TRANSPARENCY AND REPORTING IN THE GLOBAL ARMS TRADE

Identifying Gaps in Reported Arms Transfers and Assessing States’ Commitments to Transparency (2015-2019)
THE ATT MONITOR PROJECT

The ATT Monitor, an independent project of Control Arms, was launched in January 2015 with the initial support of the governments of Austria, Australia, Ireland, Netherlands, Norway and Trinidad and Tobago.

The project is now the de facto international monitoring mechanism for the Arms Trade Treaty (ATT) and serves as a source of information on the implementation of, and compliance with, the ATT. Its authoritative and quantitative research and analysis serves to strengthen Treaty implementation efforts and improve transparency in the conventional arms trade.

The ATT Monitor produces research for its key audiences: government policymakers and export officials, civil society and international organizations, as well as the media and the general public.

ABOUT THIS PAPER

Produced with generous support from the German Ministry for Foreign Affairs, this briefing paper explores ATT reporting practices and trends, and seeks to understand where States Parties have fallen short of their obligations under the Treaty. It then examines gaps in reported arms transfers in the context of two humanitarian crises and suggests potential reasons for these gaps. Finally, it offers broad recommendations for action for States Parties and the ATT Conference of States Parties (CSP).
**INTRODUCTION**

When the Arms Trade Treaty (ATT) entered into force in December 2014, there was a widespread expectation among most negotiators and civil society that the veil of secrecy in arms transfers would be lifted. Supporting these expectations are the clear record-keeping, reporting and transparency obligations agreed on and set out in the ATT. In particular, transparency in arms transfers is a core component of the Treaty, and it is fundamental to achieving its goals and objectives. Often, transparency is directly linked to a government’s willingness to commit to monitoring, oversight and accountability.

Annual reports on arms exports and imports submitted by ATT States Parties are intended to be a critical tool for increasing transparency and providing greater understanding of the global arms trade. Transparency builds confidence in responsible and accountable government actions when making arms-transfer decisions. To meet these objectives, ATT annual reports must be publicly available, accurate and comprehensive, as well as meaningfully transparent.

To explore ways to strengthen the ATT process, this paper builds on ATT Monitor analysis featured in the 2021 ATT Monitor Report. Based on data provided in ATT annual reports from 2015–2019, the first five years of annual reporting show that States Parties have not lived up to the promise and requirements of the ATT. To provide more answers to questions regarding challenges to ATT implementation, this paper examines arms-transfer data reported in ATT annual reports and in UN Register on Conventional Arms (UNROCA) reports – the two global reporting mechanisms on conventional weapons – to determine whether we know more about the global arms trade and international arms transfers now than we did five years ago.

The first section explores ATT reporting practices and trends, and seeks to understand where States Parties have fallen short of their obligations under the Treaty. The second section examines gaps in reported arms transfers in the context of two humanitarian crises - Myanmar and Yemen - and suggests potential rationales for these gaps. The third section offers broad recommendations for action that States Parties and the ATT Conference of States Parties (CSP) can take to strengthen reporting and enhance the transparency dividend that the ATT is intended to deliver.

**TRANSPARENCY TRENDS IN ARMS TRANSFER REPORTING**

**REPORTING OBLIGATIONS UNDER THE ATT**

According to Article 13.1, each State Party must submit an initial report within one year of formally becoming a member of the Treaty. This report should outline all ‘national laws, national control lists and other regulations and administrative measures’ undertaken to facilitate joining the Treaty and meet all its relevant legal and procedural obligations.

In addition, Article 13.3 obliges each State Party to submit an annual report of imports and exports of all categories of weapons included in the scope of the ATT (as defined by Article 2.1) on or before the deadline of 31 May every year for the preceding year. The Treaty provides some clarity on what types of information need to be collated by States Parties. For example, Article 12.3 states: ‘Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.’ Article 13.3 also identifies ‘authorized or actual exports and imports’ to be included in annual reports.

