CHAPTER 2: LOOKING BACK TO MOVE FORWARD: EVALUATING FIVE YEARS OF ATT REPORTING

2.1 - ANNUAL REPORTS

INTRODUCTION

Transparency in arms transfers is a central component of the Arms Trade Treaty (ATT) and fundamental to achieving its goals and objectives. The object and purpose of the ATT itself cannot be fulfilled in the absence of transparency among states trading in arms, and transparency more broadly is central to the effective implementation of the ATT's operative articles. Transparency can also be seen as directly linked to a government's willingness to commit to monitoring, oversight and accountability.¹

The ATT's requirements for reporting on arms transfers are the primary tools for transparency at the disposal of States Parties. Timely, comprehensive and meaningfully transparent reporting facilitates confidence building, responsibility and cooperation by allowing States Parties and civil society to be certain that Treaty commitments have been respected.

During the negotiations to develop the ATT, many governments and civil society organizations expressed a desire that the Treaty foster improvements in the transparency of the global arms trade. As such, transparency in the form of public reporting was a key priority from the onset of negotiations² that saw widespread support from 81 per cent of States Parties and Signatories to the ATT when it entered into force in 2014.³

This chapter evaluates the first five years of ATT annual reporting – which includes 2015–2019 annual reports – to determine whether such reporting has lived up to the promise and requirements of the ATT. Building on previous ATT Monitor analysis of annual reports each year, this chapter examines compliance with Article 13.3 reporting obligations, reporting that contributes to the transparency aims and objectives of the Treaty, and reporting that contributes to a higher standard of transparency. This chapter finds that a number of reporting trends threaten to undermine both transparency in the global arms trade and States Parties' commitments to the object and purpose of the Treaty.

KEY FINDINGS

- Declining rates of compliance with ATT reporting obligations are undermining transparency in the global arms trade. Less than half of States Parties have fulfilled all of their ATT annual reporting requirements in any given year.
- Declining rates of compliance with ATT reporting obligations and increasing rates of confidential reporting are reducing the percentage of reports submitted each year that contribute positively to the transparency aims and objectives of the Treaty. The percentage of reports due that are meaningfully transparent fell from 46 per cent to 30 per cent over the 2015–2019 period.
- The decline in reporting has not been offset by any significant improvement in the transparency in information provided in publicly available reports. The percentage of publicly available reports that are meaningfully transparent have remained relatively consistent at 58 per cent for 2015 and 59 per cent for 2019, indicating that capacity among States Parties may also have remained static.
- A group of States Parties that consistently submit publicly available reports each year has increased the occurrence of comments and descriptions of reported transfers, contributing to a higher standard of transparency in their reports.
- Only 12 States Parties have been fully compliant with Article 13.3 reporting obligations and have submitted reports that contribute to the transparency aims and objectives of the Treaty for every year a report was due.
- Only eight States Parties have been fully compliant with Article 13.3 reporting obligations, submit reports that contribute to the transparency aims and objectives of the Treaty for every year a report was due and include information that contributes to a higher standard of transparency.

¹ Holtom, P. (2008). 'Transparency in Transfers of Small Arms and Light Weapons'. Stockholm International Peace Research Institute (SIPRI). 22 July 2008. https://www.sipri.org/sites/default/files/files/PP/SIPRIPP22.pdf, p. 3. See also Control Arms Secretariat (2020). 'ATT Monitor 2020'. 19 August 2020. https://attmonitor.org/wp-content/uploads/2020/11/EN_ATT_Monitor-Report-2020_Online.pdf, p. 25.

² See Control Arms Secretariat (2017). 'ATT Monitor 2017'. 11 September 2017. https://attmonitor.org/en/the-2017-report/, p. 18.

³ Of the 130 ATT States Parties or Signatories at this time, 105 had explicitly called for public reporting. See Karim, A. and Marsh, N. (2015). 'State positions and practices concerning reporting and the Arms Trade Treaty'. Control Arms. https://controlarms.org/wp-content/uploads/2018/03/States-Practices-PT1.pdf, p. 1.

METHODOLOGY

Annual reports for all years were downloaded for analysis on 7 June 2021. Reports subsequently or later amended by a State Party have not been taken into consideration. In many reporting years, one or more States Parties submitted reports before they were required to do so. While this is a commendable practice, this review does not take stock of those reports in order to reflect accurately on compliance with reporting obligations.

This chapter examines three different categories of ATT annual reporting to evaluate whether and to what degree, after five years, the reporting obligations and transparency objectives of the ATT have been fulfilled. ATT Monitor analysis considers whether 2015–2019 annual reports:

- 1. Are compliant with Article 13.3 reporting obligations
- 2. Are meaningfully transparent and contribute to the transparency aims and objectives of the Treaty
- 3. Contribute to a higher standard of transparency

For each reporting category, the ATT Monitor established specific criteria upon which annual reports are evaluated in each reporting category. These criteria are provided below.

Distinct evaluation exercises were undertaken for each reporting category to distinguish between Treaty obligations (Article 13.3 reporting requirements), the minimum amount of information the ATT Monitor has determined is needed for reports to be meaningfully transparent and to fulfil the transparency aims and objectives of the Treaty (for example, public reporting), and additional information that, when provided, contributes to a higher standard of transparency (for example, comments on the nature of reported transfers). Using all of these criteria in one exercise to evaluate annual reports would not have produced accurate analysis regarding transparency. For example, an annual report submitted after the reporting deadline is not compliant with Article 13.3 obligations, but may otherwise include information that is meaningfully transparent and contribute to a higher standard of transparency.

The submission of 'nil' reports for exports and/or imports may fulfil both Article 13.3 reporting obligations and the transparency aims and objectives of the Treaty. However, 'nil' reports do not provide the same opportunity for States Parties to provide additional information that contributes to a higher standard of transparency as reports that contain transfer information. Nonetheless, those that submit 'nil' reports may still have an equivalent commitment to transparency.

The submission of 2019 annual reports was likely affected by the COVID-19 pandemic. The unprecedented effects of the pandemic should be taken into account when considering 2019 reporting data to assess overall trends. On-time reporting, in particular, may have been lower for 2019 reports as a result of challenges due to the pandemic.

The ATT Monitor has reviewed only annual reports that have been made publicly available on the ATT Secretariat website. It is important to note that full compliance with Article 13.3 reporting obligations (for example, providing information on both exports and imports) may actually be different when accounting for transfer information provided in confidential reports.⁴

This analysis evaluates only information provided by States Parties in annual reports. It does not seek to determine whether or not all transfers are reported or to independently verify the accuracy of that information. As such this analysis it not a general measure of transparency for all arms transfers.

OVERVIEW OF ATT ANNUAL REPORT REQUIREMENTS AND TRANSPARENCY AIMS AND OBJECTIVES

ARTICLE 13.3 ANNUAL REPORTING REQUIREMENTS

Article 13.3 of the ATT establishes requirements for the submission of annual reports each year.



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 2.1.5 Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

⁴ Previous ATT Monitor analysis has shown that data accuracy is an important issue, and the ATT Monitor has made recommendations for improvements in this regard. For an analysis of the many discrepancies between reports see ATT Monitor Report 2017, pp. 45–50; ATT Monitor Report 2018, pp. 85–91; and ATT Monitor Report 2019, pp. 100–109.

