movements of arms across borders. A major cause of discrepancies in reporting is the difference in transfer data provided by States Parties who report authorized transfers, actual transfers, or any combination of information they are able or willing to provide. Many circumstances can present challenges in this instance:

- A transfer may be authorized with an agreement for arms deliveries to be made over a number of years.
- Quantities may be revised, or the transfer could be cancelled.
- Arms may be shipped in a reporting year that is different from the year an export authorization was granted.
- An exporter can obtain a license for more weapons than what was initially ordered by a buyer (in the expectation that the client may subsequently increase the order).

Table 2.2 shows an example of discrepancies in data reported by two States Parties – France and Germany. Germany reported authorized exports to France, and France reported actual imports from Germany. The relatively high number of exports reported compared with the relatively low number of imports suggests that circumstances such as the ones presented above could explain this discrepancy. Because neither France nor Germany provided additional information explaining the differences, it is impossible to confidently make that determination.

\*Table 2.2: Comparing reported exports and imports by Germany and France

Reported authorized exports by Germany to France		
Туре	Number of units	
Rifles and carbines	2	
Sub-machine guns	2,386	
Assault rifles	4.713	
Hand-held under-barrel and mounted grenade launchers	35	
Reported actual imports by France from Germany		
Rifles and carbines 0		
Sub-machine guns	159	
Assault rifles	484	
Hand-held under-barrel and mounted grenade launchers	29	





A similar discrepancy concerns Finland and New Zealand. Finland reported the export of 4 rifles and carbines to New Zealand, which reported the import of 8,947 of the same weapons from Finland. Finland had reported actual exports, while New Zealand reported authorized imports.

# MISMATCH BETWEEN PHYSICAL MOVEMENT AND TRANSFER OF TITLE OR CONTROL

The ATT reporting template allows States Parties to define whether an import or export concerns a change in title (or ownership) or control, or just the arms crossing a national border. The different understandings of what defines an export or import may explain some of the discrepancies between data reported by exporting and importing States Parties.

For example, Serbia, who defined exports as the 'Physical transfer of items across a national border' in its 2016 Annual Report, reported the export of 400 sub-machine guns to Germany. In the 'comments' section, the end user was identified as a US military base in Germany. This was not reported as an import by Germany, as the arms were presumably owned and controlled by the United States. Germany, however, defines imports in its 2016 Annual Report as a 'Physical transfer of items across a national border' rather than a change in title or control. Germany, therefore, should have reported the arms from Serbia having crossed its borders.

Likewise, Serbia reported the export of 900 assault rifles and two 'mortars of calibres less than 75mm' to Romania, which did not report any import from Serbia. Serbia mentioned under 'comments' that the end user for these transfers was a US military base in Romania. Though, as above, the transferred arms were presumably owned and controlled by the United States, Romania defined imports in its 2016 Annual Report as the 'Physical transfer of items across a national border' along with 'Transfer of title' and 'Transfer of control'. This definition should have prompted Romania to report all arms transfers moved into the country from abroad.

#### DIFFERENT DEFINITIONS OF SMALL ARMS

A small number of States Parties that provided details of national definitions of arms in their 2016 Annual Reports stated that they only report on small arms made for military use, such as sub-machine guns, and exclude recreational firearms, such as sporting shotguns.

This year's analysis shows that other States Parties have similarly not reported on pistols, revolvers and sporting shotguns or rifles. The explanation for discrepancies concerning definitions is that one State Party may have reported the export of a certain type of small arms that was not covered by the importer's definition (or vice versa).

For example, Switzerland and the Netherlands respectively reported the import of 4,687 and 863 revolvers and self-loading pistols from Germany, neither of which was reported as exports by Germany. The explanation for this discrepancy can be found in the national definition given in Germany's 2016 Annual Report, which includes 'small arms and accessories specially designed for military use', along with a note in the report which specifically states that 'revolvers and self-loading pistols are not covered by the national definition of Small Arms and Light Weapons'.

There is also a case concerning weapons categorized as 'less lethal.' Switzerland reported the export of 4,181 'hand-held under-barrel and mounted grenade launchers' to France, 125 to Ireland, and 101 to Poland, using the description column to mention that these weapons were 'less lethal.' None of these was reported by the importing states. This may be due to these three States Parties not including 'less lethal' arms in their reports.

# DIFFERENT DEFINITIONS OF MAJOR CONVENTIONAL WEAPONS

Discrepancies can also arise when States Parties use different definitions of major conventional weapons. For example, the Czech Republic reported the export of 110 armoured combat vehicles to Bulgaria under category II, while Bulgaria reported the import of 110 units of large-calibre artillery systems under category III. Bulgaria described the import as 'BMP' in the comments section, referring to a type of armoured combat vehicle.

#### WEAPON TYPES, ENTREPÔT TRADE AND ERROR

There are three further possible explanations for discrepancies that are not immediately apparent from information provided by States Parties in Annual Reports. First, when States Parties base their definitions of export and import on arms physically crossing borders, then discrepancies could arise from what is known as entrepôt trade. This occurs when arms are

shipped to a trading hub before being re-shipped to a different destination. This happens most often when States Parties base their reports on customs data and may record arms being moved in and out of trading hubs instead of the ultimate exporting or importing country (which may report the transfer in a different way). Second, it is possible that States Parties categorize weapons differently. For example, an assault rifle is commonly assumed to function as fully automatic rifles, though in some cases semi-automatic rifles may be defined as such, as they otherwise resemble fully automatic rifles. Likewise, some States Parties may classify assault rifles with folding stocks as being sub-machine guns while others may not. Lastly, human error may account for some differences between export and import reports.

# CONCLUSION

It is important for States Parties to provide clear information in Annual Reports. There are failings in transparency when reports do not say what weapons are going where and in what quantities. Transparency is essential in assisting States Parties in their risk assessment under Articles 6 and 7 of the ATT and for making sure efforts are in place to mitigate potential risks involved.

The analysis here shows that some States Parties submitted Annual Reports in 2016 that did not contain accurate and comprehensive information. Some of the notable discrepancies include the use of different reporting templates, not providing clarification on certain transfers and not being clear with 'nil' reports. Comparison of all available data reveals that typically a large majority of the exports reported by a country have not been reported by the importing country claimed by the exporter. There is a great need to improve conformity in reporting standards.

Apart from the explanations for the widespread discrepancies, the main conclusion remains the same as in last year's report – States Parties reported exports and imports in different ways, as most have developed their own national transfer-control and record-keeping system. Possible solutions include encouraging States Parties to follow the ATT reporting template, reporting on both authorization and actual transfers, and providing as much additional information as possible on transfers within the ATT template (for example, by using the 'comments' section or annexes). Transparency and reporting are essential to the effective implementation of the ATT.

AN M1126 STRYKER COMBAT VEHICLE AND AH-64 APACHE HELICOPTER MOVE FORWARD TO SECURE AN AREA DURING A MULTINATIONAL TRAINING EVENT AT BEMOWO PISKIE TRAINING AREA, POLAND.

CREDIT: © U.S. ARMY / SPC. HUBERT D. DELANY III



# CHAPTER 3: ATT REPORTING UPDATES AND INSIGHTS FROM 2017

# 3.1 - REVIEWING ATT ANNUAL REPORTS

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, as well as an Initial Report on treaty implementation (that will be updated as national systems change and develop).

The arms trade is often conducted in the shadows. Transparency with regard to exports and imports can help shed light on global arms transfers and can mitigate the risks associated with an arms trade conducted in secret. Information on which country is selling what system to whom can increase awareness of global arms trade patterns, which can create an environment of responsibility and accountability for arms-transfer decisions. Transparency is a confidence-building measure and can lead to international cooperation and assistance when required to fill gaps, strengthen systems, and help States Parties to take action at both the national and international level to address corruption risk. Transparency can also help identify particularly troubling or destabilizing arms transfers, which can lead to conflict prevention by identifying early warning signs for potential violence and instability.

There are also additional reporting benefits that support the ATT directly. Comprehensive reporting demonstrates how the export-assessment criteria are being applied to specific transfer decisions, which allows governments to identify if export determinations are in line with obligations identified in Articles 6 and 7 of the Treaty. Reporting on exports and imports can also shed light on the record-keeping system maintained by the reporting State Party and identify any gaps or issues with data collection and distribution procedures.

