

COVER PHOTO:

NEW ZEALAND DEFENCE FORCE LIGHT ARMOURED VEHICLE.

CREDIT: © NEW ZEALAND DEFENCE FORCE

© 2022 ATT Monitor

Control Arms Secretariat, 223 W 38th Street, #1091

New York, NY. 10018, USA

https://attmonitor.org/

ISBN: 978-1-943930-48-7

Attribution: Please cite the work as follows: Control Arms Secretariat (2022). ATT Monitor 2022. New York. 22 August 2022.

All photos within this publication are provided courtesy of the African Union, Australian Department of Defence, Canada Department of National Defence, Conflict Armament Research, New Zealand Defence Force, North Atlantic Treaty Organization (NATO), Reuters, SAAB, United Nations, United States Department of Defence and United Kingdom Ministry of Defense.

THE ATT MONITOR PROJECT

The ATT Monitor, an independent project of Control Arms, was launched in January 2015 with the support of the governments of Austria, Australia, Ireland, the 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 the transparency of 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.

THE ATT MONITOR ANNUAL REPORT

The ATT Monitor 2022 Report seeks to take stock of existing state practice, create greater transparency in how the ATT is implemented, inform the work of the Conferences of States Parties (CSPs) and intersessional meetings, and support accountability of Treaty commitments.

This summary presents synthesized information from the ATT Monitor 2022 Report and provides examples of analysis and research undertaken in support of strengthening Treaty implementation efforts.



ATT MONITOR 2022 CONTENTS SUMMARY

CONTENTS

STATE OF THE ARMS TRADE TREATY: A YEAR IN REVIEW JUNE 2021-MAY 2022
CHAPTER 1: Challenges, Opportunities and Prospects for Furthering ATT Universalization
CHAPTER 2: Arms Exports and Imports: Assessing 2020 Annual Reports 20
CHAPTER 3: ATT Reporting Updates and Insights from 2021



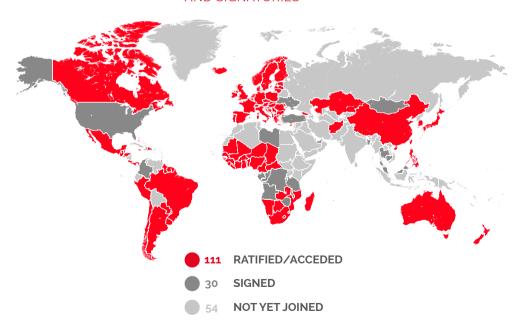
STATE OF THE ARMS TRADE TREATY: A YEAR IN REVIEW (JUNE 2021 – MAY 2022) This review takes stock of the period between 1 June 2021 and 31 May 2022, up to and including the one-week grace period for submission of the Arms Trade Treaty (ATT) annual reports. It explores some of the key events and milestones during the past year and assesses their impacts on the overall performance of States Parties to the Treaty regarding universalization and compliance.

UNIVERSALIZATION

One country became a State Party to the ATT between 1 June 2021 and 31 May 2022 as the Philippines ratified the Treaty. This represents a positive step forward for universalization in Asia, a region with a low level of ATT membership, which remains geographically uneven around the world.

This year's analysis shows that progress towards Treaty universalization has remained relatively consistent, although the year 2021-22 saw the lowest number of accessions and/or ratifications ever recorded.

FIGURE 1 - MAP OF STATUS OF RATIFICATIONS AND SIGNATORIES



ATT REPORTING IS ONE OF THE KEY TRANSPARENCY TOOLS AT THE DISPOSAL OF STATES PARTIES. **ANNUAL REPORTS ON NATIONAL ARMS EXPORTS AND IMPORTS ENHANCE** TRANSPARENCY IN THE GLOBAL ARMS TRADE AND FACILITATE CONFIDENCE-BUILDING, **RESPONSIBILITY AND ACCOUNTABILITY IN NATIONAL ARMS-**TRANSFER DECISIONS.