⁵ The arms covered by Article 2.1 are: (a) Battle tanks; (b) Armoured combat vehicles; (c) Large-calibre artillery systems; (d) Combat aircraft; (e) Attack helicopters; (f) Warships; (g) Missiles and missile launchers; and (h) Small arms and light weapons.

The ATT Monitor considers an annual report to be fully compliant with the requirements laid out in Article 13.3 if a report:

- 1. Is submitted to the ATT Secretariat
- Is submitted on time within one week of the 31 May deadline⁶
- 3. Includes both exports and imports of conventional arms covered under Article 2.1 and/or relevant 'nil' reports

While the Treaty requires States Parties to report on authorized or actual exports and imports, it does not explicitly define the types of information States Parties need to include in their annual reports. It instead uses the United Nations Register of Conventional Arms (UNROCA) as a reference.⁷

TRANSPARENCY AIMS AND OBJECTIVES

Article 1 of the ATT establishes the object and purpose of the Treaty, including 'promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms.' Reporting is the primary tool at the disposal of States Parties for contributing to the transparency aims and objectives of Article 1.



ARTICLE 1: OBJECT AND PURPOSE

The object of this Treaty is to:

- Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;
- Prevent and eradicate the illicit trade in conventional arms and prevent their diversion;

for the purpose of:

- Contributing to international and regional peace, security and stability;
- · Reducing human suffering;
- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.



⁶ States Parties are granted by the ATT Secretariat a seven-day grace period beyond the deadline set out in Article 13 to submit their reports, creating a de facto deadline of 7 June each year.

⁷ The ATT reporting template uses information contained in the UNROCA standardized reporting forms as a starting point and includes: the number of items or the financial value of reported conventional arms, and the final importing or exporting States Parties of reported conventional arms. For more information, see WGTR (2019). 'Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers'. ATT/CSP5,WGTR/2019/CHAIR/533/Conf.Rep.Rev1. https://bit.ly/3rHiE2k, p. 16.

The ATT Monitor considers an annual report to include the minimum information needed in order to be meaningfully transparent and contribute to the aims and objectives of the ATT in Article 1 if a report:

- Is submitted and made publicly available on the ATT Secretariat website
- 2. Provides information that is disaggregated by weapon type
- Provides information that is disaggregated by importer/ exporter
- Indicates whether transfer data concerns authorizations or actual transfers (or both)⁸
- 5. Provides the number of units or financial value (or both) for each weapon type

States Parties that submit 'nil' reports can also contribute to the transparency aims and objectives of the Treaty. As such, the ATT Monitor also considers an annual report to include the minimum information needed in order to be meaningfully transparent if a report clearly submits 'nil' reports on exports and/or imports.

These criteria established by the ATT Monitor go beyond the minimum information provided by the reporting templates. Notably, these criteria also include provisions for the disaggregation of information by weapon type. Annual reports can meet these criteria only when information provided in them is adequately disaggregated in respective reporting templates. Disaggregated information is crucial to supporting transparency as it provides the basic information necessary to determine what was transferred to whom.⁹

A HIGHER STANDARD OF TRANSPARENCY

States Parties may provide information in ATT annual reports that goes beyond the minimum information needed in order to contribute to the aims and objectives of the Treaty in Article 1, as well information required by Article 13.3. This information contributes to a higher standard of transparency and is in some cases encouraged (though not required) by other ATT provisions.

Article 5.3 encourages States Parties to apply the provisions of the Treaty, including annual reporting obligations, to the broadest range of conventional arms. States Parties, then, could consider including information on all conventional arms in their national control list. ¹⁰ Similarly, States Parties could also consider including information on ammunition/munitions and parts and components. The 'FAQ-type guidance document on annual reporting obligations' endorsed by the ATT Conference of States Parties (CSP), makes clear that the Treaty provides no obligation to include such information but does include an encouragement to do so. ¹¹



ARTICLE 5.3: GENERAL IMPLEMENTATION

Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered under Article 2 (1) (a)-(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered under Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.

⁸ An authorized export or import is one that has been approved by national authorities, while an actual export or import concerns the physical movement of weapons or a change in ownership. Authorizations are generally granted before the actual export takes place, sometimes years in advance. For more information, see WGTR (2019). 'Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers'. ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rep.Rev1. https://bit.ly/3rHiE2k, pp. 11-12.

g These criteria also build on criteria used in previous analysis conducted by the ATT Monitor. For more information, see Control Arms Secretariat (2020). 'ATT Monitor 2020'. 19 August 2020. https://attmonitor.org/wp-content/uploads/2020/11/EN_ATT_Monitor-Report-2020_Online.pdf, p. 40.

¹⁰ Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers': ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rep.Rev1. https://bit.ly/3rHiE2k, p. 13.

The ATT Monitor considers an annual report to include information that contributes to a higher standard of transparency if, in their annual reports, States Parties do at least one of the following:

- Include descriptions of reported transfers that provide details on the make, model and/or calibre of transferred conventional arms
- Include comments on reported transfers that provide details on the nature of the transfer, including end-use/ end-user information
- Include 'o', 'nil', '/' or any indication that no transfers were made in relevant weapons categories and subcategories
- 4. Clearly indicates that commercially sensitive or national security information was or was not withheld, and, if it was, the report indicates what information was withheld
- Include information reported in voluntary national categories that include arms categories covered by Article 2.1 but are not explicitly highlighted in the reporting templates (shotguns, etc.)¹²
- Include information reported in voluntary national categories that include arms categories not covered by Article 2.1 (ammunition, parts and components, gaspowered firearms, etc.)
- 7. Include any other kind of additional information, including national reports and detailed tables
- 8. Clearly indicates when it includes national definitions of categories of conventional arms reported and, if so, provides relevant definitions

The 'FAQ-type document' endorsed by the CSP also draws on the object and purpose of the Treaty in suggesting that States Parties consider reporting as much information as possible, including 'complete conventional weapons covered under Article 2.1 that are exported/imported in disassembled parts and components' as well as ammunition.¹³



¹² Though Article 5.3 states that 'Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms,' the widely used reporting templates do not include some weapons that are covered by the Treaty (for example, shotguns are not mentioned explicitly). The templates have subcategories for 'other' small arms and/or light weapons and also a section for 'Voluntary National Categories' of weapons, both of which allow a State Party to report on a wider range of arms exports or imports. States Parties can also use their own national reporting format.

¹³ WGTR (2019). 'Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers'. ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rep.Rev1. https://bit.ly/3rHiE2k, p. 14.

ARTICLE 13.3 ANNUAL REPORTING REQUIREMENTS

The number of States Parties required to submit an annual report has increased each year since the ATT came into force as new States Parties have ratified and acceded to the Treaty.

The first round of ATT annual reports, detailing exports and imports in the 2015 calendar year, were required to be submitted by 61 States Parties by 31 May 2016. Five years later, 97 States Parties were required to submit annual reports detailing exports and imports in the 2019 calendar year by 31 May 2020.