#### **OVERVIEW OF 2017 ANNUAL REPORTS**

Of the 95 States Parties to the ATT, 89 were required to submit a 2017 ATT Annual Report by the 31 May reporting deadline. The ATT Secretariat extends a grace period of seven days to States Parties before a report is considered late, thereby setting a de facto deadline of 7 June 2018. As of that date, 36 States Parties had submitted their report to the ATT Secretariat, reflecting a completion rate of only 40 percent. Those that had done so are:

Albania, Argentina, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, El Salvador, Georgia, Germany, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mauritius, Malta, Moldova, Montenegro, New Zealand, Norway, Panama, Peru, Portugal, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland, FYR Macedonia, and United Kingdom.

Only Argentina and Madagascar elected to keep their 2017 Annual Reports private. Argentina's reports for 2015 and 2016 are both public. Madagascar was not previously required to submit an Annual Report.

The number of States Parties that submitted their 2017 Annual Report by the deadline is relatively comparable to the completion rates of previous years.¹ Twenty-eight States Parties had submitted their Annual Reports on arms exports and imports that occurred during the 2015 calendar year by 7 June 2016, and 32 had submitted their 2016 Annual Reports by 7 June 2017.²

#### \*Table 3.1: 2017 Annual Reports Submitted to the ATT Secretariat by 7 June 20183

Region	States Parties due to report by 31 May 2018	States Parties that have submitted reports	Regional reporting rate
Africa	21	5	24%
Americas	22	4	18%
Asia	2	1	50
Europe	40	25	63%
Oceania	4	1	25%

<sup>1</sup> For more information, see Control Arms Secretariat (2016), 'ATT Monitor 2016'. New York. 22 August 2016. pg. 2; also, Control Arms Secretariat (2017), 'ATT Monitor2017'. New York. 11 September 2017. pp. 52-54.

<sup>2</sup> Reporting rates have been updated from the ATT Monitor 2017 Annual Report to reflect the ATT Secretariat's reporting rates. For more on reporting rates, see the ATT Secretariat's presentation at the 31 May Working Group on Transparency and Reporting. http://www.thearmstradetreaty.org/images/CSP4/CSP4\_preparatory\_process/May\_WG\_Prep\_Meetings/180531\_-\_Day\_3\_-\_WGTR\_-\_ATT\_Secretariat\_-\_Status\_of\_Reporting.pdf.

<sup>3</sup> Analysis based on UN Statistics Division regional groupings. https://unstats.un.org/unsd/methodology/m49/.

#### **INITIAL ASSESSMENT**

An initial review of the contents of the 2017 Annual Reports that were made publicly available on the ATT Secretariat's website leads to the following preliminary observations.

- Seven States Parties (Bosnia and Herzegovina, El Salvador, Panama, Peru, Senegal, Sierra Leone, and FYR Macedonia) submitted 'nil' reports for arms exports, indicating that they did not export any weapons during the 2017 calendar year. However, of these seven States Parties, one (Bosnia and Herzegovina) provided information on small arms light weapons (SALW) exports.
- Three States Parties (Bosnia and Herzegovina, Luxembourg, and Sierra Leone) submitted 'nil' reports for arms imports. However, one (Bosnia and Herzegovina) provided information on SALW imports.
- Seven States Parties noted that some commercially sensitive and/or national security-related data was withheld in accordance with Article 13.3 of the ATT (Bulgaria, Germany, Italy, Mauritius, Norway, South Africa, Sweden). Two did not indicate whether such information had been withheld or not (Georgia, Republic of Moldova).
- Six States Parties (Belgium, Germany, New Zealand, South Africa, Sweden, and Switzerland) indicated that they provided information on national definitions of arms covered by the Annual Report. However, the inclusion of such material is not clear in all cases, as some States ticked the box but did not provide relevant information.

Though annual reporting to the ATT has contained several weaknesses, some States may include more information in their ATT Annual Reports than in their reports to the UN Register of Conventional Arms (UNROCA), particularly for exports and imports of SALW. Some have indicated in meetings of the Working Group on Transparency and Reporting (WGTR) that they view the UNROCA as only including transfers to governments, whereas the ATT includes transfers to all end users.

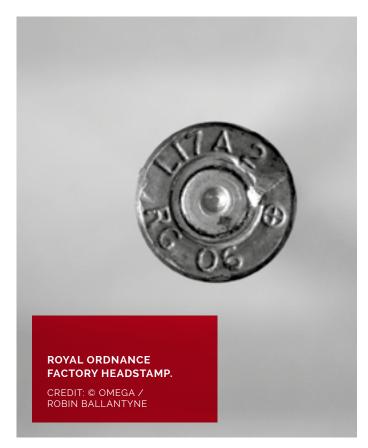


#### **EXPORTS**

- Twenty-one States Parties reported on exports of major conventional weapons.<sup>4</sup> Of these, 16 reported on actual exports and five reported on authorizations.<sup>5</sup>
- Twenty-seven States Parties reported on exports of SALW.
   Of these, 17 reported on actual exports and eight reported on authorizations.<sup>6</sup> One indicated that it reported on both actual exports and authorizations.<sup>7</sup>
- Twenty States Parties reported the number of items exported, one reported the value of items exported. Seven reported on both the number and value of items exported.<sup>8</sup>

#### **IMPORTS**

- Seventeen States Parties reported on imports of major conventional weapons. Of these, 13 reported on actual imports and four reported on authorizations.<sup>9</sup>
- Twenty-nine States Parties reported on imports of SALW.
   Of these, 18 reported on actual imports of SALW and
   7 reported on import authorizations of SALW.<sup>10</sup> Three
   (Peru, Portugal and FYR Macedonia) reported both actual imports and authorizations. One State Party, Bosnia and Herzegovina, did not indicate whether it reported on actual imports or authorizations.
- Twenty-three States Parties reported the number of items imported, one reported the value of items imported and seven reported both the number and value of items imported.<sup>11</sup>



- 4 States Parties that reported on exports of major conventional weapons systems are: Albania, Belgium, Bulgaria, Czech Republic, Georgia, Germany, Italy, Luxembourg, Lithuania, Malta, Montenegro, New Zealand, Norway, Portugal, Serbia, Slovakia, Slovenia, South Africa, Sweden, Switzerland, and the United Kingdom.
- 5 States Parties that reported on actual exports of major conventional weapons are: Albania, Bulgaria, Czech Republic, Germany, Luxembourg, Lithuania, Montenegro, New Zealand, Norway, Portugal, Serbia, Slovakia, Slovenia, South Africa, Sweden, and Switzerland. States Parties that reported on export authorizations include: Belgium, Georgia, Italy, Malta, and the United Kingdom.
- 6 States Parties that reported on actual SALW exports are: Albania, Bulgaria, Czech Republic, Japan, Latvia, Liechtenstein, Luxembourg, Lithuania, Mauritius, Montenegro, Norway, Romania, Serbia, Slovakia, Slovenia, South Africa, and Sweden. States Parties that reported on authorizations of SALW exports include: Belgium, Germany, Italy, Malta, Moldova (Republic of), New Zealand, Switzerland, and the United Kingdom. One State Party, Bosnia and Herzegovina, did not indicate whether they report on actual exports or authorizations.
- 7 Portugal indicated in its report that it reports on both actual exports and authorizations for SALW.
- 8 States Parties that reported the number of items exported are: Albania, Bulgaria, Czech Republic, Georgia, Germany, Italy, Japan, Liechtenstein, Luxembourg, Lithuania, Mauritius, Moldova (Republic of), New Zealand, Norway, Romania, Serbia, Slovakia, South Africa, Switzerland, and the United Kingdom. States Parties that reported both the number and value of items exported are: Bosnia and Herzegovina, Latvia, Malta, Montenegro, Portugal, Slovenia, and Sweden. Belgium reported only the value of items exported.
- 9 States Parties that reported on actual imports of major conventional weapons are: Albania, Bulgaria, Latvia, Lithuania, New Zealand, Norway, Portugal, Romania, Senegal, Serbia, Slovakia, South Africa, and Sweden. States Parties that reported on import authorizations of major conventional weapons include: Belgium, Georgia, Germany, and Malta.
- 10 States Parties that reported on actual imports of SALW are: Albania, Belgium, Bulgaria, Czech Republic, El Salvador, Latvia, Lithuania, Mauritius, Malta, Montenegro, Norway, Romania, Senegal, Serbia, Slovakia, Slovenia, and South Africa. States Parties that reported on import authorizations for SALW include: Germany, Italy, Liechtenstein, Moldova (Republic of), New Zealand, Panama, and Switzerland.
- 11 States Parties that reported the number of items imported are: Albania, Bulgaria, Czech Republic, El Salvador, Georgia, Germany, Italy, Liechtenstein, Lithuania, Mauritius, Malta, Moldova (Republic of), New Zealand, Norway, Panama, Romania, Senegal, Serbia, Slovakia, South Africa, Sweden (though indicated that some of the information is classified), Switzerland, and the Former Yugoslav Republic of Macedonia. States Parties that reported both the number and value of items imported include: Bosnia and Herzegovina, Japan, Latvia, Montenegro, Peru, Portugal, and Slovenia. Belgium only reported the value of imports.



