

## CHAPTER 3: ATT REPORTING UPDATES AND INSIGHTS FROM 2019

### 3.1 – PRELIMINARY REVIEW OF 2019 ANNUAL REPORTS

#### INTRODUCTION

Reporting under the Arms Trade Treaty (ATT) is critical to achieving its object and purpose as well as for increasing transparency in the international arms trade. Article 13.3 of the ATT mandates that every State Party submit an annual report on its national arms exports and imports each year, capturing information from the previous calendar year.<sup>1</sup> A State Party is required to submit its first ATT annual report capturing arms exports and imports that occurred during the first full calendar year after the Treaty's entry into force for that State Party. The decision to have ATT annual reports reflect transfers that occurred during the first full year following the Treaty's entry into force for a given State Party came as a result of discussions during the preparatory process for the first Conference of States Parties (CSP1).<sup>2</sup> These reports contribute to greater transparency of the global arms trade and help key stakeholders monitor arms flows around the world, as well as facilitate confidence building, responsibility and accountability in national arms-transfer decisions.

#### PREVIEW OF 2019 ANNUAL REPORTS

ATT annual reports are due by 31 May each year, reflecting arms exports and imports from the previous calendar year. However, States Parties are granted a seven-day grace period by the ATT Secretariat to submit their reports, creating a de facto deadline of 7 June each year. Of the 106 States Parties to the ATT, 97 were required to submit their 2019 annual report on arms exports and imports. Thirty-five of these did so by 7 June 2020, reflecting an on-time compliance rate of 36 per cent. The Maldives also submitted a 2019 annual report, though it was not required to do so, bringing the total number of submitted reports to 36 at the time of writing.

The on-time completion rate for 2019 annual reports is the lowest of any year, as shown in Table 1. However, the low rate could be the result of several factors, such as strains on personnel, time and resources amidst the COVID-19 pandemic. The public-health crisis forced many governments and institutions to reorient their work patterns to focus on other, at times more immediate, priorities and to accommodate an

almost entirely virtual environment. Moreover, government officials may have had limited capacities and/or limited access to the information and data systems necessary to complete their 2019 annual report. In this respect, given the unprecedented effects of COVID-19, this year may ultimately turn out to be an outlier when assessing ATT reporting trends.

States Parties that submitted their reports on time represent a relatively geographically diverse range, which may indicate positive trends towards established reporting processes that facilitate efficient and on-time reporting around the world. These States Parties are:

Albania, Argentina, Belgium, Benin, Burkina Faso, Chile, the Czech Republic, the Dominican Republic, Finland, France, Georgia, Germany, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Maldives, Mauritius, Mexico, New Zealand, Norway, Panama, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Sierra Leone, Slovakia, Slovenia, Spain, the State of Palestine, Sweden, Switzerland and Uruguay.<sup>3</sup>

Six States Parties elected to make their 2019 annual reports private, representing 17 per cent of those submitted by 7 June 2020.<sup>4</sup> By comparison, approximately 11 per cent of States Parties reporting on time chose to make their 2018 annual reports private.

**Table 1: ATT Annual Reports On-Time Reporting Rates**

| Reporting Year | Number of On-Time Reports Submitted | On-Time Completion Rate |
|----------------|-------------------------------------|-------------------------|
| 2015           | 28                                  | 46%                     |
| 2016           | 32                                  | 43%                     |
| 2017           | 36                                  | 40%                     |
| 2018           | 45                                  | 49%                     |
| 2019           | 36                                  | 37%                     |

1 Article 13.3 states: "Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2.1. Reports shall be made available and distributed to States Parties by the Secretariat."

2 For additional details on this point, see Casey-Maslen, S., Clapham, A., Giacca, G. and Parker, S. (2016). 'The Arms Trade Treaty: A Commentary'. Oxford: Oxford University Press.

3 While Burkina Faso and Uruguay met the deadline, questions remained as to whether their 2019 annual reports would be publicly available or not, so their reports were not yet available on the ATT Secretariat's website at the time of writing.

4 The six States Parties that elected to make their 2019 reports private are: Albania, Georgia, Lithuania, the Maldives, Mauritius and the State of Palestine.

Private reporting continues to pose a challenge to transparency, and several States Parties appear to have altered their reporting behaviours towards more privacy. For example, Albania chose, for the first time, to make its annual report private this year, after reporting publicly in its 2015, 2016, 2017, and 2018 annual reports. And some States Parties that submitted private reports for the first time last year – including Georgia, Lithuania and Mauritius – continued that practice for their 2019 annual reports, despite having submitted public reports in previous years. The continued trend of private reporting is concerning, as private reports create a challenge for identifying global arms exports and imports, prevent a public accounting of arm sales, and impede the identification of particularly troubling transfers or potentially troubling arms accumulations.