Article 13.3 further notes that ‘Reports may exclude commercially sensitive or national security information’ – without providing any parameters for what that information may or may not include. Thus, States Parties can interpret ‘commercially sensitive’ and ‘national security information’ in their own way, which has implications for what they choose not to report on.

There is no obligation for States Parties to make ATT reports public. Instead, every State Party can choose to keep its entire report private with viewing privileges afforded only to fellow States Parties. There is also no obligation for a State Party to submit a report using the template format suggested by the ATT Secretariat. This template was developed following extensive consultations in the Working Group on Transparency and Reporting. Because the template is ‘recommended’ and not ‘mandatory,’ States Parties use several different templates to submit their annual reports, including national ones.

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REPORTING TRENDS UNDER THE ATT

As more states became party to the ATT over the 2015-2019 period, the number of reports submitted to the ATT Secretariat has increased, with submission rates averaging 71 per cent. However, the percentage of due reports submitted declined from 82 per cent of 2015 reports to 64 per cent of 2019 reports (See Figure 1). The decline in the percentage of reports submitted each year is worrisome as ATT stakeholders now have less information on global arms transfers from States Parties than they did a few years ago.

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FIGURE 1 – NUMBER AND PERCENTAGE OF ANNUAL REPORTS PER REPORTING YEAR

Number of reports due  Number of reports submitted  Percentage of due reports submitted

An additional concern is the increase in the submission of private reports (see Figure 2), which limits the lens through which ATT reporting can be reviewed and analysed. As noted by the ATT Monitor, decreasing reporting rates overall and the increasing rate of private reporting have the most significant impact on transparent reporting.7

**FIGURE 2 – NUMBER AND PERCENTAGE OF PRIVATE ANNUAL REPORTS PER REPORTING YEAR**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of reports due</th>
<th>Number of private reports submitted</th>
<th>Percentage of private reports submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>61</td>
<td>2</td>
<td>4%</td>
</tr>
<tr>
<td>2016</td>
<td>75</td>
<td>4</td>
<td>7%</td>
</tr>
<tr>
<td>2017</td>
<td>89</td>
<td>5</td>
<td>8%</td>
</tr>
<tr>
<td>2018</td>
<td>92</td>
<td>11</td>
<td>17%</td>
</tr>
<tr>
<td>2019</td>
<td>97</td>
<td>14</td>
<td>23%</td>
</tr>
</tbody>
</table>

7 Control Arms Secretariat (2021). Ibid.
CHALLENGES TO REPORTING TO THE ATT

Recent analysis by the ATT Monitor and the Stimson Center explores the potential causes for the decline in reporting rates since 2015 and identifies a combination of factors that likely have contributed to the decline.\(^9\)

- **Lack of institutional capacity and political will.** Most countries failing to report are in the global south, and they have consistently flagged concerns around capacity and expertise during debates on implementation challenges. The fact that most ATT Voluntary Trust Fund projects have been aimed at strengthening institutional capacity speaks to these persistent challenges. Meanwhile, political will is greatly affected by governments’ perceptions that the ATT poses a threat to the supply of defence materials. Outreach by the Presidencies of the ATT Conference of States Parties over the years has addressed some of these perceptions, but more needs to be done.

- **The rapidly evolving technological platforms for dual-use items.** As dual-use items continue to reach ever-greater degrees of sophistication, the challenges grow for customs officials (and for whole-of-government coordination mechanisms) to correctly identify components and apply the relevant legal framework to control the transfer, and to do so in short timeframes. These technology advancements pose several challenges to record-keeping as data is fragmented and different information is recorded by different authorities for different purposes. This makes collating information for reporting increasingly complex.