# 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. 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.² 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)4

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, 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.
- 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.7 States Parties also cited a lack of capacity, resources, and time to complete the reports.8

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> Ibid. p. 15

<sup>8</sup> 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.9 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).11 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.



REPORTING IS NOT A VOLUNTARY ELEMENT, AND WITHOUT A COMMITMENT TO FULFILMENT OF REPORTING OBLIGATIONS, THE ATT WILL NOT REACH ITS FULL POTENTIAL.



# CHAPTER 4: ASSESSING ARMS DIVERSION IN LATIN AMERICA

Small arms and light weapons (SALW), and their ammunition, are particularly prone to diversion. This is a key issue for Latin American and Caribbean (LAC) countries, which are affected by high rates of violence carried out by SALW. In this region, firearm-related homicide and violent crime are reaching epidemic proportions. The region registers the highest toll of gun-related violence in the world. More than 75 percent of the region's murders involve firearms, far outstripping the global average of roughly 40 percent. Latin America is home to 10 of the 15 countries with the highest rates of homicide outside of armed conflict.2 Chief among the factors contributing to this armed violence epidemic is the diversion of SALW across the Americas, especially in LAC. Arms are deviated from state stockpiles and during the course of authorized arms transfers which provide sources of weapons fueling delinquency and organized crime.3 The Arms Trade Treaty (ATT) has the potential to be a key mechanism for preventing diversion and reducing human suffering from gun violence in the region.

The ATT was enthusiastically embraced by most Latin American countries. Of the 33 countries in the region, 28 (85 percent) have signed the ATT, and 24 have ratified it.<sup>4</sup> However, some of the countries most seriously affected by arms diversion and armed violence have signed but have yet to ratify the Treaty, including Brazil<sup>5</sup> and Colombia. Increasing ratification of the ATT and strengthening diversion mitigation and investigation is a critical priority.

The LAC region is an opportune setting in which to consider the potential of the ATT to restrain diversion and look at what countries are trying to do to address it. Given the gravity of the problem, arms trafficking and diversion are comparatively under-examined and under-reported in LAC. Some information is anecdotal and episodic rather than fact-based and systematic. The focus tends to be more on limiting crossborder transfers to organized crime groups rather than securing domestic arsenals from leakage. In addition, government and law enforcement responses to the phenomenon tend to be reactive rather than proactive. 6 While there is sporadic evidence from police-led operations that reveal aspects of diversion,<sup>7</sup> genuine progress will require greater transparency in arms transfers involving LAC states and an acknowledgment of the multiple sources of diversion. More public reporting on arms exports and imports by States Parties would give a better sense of what they are doing practically to address diversion challenges and implement their political support for the Treaty.

To illustrate the diverse manifestations of diversion, this chapter applies a broad understanding of how and when it occurs – from the point of production to the point of end use. While the ATT covers a range of conventional weapons, for the purpose of this chapter we focus primarily on the diversion of SALW and ammunition, as the high rates of violence in the region are carried out by SALW. The first section reviews what the ATT's provisions are relating to diversion, and what LAC States Parties claim in their Initial Reports that they do to address diversion. Section two lays out a typology describing key points and types of diversion and outlines several high-profile cases of diversion, illustrating weak points in the transfer chain. The final section reviews policy and programming responses in LAC.

- 1 See the Homicide Monitor for more information. http://homicide.igarape.org.br/.
- 2 The Economist (2018). 'Shining light on Latin America's homicide epidemic'. https://www.economist.com/news/briefing/21739954-latin-americas-violent-crime-and-ways-dealing-it-have-lessons-rest.
- 3 UNODC (2012). 'Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment'. Vienna: UNODC. https://www.unodc.org/toc/en/reports/TOCTACentralAmerica-Caribbean.html; Stohl, R. and Tuttle, D. (2008). 'The Small Arms Trade in Latin America'. NACLA Report on The Americas. New York: NACLA. http://fes-seguridadregional.org/images/stories/docs/4689-001\_g.pdf.
- 4 UNODA (2018). 'The Arms Trade Treaty'. https://www.un.org/disarmament/att/.
- 5 Brazil completed its national ATT ratification process on 27 June 2018 and will accede to the Treaty upon deposit of its instrument of ratification. See Control Arms Secretariat (2018). 'Brazil to join the ATT: The large weapons exporter must review its policies'. 29 June 2018. https://controlarms.org/blog/brazil-to-join-the-att-the-large-weapons-exporter-must-review-its-policies/.
- 6 See ATT Secretariat (2018). 'ATT Status of Ratifications and Accessions. 29 March 2018. https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/03/ATT-status-report-29-March-2018.pdf. There are also 34 signatories and 31 ratifications of the Inter-American Convention Against the Illicit Manufacturing of and Tracking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), and substantive regional engagement with UNPoA.
- 7 When provided by police, for example, seizure data can provide a degree of insight into trends on illicit firearms and ammunition flows.
- 8 UNODA (2015). 'Arms Trade Treaty Implementation Toolkit: Module 10, Preventing Diversion'. 21 August 2015. https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2015/08/2015-08-21-Toolkit-Module-10.pdf.

#### THE ATT AND DIVERSION

Similar to other conventional arms control mechanisms, the ATT does not define precisely what is meant by diversion. The UN Office for Disarmament Affairs (UNODA) defines diversion obliquely as the 'transfer of items from an authorized owner/user to an unauthorized user'. Definitional ambiguity may have advantages in the diplomatic sphere but can generate challenges operationally when it comes to implementing strategies to prevent, mitigate and investigate diversion.

Though the importance of effectively tackling diversion in the arms trade is emphasized throughout the ATT, and obligations that address diversion are not confined solely to Article 11, this article is dedicated exclusively to the prevention of diversion and the possible adoption of mitigation measures by States Parties, and refers to imports, exports, transit and transshipment. It is not clear, however, if it also includes stockpiles diverted at the point of manufacture or after transferred arms have been delivered and supposedly incorporated into the state stockpile. In the case of Latin America, theft and leakage from national stockpiles are some of the most common ways in which weaponry is diverted to criminal actors. This issue has been recognized by the ATT Working Group on Effective Treaty Implementation (WGETI), established by the Conference of States Parties (CSP) to explore how States Parties can put their newly-agreed obligations into practice. The WGETI has agreed that, although it is not made explicit in the Treaty text, States Parties should consider the issue of preventing and addressing both in-transfer diversion, as well as post-delivery diversion.9

Tackling diversion is complicated by the fact that it can occur at any stage of a weapon's life cycle and through a wide variety of mechanisms. Diversion can be either deliberate (theft or corruption) or accidental (through loss or negligence). It can occur at any point along the chain of custody: direct from the point of manufacture; by brokers and agents during authorized transfers (export, import, transit/transshipment and domestic sale); via shipping and customs agents, by intended beneficiaries; during storage and maintenance, and even when weapons are being disposed of and destroyed. Finally, diversion of a consignment can occur, wholesale, immediately upon reaching an authorized end user, or it may involve incremental leakage over the course of months or years after a transfer. In

Considering diversion broadly requires expanding the range of possible sources of SALW and ammunition leakage. A shortlist might include firearms and ammunition companies, authorized retailers, SALW trade shows, online warehouses, and of course the inventories of private security companies and official military and police stockpiles. There are also multiple methods of diversion including unauthorized exporting (for example, using forged export certificates), unauthorized importing (for example, using forged end-use certificates), un-authorized re-exporting, ant-trade and straw-man purchases and thefts from official inventories. There are also a wide range of actors involved – from corrupt security and customs personnel to brokers and organized crime groups. All of this means that States Parties require an extensive tool kit of responses to effectively prevent and mitigate the possibility of diversion.