REPORTING ON IMPLEMENTATION AND COMPLIANCE

Reporting under the ATT is critical to achieving its object and purpose, and to increasing transparency in the global arms trade. Article 13 of the Treaty mandates that every State Party submit an initial report that describes measures taken to implement the Treaty as well as annual reports on national arms exports and imports each year.

ATT reporting is one of the key transparency tools at the disposal of States Parties. Annual Reports on national arms exports and imports enhance transparency in the global arms trade and facilitate confidence-building, responsibility and accountability in national arms-transfer decisions. Similarly, initial reports, which describe measures taken by States Parties to implement the Treaty, shed light on national control systems and can be used to identify implementation gaps and good practice.

ATT Monitor analysis has identified two parallel trends that threaten to undermine the quality of transparency and reporting: a downward trend in compliance with Article 13 reporting obligations, coupled with an increased rate at which reports are kept confidential. In this year's report, the ATT Monitor provides a comprehensive picture of the challenges and opportunities that countries face as they look to align their national systems and become States Parties to the ATT and provides recommendations for improving inclusiveness and recognizing long-standing political concerns around universalization of the ATT. Chapters 2 and 3 present further analysis of compliance with reporting obligations, identify trends and highlight efforts made by ATT stakeholders to address challenges to reporting.

"

THE WORKING GROUP
ON TRANSPARENCY
AND REPORTING HAD
THE MOST AMBITIOUS
AGENDA, WHICH
INCLUDED EFFORTS TO
CONTINUE REVIEWING
THE EFFECTIVENESS
OF THE ATT REPORTING
TEMPLATES TO INCREASE
TRANSPARENCY IN THE
ARMS TRADE.

SYSTEMS AND PROCEDURES

Intersessional work prior to CSP8 included two series of meetings of the ATT Working Groups and Informal Preparatory meetings in February 2022 and April 2022.

The meetings took place under a hybrid format in order to mitigate the impact of the challenges related to the COVID-19 pandemic. Overall, the Working Groups and Informal Preparatory meetings of CSP8 did not pursue ambitious agendas. However, the preparatory meetings in February and April had diverse in-person attendance, in part due to the presence of numerous sponsored delegates and were enriched by the high number of statements from representatives of states in the Global South. The Working Group on Transparency and Reporting had the most ambitious agenda, which included efforts to continue reviewing the effectiveness of the ATT reporting templates to increase transparency in the arms trade. The other Working Groups set expectations low in their agendas for intersessional work and it is clear that there is still progress to be made in working towards effective implementation of all Treaty provisions.

"

THE CURRENT WAR IN UKRAINE, SPARKED BY RUSSIA'S UNLAWFUL INVASION IN FEBRUARY 2022, REPRESENTS A CHALLENGE TO THE FULL AND MEANINGFUL IMPLEMENTATION OF THE TREATY BY STATES PARTIES.

TAKING STOCK - ARE STATES PARTIES MEETING THEIR OBLIGATIONS?

The current war in Ukraine, sparked by Russia's unlawful invasion in February 2022, represents a challenge to the full and meaningful implementation of the Treaty by States Parties. The invasion has drawn widespread condemnation and allies had pledged more than US\$68 billion in weapons and military assistance to Ukraine, as of May 2022. Since October 2021, when Russia started massing troops at the Ukrainian border, at least eight States Parties have delivered weapons and military aid to Ukraine. Nevertheless, while Ukraine has the right to self-defence and there is no evidence that weapons being supplied to it are being used to commit serious violations of international law, the majority of these weapons flows have been the subject of little oversight.

Moreover, despite an EU arms embargo imposed as a result of Russia's invasion of Crimea in 2014, at least 10 EU member states and ATT States Parties continued exporting weapons to Russia between 2015 and 2020 due to a loophole in the wording of the embargo.



CHAPTER 1: CHALLENGES, OPPORTUNITIES AND PROSPECTS FOR FURTHERING ATT UNIVERSALIZATION This chapter looks at progress toward ATT universalization since 2015 and provides a comprehensive picture of the challenges and opportunities that countries face as they look to become States Parties to the ATT. It outlines the political, strategic, systematic and institutional challenges that have complicated pathways to ATT membership through a focus on the cases of Colombia, Kenya and Malaysia, as well as by considering the experience of the Philippines which became the latest ATT States Party in March 2022. The chapter seeks to provide a nuanced understanding of the challenges to universalization, and to explain why the process has been geographically uneven. It concludes with recommendations to continue promoting universalization and effective implementation of the ATT, while improving inclusiveness and compliance.