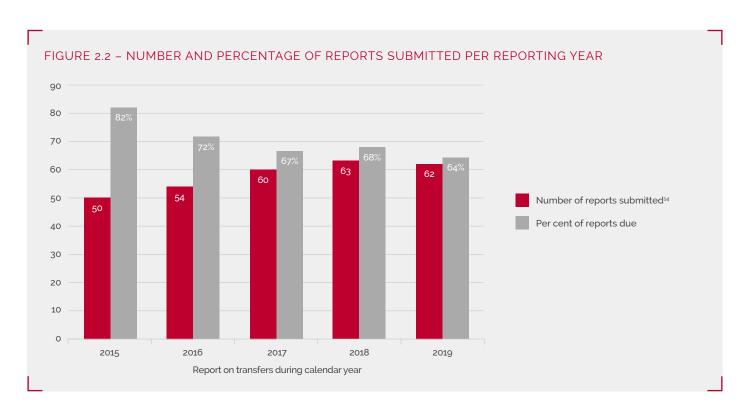
Figure 2.1 shows the increasing number of States Parties required to submit an annual report each year.



THE NUMBER OF STATES PARTIES REQUIRED TO SUBMIT AN ANNUAL REPORT HAS INCREASED EACH YEAR SINCE THE ATT CAME INTO FORCE AS NEW STATES PARTIES HAVE RATIFIED AND ACCEDED TO THE TREATY.

FIGURE 2.1 - NUMBER OF ANNUAL REPORTS DUE PER REPORTING YEAR Number of reports due to be submitted 61 75 89 92 97 2015 2016 2017 2018 2019 Report on transfers during calendar year





Above, the ATT Monitor examines the extent to which States Parties due to submit reports each year have fulfilled Article 13.3 annual reporting requirements.

SUBMITTING REPORTS TO THE ATT SECRETARIAT

In five years, the percentage of States Parties submitting annual reports has declined from 82 per cent of 2015 reports to 64 per cent of 2019 reports.

ATT Monitor analysis shows that over the 2015-2019 period:

- Fifty-eight States Parties have submitted a report every year they were required to do so¹⁵
- Twelve States Parties have a mixed record, having submitted reports in some years and not in others¹⁶
- Twenty-eight States Parties required to submit reports have not done so in any year¹⁷

There are likely two reasons for the decline in the percentage of States Parties submitting annual reports. First, States Parties that were due to submit their first report after the first round of ATT annual reporting in 2015 have generally been less likely to submit any reports. It may be the case that this group of States Parties has decreased willingness and/or capacity to submit reports. Second, some States Parties stopped submitting reports after initially doing so.

It is particularly concerning that a group of 28 States Parties that were required to submit reports have not done so in any year, as this represents a sizable percentage of reports due each year. As such, it presents a significant barrier to transparency in reporting and to wider implementation of other Treaty obligations.

14 Some States Parties have submitted a report even though they were not required to do so. These reports are not included in the analysis in this chapter.

16 Burkina Faso, El Salvador, Honduras, Liberia, Madagascar, Mali, Malta, Nigeria, Paraguay, Samoa, South Africa and Tuvalu.

17 Bahamas, Barbados, Belize, Brazil, Cabo Verde, Cameroon, Central African Republic, Chad, Côte 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, Seychelles, Togo, Trinidad and Tobago and Zambia.

¹⁵ Albania, Antigua and Barbuda, Argentina, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritius, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Republic of North Macedonia, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, State of Palestine, Sweden, Switzerland, United Kingdom and Uruguay.

REPORTING BOTH EXPORTS AND IMPORTS OF CONVENTIONAL ARMS COVERED UNDER ARTICLE 2.1

Article 13.3 requires States Parties to report on both exports and imports of conventional arms.

Most publicly available annual reports contained transfer information on both imports and exports. However, in some cases, States Parties submitted reports that provided no transfer information for either exports or imports, omitted sections of the reporting template or did not submit relevant 'nil' reports.

ATT Monitor analysis shows that over the 2015-2019 period:

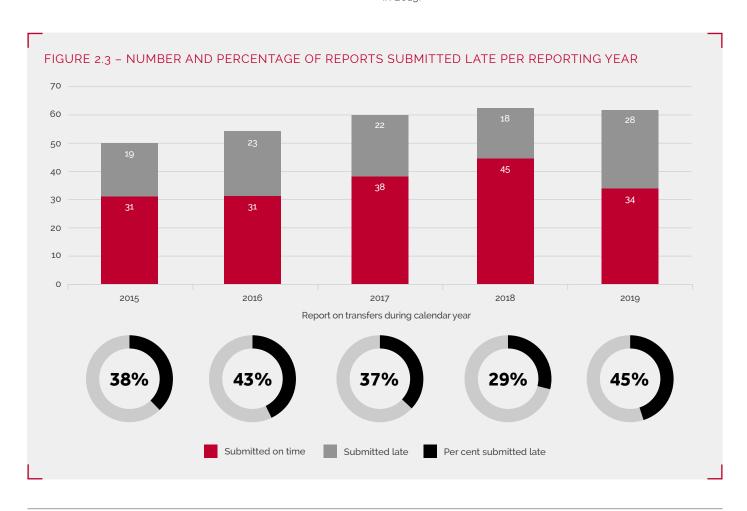
- Austria and the United Kingdom submitted publicly available reports every year they were required to do so and did not submit any import data in any year
- Mali provided no export data for 2015

- Burkina Faso provided no export or import data for 2015, and no import data for 2016
- Paraguay provided no import data for 2016 and 2018
- Though these five States Parties submitted publicly available reports in these years, such reports were not in compliance with the requirements set out in Article 13.3.
 To be compliant, these States would need to include import or export data, or submit relevant 'nil' reports.

SUBMITTING REPORTS ON TIME

Article 13 of the Treaty establishes 31 May as the deadline for submitting annual reports each year. States Parties are also granted by the ATT Secretariat a seven-day grace period. 18

Figure 2.3 shows that the on-time reporting rate has varied each year, with the lowest rate of on-time reporting occurring in 2019.



¹⁸ Some States Parties have indicated that the date of submission for their annual reports was before the reporting deadline, although the reports were made available after the reported date of submission. The reasons for the gaps between the stated and actual dates of submission have not been verified with States Parties.

It was expected that States Parties' first annual reports might be submitted late as states adjusted to the new reporting system. However, the lowest rate of late reports was seen in the submission of 2018 annual reports, which was followed by the highest rate of late reports in the submission of 2019 annual reports. Though the 2019 late reporting rate was similar to that of 2016, it may be assumed that challenges associated with the COVID-19 pandemic likely affected States Parties' ability to submit reports on time for that year.

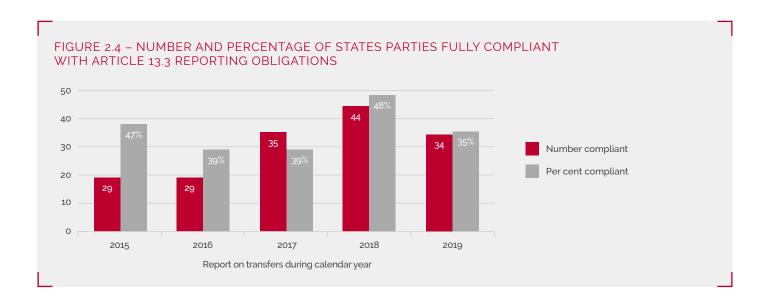
ATT Monitor analysis shows that over the 2015–2019 period:

- Twenty States Parties submitted every due report on time¹⁹
- Fourteen States Parties did not submit on time every year, but their timeliness had improved²⁰
- Nineteen States Parties submitted a late report for 2019 after previously reporting on time²¹
- Twelve States Parties were late with every report they submitted²²

FULL COMPLIANCE WITH ARTICLE 13.3 REPORTING OBLIGATIONS

Figure 2.4 shows that less than half of States Parties have fulfilled all Article 13.3 reporting requirements in any given year.