<sup>9</sup> ATT Secretariat (2018). 'Sub-Working Group on Article 11 (Diversion) – Work Plan'. 15 May 2018. ATT/CSP4.WGETI/20108/CHAIR/303/M2.WorkPlanArt11. http://thearmstradetreaty.org/images/CSP4/CSP4\_preparatory\_process/March\_WG\_\_Prep\_Meetings/ATT\_WGETI\_CSP4\_Chair\_Letter\_and\_Sub-Workgroups\_Plans.pdf.

<sup>10</sup> 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. 26.

<sup>11</sup> Saferword (2015). 'Key issues for ATT implementation: Preventing and combating diversion'. Expert Group on ATT implementation. Briefing 2. https://www.saferworld.org.uk/resources/publications/885-key-issues-for-att-implementation-preventing-and-combating-diversion.

# \*Table 4.1: Typology of factors driving diversion

Cause	Examples/characteristics
History of arms and armed conflict in the region	Vast quantities of weaponry were supplied to governments and armed groups in LAC since the 1950s, with few of them ultimately collected. In El Salvador, for example, an estimated 360,000 military-style weapons failed to be handed in at the end of the war. <sup>12</sup> In Colombia, Guatemala and Nicaragua, relatively few weapons were turned in, compared to the total number of combatants involved.
Geography	There are vast and unguarded borders between many South and Central American countries, and between Mexico and the U.S. as most populations live along the coastline. There is therefore ample scope for illicit arms shipments to move with impunity over land, sea and by air.
Lack of information sharing	The U.S. is the largest source of diverted firearms into LAC. There is also diversion of intra- and inter-regional exports and imports. Yet information exchange mechanisms are limited, owing to mistrust among governments in the region. There is an over-reliance on the U.S. to conduct traces and few regional mechanisms that are actively used.
Corruption	With comparatively high levels of corruption in the region, Latin America has seen conditions worsen in 14 of the 33 countries in the region over the past year. <sup>13</sup> Corruption in the military, police, and customs services – as well as among arms brokers and manufacturers - facilitate the diversion of firearms to unintended users. <sup>14</sup>
Organized crime	A wide range of organized crime groups procure weapons, including from corrupt military, police and private vendors. There is significant evidence of groups from Central America (e.g. MS-13, Barrio 18), Mexico (e.g. Zeta, Sinaloa, Gulf cartels), Brazil (e.g. PCC, CV and others), Colombia (ex-FARC, Bacrim) purchasing or seizing diverted weapons.
Large and under-regulated private security sector	An explosion of violence in LAC has fueled the rapid growth of the region's private security industry. The region has over 16,000 firms employing at least 2.4 million people in the formal sector. The absence of legal frameworks and inadequate oversight capacity at governmental level, as well as poor management and storage of small arms throughout the sector contribute to diversion.

<sup>12</sup> UNODC (2016). 'Transnational Organized Crime in Latin America'. https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA\_CACaribb\_firearmssmuggling\_within\_CAmerica.pdf.

<sup>13</sup> Transparency International (2017). 'Corruption Perception Index.' https://www.transparency.org/news/feature/corruption\_perceptions\_index\_2017 - table.

<sup>14</sup> Survey data has shown that corruption in the armed forces tends to be more prevalent in countries in which the military plays a more active role in criminal violence law enforcement activities. Respondents indicated that bribe-taking from the armed forces was greatest in the Dominican Republic, Venezuela, Honduras and Ecuador. See Pion-Berlin, D. and Carreras, M. (2017). 'Armed Forces, Police and Crimefighting in Latin America'. Journal of Politics in Latin America. Vol. 9, 3, pp. 3–26. https://journals.sub.uni-hamburg.de/giga/jpla/article/download/1072/1079.

The challenge of addressing diversion in an effective and responsible manner is complicated by the fact that diversion can occur in many different ways. Diversion has many faces and can stem from a multitude of diverse actors or methods.

The ATT lays out some important benchmarks for reducing diversion at different stages of the transfer cycle. With respect to prevention, Article 11.1 establishes that: '[e]ach State Party involved in the transfer of conventional arms covered under Article 2 (1) shall take measures to prevent their diversion'. This underscores the importance of concerted action by States Parties whether they are involved in the export, import, transit/trans-shipment or brokering of arms.

Article 11.2 emphasizes the key role that exporting states have to play in preventing diversion throughout the arms transfer chain.15 It obliges arms-exporting states to make tackling diversion a priority within their national control systems, in particular by assessing diversion risks and by considering mitigation measures that may be adopted jointly by exporting and importing states. The prominence of diversion mitigation within Article 11 reflects concerns of some importing states that exporters may prefer to refuse a transfer rather than to identify and implement measures to reduce diversion risks to an acceptable level. Meaningful dialogue between exporters and importers on the issue of diversion risk mitigation is thus seen by some importing states as an important way of ensuring a balanced approach in the application of the Treaty.<sup>16</sup> However, Article 11.2 does make clear that one option always available to an exporting state concerned about diversion risks is not to authorize the export.

Other relevant Treaty provisions include possible state responses to cases of diversion when detected, such as 'alerting potentially affected states' and 'examining diverted shipments' (Article 11.4). Information sharing in respect of measures taken to address diversion are set out in Article 11.5 and may cover 'illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion'. Reporting to the ATT Secretariat on strategies developed to tackle diversion is mandated by Articles 11.6 and 13.2. Additional provisions include the promotion of

international cooperation to increase transparency during the arms transfer process (Article 15) and the encouragement of information sharing practices among states parties (Article 13).

The ATT provides a broad framework for States Parties to address diversion. However, as with other areas of the arms trade governed by the Treaty, the impact it will have on tackling the problem will depend entirely on the extent to which its obligations are commonly implemented by States Parties. Reporting by Latin American countries on measures in their national control systems to address diversion has been uneven. Of the 27 LAC countries that have ratified the ATT, just 11 have submitted publicly-available initial reports, while Honduras has completed a report but have kept it confidential among States Parties. These low reporting rates, and decisions to keep information private can limit collective action to prevent and mitigate diversion. Indeed, even opportunities for sharing positive experiences are limited since there continues to be a high level of secrecy, both in the LAC region and more generally, around the types of strategies governments are implementing to stem diversion.<sup>17</sup> In addition, the Initial Reporting templates only ask two questions of states in the section on binding obligations of the Treaty, while a further four are relegated to the non-binding section. This means that even those States Parties that are committed to furthering transparency under the ATT are not required to provide much detailed or substantiated information about their national or regional anti-diversion policies and practices.

Some positive anti-diversion practices have been reported by countries in the region, such as Mexico's assertion that when it detects that conventional arms may have been diverted the authorized license may be cancelled; and Trinidad and Tobago and Jamaica both indicating that they use international tracing mechanisms such as the US Department of Justice's Electronic Tracing System (eTrace) and the International Criminal Police Organization's (Interpol) Weapons Electronic Tracing System. However, in other cases important gaps have been flagged up by Initial Reports. For example, Costa Rica, Panama, Paraguay and Trinidad and Tobago all indicated that they do not examine parties involved in a transfer, and the tick box model used by the reporting template means that there are no further available details as to why this important gap in their national control systems exists.

<sup>15</sup> Saferworld (2015). Op cit. 2.

<sup>16</sup> Ibid.

<sup>17</sup> For more on diversion and transparency, consult Control Arms Secretariat (2017). 'Chapter 1.2: Transparency and ATT Implementation'. ATT Monitor. https://armstreatymonitor.org/en/wp-content/uploads/2017/0g/EN-ATT\_Monitor\_17\_Chapter-1.pdf. pp. 24-26.

<sup>18</sup> See SEGOB (2011). 'ACUERDO por el que se sujeta al requisito de permiso previo por parte de la Secretaría de Economía la exportación de armas convencionales, sus partes y componentes, bienes de uso dual, software y tecnologías susceptibles de desvío para la fabricación y proliferación de armas convencionales y de destrucción masiva'. http://dof.gob.mx/nota\_detalle.php?codigo=5196224&fecha=16/06/2011.

<sup>19</sup> See Control Arms Secretariat (2017). 'Appendix 2: Data from Initial Reports (Diversion'. ATT Monitor. https://armstreatymonitor.org/en/wp-content/uploads/2017/09/EN-ATT\_Monitor\_17\_Appendix.pdf.

