

4.2 – UPDATES ON ATT INITIAL REPORTS AND MONITORING TREATY IMPLEMENTATION

INTRODUCTION

Initial reports, which allow States Parties to report on the measures they are taking to implement the Arms Trade Treaty (ATT), are essential to understanding how States Parties interpret their obligations and where crucial gaps remain. Initial reports are the only required reports that demonstrate how States Parties describe their national practices in fulfilling the ATT's obligations and shed light on critical capacity strengths and weaknesses. Article 13.1 of the ATT requires States Parties to submit an initial report 'within the first year after entry into force' of the Treaty for that State Party.¹ Although submission deadlines differ for each State Party, many long-time States Parties have yet to complete their initial reports, leading to a less-than-complete picture of ATT implementation.

As of 7 June 2021, 105 States Parties were required to submit to the ATT Secretariat their initial reports on Treaty implementation. By that date, 81 States Parties had done so, representing a compliance rate of approximately 77 per cent. The compliance rate has remained relatively constant over the last two years.

This chapter provides a brief update on the current status of initial reporting, offering an overview of newly submitted initial reports as well as on reporting non-compliance. The chapter also provides insights on recent and ongoing efforts to improve ATT reporting by the Working Group on Transparency and Reporting (WGTR) and the ATT Secretariat.

RECENT REPORTS

Five States Parties submitted their initial reports between June 2020 and June 2021, the period following the publication of the 2020 ATT Monitor Report. Five States Parties (Botswana, Canada, Lebanon, the Maldives and Palau) were due to submit their initial reports to the ATT Secretariat within that period. Of these, three (Canada, the Maldives and Palau) did so. Two additional States Parties (Cameroon and Saint Vincent and the Grenadines) also belatedly submitted their initial reports to the ATT Secretariat within the last year.

Cameroon and Saint Vincent and the Grenadines were required to submit their initial reports in September 2019 and December 2015, respectively. Their past-due reporting marks the second year in a row in which multiple States Parties submitted an overdue initial report to the ATT Secretariat. This is a positive shift for reporting compliance and eases the stigma of late reporting. The ATT Secretariat, States Parties and civil society could use these examples in their presentations to the Working Groups and the Conference of States Parties (CSP) to encourage other States Parties to submit overdue reports.

The submission of more initial reports offers a greater understanding of the ways in which States Parties from all regions and with varying capacities are implementing the ATT. From May 2019 to May 2021, at least six previously non-compliant States Parties submitted their initial reports (Antigua and Barbuda, Belize, Cameroon, Malta, Saint Vincent and the Grenadines and Zambia). This trend may also underscore the usefulness of regular, direct outreach from the President of the CSP process and the ATT Secretariat to States Parties reminding them of their reporting obligations and deadlines.

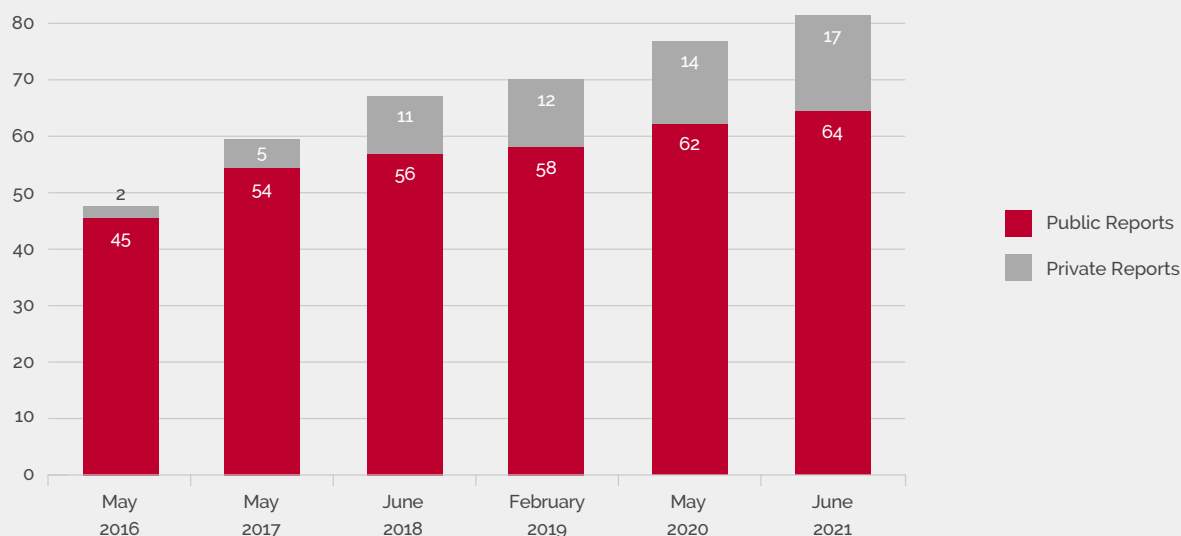
However, three of the five States Parties that submitted their initial reports within the last year (Cameroon, Maldives and Saint Vincent and the Grenadines) elected to make their reports private, increasing a concerning trend in private reporting on ATT implementation. Two States Parties (Canada and Palau) reported publicly.