DEFINING UNIVERSALIZATION

Not only does the ATT not define the term universalization, it seldom makes specific reference to it. Instead, the Working Group on Treaty Universalization (WGTU) has developed a definition that universalization means 'expanding the membership of the Treaty to ensure there are as many States Parties as possible.' Universalization is fundamental, as an international regulatory system only works if enough subscribe to it. However, when assessing a Treaty's universality, the number of its members is not the only consideration that should apply. A further conceptualization adds to the definition by suggesting that 'universalization means both expanding the number of States Parties and ensuring that they live up to their obligations.' As these definitions are complementary, this chapter embeds both into its analysis.



AS OF 7 JUNE 2022,
THERE WERE 111 STATES
PARTIES TO THE ATT,
30 SIGNATORIES AND
54 NON-SIGNATORIES.
TREATY MEMBERSHIP
SURGED IN THE
FIRST THREE YEARS
FOLLOWING ADOPTION
BUT HAS SLOWED
CONSIDERABLY
SINCE THEN.

ATT UNIVERSALIZATION - STATE OF PLAY

As of 7 June 2022, there were 111 States Parties to the ATT. 30 Signatories and 54 non-signatories. Treaty membership surged in the first three years following adoption but has slowed considerably since then. This downward trend points to some of the original fault lines that were visible during Treaty negotiations, relating to political bias toward states in the Global North in terms of the norms and standards of behaviour adopted by the ATT, the promotion of the rules espoused by Western arms producers as the benchmark that all should aspire to, and the prioritization of the needs and concerns of exporting states over those of importing states. These issues have led to considerable regional and sub-regional variations in ATT membership. This also partly explains why ATT membership is high among top arms exporters but low among top importers. Nevertheless, the People's Republic of China's accession to the ATT in 2020, and the Philippines' ratification in 2022 could provide a new impetus to universalization, particularly in a region with a low level of membership. Similarly, the recent ratifications of Niue and Palau in the Pacific and of Lebanon in the Middle-East are important steps in furthering ATT engagement in underrepresented regions.

"

AS THE HOLDER OF THE CSP8 PRESIDENCY AND CO-CHAIR OF THE WGTU, GERMANY HAS MADE UNIVERSALIZATION ONE OF ITS KEY PRIORITIES AND HAS FOCUSED ON ENGAGEMENT WITH STATES THAT HAVE SIGNED THE TREATY BUT ARE YET TO RATIFY IT.

PRIORITIZING UNIVERSALIZATION OF THE ATT

Efforts to promote ATT universalization have been central to the work and discussions under the Conference of States Parties and the WGTU. These efforts have included, among others, targeted outreach activities, the development of materials in multiple languages and the provision of assistance through the ATT Voluntary Trust Fund (VTF) and the ATT Sponsorship Programme.

As the holder of the CSP8 Presidency and co-chair of the WGTU, Germany has made universalization one of its key priorities and has focused on engagement with States that have signed the Treaty but are yet to ratify it. Two preliminary findings have emerged from this outreach effort. First, that the failure of some of the largest arms-exporting states to join the Treaty creates and reinforces a negative cycle whereby other States are not incentivized to join it. Second, that Signatories and non-signatories continue to identify informational and technical assistance needs that are barriers to their joining the Treaty.

CHALLENGES TO ATT UNIVERSALIZATION – THE GAP BETWEEN SIGNATURE AND RATIFICATION

POLITICAL, SECURITY AND STRATEGIC CHALLENGES

In certain contexts, arms transfer control is not a major policy priority. This means that resources and political focus are likely to be concentrated in other areas of work as States are compelled to prioritize in tackling the myriad of threats they face. This highlights the need for flexible, long-term, context-sensitive and predictable support to universalize the ATT in all regions of the world, that also recognises the impact of regional dynamics on universalization.

