

## 3.2 – UPDATES ON ATT INITIAL REPORTS AND MONITORING TREATY IMPLEMENTATION

### INTRODUCTION

Reporting on Arms Trade Treaty (ATT) implementation remains one of few means by which to examine how States Parties understand and incorporate their Treaty obligations in their national transfer control systems and to monitor Treaty universalization. Therefore, ATT initial reports on Treaty implementation are critical for shedding light on how the ATT is implemented around the world. The ATT obliges States Parties to submit an initial report "within the first year after entry into force" of the ATT for that State Party.<sup>1</sup> Therefore, the submission deadline will vary by State Party. As of 24 June 2020, 100 of the 106 ATT States Parties were due to submit their initial reports, according to the ATT Secretariat. In total, 76 have done so, representing an overall compliance rate of 76 per cent.

This chapter includes a brief analysis of six newly submitted initial reports, as well as an overview of two updated reports received by the ATT Secretariat. It also analyses reporting non-compliance and highlights efforts led by the Working Group on Transparency and Reporting (WGTR) and the ATT Secretariat to improve reporting.

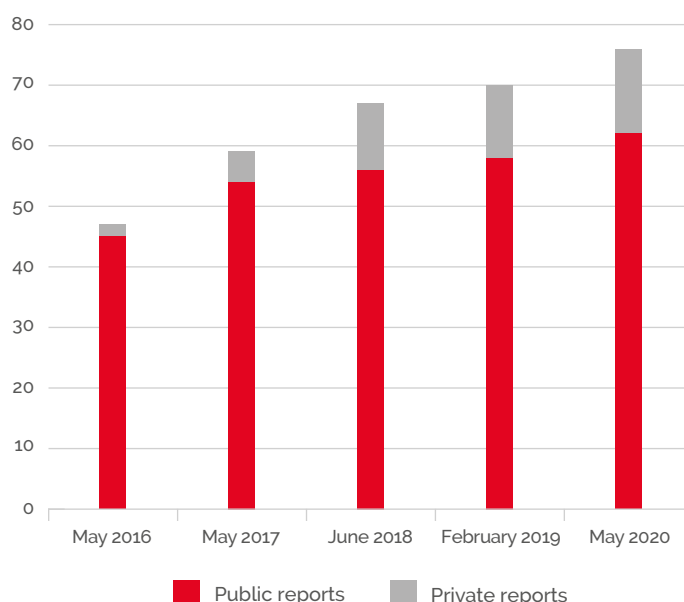
### RECENT REPORTS

In the period following the publication of the ATT Monitor 2019 Annual Report, six States Parties were due to submit their initial reports.<sup>2</sup> Of these, two (Chile and Suriname) submitted their initial reports to the ATT Secretariat within the last year. An additional four States Parties also belatedly submitted their initial reports to the ATT Secretariat within the last year. Of these four, Antigua and Barbuda and Malta were required to submit initial reports in 2015, Belize in 2016 and Zambia in 2017. Their recent reporting may serve as an early indicator towards a longer-term positive trend of improved reporting compliance from previously non-compliant States Parties.

Of the above six newly submitted initial reports, four were made public on the ATT Secretariat website.<sup>3</sup> By comparison, Chile and Malta elected to make their initial reports private, thereby inhibiting a public review of their Treaty implementation practices.

There remains an upward trend towards private reporting for ATT initial reports. As Figure 1 demonstrates, private reports represent an increasing share of overall initial reports.

**Figure 1: Comparing the Number of Public vs Private Initial Reports<sup>4</sup>**



1 As the ATT Secretariat website further explains, for those States Parties "that ratified, accepted, approved or acceded to the Treaty after 24 December 2014, the Treaty enters into force ... ninety days following the date of deposit of its instrument of ratification, acceptance, approval or accession in accordance with Article 22. The deadline for submission of its initial report is twelve months after that date."

2 The following States Parties were due to submit their ATT initial reports between March 2019 and April 2020: Brazil, Cameroon, Chile, Guinea Bissau, Mozambique and Suriname.

3 The four States Parties that made their newly submitted initial reports public are: Antigua and Barbuda, Belize, Suriname and Zambia.