Low percentages of full compliance with Article 13.3 obligations among States Parties are mainly due to low ontime reporting rates. Only a minority of States Parties have submitted at least one on-time report in each year a report was due, with the submission of 2019 annual reports marking the lowest percentage of on-time reporting. As a result, almost two-thirds of States Parties failed to fulfil their reporting obligations for transfers that took place in that year.



¹⁹ Albania, Argentina, Benin, Chile, Czech Republic, Germany, Italy, Latvia, Liechtenstein, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, State of Palestine, Sweden and Switzerland.

²⁰ Belgium, Dominican Republic, Finland, France, Georgia, Jamaica, Japan, Lithuania, Mauritius, Mexico, Norway, Panama, Sierra Leone and Uruguay.

²¹ Australia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Costa Rica, El Salvador, Hungary, Ireland, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Peru, Poland, Republic of North Macedonia, Senegal, Serbia, United Kingdom.

²² Antigua and Barbuda, Austria, Croatia, Cyprus, Denmark, Estonia, Greece, Kazakhstan, Mali, Nigeria, Paraguay and Tuvalu.

FULFILLING THE TRANSPARENCY AIM AND OBJECTIVES OF THE TREATY

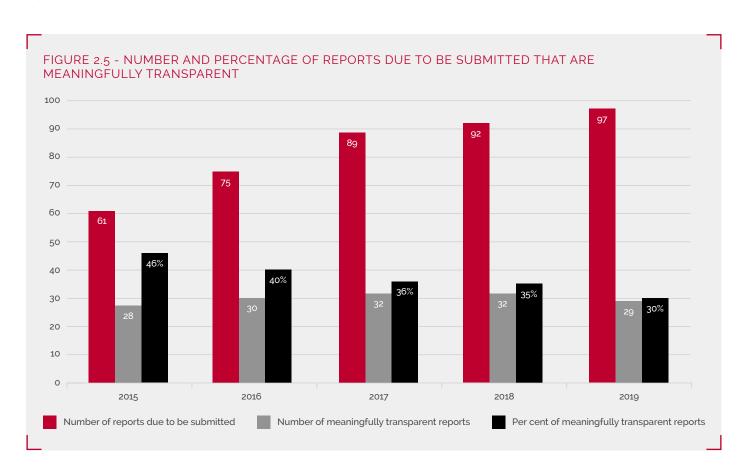
The ATT provides little guidance as to what information should be included in annual reports to fulfil the transparency aims and objectives of the Treaty. As such, a State Party could fulfil Article 13.3 reporting obligations yet submit a report that contains little or no meaningfully transparent information on its arms exports and imports. Such a report would comply with the basic requirements set out in Article 13.3 but would not contribute to fulfilling the object and purpose of the Treaty.

Using the criteria established by the ATT Monitor, this section evaluates whether publicly available annual reports submitted by States Parties include the minimum information needed in order to be meaningfully transparent and achieve the aims and objectives of the ATT.

IDENTIFYING MEANINGFULLY TRANSPARENT ANNUAL REPORTS

There has been a consistent decline in the percentage of reports that provide the minimum information needed in order to achieve the aims and objectives of the ATT. Figure 2.5 shows that over the 2015–2019 period, the percentage of States Parties that submitted meaningfully transparent reports fell from 46 per cent to 30 per cent.

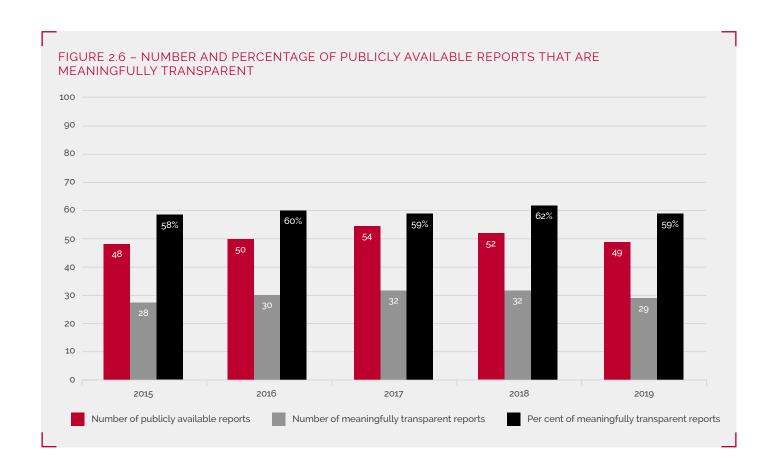
Figure 2.6 shows that over the 2015–2019 period there has been a relatively static percentage of publicly available reports that are meaningfully transparent, beginning with 58 per cent for 2015 reports and changing only slightly to 59 per cent for 2019 reports.



The number of publicly available reports that are meaningfully transparent has remained relatively static. However, the percentage of reports due that are meaningfully transparent has decreased.

Decreasing reporting rates, as more States Parties are due to submit reports each year, as well as the increasing rate of confidential reporting, have the most significant impact on transparent reporting. As described in the above section, States Parties that acceded to the Treaty after 2016 have been less likely to submit a report.²³ As fewer States Parties submitted reports, the percentage of reports due that were meaningfully transparent fell.

Notably, the decline in reporting has not been offset by any significant improvement in the quality of reports that are publicly available as defined by the above criteria. When the Treaty was negotiated it was understood that some States Parties might need time to develop the capacity to produce more detailed reports. However, the numbers of meaningfully transparent reports above indicate that capacity among States Parties may also have remained static.



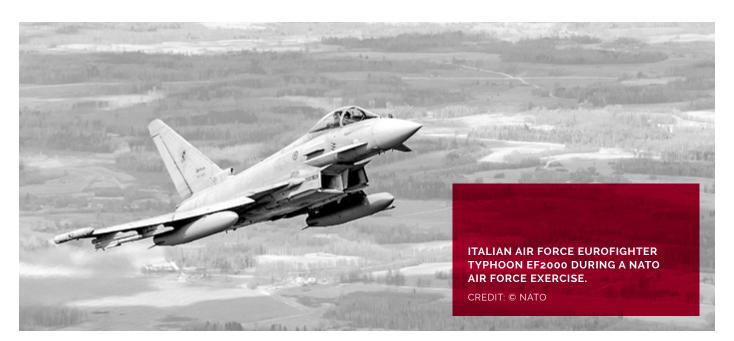
ATT Monitor analysis shows that over the 2015-2019 period:

- Twenty-five States Parties have submitted a meaningfully transparent report every year one was due²⁴ and have consistently demonstrated commitments to transparency
- Twenty-seven States Parties did not submit meaningfully transparent reports in any of the five years.²⁵ Of these:
 - Twelve States Parties did not make their reports public²⁶
 - Nine States Parties did not provide enough disaggregated information on importers and/or exporters²⁷
 - Five States Parties did not provide enough disaggregated information on the types of arms exported²⁸
 - Four States Parties did not state whether data concerns authorizations or actual transfers²⁹
 - Four States Parties provided no export or import data and no corresponding 'nil' report³⁰

Notably, some reports were not meaningfully transparent as they did not meet multiple criteria.