## REPORTING UPDATES

In 2020, five States Parties were required to report on their annual arms exports and imports for the first time by submitting 2019 annual reports.<sup>5</sup> Two of these (Chile and the State of Palestine) met the reporting deadline. Chile had previously submitted an annual report for its 2018 arms exports and imports, even though it was not required to do so at the time. An additional State Party (Maldives) reported on its annual arms exports and imports to the ATT Secretariat for the first time and submitted a 2019 annual report although it was not required to do so.

Several States Parties remain consistently in compliance with their reporting obligations. As of 7 June 2020, 31 submitted an annual report every year they were required to do so.<sup>6</sup>

By comparison, 26 States Parties have never reported, despite being required to do so for one or more years.<sup>7</sup> This is a slight improvement from last year, in which one State Party (Nigeria) submitted its first annual report after not fulfilling reporting obligations in previous years, reflecting its exports and imports in the 2018 calendar year.

Two States Parties have also provided updates to some of their previously submitted annual reports, even though there is not a specific Treaty requirement to do so. As noted in last year's ATT Monitor, Japan provided an update of its previously submitted 2018 report. More recently, Belgium submitted a revised version of its 2017 annual report to the ATT Secretariat. These examples could serve as good practice for States Parties to provide clarifications and corrections when new or more accurate information becomes available on earlier transfers.

## INITIAL ASSESSMENT

A preliminary review of the contents of the publicly available 2019 annual reports received by 7 June 2020 offers the following observations:

- Ten States Parties submitted their 2019 annual reports using the online reporting tool made available by the ATT Secretariat.<sup>8</sup> Eight of these also utilized the online reporting tool last year to submit their 2018 annual reports.<sup>9</sup> By comparison, nine States Parties that submitted their 2018 annual report on time last year used the online reporting tool. The online reporting tool first became available for use in 2019 (to support States Parties in submitting their 2018 annual reports).
- Four States Parties noted that they submitted 'nil' reports for arms exports, indicating they did not export any weapons covered by Article 2.1 of the Treaty during the 2019 calendar year.<sup>10</sup>
- Two States Parties (Panama and Sierra Leone) indicated that they submitted 'nil' reports for arms imports, indicating they did not import any weapons covered by Article 2.1 of the Treaty during the 2019 calendar year.
- Seven States Parties indicated some commercially sensitive and/or national security-related data was withheld from their 2019 annual reports in accordance with Article 13.3 of the Treaty, representing approximately 20 per cent of reporting States Parties.<sup>11</sup> This is compared to approximately 27 per cent of States Parties reporting on time last year.

5 The five States Parties required to submit their first annual reports in 2020 are: Brazil, Cameroon, Chile, Kazakhstan and the State of Palestine.

6 The 31 States Parties that submitted an annual report every year they were required to do so are: Albania, Argentina, Belgium, Benin, Czech Republic, Dominican Republic, Finland, France, Georgia, Germany, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Mauritius, Mexico, New Zealand, Norway, Panama, Portugal, Republic of Korea, Republic of Moldova, Romania, Sierra Leone, Slovakia, Slovenia, Spain, Sweden and Switzerland.

7 The 26 States Parties that have never reported are: Antigua and Barbuda, the Bahamas, Barbados, Belize, Cabo Verde, the Central African Republic, Chad, Cote d'Ivoire, Dominica, Ghana, Grenada, Guatemala, Guinea, Guyana, Iceland, Lesotho, Mauritania, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, the Seychelles, Togo, Trinidad and Tobago and Zambia.

8 The ten States Parties that submitted 2019 annual reports using the online reporting tool are: Argentina, Belgium, Chile, the Czech Republic, Finland, Italy, Japan, Romania, Sweden and Switzerland.

9 The eight States Parties that submitted both 2019 and 2018 annual reports using the online reporting tool are: Argentina, Chile, the Czech Republic, Italy, Japan, Romania, Sweden and Switzerland.

10 The eight States Parties that indicated that they submitted 'nil' reports for arms exports are: Benin, the Dominican Republic, Panama, and Sierra Leone.

11 The seven States Parties that indicated they withheld some commercially sensitive and/or national security-related data are: Chile, Finland, Italy, Mexico, Norway, the Republic of Korea and Sweden.

- Five States Parties indicated that their reports included information on national definitions and categories of conventional arms, compared to six States Parties that reported on time last year.<sup>12</sup>

## EXPORTS

- Twelve States Parties reported exports of major conventional weapons. Of these, nine reported actual exports<sup>13</sup> and two (Italy and the Republic of Korea) reported export authorizations. One State Party (Finland) did not appear to indicate whether it reported actual exports or export authorizations.
- Twenty-four States Parties reported exports of SALW. Of these, 15 reported actual SALW exports<sup>14</sup> and eight reported SALW export authorizations.<sup>15</sup> One State Party (Norway) did not appear to indicate whether it reported authorizations or actual SALW exports.
- One State Party (Switzerland) reported on actual exports of major conventional weapons and authorizations of SALW exports.
- Nineteen States Parties reported only the number of items exported,<sup>16</sup> four reported both the number and the value of items exported,<sup>17</sup> and one (Belgium) reported only the value of items exported.