One common measure that states deploy as part of efforts to prevent diversion is the use of end-user or end-use certificates (EUC) as part of the arms export authorization process. The ATT makes reference to such confidence-building measures and programmes jointly developed by the exporting and importing countries (Article 8.1). The Treaty also recommends vetting of all parties involved in the export process, requiring additional documentation, certificates and assurances (Article 11.2). In many ways, an EUC is a first line of defense against diversion; however, it is critical that any documentation is thoroughly checked and authenticated by all parties to a transfer. Even then, in isolation an EUC cannot be relied upon as the sole instrument in diversion prevention efforts, particularly where diversion risks are significant, as some governments renege on commitments made in EUCs.<sup>20</sup>

Additional documentation, such as delivery verification certificates (DVC) can also provide assurances that a consignment of arms has arrived at its final destination. Not surprisingly, the issuance of end-user certificates authorizing export is among the most common strategies reported by ATT States Parties for assessing the risk of diversion. The ATT Monitor has previously described how 37 of the first 44 States Parties to submit their Initial Reports claimed that they require end-user documentation, statements, and/or other assurances.<sup>21</sup> Of the 11 publicly-reporting States Parties from the LAC region, only Paraguay and Trinidad and Tobago indicated that they did not require such documentation. Trinidad and Tobago clarified that at the time it was completing its report it only had "ad hoc arrangements" to deal with diversion, and was undertaking legislative amendments that would consider incorporating a requirement of an EUC and other documentation.<sup>22</sup> States Parties are required to update their reports when new measures to implement the Treaty are undertaken, and it will be interesting to see how Trinidad and Tobago strengthens its national control system to tackle instances of diversion.



THERE CONTINUES TO BE A HIGH LEVEL OF SECRECY, BOTH IN THE LAC REGION AND MORE GENERALLY, AROUND THE TYPES OF STRATEGIES GOVERNMENTS ARE IMPLEMENTING TO STEM DIVERSION.

#### **DIVERSION IN LAC**

#### **DIVERSION DURING ARMS TRANSFERS**

As previously noted, there is a particular problem with diversion of legally-purchased firearms to unauthorized users across LAC. This can involve the diversion of modest quantities of weapons and ammunition acquired through 'straw man purchases', instances in which an individual with a clean background purchases firearms specifically on behalf of a person prohibited from purchasing a firearm, and the 'ant-trade', a common form of illicit trafficking in which shipments of small numbers of weapons result, over time, in the accumulation of large amounts of SALW by unauthorized end users. The most commonly reported examples of these two types of trade involve weapons that are purchased by individuals in the U.S. and are trafficked in small numbers to Mexican, Central American and Brazilian cartels and gangs, among others. Diversion can also consist of higher order transfers of weapons, sometimes involving the use of falsified documentation – including end-user certificates – produced by intermediaries. These latter transactions can include the cooperation or collusion of corrupt public officials, including in third countries.

<sup>20</sup> For example, US retransfers contravened clauses in EUCs that were issued to EU supplier governments by the United States. See Conflict Armament Research (2017). 'Weapons of the Islamic State: A three-year investigation in Iraq and Syria'. December 2017. http://www.conflictarm.com/reports/weapons-of-the-islamic-state/

<sup>21</sup> See Control Arms Secretariat (2016). 'Chapter 3.1. Initial Reports Review'. ATT Monitor. https://armstreatymonitor.org/en/wp-content/uploads/2016/08/ATT-ENGLISH-Monitor\_16\_CHAPTER-3.1.pdf

<sup>22</sup> See Trinidad and Tobago's Initial Report submitted to the ATT Secretariat 27 August 2015. https://www.thearmstradetreaty.org/images/ATT\_Initial\_Report\_-\_Trinidad\_and\_Tobago.pdf.



Diverted weapons that were originally purchased lawfully in the US are a major challenge for many countries across LAC. Between 2009 and 2014, 70 percent of all illegal weapons seized in Mexico by national authorities were determined to have originated in the U.S. – a total of 73,684 firearms.<sup>23</sup> Also, between 2006 and 2009, 34 percent of illegal guns seized in crimes in Guatemala were traced from the U.S.<sup>24</sup> Furthermore from 2014 to 2016, some 50,133 guns originating in the U.S. were recovered as part of criminal investigations in 15 countries stretching from North America to Central America and the Caribbean.<sup>25</sup> Finally, according to a 2017 report by Brazil's Federal Police, of 10,000 firearms seized since 2014, roughly 1,500 were originally manufactured and sold in the U.S.<sup>26</sup>

Table 4.2 outlines examples of different types of diversion during transfers that occurs in LAC. These examples are listed as country-to-country (e.g. US to Mexico) but are not intended to imply the complicity of the governments of those countries in these diversion cases.

As described in the previous section, a range of documentation exists, such as EUCs and DVCs, to support efforts to limit such in-transfer diversion, and many states in the region claim to use these tools already. However, such certification on its own is likely insufficient to prevent deliberate diversion, and the ATT indicates that it should be seen as part of a broader sweep of information-sharing and confidence-building tools between parties to a transfer. The ATT specifies some of the types of information that States Parties are encouraged to share, including "corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion."27 Such confidence building could also include post-delivery verification measures. An example of such measures relevant to the region is the US's 'Blue Lantern' monitoring programme, which monitors the end-use of military as well as dual-use goods both before and after export, and can include physical inspections on the site of delivery within 45 days. In 2014, 25 per cent of the Blue Lantern checks carried out by the US were in the Americas.28

<sup>23</sup> U.S. Government Accountability Office GAO (2016). 'Firearms trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain: |Online|. https://www.gao.gov/assets/680/674570.pdf.

<sup>24</sup> Goodman, C. (2013). 'U.S. Firearms Trafficking to Guatemala and Mexico'. Washington: Woodrow Wilson Center-Latin American Program. https://www.wilsoncenter.org/publication/us-firearms-trafficking-to-guatemala-and-mexico.

<sup>25</sup> Parsons, C. and Weigend Vargas, E. (2018). 'Beyond Our Borders: How Weak U.S. Gun Laws Contribute to Violent Crime Abroad'. Washington: Center for American Progress. https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/.

<sup>26</sup> MercoPress (2018). 'U.S., via Paraguay, largest source of guns entering Brazil'. http://en.mercopress.com/2018/01/11/us-via-paraguay-largest-source-of-guns-entering-brazil.

<sup>27</sup> Arms Trade Treaty. Article 11.5 (adopted 2 April 2013, entered into force 24 December 2014)\_UNTS\_(ATT) Art 13(1). https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf

<sup>28</sup> See U.S. Office of Defense Trade Controls Policy (2015). 'U.S. Defense Trade Controls and the Blue Lantern End-Use Monitoring Program. https://www.bis.doc.gov/index.php/documents/update-2015-presentations/1375-civil-military-ddtc/file.

#### \*Table 4.2: Diversion during transfers

Method	Examples
Straw-man purchases and ant-trade	US to Mexico: Weapons are purchased "legally" from federally-licensed firearms retail outlets, pawn shops or gun shows in the U.S. by individuals. An estimated 253,000 firearms purchased through straw man sales were believed to have crossed the U.SMexico border each year between 2010-2012. <sup>29</sup>
	Paraguay to Brazil: Firearms outlets in Ciudad del Este in the tri-border area with Argentina and Brazil are an important source of weapons. <sup>30</sup>
Legally purchased firearms sent to countries in LAC	U.S. to Brazil: in June 2017, 60 assault rifles were shipped to Rio de Janeiro's international airport. Forged import certificates were used. <sup>31</sup>
	U.S. to Colombia: In February 2017, more than 500 firearms went to armed groups in Medellin, <sup>32</sup>
Dismantled weapons shipped by commercial flights	U.S. to Mexico: dismantled weapons are frequently shipped illicitly. In some cases, disassembled parts are combined with parts manufactured inside the destination countries. <sup>33</sup>
Duty-free firearm purchases	Panama to LAC: Firearms can be bought legally in duty-free shops and sent illegally to other Central American countries. <sup>34</sup>

# DIVERSION DUE TO MISUSE OF EXPORT AND IMPORT CERTIFICATES

Across LAC, there are reported instances of forged or unauthorized end-user certificates being used to facilitate diversion. Historically, many of these cases have involved shipments that have been diverted from 'lawful' purchasers to armed groups involved in civil wars and armed conflicts across the region. Indeed, several cases of large-scale diversion to unauthorized third parties occurred during Colombia's five-decade long armed conflict, typically involving the use of forged end-user certificates and the involvement of corrupt officials.<sup>35</sup>

#### **DIVERSION FROM OFFICIAL STOCKPILES**

Significant amounts of SALW and ammunition are diverted from state-controlled stockpiles across many countries in LAC, making their way into the possession of criminal groups throughout the region. Indeed, military- and police-issued arms and ammunition are routinely pilfered from the official stockpiles in Mexico, Central America, Brazil, Colombia and Venezuela, including those of the army and law enforcement agencies. In some cases, governments have launched investigations. For example, in April 2012, the Attorney General of El Salvador arrested eight military officials for illegal possession of weapons of war, and for unauthorized storage of illegal weapons. In 2011, the Guatemalan Military Court investigated some cases whereby weapons of war had disappeared from military stockpiles.