Another challenge is the Geneva-centric approach of diplomatic and outreach activities, as intersessional meetings and the annual CSPs are usually held in Geneva. As a result, some participants are unable to attend and the centralization of international processes and operations in the Global North can negatively impact participation and inclusion for states from the Global South. Indeed, several countries do not have missions in Geneva and others only have small delegations present, which can mean they lack the resources and expertise to participate in meetings.

The ATT has also long struggled with the challenge that the standards of Treaty compliance are determined almost exclusively by the existing systems and practices of arms-exporting states. The ATT text also provides very limited guidance that directly addresses the situations of arms-importing states, creating an imbalance that undermines efforts to socialize the ATT as a universal norm that can benefit all States, regardless of their arms-exporting capacities. Related to this, the fact that large exporters continue to engage in arms sales that do not comply with their obligations under the ATT, undermines compliance as a whole.

THE ATT HAS ALSO LONG STRUGGLED WITH THE CHALLENGE THAT THE STANDARDS OF TREATY COMPLIANCE ARE DETERMINED ALMOST EXCLUSIVELY BY THE EXISTING SYSTEMS AND PRACTICES OF ARMS-EXPORTING STATES.

SEVERAL COUNTRIES
HAVE A STRONG
LEGISLATIVE
FRAMEWORK BUT THEIR
NATIONAL SYSTEMS
REQUIRE EXTENSIVE
OVERHAUL, INCLUDING
A COMPREHENSIVE NEED
FOR TRAINING AND
CAPACITY BUILDING FOR
OFFICIALS TO DELIVER
CORE TASKS OF THE ATT.

PROCEDURAL AND SYSTEMS CHALLENGES

Placing the legislative amendments required for States to become ATT compliant onto the parliamentary agenda often requires significant time, technical expertise and political support, all of which are often unavailable, which helps to explain why several Signatories and nonsignatories are slow in making their legislative framework compliant with the ATT. Several countries have a strong legislative framework but their national systems require extensive overhaul, including a comprehensive need for training and capacity building for officials to deliver core tasks of the ATT.

The rotation of officials, politicians and diplomats is also another key challenge to the universalization efforts for the ATT. Each time an official, parliamentarian or government member who is central to efforts to drive forward universalization moves on to a different role, there is an immediate gap in institutional memory, personal incentive and procedural clarity. Election cycles can have a debilitating effect as politicians leading or supporting accession or ratification may lose their seats.





E STMA IS BROADLY COMPLIANT WITH THE REQUIREMENTS OF ARTICLE 5 OF THE ATT IN THAT IT CONTAINS A NATIONAL CONTROL **LIST AND IDENTIFIES** A NATIONAL CONTROL **AUTHORITY. IT ALSO DEFINES KEY CONCEPTS SUCH AS IMPORT. EXPORT, TRANSIT TRANS-SHIPMENT AND BROKERING THAT ALIGN** WITH CORRESPONDING **DEFINITIONS IN THE ATT.**

TEXT BOX 1: ATT ratification - The Philippines

In March 2022, the Philippines – the first Southeast Asian country to sign the Treaty in 2013 – ratified the ATT. The government's ability to address a variety of diplomatic, political and strategic considerations shows that progress is possible, even in challenging contexts.

As a Signatory, the Philippines participated in every ATT CSP and consistently signalled its intent to ratify. During this period, the country's relevant line agencies were engaged in a process of strengthening inter-agency cooperation, clarifying institutional responsibilities and tightening legislation to ensure that the national control system was in compliance with the ATT. This work was supported by sustained advocacy campaigns by CSOs.

The Strategic Trade Management Act (STMA) of 2015 provided the legislative framework to guide and clarify the regulation of arms and ammunition transfers by the Philippines. The STMA is broadly compliant with the requirements of Article 5 of the ATT in that it contains a national control list and identifies a national control authority. It also defines key concepts such as import, export, transit, trans-shipment and brokering that align with corresponding definitions in the ATT.

Despite the delay, the Philippines focus on developing a compliant control system prior to ratification places the country in a strong position to comply with ATT requirements from the outset.