4 For more information on these figures see ATT Monitor, 'Annual Reports': <https://attmonitor.org/en/research-reports/annual-reports/>.

In May 2016, two of the 47 initial reports submitted were private, representing 4 per cent of all submitted reports. In June 2020, 14 of the 76 initial reports submitted were private, representing 18 per cent of all submitted reports.<sup>5</sup> Private reports pose a challenge for monitoring and assessing Treaty implementation. For States Parties that submit them, it is not possible to conduct a public review of their implementation practices, to compare their national control systems with those of other States Parties, to assess potential areas of strength and/or weakness, or to identify opportunities for support and/or cooperation to facilitate Treaty implementation.

States Parties have a variety of methods for submitting their initial reports. In 2019, an online reporting tool developed by the ATT Secretariat became available for the first time. The majority of States Parties continue to use the recommended ATT reporting template endorsed by the WGTR. As of 24 June 2020, of those States Parties that made their ATT initial reports public, 53 used the recommended ATT reporting template, seven used the ATT Baseline Assessment Survey developed by the Stimson Center's Arms Trade Treaty-Baseline

Assessment Project (ATT-BAP), and two used a national format. The variation is noteworthy, as different reporting methods complicate comparative analyses of the initial reports.

The four newly submitted reports that are publicly available contain good practice in reporting on preliminary steps to implement the ATT, even if distinct measures have yet to be established. These approaches to reporting provide a baseline of understanding for current efforts, potential gaps and areas for assistance for each State Party. For example, while Antigua and Barbuda indicated that it does not yet have the means to comprehensively implement the ATT, it noted that several elements of its national control system are in the process of being developed. Similarly, Suriname and Zambia provided details on legislation and regulations that are being established to develop national control lists, among other items, and to incorporate ATT provisions into their national transfer control systems to facilitate Treaty implementation. Therefore, monitoring these States Parties' future reports for updates on implementation progress would be well-advised.



<sup>5</sup> The States Parties that elected to make their initial reports private are: Benin, Burkina Faso, Chile, Cyprus, Greece, Honduras, Kazakhstan, Madagascar, Mauritius, Nigeria, Senegal, the State of Palestine and Tuvalu. Two States Parties (the Republic of Korea and Togo) initially submitted private initial reports but later requested the ATT Secretariat make them publicly available.



AN EM-2, ALSO KNOWN AS RIFLE NO.9 MK1 OR JANSON RIFLE, WHICH WAS BRIEFLY ADOPTED BY BRITISH FORCES IN 1951.

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NON-COMPLIANCE

Twenty-four States Parties have not submitted an initial report on ATT implementation to the ATT Secretariat, and many of these are several years delinquent on their initial reporting requirement. Twenty-one of these 24 States Parties were required to submit initial reports between 2015 and 2017.

Of the 24 States Parties that have yet to submit their initial reports, 13 are from Africa, ten are from the Americas and one is from Europe. Furthermore, nine of these 24 States Parties are among the least developed countries, according to UN figures, and 11 are small island developing states.<sup>6</sup> Eighteen of these 24 States Parties have experience reporting on their national arms-transfer control systems in other forums, particularly through national reports for the UN Programme of Action on Small Arms and Light Weapons.

Figure 2: Initial Report Submissions by Region (as of 24 June 2020)<sup>7</sup>

Region	Number of States Parties Due to Report	Number of States Parties That Have Reported	Regional Reporting Rates
Africa	25	12	48%
Americas	26	16	62%
Asia	6	6	100%
Europe	39	38	95%
Oceania	4	4	100%



**TWENTY-FOUR STATES PARTIES HAVE NOT SUBMITTED AN INITIAL REPORT ON ATT IMPLEMENTATION TO THE ATT SECRETARIAT, AND MANY OF THESE ARE SEVERAL YEARS DELINQUENT ON THEIR INITIAL REPORTING REQUIREMENT.**

6 For example, Guinea Bissau is identified as one of the world's least developed countries as well as a small island developing state. United Nations, Department of Economic and Social Affairs, Statistics Division, 'Methodology'. <https://unstats.un.org/unsd/methodology/m49/>.