Examples of reports that did not meet the above criteria include:

- Norway's 2019 annual report, which states that it had imported an aggregated total of 250 assault rifles and 54 machine guns but provided no information on exporting countries.
- Australia's 2018 annual report, which provided data on importing and exporting countries but aggregated all types of small arms and light weapons, making it impossible to tell whether an export was, for example, of assault rifles or light machine guns (see example below).
- Bosnia and Herzegovina's 2017 annual report, which included the export of 65 mortars of calibres less than 75mm to the United States and Côte d'Ivoire, making it impossible to determine how many went to each importing country. It also did not state whether this concerned authorizations or actual exports.



- 24 Benin, Bulgaria, Costa Rica, Czech Republic, France, Germany, Hungary, Japan, Latvia, Liechtenstein, Mexico, Netherlands, New Zealand, Peru, Poland, Portugal, Republic of Korea, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Switzerland and Uruguay.
- 25 Antigua and Barbuda, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Chile, Cyprus, Denmark, Dominican Republic, Estonia, Greece, Honduras, Ireland, Jamaica, Kazakhstan, Liberia, Madagascar, Mali, Malta, Mauritius, Monaco, Nigeria, Republic of North Macedonia, State of Palestine, Sweden and United Kingdom.
- 26 Antigua and Barbuda, Burkina Faso, Cyprus, Greece, Honduras, Kazakhstan, Liberia, Madagascar, Malta, Mauritius, Nigeria and State of Palestine.
- 27 Australia, Denmark, Dominican Republic, Estonia, Ireland, Jamaica, Malta, Mauritius and Monaco.
- 28 Australia, Austria, Belgium, Monaco and Sweden.
- 29 Bosnia and Herzegovina, Chile, Ireland and Malta.
- 30 Austria, Burkina Faso, Mali and United Kingdom.

CHANGES IN COMMITMENTS TO TRANSPARENCY

In the 2015–2019 period, more States Parties submitted reports that became less transparent than States Parties that submitted reports that improved transparency.

Four States Parties (Croatia, Panama, Paraguay and Slovakia) improved the transparency of their reporting and produced meaningfully transparent reports for 2019 after having previously produced a report that was not.³¹

The transparency of reporting worsened for reports submitted by 15 States Parties.³²After having previously submitted one report or more that was meaningfully transparent from 2015 onwards, by 2019 the following States Parties had stopped doing so.³³

- Samoa, South Africa and Tuvalu did not submit a report for 2019 even though they had submitted meaningfully transparent reports in one or more previous years.
- Albania, Georgia, Lithuania, the Republic of North Macedonia³⁴ and Senegal stopped making their reports publicly available.
- El Salvador, Italy,³⁵ Luxembourg, Norway³⁶ and the Republic of Moldova stopped showing which country had received how many of the arms reported.
- Argentina and Finland did not properly indicate whether reported transfers were authorized or actually occurred.



- 31 A reporting record is considered to have improved if a State Party produced a 2019 report that was meaningfully transparent after a previous report was not.
- 32 A reporting record is considered to have worsened if a State Party did not report in 2019 or its report was not meaningfully transparent, after submitting one or more reports that were in a previous year.
- 33 Albania, El Salvador, Finland, Georgia, Lithuania, Luxembourg, Norway, Republic of Moldova, Republic of North Macedonia, Samoa, Senegal, South Africa and Tuvalu.
- 34 The Republic of North Macedonia also did not disaggregate importers and exporters.
- 35 Italy also did not disaggregate by weapon type.
- 36 Norway also did not indicate whether transfers were authorized or actual transfers in all cases.

FULL COMPLIANCE WITH ARTICLE 13.3 REPORTING REQUIREMENTS AND FULFILMENT OF THE TRANSPARENCY AIMS AND OBJECTIVES OF THE TREATY

This section looks at States Parties that are in full compliance with Article 13.3 reporting requirements and also submit reports that fulfil the transparency aims and objectives of the Treaty.

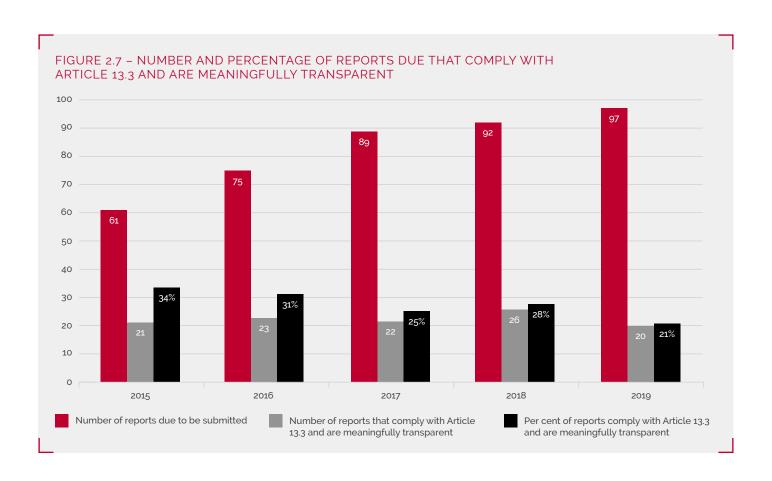
Figure 2.7 shows that the percentage of reports due each year that comply with Article 13.3 reporting requirements and also provide the minimum information needed in order to achieve the aims and objectives of the ATT fell from 34 per cent for 2015 to 21 per cent for 2019.

Figure 2.8 shows that the percentage of publicly available reports that that comply with Article 13.3 reporting requirements and also provide the minimum information needed in order to achieve the aims and objectives has fluctuated but has remained between 40 and 50 per cent in all years.

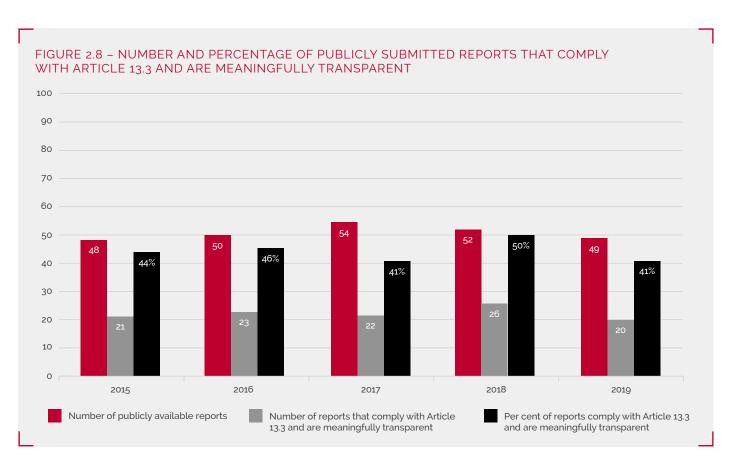
Only one-fifth of States Parties due to submit a report produced one for 2019 that was on time, was publicly available and contained meaningfully transparent information. In addition to declining reporting rates and increasing confidential reporting, challenges associated with the COVID-19 pandemic likely affected States Parties' ability to submit reports on time for that year.