CASE STUDY - COLOMBIA

Colombia was engaged in Treaty negotiations and signed the ATT in 2013, even attempting to ratify it as early as 2014. However, the Constitutional Court declared the proposed bill unconstitutional due to procedural and legislative compliance issues. Electoral changes in the years since have seen the issue become deprioritized and the process has stagnated in government institutions. Thus, whereas the process was initially delayed due to procedural matters, the current challenge is political. Nevertheless, efforts have been ongoing to further ATT ratification. Civil society groups have sustained their advocacy campaigns in favour of ratification, while Colombia has also received assistance from Germany's Federal Office for Economic Affairs and Export Control, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) and the VTF for activities related to building capacity for implementation of, and compliance with, the ATT.

COLOMBIA WAS
ENGAGED IN TREATY
NEGOTIATIONS AND
SIGNED THE ATT IN 2013,
EVEN ATTEMPTING TO
RATIFY IT AS EARLY
AS 2014. HOWEVER,
THE CONSTITUTIONAL
COURT DECLARED
THE PROPOSED BILL
UNCONSTITUTIONAL
DUE TO PROCEDURAL
AND LEGISLATIVE
COMPLIANCE ISSUES.



CASE STUDY - KENYA

Kenya was a leading supporter of the UN PoA and played a significant role in the lead up to ATT negotiations. However, despite its active support it has neither signed nor ratified the Treaty. Obstacles to ratification are both administrative and political. On the political side, the Ministry of Defence has been wary of the ATT working against national arms production interests, despite the ATT's provisions underlining the respect for the legitimate interest of States to acquire conventional arms. On the administrative front, high turnover of officials in key Ministries and low prioritisation of the ATT have also held back progress. A final challenge could relate to its prioritization of other international instruments on conventional weapons, such as the UN PoA. In recent years, however, Kenya has shown increased interest in engaging with the ATT, including through participation at CSP7 and CSP8 and its successful application for VTF funding, while civil society support for ATT membership has remained consistent.

IN RECENT YEARS,
HOWEVER, KENYA HAS
SHOWN INCREASED
INTEREST IN ENGAGING
WITH THE ATT,
INCLUDING THROUGH
PARTICIPATION AT
CSP7 AND CSP8 AND
ITS SUCCESSFUL
APPLICATION FOR VTF
FUNDING, WHILE CIVIL
SOCIETY SUPPORT FOR
ATT MEMBERSHIP HAS
REMAINED CONSISTENT.



CASE STUDY - MALAYSIA

Malaysia engaged positively with the ATT from the outset of negotiations and signed the Treaty in 2013. However, it is yet to ratify it for largely political reasons. The ATT is not a priority for Malaysia in part due to the fact its existing systems are largely fit for purpose and generally compliant with ATT requirements. Regional ASEAN dynamics have also played a part as Malaysia did not want to be seen as an outlier in the region, although the recent accession of the People's Republic of China and ratification of the Philippines could provide some impetus toward Malaysia's ratification. Malaysia has benefitted from cooperation and technical assistance activities to facilitate ATT ratification in recent years, developed in partnership with the EU ATT Outreach project and the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific among others, and trusted civil society partners such as Control Arms. Non-Violence International Southeast Asia, and the Geneva Centre for Security Policy.

REGIONAL ASEAN
DYNAMICS HAVE ALSO
PLAYED A PART AS
MALAYSIA DID NOT
WANT TO BE SEEN AS
AN OUTLIER IN THE
REGION, ALTHOUGH
THE RECENT ACCESSION
OF THE PEOPLE'S
REPUBLIC OF CHINA
AND RATIFICATION OF
THE PHILIPPINES COULD
PROVIDE SOME IMPETUS
TOWARD MALAYSIA'S
RATIFICATION.

STRIKING THE
RIGHT BALANCE
BETWEEN THESE
UNIVERSALIZATION
APPROACHES CAN HAVE
SUBSTANTIAL IMPACT
ON THE OVERALL
SUCCESS OF TREATY
IMPLEMENTATION.