- **The ATT states that ‘Reports may exclude commercially sensitive or national security information’.** Since there is no commonly accepted definition of what constitutes ‘commercial sensitivity’ or ‘national security’, States Parties are in effect free to expand their interpretation of the definitions, further excluding transfers from their reports. As the two case studies below show, political or strategic considerations in some instances may influence a strict interpretation and application of the ATT’s provisions, and indeed, information on transfers has been withheld on the grounds of national security or commercial sensitivity.

ASSESSING ATT ANNUAL REPORTING PRACTICES

As with other arms trade reporting requirements, most ATT States Parties report only the minimum information required. Based on the ATT Monitor’s database of all transfers listed in every publicly available annual report submitted to the ATT Secretariat for 2015–2019, out of a total of 9,904 reported exports, 7,824 (79 per cent) included the numbers of arms transferred, but only 3,268 (33 per cent) included details of the value of the transfer. Perhaps most concerning of all, only 2,971 (30 per cent) provide descriptions of the items being transferred. Without these descriptions, triangulation of data across multiple sources to verify the information provided is limited. Indeed, less than 10 per cent of all exports reported by ATT States Parties in their annual reports between 2015 and 2017 have been mirrored to a high degree of confidence – that is, an export reported by one State Party was matched exactly with a corresponding import reported by another. The ATT Monitor reports have also noted a slight decline in successful mirroring rates since 2015.

Moreover, it appears that States, in some cases, do in fact have the capability to report a great deal of transfer details. For example, States Parties have provided comments on end-use or end-users such as collectors, museums, displays and the movie industry. The United Kingdom, for instance, reported the transfer of one CVRT Spartan armoured combat vehicle to Belgium with the comment ‘collector’ in its 2017 annual report. In another example, Hungary reported the transfer of a ‘MiG-21 BIS (deactivated, without armament)’ to Germany with the comment ‘exhibitions purposes’ in its 2015 annual report. In fact, between 2015 and 2019, more than 300 transfers had this type of description. While this level of detail is certainly welcome on these and all other types of transfers, to achieve the ATT’s transparency requirements, even with national security and commercial interest assessments in place, more detail for arms transfers to crisis or conflict zones should be included.

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11 Ibid.
TRENDS IN REPORTING TO THE UNITED NATIONS REGISTER OF CONVENTIONAL ARMS (UNROCA)

In December 1991, the UN General Assembly created the UN Register of Conventional Arms (UNROCA) as a means to ‘enhance confidence, promote stability, help States to exercise restraint, ease tensions and strengthen regional and international peace and security’ and ‘to prevent the excessive and destabilizing accumulation of arms . . . in order to promote stability and strengthen regional or international peace and security’. The UNROCA identifies seven categories of conventional arms and an eighth category of small arms and light weapons (SALW). The UNROCA is a voluntary mechanism, and it calls on States Parties to submit annual reports on all their transfers of these categories of arms by 31 May each year. The definitions of these categories are also frequently updated through the Group of Governmental Expert meetings to reflect technological advancements. The eight categories have also provided the source of the definitions contained in the ATT’s scope (Article 2.1).

Despite being a voluntary mechanism, in the first ten years of report submissions to the UNROCA, the mean average was 99 submissions – with a high of 124 submissions in 2001. Since then, there has been a steady decline and the number of reports submitted significantly dropped between 2015 and 2019 (see Figure 3).

Figure 3. Number of Reports Submitted to the UN Register of Conventional Arms (2015–2019)14

<table>
<thead>
<tr>
<th>Annual report on transfers during calendar year</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of reports submitted</td>
<td>42</td>
<td>39</td>
<td>47</td>
<td>44</td>
<td>38</td>
</tr>
</tbody>
</table>

The Arms Trade Treaty-Baseline Assessment Project (ATT-BAP) at the Stimson Center has examined the relationship between the ATT and UNROCA annual reports for 2015–2019. It concluded that ‘States have treated the relationship between the UNROCA and the ATT in different ways. Some ATT States Parties have resumed their UNROCA reporting since they began reporting to the ATT, while other States Parties are now reporting to UNROCA less often’.15 There are also examples of States Parties submitting their annual reports to the UNROCA but not to the ATT Secretariat, even though both have ‘the same deadline and despite the ATT permitting States Parties to submit their UNROCA reports as their annual reports.’ On a positive note, in 2015 (the first year when ATT States Parties were obligated to report on their annual arms exports and imports), 23 States Parties due to submit an annual report to the ATT also reported to the UNROCA and in 2019, that number increased to 28.16

Can we identify arms transfers recorded in open-source information, but not reported by States Parties across reporting mechanisms?