Of the 81 submitted initial reports, 17 are private, representing approximately 21 per cent of all submitted reports. Private reporting presents a growing challenge for efforts to monitor and assess the ATT's impact, and to identify any gaps in – as well as highlight available capacity to support – comprehensive implementation.

The question remains as to why certain States Parties choose to report privately. This is worth further examination and could be included as part of efforts of the WGTR to understand challenges to reporting. In addition, it may be worthwhile asking States Parties that report privately their reasons for doing so, so as to better understand potential challenges to, or variations in, ATT reporting and to identify strategies to support public reporting.

1 As the ATT Secretariat website explains, 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.' See Arms Trade Treaty Secretariat (2021). 'Reporting Requirements'. <https://thearmstradetreaty.org/reporting.html>.

FIGURE 4.1: ANNUAL RATE OF PRIVATE VS PUBLIC INITIAL REPORTS



States Parties have the option of using different methods to compile information on their Treaty implementation efforts. As of 7 June 2021, 55 of the 64 States Parties that made their initial report public, or nearly 86 per cent, used the recommended ATT reporting template. Seven States Parties 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.

In 2019, the ATT Secretariat launched an online reporting tool that States Parties can use to submit their initial reports. To date, however, no State Party has utilized the online tool. While the majority of States Parties continue to use the recommended ATT reporting template endorsed by the WGTR, the variation in submission methods is worth continued monitoring due to the fact that this can complicate past and future analyses comparing ATT implementation across countries.

The initial reports of Canada and Palau, the only newly submitted reports made publicly available, offer examples of good practice for both reporting and Treaty implementation. For example, Canada indicated that its national risk-assessment procedure includes the consideration of risk-mitigation measures and identified what these may include (for example, end-use documentation, post-export reporting and permit restrictions, and targeting and examination of high-risk shipments, among other measures). Palau indicated that its national control system includes measures to regulate transit

and trans-shipment, and it offered relevant details from its Customs Regulations as to how it implements these regulations.

With regard to good reporting practices, Canada and Palau provided links to their national control lists as well as links to relevant legislation and resources that inform these lists. Canada also elaborated on how its national control system aligns with the specific prohibitions enumerated in Articles 6.1, 6.2 and 6.3 of the ATT – providing information beyond what is requested in the ATT reporting template.

NON-COMPLIANCE

The number of States Parties that are non-compliant with their initial reporting requirement remains constant, as 24 States Parties have not submitted their reports to the ATT Secretariat (the same number that had not done so at this time last year).

Two of these 24 States Parties (Botswana and Lebanon) are six-months to one-year delinquent on their initial reporting requirement. Three (Brazil, Guinea Bissau and Mozambique) are one-year to two-years delinquent, and 19 are more than three-years delinquent (Bahamas, Barbados, Cabo Verde, the Central African Republic, Chad, Dominica, Ghana, Grenada, Guatemala, Guinea, Guyana, Lesotho, Mali, Mauritania, Niger, Saint Kitts and Nevis, Saint Lucia, San Marino and the Seychelles).

Notably, nine of these 19 States Parties that are more than three-years delinquent in submitting their initial reports – approximately 47 per cent – have submitted a UN Programme of Action on Small Arms and Light Weapons (UN PoA) national report within the last three years. The UN PoA national report contains many synergies with the ATT initial report and captures information on States Parties' national arms-transfer control systems. Of the 24 States Parties that have yet to submit their initial reports, 18 have experience reporting on their national arms-transfer control systems in other forums, particularly through national reports for the UN PoA. Five of these 18 States Parties submitted a 2020 UN PoA national report.