<sup>29</sup> McDougal et al. (2013). 'The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border.' Rio de Janeiro: Igarapé Institute and San Diego: Trans-Border Institute at University of San Diego. https://igarape.org.br/wp-content/uploads/2013/03/Paper\_The\_Way\_of\_the\_Gun\_web2.pdf.

<sup>30</sup> Misiones Cuatro (2016). 'Tráfico de armas en la Triple Frontera'. https://misionescuatro.com/general/trafico-armas-la-triple-frontera/.

<sup>31</sup> Waldron, T. (2018). 'How Brazil's 'Lord Of Guns' Armed Rio's Drug War With U.S. Weapons'. Huffington Post. 8 March 2018. https://www.huffingtonpost.com/entry/weapon-smuggling-us-brazil\_us\_5aa053d8e4b0d4f5b66d14e8.

<sup>32</sup> El Espectador (2017). 'El fin de una banda que enviaba armas por correo postal'. 23 February 2017. https://www.elespectador.com/noticias/judicial/el-fin-de-una-banda-que-enviaba-armas-por-correo-postal-articulo-681521.

<sup>33</sup> Olson, G. (2016). 'Los cárteles traen armas por partes; le dan la vuelta a la ley en EU'. Excelsior. 27 January 2016. http://www.excelsior.com.mx/nacional/2016/01/27/1071333.

<sup>34</sup> UNODC (2012). 'Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment'. Vienna: UNODC. https://www.unodc.org/toc/en/reports/TOCTACentralAmerica-Caribbean.html. p. 62.

<sup>35</sup> El Tiempo (2002). 'La ruta del arsenal búlgaro'. 13 June 2002. http://www.eltiempo.com/archivo/documento/MAM-1366591

Despite these efforts, diversion from official stockpiles is known to be considerable and is likely to be one of the key sources of weaponry sustaining criminal organizations, drug trafficking gangs, private security firms, militia and other armed groups in the region.<sup>36</sup>

There are several prominent historical cases of diversion that stand out. Incidents such as a large-scale diversion by Manuel Noriega, former dictator of Panama (1983-89), demonstrate that weapons with long lives can resurface in multiple settings and contexts. Noriega is alleged to have provided firearms to both rebels and counterinsurgency groups in Nicaragua, Guatemala, El Salvador and Colombia (M-19).<sup>37</sup> Likewise, in 2009, Colombian authorities reported that three man-portable air defense (MANPADS) missiles found in the FARC arsenal were part of a major shipment sold by Sweden to Venezuela in the 1980s. The FARC reportedly entered into talks to obtain surface-to-air weaponry.<sup>38</sup>

A significant proportion of the weapons held by armed groups in LAC were at some stage diverted from official stocks. For example, one study that surveyed active and former gang members in El Salvador, Guatemala and Honduras determined that the primary source of arms and ammunition were corrupt members of the security forces – either sourced directly or through middlemen.<sup>39</sup> Meanwhile, surveys in Guatemala revealed that more than a third of all respondents believed that the military and police were the key sources of illegal firearms; in Honduras, 26 percent of respondents to a similar survey reported thefts of official stockpiles as most frequent source of weapons.<sup>40</sup>

Venezuela is also widely regarded as a major hub of firearms diversion in the region.<sup>41</sup> The country was Latin America's largest importer of weapons in 2016, and the European Union (EU) imposed an arms embargo on Venezuela in 2018, arguing that the country was repressing its citizens and risked destabilizing the region.<sup>42</sup> The Venezuelan opposition recently stated that the government armed pro-regime militia groups as part of an anti-crime and intelligence collective drive (i.e. colectivos).<sup>43</sup> Venezuela also has a record of providing weapons to insurgent groups during the Colombian conflict.<sup>44</sup> There are concerns that Venezuela continues to provide material and support to the National Liberation army (ELN) and ex-FARC members.<sup>45</sup>

The ATT references stockpile management only in Article 16 (International Assistance), but it has since been recognized through the WGETI sub-working group on diversion that the States Parties should consider the issue of preventing and addressing diversion not only during transfers but also after delivery. Measures identified by this sub-working group include: applying physical security measures (such as fencing and locking systems), and ensuring and conducting inventory management and accounting procedures. Other ATT obligations touch on the need for greater accountability and controls on arms within a recipient country: for example, Article 12 (Record keeping), which requires States Parties to keep records of conventional arms covered under Article 2(1)- which includes SALW – that are transferred to its territory as the final destination.

<sup>36</sup> Muggah, R. and Dudley, S. (2015). 'The Latin American gun leak'. Los Angeles Times. http://www.latimes.com/opinion/op-ed/la-oe-muggah-arming-latin-america-20150118-story.html.

<sup>37</sup> Hersch, S. (1986). 'Panama Strongman said to trade in drugs, arms and illicit money'. The New York Times [online]. 12 June 1986. https://www.nytimes.com/1986/06/12/world/panama-strongman-said-to-trade-in-drugs-arms-and-illicit-money.html.

<sup>38</sup> Gupta, G. (2017). 'Exclusive- Venezuela holds 5,000 Russian surface-to-air MANPADS missiles'. Reuters. 22 May 2017. https://www.reuters.com/article/uk-venezuela-arms-manpads-exclusive-venezuela-holds-5000-russian-surface-to-air-manpads-missiles-idUKKBN1810E1.

<sup>39</sup> Action on Armed Violence (2014). 'The Devil's Trade: Guns and violence in El Salvador'. London: Action on Armed Violence. https://aoav.org.uk/wp-content/uploads/2014/11/the\_devils\_trade\_lr.pdf.

<sup>40</sup> Demoscopía (2007). 'Maras y pandillas, comunidad y policía en Centroamérica: Hallazgos de un estudio integral'. San José: Demoscopía. http://www.dhl.hegoa.ehu.es/ficheros/0000/0143/maras\_y\_pandillas\_comunidad\_y\_policia\_en\_centroamerica.pdf.

<sup>41</sup> SIPRI (2017). 'Venezuela'. Oslo: SIPRI. https://www.sipri.org/node/4331.

<sup>42</sup> Ibid.

<sup>43</sup> Torres and Casey (2017). 'Los colectivos venezolanos, las bandas de civiles armados que atacan a los manifestantes y defienden a Maduro.' The New York Times. 22 April 2017. https://www.nytimes.com/es/2017/04/22/colectivos-venezuela-nicolas-maduro/.

<sup>44</sup> Romero, S. (2009). 'Venezuela Still Aids Colombia Rebels, New Material Shows'. The New York Times. 2 August 2009. https://www.nytimes.com/2009/08/03/world/americas/03venez.html.

<sup>45</sup> What is more, the Venezuelan authorities currently possess an estimated 5,000 Russian-made SA-24 surface-to-air missiles (also known as Igla-S), the largest known stockpile in Latin America and a concern to countries across the region. El Tiempo (2018). 'Cúpula militar de Venezuela ordenaría dar armas a guerrilla colombiana'. 26 January 2018.

http://www.eltiempo.com/mundo/venezuela/cupula-militar-de-venezuela-ordenaria-a-subalternos-dar-armas-a-guerrillas-colombianas-175774.