A search of open-access media resources and public databases providing information on arms transfers (such as the database of the Stockholm International Peace Research Institute) reveals several articles that provide detail about transfers of military goods that are not listed in the relevant exporters’ ATT annual reports. The examples listed in the section below illustrate the ongoing challenges and political issues that impact arms transfer decisions and underline the growing transparency deficit of the ATT.

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16 Ibid.
IMPLEMENTING THE ATT IN THE CONTEXT OF ARMS TRANSFERS OF CONCERN

The general decline in the percentage of annual reports on arms exports and imports to the ATT Secretariat as well as the increase in the use of private reporting observed in the 2015-2019 period has been accompanied by another worrying trend, namely an information deficit on arms transfers to contexts of humanitarian crises. This section examines gaps in reported arms transfers in the specific contexts of Myanmar and Yemen where decisions on whether and how to report arms transfers appear to vary based on: (1) different interpretations of the scope of weapons covered by the ATT; (2) the exclusion of arms transfers information based on national security or commercial sensitivity reasons; (3) the omission of arms transfers descriptions; and (4) the wholesale exclusion of certain arms transfers in publicly available ATT annual reports.
Despite Myanmar’s long history of violence and brutality, neighbouring countries have frequently opted to cooperate with the Tatmadaw, including through arms sales, military training, and joint operations. This is in part due to the porous nature of the region’s borders that challenges the creation and efficacy of physical barriers. The relationships between the Burman-dominated central government and the ethnic minorities in the periphery in Myanmar (and in its neighbours) have been characterized by simmering conflict and hostility over decades. Armed groups within Myanmar and in neighbouring countries have used the borders to their advantage, often retreating across these to avoid capture. To protect against cross-border insurgencies, neighbours such as India have developed ‘strategic’ ties with the Tatmadaw that included the gifting of INS Sindhuvir (a Soviet-era Kilo-class diesel-electric submarine) to its navy in December 2020 and engagement in joint anti-insurgency operations in India’s north-eastern states bordering Myanmar.

In addition to porous borders, another element that has facilitated arms sales to the Tatmadaw has been the adherence among the countries of South and Southeast Asia to the principle of non-interference in internal matters. Since its inception in 1967, the Association of South East Asian Nations (ASEAN) member states have shared “an understanding that domestic issues should be managed domestically, since the members have sufficient capability to do so.” This principle of non-interference has resulted in neighbouring countries staying silent on arms transfers to Myanmar, both historically, and more recently. With no direct sales of arms to Myanmar by members of ASEAN, the regional organization has not taken a meaningful stance on how arms transfers relate to the political and humanitarian crisis resulting from the February 2021 military coup. The vote on the General Assembly Resolution of 18 June 2021, condemning the junta and calling for an arms embargo, reflected this gap. Indonesia, Malaysia, the Philippines, Singapore, and Vietnam voted in favour while Brunei (at the time the ASEAN chair), Cambodia, Laos, and Thailand abstained.

Given its volatile political history, arms transfers to Myanmar have long been a contentious topic, often polarizing opinion. The country’s armed forces – known as the Tatmadaw – overthrew the democratically elected government in 1962 and held power until 2011, when they transferred control to a civilian government. Despite this transfer, the Tatmadaw continued to hold extraordinary political and economic power alongside the civilian government and has consistently engaged in violent crackdowns on ethnic communities throughout the country. A recent example is the Tatmadaw involvement in the Rohingya crisis, where in 2018, the extreme level and nature of the violence prompted the Independent International Fact-Finding Mission on Myanmar (IIIM) to note the presence of ‘factors allowing the inference of genocidal intent’. On 01 February 2021, the Tatmadaw staged a military coup and overthrew the civilian government and has since held onto power through a brutal and violent crackdown on dissent.