ATT Monitor analysis shows that over the 2015-2019 period:

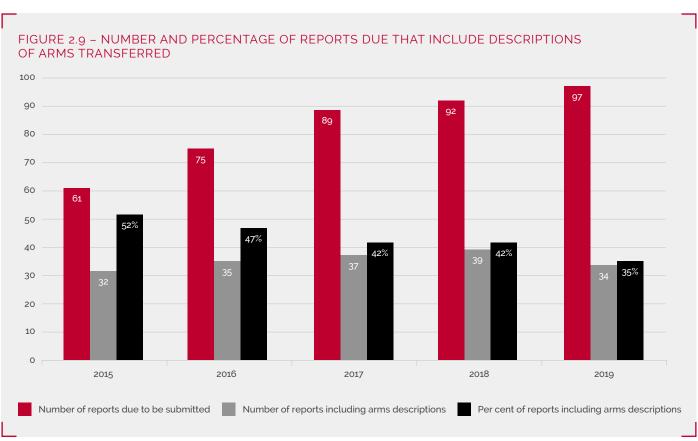
 Only 12 States Parties submitted a report that fulfilled their legal reporting requirements and commitments to transparency for every year that they were due to report (the Czech Republic, Benin, Germany, Latvia, Liechtenstein, New Zealand, Portugal, the Republic of Korea, Romania, Slovenia, Spain and Switzerland).











REPORTS WITH A HIGHER STANDARD OF TRANSPARENCY

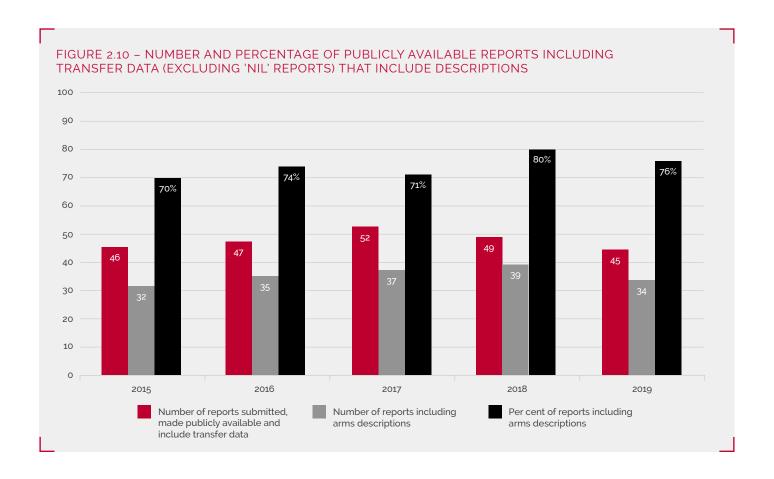
This section evaluates the degree to which States Parties provided information in annual reports that goes beyond the minimum information needed in order to contribute to the aims and objectives of the ATT in Article 1.

DESCRIPTIONS OF ARMS TRANSFERRED

Descriptions of the types of arms exports and imports can provide important information on what is being transferred. For example, instead of using only the basic template small arms subcategory of 'Assault Rifles', States Parties can provide additional descriptions of the make/model of these items. In its 2018 annual report, Benin notes that the assault rifles it imported from China were 'AK de 7,62mm modèle 81-1'.

Figure 2.9 shows that the number of reports that include descriptions for one or more transfers rose between 2015 and 2018, and then fell in 2019. However, the percentage of reports due that included descriptions fell consistently, from 52 per cent for 2015 to 35 per cent for 2019. This is mainly due to the overall decline in reporting.

Figure 2.10 shows that there has been a high and rising percentage of publicly available reports that included transfer data (excluding 'nil' reports) and also included descriptions. The percentage rose from 70 per cent for 2015 to 76 per cent for 2019, with a high point of 80 per cent for 2018.



ATT Monitor analysis shows that over the 2015-2019 period:

- Fifty-one States Parties included descriptions on some or all transfers in one or more report that they were due to submit.³⁷
- Twenty-three States Parties included descriptions for some or all of the transfers in every report that they were due to submit.³⁸
- Five especially transparent States Parties (Benin, Chile, Mexico, the Republic of Korea and Slovenia) have included descriptions for every transfer in every report that they were due to submit.

COMMENTS ON THE NATURE OF A TRANSFER

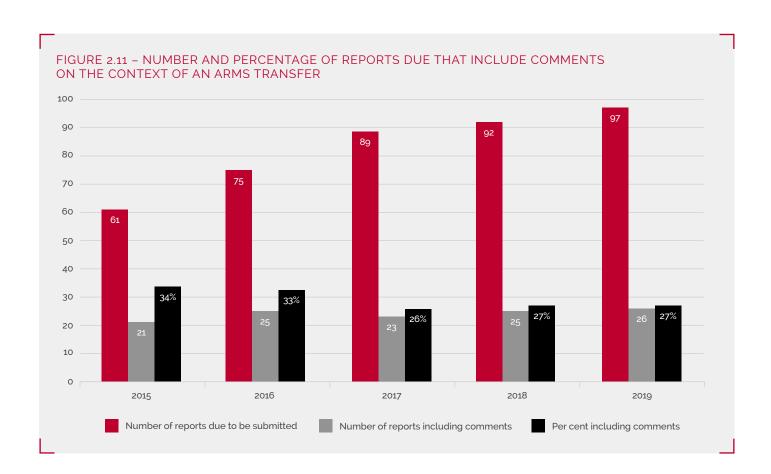
States Parties can also provide comments that describe the nature of and/or the context in which a transfer took place. For example, Jamaica reported an export of assault rifles to Panama in 2018, and in a comment, it described the transfer as being for 'Law Enforcement Exercises'. Such comments can help allay possible concerns about the impact of an arms transfer.

Figure 2.11 shows that the percentage of reports due that included comments has declined. However, as with descriptions, the number of reports has increased slightly, indicating that the decline in percentages is likely due to the increasing number of States Parties that do not make their reports publicly available.

| Estado de origen (si no es el exportador) ¹⁸ 7 | no es el rtador) ¹⁸ Descripción del artículo Comentarios sobre la transferencia | Comments and Descriptions of Imports in Mexico's 2019 |
|--|---|--|
| exportador) ¹⁰ | Transferencia Descripción del artículo Comentarios sobre la transferencia S S SECCIONES DE GUÍA Y CONTROL PARA DE MISILES AIM- 995. | Descriptions of Imports in Mexico's 2019 |
| 7 | SECCIONES DE GUÍA Y CONTROL PARA OTROL PARA 995. | Descriptions of Imports in Mexico's 2019 |
| | SECCIONES DE GUÍA Y CONTROL PARA 9P5. | Descriptions of Imports in Mexico's 2019 |
| | SECCIONES DE GUÍA Y CONTROL PARA 9P5. | in Mexico's 2019 |
| | SECCIONES DE GUÍA Y CONTROL PARA 9P5. | • |
| | SECCIONES DE GUÍA Y CONTROL PARA 9P5. | • |
| | SECCIONES DE GUÍA Y CONTROL PARA 9P5. | ATT Annual Report |
| | | 7117tillidae Report |
| | | |
| 55,695 PIEZAS | ZAS | |
| | | PISTOLA USO DEPORTIVO |
| 2,375 PIEZAS | ZAS ITALIA ITA | |
| 1,515 PIEZAS | ZAS ITALIA ITA | MARCA BERETTA, CAL. 9 MM PÚBLICA. |
| 35 PIEZAS | AS ITALIA ITA | LIA PISTOLA SEMIAUTOMÁTICA MARCA CHIAPPA FIREARNIS CAL. 0,22" USO DEPORTIVO Y PROTECCIÓN DE DOMICILIO. |
| 1,645 PIEZAS | ZAS ITALIA ITA | LIA PISTOLA SEMIAUTOMÁTICA MARCA BERETTA, CAL. 0.380 DE DOMICILIO. |
| | FIREARMS CAL. 0.22" DE DOMICILIO. | |
| | SEMIAUTOMÁTICA USO DEPORTIVO | |
| | E | PISTOLA SEMIAUTOMÁTICA E.U.A. SEMIAUTOMÁTICA Y PROTECCIÓN MARCA COLT, DE POMPLI IO |

³⁷ Albania, Argentina, Australia, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Chile, Costa Rica, Croatia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Mexico, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Republic of North Macedonia, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland, United Kingdom and Uruguay.