## IMPORTS

- Fifteen States Parties reported imports of major conventional weapons. Of these, 12 reported actual imports<sup>18</sup> and three (Belgium, Latvia and the Republic of Korea) reported import authorizations.
- Twenty-four States Parties reported on imports of SALW. Of these, 13 reported on actual SALW imports,<sup>19</sup> seven reported import authorizations<sup>20</sup> and two (Belgium and Portugal) reported on both actual SALW imports and authorizations. It is unclear whether two States Parties (Dominican Republic and Finland) reported actual SALW imports or authorizations based on how information is presented in their reports.
- Four States Parties reported differently for imports of major conventional weapons and SALW.<sup>21</sup> For example, Belgium reported import authorizations for major conventional weapons, but appears to have reported on both authorizations and actual imports for SALW. Latvia also reported import authorizations for major conventional weapons and actual imports for SALW. Portugal, by comparison, reported actual major conventional weapons imports and reported on both authorizations and actual imports for SALW. And Switzerland reported actual imports for major conventional weapons and SALW import authorizations.
- Twenty States Parties reported the number of items imported<sup>22</sup> and six reported both the number and the value of items imported.<sup>23</sup> No State Party only reported the value of its arms imports.

12 The five States Parties that indicated their reports included information on national definitions and categories of conventional arms are: Belgium, Finland, New Zealand, Sweden and Switzerland.

13 The nine States Parties that reported actual exports of major conventional weapons are: the Czech Republic, France, Germany, Norway, Romania, Slovakia, Spain, Sweden and Switzerland.

14 The 15 States Parties that reported actual exports of SALW are: Argentina, Chile, the Czech Republic, Finland, France, Japan, Latvia, Liechtenstein, Mexico, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain and Sweden.

15 The eight States Parties that reported authorized exports of SALW are: Belgium, Germany, Italy, Jamaica, New Zealand, Portugal, the Republic of Korea and Switzerland.

16 The 19 States Parties that reported the number of items exported are: Argentina, Chile, the Czech Republic, Finland, France, Germany, Italy, Jamaica, Liechtenstein, Mexico, New Zealand, Norway, Portugal, the Republic of Korea, Romania, Slovakia, Spain, Sweden and Switzerland.

17 The four States Parties that reported the number and value of items exported are: Japan, Latvia, the Republic of Moldova and Slovenia.

18 The 12 States Parties that reported actual imports are: Benin, the Czech Republic, Japan, Mexico, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

19 The 13 States Parties that reported actual exports of SALW are: Argentina, Benin, Chile, the Czech Republic, France, Japan, Latvia, Mexico, Norway, the Republic of Moldova, Romania, Slovakia and Slovenia.

20 The seven States Parties that reported authorized imports of SALW are: Germany, Italy, Jamaica, Liechtenstein, New Zealand, the Republic of Korea and Switzerland.

21 The four States Parties that reported differently for imports of major conventional weapons and SALW are: Belgium, Latvia, Portugal and Switzerland.

22 The 20 States Parties that reported the number of items imported are: Argentina, Benin, Chile, the Czech Republic, the Dominican Republic, Finland, France, Germany, Italy, Jamaica, Liechtenstein, Mexico, New Zealand, Norway, the Republic of Korea, Romania, Slovakia, Spain, Sweden and Switzerland.

23 The six States Parties that reported both the number and value of items imported are: Belgium, Japan, Latvia, Portugal, the Republic of Moldova and Slovenia.

## CONCLUSION

Over time, examples of good practice are emerging from the annual reports. We can discern the benefits of reporting on both the value and number of arms exports or imports as well as both actual and authorized exports/imports. If States Parties continue to provide more, rather than less, information in their annual reports, a better and more helpful picture of global arms exports and imports may emerge. However, significant work is still required to not only adjust the reporting templates, but also to share best practices and have States Parties incorporate such practices into their data collection and reporting systems.

The COVID-19 pandemic likely had an impact on the submission of States Parties' 2019 ATT annual reports. However, the geographic diversity and varying levels of capacity for managing national transfer control systems of those that were able to report by the deadline demonstrate that political will likely remains the largest impediment to ATT reporting. Moreover, the worrying trend towards private reports, particularly among States Parties that have reported publicly in the past, will need to be further examined in a non-COVID year to see if there is in fact an upward trend towards less transparency in this regard.



**EL SALVADORIAN ARMED HELICOPTER  
BEING PREPARED FOR FLIGHT AS PART  
OF PEACEKEEPING EFFORTS OF THE  
UNITED NATIONS MULTIDIMENSIONAL  
INTEGRATED STABILIZATION MISSION  
IN MALI (MINUSMA).**

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**HMS ILLUSTRIOUS BEFORE  
HEADING TO THE ARCTIC CIRCLE  
FOR A NORWEGIAN LED NATO  
EXERCISE WHICH ALSO INVOLVES  
SHIPS FROM DENMARK, THE  
NETHERLANDS AND SWEDEN.**

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