#### \*Table 4.3: Diversion from official stockpiles

Method	Examples
Diversion from law enforcement institutions	Honduras: a network of 30 policemen were found to have provided firearms to criminal groups in Colombia since 2003.46
Diversion from armed forces	Brazil: arms have systematically vanished due to apparent irregularities in the processing of documents, authorizations and transfers. <sup>47</sup> Brazilian military/police have diverted weapons to domestic criminal gangs. <sup>48</sup>
	From Paraguay to Brazil: more than 40,000 rounds of firearms and ammunition stored in boxes bearing official Paraguay markings were recently seized by Rio de Janeiro Civil Police. <sup>49</sup>
Diversion facilitated by the government	Argentina to Ecuador in 1991-95 (embargoed during an armed conflict). 6,500 tons of weapons and ammunition were transferred by President Menem. Menem was subsequently sentenced for arms trafficking.50

#### **DIVERSION FROM PRIVATE SECURITY COMPANIES**

Most LAC countries exhibit a robust private security sector. Indeed, there are roughly two private security guards for every police officer in the region. The ratio increases in countries such as Brazil, Colombia, Mexico and throughout the Northern Triangle (i.e. El Salvador, Guatemala and Honduras). Armed private guards – both formal and informal – are common on the streets of these countries- and some are associated with diversion into the civilian market. In most LAC countries, there are few regulations or oversight mechanisms to manage the proper registration of private firms and civilian employees, which leads to abuses. For example, in 2011, the El Salvador government announced that more than 1,700 firearms used by private security companies since 2009 had been sold on the black market after being reported missing. 52

There is limited oversight of the firearms holdings of private security companies in LAC. Information on the extent of diversion is sparse and only hints at the scale of the challenge. One study determined that as much as 40 percent of the illegal firearms in circulation in El Salvador are linked to the country's estimated 500 private security companies. In Honduras, the general lack of regulation of private security companies opens big possibilities for the illegal trade of firearms. In Brazil, more than 17,600 weapons were "stolen" from private security companies in Rio de Janeiro state alone, representing nearly 30 percent of private security company stockpiles.

- 46 El Heraldo (2017). 'Una estructura criminal conformada por policias hondureños enviaba armas a las FARC de Colombia'. 20 February 2017. http://www.elheraldo.hn/pais/1045935-466/una-estructura-criminal-conformada-por-polic%C3%ADas-hondure%C3%B1os-enviaba-armas-a-las-farc.
- 47 Carvalho, M. (2016). 'Coronéis do Exército são acusados de liberar armas de forma irregular em São Paulo'. Estadão. 13 November 2016. http://sao-paulo.estadao.com.br/noticias/geral,coroneis-do-exercito-sao-acusados-de-liberar-armas-de-forma-irregular-em-sao-paulo,10000088082.
- 48 Muggah, R. (2016). 'Where do Rio de Janeiro's crime guns come from?' Open Democracy. 8 August 2016. https://www.opendemocracy.net/democraciaabierta/robert-muggah/where-do-rio-de-janeiros-crime-guns-come-from.
- 49 Ultima Hora (2018). 'Fuerzas Militares ordena investigación por hallazgo de municiones en Brasil'. 27 February 2018. http://www.ultimahora.com/fuerzas-militares-ordena-investigacion-hallazgo-municiones-brasil-n1135692.html.
- 50 La Nación (2011). Las claves de la Causa de Armas! 13 September 2011. https://www.lanacion.com.ar/1405860-los-antecedentes-del-caso.
- 51 Kinosian, S. and Bosworth, J. (2018). 'Security for Sale: Challenges and Good Practices in Regulating Private Military and Security Companies in Latin America'. Washington: The Inter-American Dialogue. https://www.thedialogue.org/wp-content/uploads/2018/03/Security-for-Sale-FINAL-ENGLISH.pdf.
- 52 Ramsey, G. (2012). 'Private Security Firms are Unfortunate Necessity in Central America'. 22 October 2012. https://www.insightcrime.org/news/analysis/private-security-necessity-central-america/.
- 53 Kinosian, S. and Bosworth, J. (2018). 'Security for Sale: Challenges and Good Practices in Regulating Private Military and Security Companies in Latin America'. Washington: The Inter-American Dialogue. https://www.thedialogue.org/wp-content/uploads/2018/03/Security-for-Sale-FINAL-ENGLISH.pdf.
- 54 Insight Crime and ASJ (2017). 'El tráfico de armas de fuego en Honduras.' https://es.insightcrime.org/images/PDFs/2017/Trafico-armas-Honduras.pdf.
- 55 O Globo (2016). 'Armas roubadas de empresas de segurança somam 17,6 mil'. https://oglobo.globo.com/rio/armas-roubadas-de-empresas-de-seguranca-somam-176-mil-19353590.

#### POLICY AND PROGRAMMING RESPONSES

A comprehensive approach addressing diversion, both in LAC and more broadly, should consider the full lifecycle of firearms and ammunition, from production to final disposal. For example, in the case of diversion from the US to Mexico and other countries in Central America, strategies should emphasize domestic controls such as universal background checks on firearms and bulk ammunition purchases, safeguards to limit straw purchases<sup>56</sup>, restrictions on the number of firearms that can be purchased at a time, and comprehensive sales registries in the U.S. Other measures include bilateral agreements in which the U.S. State Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) develop and implement strategies to interdict illegal outflows, intelligence sharing and introducing additional border and custom controls, firearms and ammunitions marking, improved stockpile management procedures and targeted measures to reduce the number of stolen firearms.

The ATT, while legally binding, is not the sole international instrument relevant to tackling diversion in LAC. For a start, there are important and complementary obligations between the ATT and the UN Programme of Action on Small Arms and Light Weapons (PoA).<sup>57</sup> The International Small Arms Control Standards (ISACS) provide comprehensive and practical guidance to minimize diversion across the full lifecycle of SALW.<sup>58</sup> Bilateral and international agencies have played a role

in providing capacity building through technical assistance and promoting collaboration between domestic and international law enforcement agencies, thus assisting implementation of international instruments such as CIFTA and to a lesser extent the ATT. Both the Department of Public Security (DSP) of the Secretariat for Multidimensional Security (SSM) of the Organization of American States (OAS)59 and the UN Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC)60 have supported efforts to improve transparency and improve capacity for diversion prevention in the region. Civil society actors can also provide pivotal support to States Parties working to fulfill their ATT commitments to address diversion. The UK-based investigative organization Conflict Armament Research (CAR), for example, maintains the EU-funded iTrace database, containing information that documents weapons and ammunition that have been diverted into conflict zones, and maps out points of diversion in the chain of custody. While CAR does not currently document weapons and ammunition in the LAC region, its insights into diversion risks may be influential to countries in the region considering arms exports themselves.

Table 4.4 presents a typology of practices and policies, along with examples of implementation in LAC. The list is not exhaustive, but seeks to present a range of policies, practices or actions that can be taken at the various stages in the lifecycle of a weapon.

<sup>56</sup> For example, cash transactions for gun purchases along the border could also be carefully monitored or, potentially, prohibited.

<sup>57</sup> See Control Arms Secretariat (2016). 'Tackling Terror: How the Arms Trade Treaty (ATT) could help stop the diversion of arms and ammunition in West Africa'. ATT Monitor: Case Study 3.

<sup>58</sup> See the 'International Small Arms Control Standards'. http://www.smallarmsstandards.org/.

<sup>59</sup> OAS (2018). 'Report on activities carried out by OAS on the implementation of CIFTA'. Presented at the IV Conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. http://scm.oas.org/cifta/Docs/CIFTA0080gS03.doc.

<sup>60</sup> UNLIREC (2018). 'CIFTA meeting'. Presented at the IV conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. http://scm.oas.org/cifta/Docs/CIFTA00813T03.doc.

# \*Table 4.4: A typology of practices for preventing diversion and examples of interventions in the region

	Stage or aspect of the life-cycle of a weapon / Policy, practice or action taken	Examples in Latin America
Marking, tracing and record-keeping	Marking firearms/ammunition at time of manufacture, import and export  Deterring and counteracting removal/alteration of markings  Domestic information exchange  International tracing operations	"Promoting the Marking of Firearms in Latin America and the Caribbean" by OAS. 39 marking machines provided, roughly 300,000 firearms marked <sup>61</sup> Some countries, such as Mexico and states from The Caribbean claim to have made use of ATF eTrace requests and Interpot's Illicit Arms Records and tracing Management System (iARMS)
Stockpile management	Inventory management Reporting of losses and investigations Destruction of surplus stock Security over transportation Physical security Staff vetting and selection Assessments of stockpile facilities	UNLIREC Stockpile Management and Firearms Destruction training <sup>62</sup> During the Colombia peace process, a framework for stockpile management was developed for disarmament <sup>63</sup>
Collection and destruction of unwanted weapons	Voluntary civilian disarmament Permanent destruction of seized surplus and obsolete weapons (including record keeping, physical collection, storage and disposal)	Management and Destruction of Stockpiles including Technical Manuals, by OAS <sup>64</sup> Bolstering Stockpile Safety and Security and Assisting in Weapons Destruction, by UNLIREC <sup>65</sup>

<sup>61</sup> OAS (2018). 'Report on activities carried out by OAS on the implementation of CIFTA'. Presented at the IV Conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. http://scm.oas.org/cifta/.