³⁸ Benin, Bosnia and Herzegovina, Bulgaria, Chile, Denmark, Dominican Republic, Finland, France, Hungary, Liechtenstein, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia, Slovenia, Sweden, Switzerland and United Kingdom.



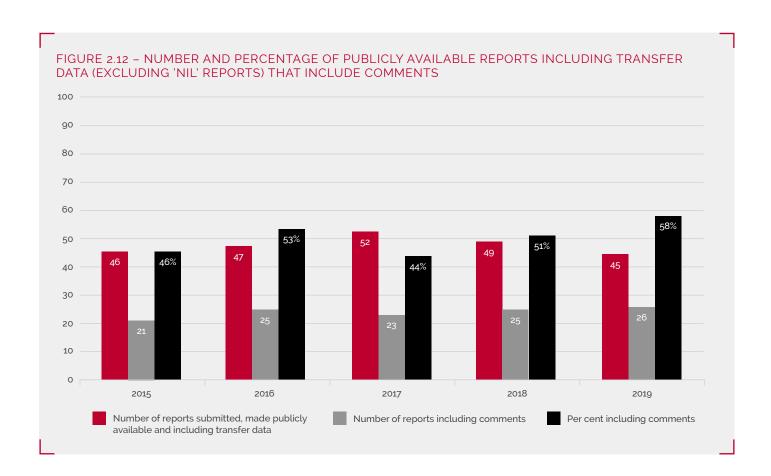
An increasing proportion of publicly available reports that contain transfer data (excluding 'nil' reports) also include comments. As shown in Figure 2.12, 46 per cent of these reports included comments on some or all transfers for 2015, and that proportion increased to 58 per cent for 2019.

ATT Monitor analysis shows that over the 2015-2019 period:

- Nine States Parties (Germany, Hungary, Ireland, Jamaica, Liechtenstein, Romania, Slovenia, Switzerland and the United Kingdom) have included some comments in every report they were due to submit.
- Two States Parties (Jamaica and Liechtenstein) included comments on every transfer in every report.



NINE STATES PARTIES (GERMANY, HUNGARY, IRELAND, JAMAICA, LIECHTENSTEIN, ROMANIA, SLOVENIA, SWITZERLAND AND THE UNITED KINGDOM) HAVE INCLUDED SOME COMMENTS IN EVERY REPORT THEY WERE DUE TO SUBMIT.



INDICATIONS THAT THERE HAVE BEEN NO TRANSFERS OF A PARTICULAR ARMS CATEGORY OR SUBCATEGORY

Many States Parties submit reports with blank spaces in the template. This is likely because the State Party did not export or import a specific category or subcategory of arms. However, a blank space is ambiguous, and it is often unclear as to whether no transfers were made, or data has been withheld. To be clearer, some States Parties stated definitively in their report that no transfers were made in each category and/or subcategory of weapon type, often with a 'o', 'nil', '/' or other indication.

Figure 2.13 shows that the percentage of reports due and submitted that state that no transfers of a particular arms category and/or subcategory were made has declined since 2016.



[A] BLANK SPACE IS AMBIGUOUS, AND IT IS OFTEN UNCLEAR AS TO WHETHER NO TRANSFERS WERE MADE, OR DATA HAS BEEN WITHHELD.

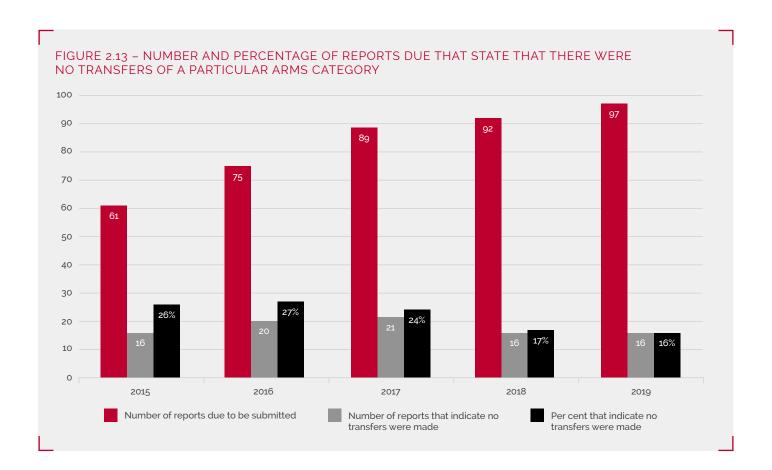


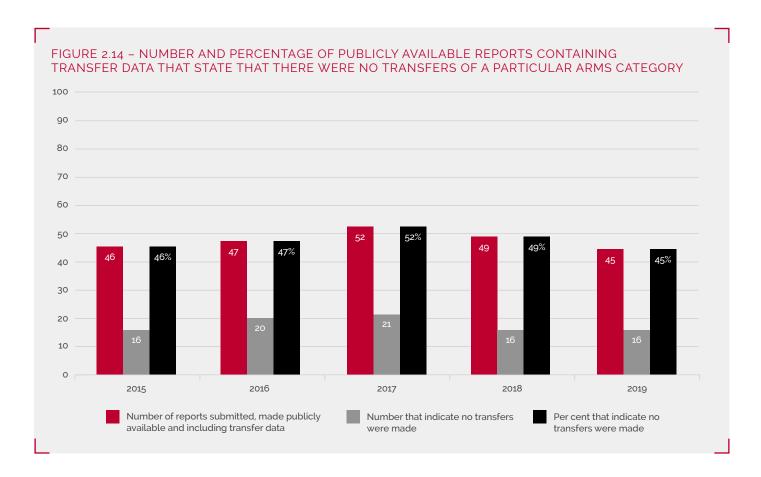


Figure 2.14 shows that the percentage of publicly available reports containing transfer data that state that there were no transfers of a particular arms category and/or subcategory has also declined since 2016.

ATT Monitor analysis shows that over the 2015-2019 period:

 Twenty-eight States Parties indicated definitively, in at least one report, that there were no transfers of a particular arms category and/or subcategory.³⁹ Ten did so in every year they were due to submit a report (Costa Rica, Estonia, France, Ireland, Japan, Monaco, New Zealand, the Republic of Korea, Slovenia and Sweden).

Amendments to the reporting template may encourage more States Parties to definitively report that no transfers of a particular arms category and/or subcategory had occurred.



³⁹ Australia, Belgium, Bosnia and Herzegovina, Burkina Faso, Costa Rica, Denmark, Estonia, France, Germany, Ireland, Italy, Japan, Mali, Malta, Mauritius, Monaco, Montenegro, Netherlands, New Zealand, Panama, Poland, Republic of Korea, Romania, Sierra Leone, Slovakia, Slovenia, South Africa and Sweden.