There have also been failed attempts to pass binding decisions on arms embargoes against the Tatmadaw at the UN Security Council. While Russia and China (two of the three largest sellers of arms to Myanmar) have consistently opposed Security Council arms embargoes, the European Union has maintained some form of an arms embargo on Myanmar since 1991. However, as the following section will show, such restrictions have not stopped all EU-related arms transfers to Myanmar, although few of these have been included by States Parties in their annual reports.

**ARMS TRANSFERS BY ATT STATES PARTIES**

**Varying Interpretations of Scope**

One instance of an arms transfer to Myanmar illustrates potential differences in interpretation of what is included within the scope of the ATT. In documents obtained by the UN Fact-Finding Mission to Myanmar in 2019, several conventional arms transfers to Myanmar were highlighted as concerning, including the sale of five Camcopter S-100 drones in 2018 (for use by the Myanmar navy) by the Austrian company Schiebel. The proposed cost of the deal was US$60 million, and Schiebel said that ‘it sold the drones to Myanmar before the European Union tightened its arms embargo against the country in April 2018.’ Even though the drones were not modified to include armaments, they fell within the UNROCA definition of attack helicopters, which also falls within the scope of the ATT, because it includes ‘versions of these aircraft which perform specialized reconnaissance or electronic warfare missions’. With no indication of whether Austria withheld any information for national security or commercially sensitive reasons, the transfer does not appear in Austria’s ATT annual report for 2019 or 2020.

Another case where scope can prove to be a challenging issue is the export of trainer aircraft. Unmodified, trainer aircraft fall outside of the scope of ATT reporting. If modified at the time of sale to serve the function of combat aircraft or in reconnaissance missions, the transfer of trainer aircraft would fall within the ATT reporting requirements. One example that demonstrates the potential confusion surrounding the sale of dual-use or modifiable equipment is the export of 20 G120TP Grob Trainer Aircraft sold by Germany to the Tatmadaw in 2015. Without modification, these trainer aircraft need not appear in ATT annual reports. And indeed, Germany did not include this transfer in its ATT annual reports. However, subsequent to the transfer and in the context of the attacks on the Rohingya minorities in 2015, questions were raised about the potential use of these aircraft for other purposes besides education and training. While there is no evidence to suggest these trainer aircraft were modified before their sale to Myanmar, this case serves as an important example that equipment sold for one use that falls outside the scope of the ATT can then be used for another, more dangerous use that would in fact require reporting and regulation. Making small adjustments in the scope of ATT reporting to include some key dual-use items would improve transparency and strengthen the ATT in its purpose: to reduce human suffering.

**National Security and Commercial Sensitivity**

Another avenue open to States Parties that limits transparency in reporting is the ability to omit transfers that are “commercially sensitive” or related to “national security.” For example, media reports showed the transfer of a landing platform dock amphibious assault ship to Myanmar by the Republic of Korea in 2019, but the transfer was not listed in the Republic of Korea’s ATT annual reports for 2018, 2019 or 2020, nor was it reported to...
China’s Evolving Role and the Use of Private Reporting