<sup>62</sup> UNLIREC (2018). 'CIFTA meeting'. Presented at the IV conference of State Parties of CIFTA in Ciudad de Mexico, 4-5 April 2018. http://scm.oas.org/cifta/Docs/CIFTA00813T03.doc.

<sup>63</sup> Alto Comisionado para la Paz (2016). 'Protocolo y Anexos del capítulo de DEJACION DE ARMAS (DA) del Acuerdo de Cese al Fuego y de Hostilidades Bilateral y Definitivo (CFHBD) y Dejación de las Armas (DA)'. Borradores de los acuerdos. http://www.altocomisionadoparalapaz.gov.co/mesadeconversaciones/PDF/07-1470425889.-dejacion-de-las-armas-1470425889.pdf.

\*Table 4.4: A typology of practices for preventing diversion and examples of interventions in the region (continued)

	Stage or aspect of the life-cycle of a weapon / Policy, practice or action taken	Examples in Latin America
Border controls and law enforcement cooperation	Cooperation with Interpol, World Customs Organization including Customs Enforcement Network and regional intelligence liaison offices Integrated border management frameworks Border assessments and evaluations Enhanced customs, border, civil aviation, maritime, immigration and intelligence services Working level law enforcement cooperation, inter-agency cooperation Integrated border management commissions Ballistics forensics	UNLIREC's Firearms and Ammunition Evidence Management Course (EMC) <sup>66</sup> Since 1996, Brazil and Paraguay have held bilateral consultations, signing security cooperation agreements to develop mechanisms for controlling arms retail and reducing arms trafficking across the border between the countries. <sup>67</sup> Multilateral cooperation agreements, e.g. Mercosur (2017) <sup>68</sup> and Central America – SICA (2012-2015) <sup>69</sup> UNLIREC framework "Combating Illicit Firearms and Ammunition in the Caribbean through Operational Forensic Ballistics" <sup>70</sup>
National controls over manufacture	Introduce licensing procedures, restrictions and conditions for manufacturers to ensure record-keeping, notification of diversion, secure storage, and response to tracing requests, inspection and sanctions/penalties for non-compliance	All countries in the region have their own regulations for production, management and trade of firearms, e.g. Ecuador (reformed in 2009, regulatory decree 2015). <sup>71</sup>
National controls over international end-use	Clear requirements for end-user and end- use documentation (including certificate, statement, authentication and verification, grounds for denial)  Post-delivery controls (including inspection and restrictions on re-export)  National legislation setting out key elements, offences and enforcement  Robust record-keeping, notification systems and follow-up	Mexico has developed regulatory provisions stipulating that if diversion is detected, the granted license will be cancelled, among other restrictive and punitive actions. <sup>72</sup> UNLIREC's Specialized Course for the Implementation of the ATT <sup>73</sup>

#### 66 Ibid.

<sup>67</sup> See http://www.mre.gov.py/tratados/public\_web/Tratados.aspx.

<sup>68 &#</sup>x27;Acuerdo entre los Estados Partes del Mercosur y los Estados Asociados para el Intercambio de Información sobre la Fabricación y el Tráfico Ilícitos de Armas de Fuego, Municiones, Explosivos y otros Materiales Relacionados'. http://www.mre.gov.py/tratados/public\_web/DetallesTratado.aspx?id=+eHhgNvACBFYyNpOCl1wWA=-&em=bRu3GBt3aX/479zs3dcegLVjF+GtX1u/PGtpPOJXiwY=.

<sup>69</sup> SICA (2013). 'Programa Centroamericano para el Control de Armas Pequeñas y Ligeras (CASAC)'. San Salvador: SICA. https://www.sica.int/consulta/documento.aspx?idn=84675&idm=1.

<sup>70</sup> UNLIREC (2018). op. cit.

<sup>71</sup> See all documentation of the legal framework regarding firearms in Ecuador at https://controlarmas.ccffaa.mil.ec/pagina-ejemplo/

<sup>72</sup> Find detailed procedures in the agreement for the export of conventional weapons, their parts and components. SEGOB (2011). 'ACUERDO por el que se sujeta al requisito de permiso previo por parte de la Secretaría de Economía la exportación de armas convencionales, sus partes y componentes, bienes de uso dual, software y tecnologías susceptibles de desvío para la fabricación y proliferación de armas convencionales y de destrucción masiva'. http://dof.gob.mx/nota\_detalle.php?codigo=5196224&fecha=16/06/2011.

<sup>73</sup> UNLIREC (2018). op. cit.

\*Table 4.4: A typology of practices for preventing diversion and examples of interventions in the region (continued)



#### CONCLUSION

Diversion, particularly of SALW and ammunition, remains a serious problem in the LAC region, and a key priority for LAC States Parties to the ATT. The challenge of tackling diversion in the region is a complex one. Many causal factors – including but not limited to geography, a history of armed conflict in the region, a lack of information sharing, high levels of corruption and influence of organized crime networks – shape the diversion of SALW and ammunition in LAC. Diversion occurs at numerous different points in the weapons transfer chain and through many different means, and requires an extensive toolkit of preventative and mitigating measures to combat.

States in the LAC region, however, have such a policy toolkit at their disposal to help tackle the problem, not only through the ATT, but also through political instruments like the UN PoA or regional bodies and guidelines.

Responses of LAC States Parties to the ATT to diversion questions in their initial reporting suggest that in some cases their national control systems do not effectively address the many points of diversion across the entire transfer chain. However, it is clear that these governments, and actors in the region, are doing far more than is reported under the ATT: undertaking weapon marking, conducting their own delivery verification exercises, and carrying out bilateral cooperation to reduce cross-border trafficking.

The responsibility to address diversion within LAC is not limited solely to countries in the region. The ATT affirms that all States Parties have a shared responsibility to address diversion, and that particular onus rests on exporters who provide weapons and ammunition where diversion risks may exist to take preemptive action to reduce or negate those concerns. This is as true for LAC as it is for any region grappling with diversion. The US, itself a Signatory to the ATT, has a critical role to play in order to minimize diversion of SALW and ammunition to

LAC. The United States could also expand its Blue Lantern, Golden Sentry<sup>76</sup> and end-use checks to positive effect. These programmes have vetted tens of thousands of suspicious transfers to ensure that consignments reach their intended end users, whether military, police or civilian<sup>77</sup> Notwithstanding successes in identifying actors involved in arms diversion, a more systematic approach is needed, in order to track transfers at the sub-national (i.e. state) level and beyond so as to avoid their falling into the hands of unauthorized users and fueling crime, conflict and human rights violations in the LAC region and beyond.

Critically no state can inoculate itself from the consequences of diversion by acting alone. In order to effectively tackle diversion, in all its varied forms, it is important for ATT States Parties in LAC to collaborate; sharing information on diversion risks, and working together – as well as with international and local civil society expert actors – to reduce diversion risks and instances.

ATT States Parties in the region have been leading on efforts to develop a mechanism through which information on risks relating to diversion, and measures taken to prevent it, can be shared with other States Parties.<sup>78</sup> More information is required to fully understand what States Parties in the LAC region are doing to remedy diversion risks, and what gaps continue to exist in their national control systems. Countries in the region need to take opportunities, outside of the Initial Reports where appropriate, to share information about effective measures to prevent diversion, including through the sub-working group on this issue. By sharing information about both good practices and challenges faced, states can not only build collective understanding about the most efficient interventions to tackle diversion, but can also highlight assistance needs that may help governments to build their technical capacity in this challenging area.

<sup>76</sup> See U.S. Office of Defense Trade Controls Policy (2015). 'U.S. Defense Trade Controls and the Blue Lantern End-Use Monitoring Program. https://www.bis.doc.gov/index.php/documents/update-2015-presentations/1375-civil-military-ddtc/file.

<sup>77</sup> Muggah, R (2016). op cit.