WITHHELD COMMERCIALLY SENSITIVE OR NATIONAL SECURITY INFORMATION

Article 13.3 of the Treaty states that 'Reports may exclude commercially sensitive or national security information.' The reporting templates, therefore, provide an opportunity to indicate whether information has been withheld on such grounds. Some States Parties, demonstrating a higher commitment to transparency, indicated where and/or what information had been withheld.

ATT Monitor analysis shows that over the 2015-2019 period:

- Twenty-eight States Parties stated in every report due whether or not information was withheld.⁴⁰
- Twenty-seven States Parties did so unevenly (mainly due to lack of reporting in some years).⁴¹
- Five States Parties have never indicated in their publicly available reports whether confidential information has been withheld, making it impossible to fully assess the scope of their reports.⁴²

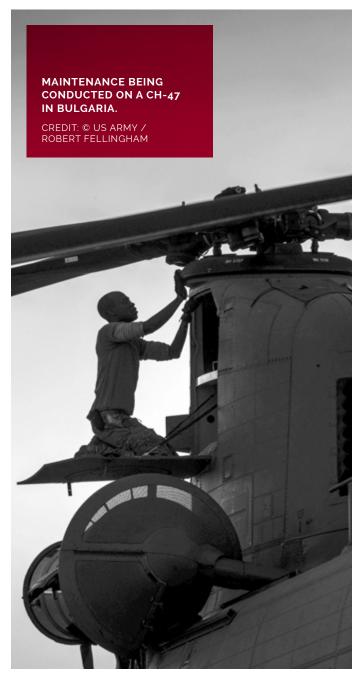
Examples of the few States Parties that indicated they had withheld information and specified what information had been withheld, include:

- Australia provided an indication in every report it submitted. In addition, it specified that it did not include the number of missiles and other weapons imported for the Australian defence forces.
- Sweden provided an indication in every report it submitted. In addition, it reported as 'classified' the number of missile, rocket or recoilless gun systems it exported and imported.
- Finland provided an indication in its 2016 annual report and specified that it had not stated the number of antitank missiles it imported.⁴³

These States Parties have reduced the uncertainty about what information they withheld, which improved the ability to assess their compliance with the Treaty.



- 40 Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Finland, Germany, Hungary, Italy, Jamaica, Japan, Latvia, Liechtenstein, Netherlands, New Zealand, Norway, Peru, Portugal, Republic of Korea, Romania, Serbia, Sweden, Switzerland and Uruguay.
- 41 Argentina, Australia, Burkina Faso, Dominican Republic, El Salvador, Ireland, Lithuania, Luxembourg, Mali, Malta, Mauritius, Mexico, Monaco, Montenegro, Panama, Paraguay, Republic of Moldova, Republic of North Macedonia, Samoa, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Tuvalu and United Kingdom.
- 42 Austria, Estonia, France, Georgia and Poland.
- 43 In addition, Monaco in its reports for 2017 and 2018 stated that data was not available for its imports of pistols and revolvers or of rifles and carbines.



ADDITIONAL ARMS CATEGORIES

Some States Parties include in their annual reports information on all conventional arms in their national control list, not just those that appear in ATT reporting templates. This information is often provided under the 'other' subcategories for both small arms and light weapons, a section for 'Voluntary National Categories' of weapons, or in additional national definitions of weapons categories that are used in annual reports.

ATT Monitor analysis shows that over the 2015-2019 period:

- Twenty-four States Parties have used one of these opportunities to report on arms categories covered by Article 2 of the Treaty that are not explicitly highlighted in the reporting templates (the most common type described is shotguns).⁴⁴
- Fourteen States Parties have used the opportunity to report on arms not covered by Article 2 or 3 (including electro-shock weapons, ammunition, air- or gas-powered guns, and antique firearms).⁴⁵ Such arms include electroshock weapons, ammunition, air- or gas-powered guns, and antique firearms.
- Eight States Parties have provided data in additional tables.⁴⁶
- Thirteen States Parties have provided national definitions of categories and/or subcategories of weapons in one or more reports.⁴⁷

EXCEPTIONALLY TRANSPARENT STATES PARTIES

No State Party has consistently used all of the transparency mechanisms outlined in this chapter. However, eight States Parties (Benin, Germany, Liechtenstein, New Zealand, the Republic of Korea, Romania, Slovenia and Switzerland) have consistently complied with Article 13.3 reporting obligations, provided information in annual reports that goes beyond the *minimum* information needed in order to contribute to the aims and objectives of the ATT in Article 1, and provided information that supports a higher standard of transparency.

'Nil' reports do not provide the same opportunity for States Parties to provide additional information that contributes to a higher standard of transparency as reports that contain transfer information. Nonetheless, States Parties that submit 'nil' reports may still have an equivalent commitment to transparency.

⁴⁴ Australia, Belgium, Bulgaria, Dominican Republic, Estonia, France, Hungary, Ireland, Jamaica, Japan, Mali, Malta, Mexico, Montenegro, Netherlands, New Zealand, Peru, Poland, Republic of Korea, Senegal, Serbia, Slovakia, Sweden and United Kingdom.

⁴⁵ Costa Rica, Denmark, Dominican Republic, France, Ireland, Japan, Mexico, Netherlands, New Zealand, Norway, Republic of Korea, Senegal, Sweden and Switzerland.

⁴⁶ Australia, Belgium, France, Italy, Japan, Netherlands, Senegal and Sweden.

⁴⁷ Albania, Belgium, Benin, Bosnia and Herzegovina, Burkina Faso, Dominican Republic, Estonia, Germany, New Zealand, Senegal, Sweden, Switzerland and Uruguay.

CONCLUSION

This chapter finds that a number of reporting trends threaten to undermine both transparency in the global arms trade and States Parties' commitments to the object and purpose of the Treaty. Despite a group of States Parties that consistently fulfil Article 13.3 reporting obligations in full, submit reports that contribute to the transparency aims and objectives of the Treaty, and include information that contributes to a higher standard of transparency, this number remains relatively small.

Less than half of States Parties have fulfilled all Article 13.3 reporting requirements in any given year and 28 have not submitted reports in any year they were required to do so. Twenty-seven States Parties did not submit meaningfully transparent reports in any of the five years, and the proportion of meaningfully transparent reports to all reports due fell from 46 per cent to 30 per cent over the 2015–2019 period – due largely to the declining reporting rate and the concerning increase in confidential reporting.



WITHOUT IMPROVED COMPLIANCE
WITH REPORTING OBLIGATIONS AND
COMMITMENTS TO MEANINGFULLY
TRANSPARENT REPORTING, THE ATT
CANNOT LIVE UP TO ITS ORIGINAL INTENT.

Transparency and reporting are essential to fulfilling the object and purpose of the Treaty. Without improved compliance with reporting obligations and commitments to meaningfully transparent reporting, the ATT cannot live up to its original intent. Identifying challenges to reporting – including the reporting templates themselves, an absence of political will and capacity and a lack of awareness of Treaty obligations and commitments – is a first step to encourage all ATT stakeholders to take action to support States Parties in fully implementing these provisions. Without this assistance, these problematic reporting trends threaten to undermine transparency in the global arms trade.