China has long played a central role in the politics, economy, and security of Myanmar, including providing both material and political support to the Tatmadaw. China has also supported non-State groups such as the United Wa State Army (UWSA), with credible reports of advanced Chinese armaments in the possession of UWSA troops. The majority of these transfers occurred before China acceded to the ATT in 2020. Given the country’s historic role in supporting the Tatmadaw, as identified by the UN Fact Finding Mission to Myanmar, Chinese authorities will need to reconsider its future arms transfer policies in a number of areas – including China’s arms transfer decisions to Myanmar. As China was not a State Party to the ATT until 2020, it did not submit reports of these transfers to the ATT. China has not submitted any information to the UNROCA about transfers to Myanmar that other sources such as the Stockholm International Peace Research Institute (SIPRI) have identified for 2016, 2017 and 2018. In October, China submitted its ATT initial report and chose to mark it private, which prevents assessment of its arms control policies in comparison with other ATT States Parties. And, as a State Party to the ATT, China will also submit its first annual report on 2021 arms transfers in 2022 and in submitting that report, it is obligated to consider how arms transfers are conducted in the true spirit of what the ATT was intended to achieve.

China has indeed indicated that some commercially sensitive and/or national security-related data has been withheld in accordance with Article 13.3 of the Treaty. It should be further noted that the Republic of Korea indicated that in 2021, it suspended defence exchanges with Myanmar and placed a ban on arms transfers to the country.34

The only country to have reported on its transfers openly to Myanmar through its ATT annual reports is Serbia, which indicated in its 2017 and 2019 reports that heavy machine guns, large-calibre artillery systems, rifles and carbines had been transferred to Myanmar. On the one hand, Serbia has lived up to its ATT commitments under Article 13 to submit transparent and accurate annual reports.35 On the other hand, this example raises questions about whether Serbia considered publicly available information to determine whether these arms could be used to violate human rights or international humanitarian law. At the time, countless reports in the media pointed to these weapons systems being used systematically to attack civilians in ethnic-majority areas between 2015 and 2020.36 In this case, the transparent report submitted by Serbia illustrates the considerable work still to be done by the annual Conference of States Parties to find incentives for States Parties to abide by the spirit and intent of the ATT.

ARMS TRANSFERS TO SAUDI ARABIA

Since 2015, Saudi Arabia has led a coalition of countries to support Yemen’s President Abd Rabbuh Mansur Hadi to counter the advance of Houthi rebels within Yemen. The coalition has largely relied on aerial bombardment, which in turn has created one of the worst humanitarian crises in the world. In addition, an apparent pattern of targeting civilian infrastructure has led to excessive civilian casualties inflicted by both the coalition and the opposition forces. The UN Group of Eminent Experts on Yemen concluded that serious violations of international humanitarian law and human rights law have been committed by all parties since the conflict began in 2015.

DETAILS MATTER

Over the course of the Yemen conflict, Saudi Arabia has become one of the largest importers of arms in the world, accounting for 11 per cent of all arms imports worldwide between 2016 and 2020. In this context, tracking arms transfers presents a different forensic challenge when addressing issues of transparency and reporting. With such a high volume of transfers to assess, the importance of detail in submitted ATT annual reports cannot be overstated. If arms transfer data is submitted to the ATT without clear descriptions, quantities or values, or with ambiguities in the information provided (for example, relating to whether or not the transfers are actual or authorized), it is impossible to determine whether States Parties are truly transparent.

Two clear examples where lack of detail in reported arms transfers has significant transparency implications are France and the United Kingdom (UK). In its 2016 ATT annual report, France listed a transfer to Saudi Arabia of 270 armoured combat vehicles without any specific description other than ‘tactical vehicle’. In its annual report covering the same time period to the UNROCA, France listed a transfer of 30 Aravis armoured vehicles. Sources such as SIPRI have identified up to four models of armoured personnel carriers (Bastion, Aravis, Arive and Sherpa) in France’s records of transfers to Saudi Arabia over the same period. This discrepancy in reporting creates ambiguity as to what was transferred to Saudi Arabia by France in 2016. In the case of the UK, except for one line in its 2017 annual report (six Typhoon combat aircraft), there are no descriptions of any of the items transferred to Saudi Arabia between 2015 and 2019. Given that the value of arms transfers to Saudi Arabia since 2015 has amounted to more than £5.3 billion (US$7.3 billion), merely reporting numbers and categories without clarity and additional information on the transfer does not reflect the UK’s adherence to its legal obligations under the ATT.