UPDATED REPORTS

Article 13.1 of the Treaty 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 2020 ATT Monitor Annual Report, one State Party (Hungary) has submitted updates to its initial report, joining Japan, New Zealand, Slovenia, and Sweden as the only five States Parties to have submitted updates to date.

Hungary updated the names and contact information for its national points of contact for the ATT, details on legislation that had been updated in the years since first submitting its initial report that contains its national control list (providing a new link to its control list as well), and the names of the national authorities responsible for controlling arms exports, imports, transit/transshipment, and brokering. Hungary also clarified language in its definition of brokering.

No standard template or mechanism for updating initial reports has yet been established or encouraged by the WGTR or the ATT Secretariat.



**HMAS ANZAC LAUNCHES AN MH-60R
HELICOPTER DURING A MEDICAL
EVACUATION IN THE INDIAN OCEAN.**

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OUTSTANDING CHALLENGES TO INITIAL REPORTING

States Parties have identified several enduring obstacles to reporting on ATT implementation that continue to impact the efficacy and universalization of ATT reporting. The 2019 ATT-BAP publication 'Lessons Learned from Arms Trade Reporting' offers insights on the challenges experienced by different States Parties in their efforts to report comprehensively on – and consistently assess – their Treaty implementation efforts.² These challenges include difficulty in maintaining awareness of reporting obligations and deadlines, difficulty in accessing and compiling relevant information, and limited resources and capacity to complete reporting obligations.

Moreover, continued challenges with the ATT reporting templates have exacerbated existing problems and led to confusion. The 2020 ATT-BAP report 'The ATT Reporting Templates: Challenges and Recommendations' highlights these issues and provides recommendations for updates to the initial reporting template as being considered by the WGTR.³

States Parties have to balance their ATT reporting obligations with similar reporting requirements for several other agreements and regimes, which can compound the challenges posed by already strained government resources and staff. Additionally, several governments may still be working to establish the internal processes and mechanisms to support effective and efficient reporting, such as those that guide data collection, data storage and information sharing across relevant agencies. Moreover, there is not yet an accurate accounting of the impact of the COVID-19 global pandemic on ATT reporting.

CONCLUSION: EFFORTS TO IMPROVE ATT INITIAL REPORTING

ATT initial reporting remains stagnant, with just over three-quarters of States Parties meeting their reporting obligations. As a result, a less-than-complete picture of Treaty implementation hampers efforts to develop strategies to support ATT implementation. States Parties often talk about Treaty universalization, but reporting universalization remains an elusive challenge, despite the submission of initial reports being an obligation.

Different regions struggle with reporting in unequal ways and thus it remains important to ensure States Parties in lower-compliance regions are encouraged to report, no matter how overdue reports are. States Parties should be encouraged to utilize reporting synergies with other reports, such as the voluntary national reports for the UN PoA. Equally concerning is that the rate of private reporting is growing each year. Private reporting limits knowledge about implementation efforts, gaps and needs, and good practice.

The WGTR continues to focus on several of these issues towards improving reporting efforts and increasing reporting submissions. The COVID-19 pandemic paused these efforts, but the WGTR will continue its initiative to update the initial reporting template during the CSP7 and CSP8 process. Other efforts to improve reporting undertaken by the WGTR include working to encourage States Parties that are not compliant with their ATT reporting obligations to provide insights on their reporting challenges, and offering a platform for States Parties to share good practices in reporting and potential solutions to identified reporting challenges. Additionally, the WGTR will continue to examine and address challenges raised by concerning reporting trends and invite stakeholders to volunteer and discuss substantive issues related to ATT reporting obligations that could benefit from closer examination and dedicated discussion. These are all crucial steps to ensure the universalization of ATT reporting and that the reports fulfil the promise of transparency and confidence building as articulated in Article 1 of the Treaty.

2 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.

3 Arms Trade Treaty-Baseline Assessment Project (ATT-BAP) (2020). 'The ATT Reporting Templates: Challenges and Recommendations'. http://www.armstrade.info/wp-content/uploads/2014/10/Reporting-Templates-Challenges-and-Recommendations_Web-Version.pdf.