7 Analysis is based on UN Statistics Division regional groupings. See United Nations, Department of Economic and Social Affairs, Statistics Division, 'Methodology'. <https://unstats.un.org/unsd/methodology/m49/>.

## UPDATED REPORTS

Article 13.1 of the ATT requires States Parties to update their initial reports and to provide the ATT Secretariat with information "on any new measures undertaken in order to implement this Treaty, when appropriate." Since the publication of the ATT Monitor 2019 Annual Report, two States Parties (New Zealand and Slovenia) submitted updates to their initial reports. They join Japan and Sweden as the only four States Parties to have submitted updates to date.

According to the ATT Secretariat, New Zealand provided an update to its report in August 2019 and had previously announced its intention to provide updates following the enactment of new brokering legislation. New Zealand's original initial report noted that "New Zealand expects to provide an update in relation to brokering controls once national

legislation has been enacted."<sup>8</sup> New Zealand's Ambassador for Disarmament H.E. Dell Higgie announced at the fourth Conference of States Parties (CSP4) that "New Zealand has recently passed legislation enhancing our compliance with the Arms Trade Treaty by enacting new brokering legislation" and that "we [...] will update our initial report accordingly."<sup>9</sup> The new report helpfully includes the words 'Updated Initial Report' in its title. However, New Zealand did not provide cover-sheet information indicating which parts of its initial report had been updated, nor did it date its report to reflect when the updates were submitted. Such steps were taken by Japan and Sweden in their updated initial reports, and the ATT Monitor 2019 Annual Report highlighted these steps as good practice for States Parties to incorporate when updating their reports, particularly in the absence of a standardized process and/or mechanism for providing updates.



8 Government of New Zealand (N. D.). 'Initial Report on Measures Undertaken to Implement the Arms Trade Treaty'. [Accessed 13 April 2020]. <https://thearmstradetreaty.org/download/17472dcc-e8b1-3964-a5df-1fcbae8bf3bc>.

9 Government of New Zealand (2018). 'Statement by H.E. Dell Higgie, Ambassador for Disarmament'. Fourth Conference of States Parties to the Arms Trade Treaty, 21 August 2018. [https://thearmstradetreaty.org/hyper-images/file/CSP4 Treaty Implementation - New Zealand/CSP4 Treaty Implementation - New Zealand.pdf](https://thearmstradetreaty.org/hyper-images/file/CSP4%20Treaty%20Implementation%20-%20New%20Zealand/CSP4%20Treaty%20Implementation%20-%20New%20Zealand.pdf).



A comparison of New Zealand's originally submitted initial report and its updated version reveals several substantive changes. Many changes relate to the country's new brokering legislation, as expected. Additionally, New Zealand updated information on its national control system to reflect recent amendments to legislation governing arms imports and exports. Smaller edits were also made to clarify terminology and practice in various other sections in its report, such as clarifying that New Zealand "may require" certain supporting documents be included in an application for an export authorization and that its Strategic Goods regime applies to "all goods in New Zealand territory," compared to all goods exported from New Zealand territory, as indicated in its originally submitted initial report.

Slovenia provided an update to its initial report in October 2019, in which it indicated updates to relevant national laws and provided updated links to relevant content such as its national control list (which is informed by the EU Common Military List) and its annual reports on import, export, brokering, transit

or trans-shipment licenses. Slovenia also updated language describing its transfer review process by clarifying that requests to issue any license (export, brokering or transit and trans-shipment) "may seek a prior opinion" by the Inter-Ministerial Export Control Commission, rather than be obliged to consult the Commission, as was indicated in Slovenia's originally submitted initial report. The same revision was made when detailing the decision-making processes for export authorizations, for transit or trans-shipment authorizations and for control measures related to brokering. To indicate its updates, Slovenia used red text to identify new content, which could serve as good practice in the absence of a standardized reporting update process.

No clear process or mechanisms yet exist to facilitate updating initial reports in a consistent and standardized manner. Since the publication of the ATT Monitor 2019 Annual Report, the WGTR has continued its efforts to assist States Parties in better understanding and complying with reporting obligations, including the obligation to update initial reports.