In contrast, Slovakia’s 2016 ATT annual report and its UNROCA report provide the same information – 190 120 mm mortars and 16 ‘122 mm Grad launcher BM-21, enabling a degree of confidence in its submitted reports.
MISSING DATA

A second type of challenge to transparency relates to arms transfer information missing from ATT annual reports. In 2016, Saudi Arabia signed a deal for the procurement of 100 Alakran 120 mm mortar systems from Spain. This transfer does not appear to have been reported in any of Spain’s ATT annual reports between 2015 and 2019. This is in part because Spain’s reports have not provided any descriptions on any of its transfers, and in part because the information that has been provided (categories and numbers) does not match the particulars of this transfer. In June 2018, Saudi Arabian troops near the border with Yemen were seen using the Raybolt medium-range anti-tank guided missiles produced in the Republic of Korea. This transfer has not been listed in the Republic of Korea’s ATT annual reports for 2018, 2019 or 2020. Similarly, according to media reports, Italy approved the sale of 1,756 MK82 bombs to Saudi Arabia in 2018 for a value of €42 million (US$49 million). Yet, Italy did not report transfers of MK82 bombs to Saudi Arabia in its 2018 and 2019 ATT annual reports.

In some of these cases, it is possible that the exporting governments chose to report at a different point in the transfer chain. For example, reporting can take place early in the agreement at the time the exporting government provides authorization, or after authorization, at the point of actual transfer, which is typically when the transfer is reported by open sources. In some cases, such as the Republic of Korea’s and Italy’s annual reports, States Parties will indicate that some transfers have been held back for commercial sensitivity or national security reasons. Despite these types of gaps, data shows that most ATT States Parties have reported their transfers to Saudi Arabia in the 2015-2019 period. Setting questions of compliance with the export risk assessment requirements in Articles 6 and 7 aside, consistent reporting of these transfers reinforces the transparency principles enshrined in the Treaty.

The examples of arms transfers to Myanmar and Saudi Arabia clearly illustrate that – for a variety of strategic, political, national and regional security, and economic reasons – the ATT States Parties have yet to live up to its object and purpose of reducing human suffering and promoting transparency. There is clear evidence that several transfers of arms to Myanmar and Saudi Arabia have taken place and have not been reported by exporters through the various reporting mechanisms. Given the growing number of independent media and citizen journalist investigative reports, it has become increasingly difficult to hide such transfers.

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CONCLUSIONS AND RECOMMENDATIONS

The trends toward greater secrecy, incomplete or aggregate reporting, and low rates of mirroring identified in the first five years of ATT annual reports are now better understood by analysts and supported by a growing evidence base. Some 70 per cent of all exports reported by ATT States Parties did not include any descriptions of items, making it impossible to determine from ATT annual reports alone exactly what has been transferred between countries. Moreover, aggregating transfers by categories (and thereby not providing critical disaggregated information such as importers, descriptions of weapons and values) undermines the overall utility of reporting. Without this detail, few meaningful conclusions about the nature of the relationship between exporter and importer can be derived. This kind of basic reporting suggests that in many instances information has likely been withheld or otherwise obfuscated, which can produce a negative image of the States Parties involved.

The exercise of reviewing ATT reports to ensure that publicly available information on arms transfers is reflected in official reports is also an important tool for holding States Parties accountable to their legal obligations under the Treaty. With the availability of information provided by independent media and accessibility through developments in information communication technology, it becomes increasingly important for States Parties to be as transparent as possible in their annual reports. Based on the findings of this paper, there are some specific recommendations that can be made to improve transparency and strengthen reporting. They can be grouped into two categories: individual state responsibility and steps that the ATT Conference of States Parties can take to strengthen the architecture for encouraging effective reporting.

RECOMMENDATIONS FOR STATES PARTIES

Prioritize transparency and accuracy – public sources of information are easily accessible

It is important for States Parties to prioritize transparency in reporting as doing so helps prevent the spread of misinformation about arms transfers and the use of arms. Moreover, given the plethora of information in the public domain about arms transfers, there is very little to be gained by government opacity in ATT annual reports. At one level, the accessibility of these outside public data sources exposes governments to legal challenges, if there is a perception that information is being deliberately withheld. At another level, knowledge that this public data exists and is not corroborated by or reflected in official reports negatively impacts confidence in public authorities. And, finally, transparency in arms transfer data significantly reduces the chances of escalating arms races, as threat perceptions can be countered quickly with facts and evidence.

Submit public reports on arms transfers

States Parties should strive to make their ATT annual reports public. Despite a steadily rising trend toward secrecy, more than 70 per cent of ATT annual reports are publicly accessible. States Parties submitting private reports to the ATT Secretariat are identified as having done so and are likely to draw additional negative attention. Given the widespread availability of public data, as noted above, there remains little strategic benefit in maintaining secrecy.

Provide descriptions of arms transfers in ATT annual reports

States Parties should actively provide information on each transfer that includes at a minimum, the following: both authorized or actual exports and imports; specific weapon type; number or value, or both for each item; and the final exporting and/or importing country. Not including this information has implications for the overall utility of the report. Reports without this information can at best be used as anecdotal evidence, and at worst suggest institutional inefficiency or wilful obfuscation.

Disaggregate arms transfers data

It is imperative that States Parties provide disaggregated data on their arms transfers within the categories of the reporting template. Without the information outlined above, aggregated data serves little to no purpose in the context of arms transfers. It does not support any assessment of whether a State Party is compliant with the Treaty and it gives no insight into what types of arms are being transferred.
RECOMMENDATIONS FOR THE ATT CONFERENCE OF STATES PARTIES (CSP)

It is time to review the ATT scope

As seen in the case of Myanmar, arms transfers that facilitate human rights violations could fall outside the strict and narrow interpretation of the current scope of the ATT. The definitions of the Treaty’s categories are tethered to the UNROCA definitions at the time of its entry into force in December 2014. As the definitions of certain categories of the UNROCA have been updated since, the ATT’s scope also needs updating, as is permitted pursuant to Article 17.4. In Myanmar’s case, transfers of surveillance technology such as hacking software, unarmed military-specification reconnaissance drones, and military-specification transport aircraft have served as force multipliers for the Tatmadaw, enabling it to sustain its hold on power since the February 2021 coup. States Parties must use the ATT CSP to continually interrogate whether the Treaty is living up to its object and purpose and take the bold steps necessary to ensure its ongoing relevance.

Explore options to mandate the use of the ATT reporting template

Individual ATT annual reports cannot and should not be viewed in isolation. The added value of reporting obligations under the ATT is that it makes it possible to mirror data and to compare and verify publicly available information. One of the ongoing barriers to this process is the variety of ways in which States Parties have collated their annual reports, including the use of different templates (for example, the ATT annual report template, the UNROCA template, and national templates). The existence of so many ways of capturing data and compiling reports makes it nearly impossible to compare and contrast the information provided. To counter this, one option for States Parties is to consider all available options to mandate the use of a standardized reporting template.

Capitalize on synergies

The CSP process should take advantage of every opportunity to create synergies and further develop closer collaboration between different stakeholders engaged in monitoring arms transfers – including NGOs, research institutes, civil society organizations and investigative journalists – to build more effective networks to share and evaluate arms-transfer data. Capitalizing on these synergies will also enable governments to make substantive progress on achieving their Sustainable Development Goals targets, namely 16.4 on reducing illicit arms flows and 16.6 on developing effective, accountable, and transparent institutions at all levels.

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AT4 RECOILLESS ANTI-TANK WEAPON.

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