**A SOLDIER FROM THE UK ARMY  
WITH HIS L85 A2 RIFLE FITTED  
WITH A NEW LIGHTWEIGHT  
POLYMER MAGAZINE.**

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## CONCLUSION

As ATT States Parties continue to complete and submit their initial reports, key stakeholders continue to consider how best to support these efforts and improve reporting processes and practices. Of particular note, the WGTR co-chairs collected comments and suggestions for possible amendments to the reporting templates from participants at WGTR meetings in January and April 2019, on the information-exchange platform in the restricted area of the ATT website and via email.<sup>10</sup> These comments and suggestions were compiled in an annex to the WGTR co-chairs' draft report to the fifth Conference of States Parties (CSP5). Pursuant to its mandate agreed to by States Parties at CSP5, the WGTR is considering "adjustments to the reporting templates deemed necessary to address uncertainties and inconsistencies to ensure compatibility between the online reporting tool and the proposed public searchable database that allows for queries and extracting data," taking into account comments and suggestions from States Parties and other key stakeholders, including civil society.<sup>11</sup>

The WGTR also prepared a draft amended template for the initial report and held remote consultations on the amended templates during the intersessional period in advance of the sixth Conference of States Parties (CSP6). The Working Group co-chairs will collate the received responses, but it is not yet clear when and how the discussions on the reporting templates will move forward due to the disruption to meeting schedules because of the COVID-19 pandemic. Discussions surrounding the reporting templates may need to be delayed until 2021, when meetings may be able to move forward with all stakeholders. In coordination with the ATT Secretariat, the WGTR also continues to review the status of reporting, to monitor and assess the use of the online reporting tool and information-

exchange platform on the ATT Secretariat's website, and to offer opportunities to discuss reporting challenges, information exchange mechanisms, and projects to harness information from the initial and annual reports.<sup>12</sup>

While States Parties have not offered any new information on reporting challenges since the ATT Monitor 2019 Annual Report, they have previously offered insights on obstacles to reporting that are intended to be addressed by the WGTR.

The January 2019 ATT-BAP publication, 'Lessons Learned from Arms Trade Reporting', describes the different kinds of challenges experienced by States Parties with regard to reporting.<sup>13</sup> These include:

- Limited resources and capacity
- Difficulty in accessing and compiling relevant information
- Difficulty in maintaining awareness of reporting obligations and deadlines

Moreover, States Parties often have to balance their many reporting obligations, strained government resources and overworked staff. In addition, some governments have not yet established the bureaucratic mechanisms necessary for effective and efficient reporting, and they may not have internal processes for data collection, storage and sharing. It also may be the first time States Parties are collecting information on national practices when they compile their initial report and they may not know where and how to collect inter-agency information on national practices. States Parties may have technical challenges and limited capacity and resources that can also prevent them from compiling and completing their reports.

10 ATT WGTR (2019). 'Co-Chairs' Draft Report to CSP5'. 29 August 2019. [https://thearmstradetreaty.org/hyper-images/file/ATT\\_WGTR\\_CSP5\\_Co-chair's%20report\\_ENRev1/ATT\\_WGTR\\_CSP5\\_Co-chair's%20report\\_ENRev1.pdf](https://thearmstradetreaty.org/hyper-images/file/ATT_WGTR_CSP5_Co-chair's%20report_ENRev1/ATT_WGTR_CSP5_Co-chair's%20report_ENRev1.pdf), p. 3.

11 Ibid., p. 40.

12 Ibid., p. 40.

13 Stimson Center's Arms Trade Treaty Baseline Assessment Project (ATT-BAP) (2019). 'Lessons Learned from Arms Trade Reporting'. January 2019. [http://www.armstrade.info/wp-content/uploads/2017/04/ATT-BAP\\_LESSONS-LEARNED-FROM-REPORTING\\_ATT.pdf](http://www.armstrade.info/wp-content/uploads/2017/04/ATT-BAP_LESSONS-LEARNED-FROM-REPORTING_ATT.pdf).



5.56MM ROUNDS BEING  
HELD PRIOR TO LOADING  
IN TO THE MAGAZINE  
OF A RIFLE.

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