ALTHOUGH MEASURING
THE EFFECTS OF
UNIVERSALIZATION
AND COMPLIANCE UPON
ONE ANOTHER IS AN
INHERENTLY COMPLEX
TASK, SOME METRICS,
SUCH AS STATES
PARTIES' ADHERENCE
TO REPORTING
OBLIGATIONS AND
RISK-ASSESSMENT
CRITERIA, CAN PROVIDE
VALUABLE INSIGHT
INTO THIS DYNAMIC.

UNIVERSALIZATION: NO END IN ITSELF

Universalization can be defined as work undertaken to expand the number of States Parties, or to ensure that States Parties can fulfil their obligations under the Treaty -- or both. There exists a tension between these two approaches. One is focusing purely on increasing the number of States Parties (quantity) and the other targets efforts toward strengthening implementation and adherence to the ATT (quality). Striking the right balance between these universalization approaches can have substantial impact on the overall success of Treaty implementation.

There is no evidence to suggest that merely increasing the number of States Parties will make adherence to the ATT stronger. Instead, a singular focus on ratifications and accessions without strengthening national systems could serve to undermine the Treaty's object and purpose. For some states, joining the ATT will require the creation of a national arms control system that has never existed. For others, joining the ATT will require a fundamental shift from, for example, an arms-export risk-assessment mechanism that privileges profit and economic gain to one that prioritizes human rights and international humanitarian law.

Although measuring the effects of universalization and compliance upon one another is an inherently complex task, some metrics, such as States Parties' adherence to reporting obligations and risk-assessment criteria, can provide valuable insight into this dynamic.



CHAPTER 2: ARMS EXPORTS AND IMPORTS – ASSESSING 2020 ANNUAL REPORTS

The analysis of 2020 annual reports presented in this chapter examines compliance with Article 13.3 reporting obligations, and assesses reporting that contributes to the transparency aims and objectives of the Treaty as well as to a higher standard of transparency. Overall, the analysis of 2020 annual reports illustrates that progress on effective and transparent reporting remains disappointing. While a group of States Parties have shown themselves to be committed to public reporting, the lack of effective reporting by many others is a matter of concern as reporting is vital to the implementation of the Treaty.

COMPLIANCE WITH ATT ARTICLE 13.3 REPORTING OBLIGATIONS

Article 13.3 of the ATT requires States Parties to submit an annual report on their arms exports and imports by 31 May. The ATT Monitor considers an annual report to be compliant with these requirements if it:

- 1. Is submitted to the ATT Secretariat.
- 2. Is submitted on time (within one week of the 31 May deadline)
- Includes both exports and imports of conventional arms covered under Article 2.1 and/or relevant 'nil' reports indicating that no arms were transferred.

In total, 105 States Parties were required to submit an annual report on their imports and exports in 2020. Only 60 reports were submitted by the ATT Monitor's cut-off date compared to 62 for 2019. This was a decline in the reporting rate from 64 per cent to 57 per cent, due partly to the fact that five out of the eight countries who were due to submit their first annual report in 2021, did not do so.

Only 46 States Parties (44 per cent) fulfilled their reporting obligations for transfers that took place in 2020.



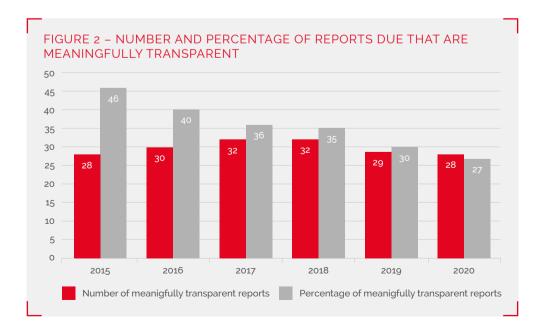
ONLY 28 STATES PARTIES
(27 PER CENT) MET
THE ABOVE CRITERIA
AND SUBMITTED
2020 REPORTS THAT
WERE MEANINGFULLY
TRANSPARENT.
THE PERCENTAGE
OF MEANINGFULLY
TRANSPARENT REPORTS
HAS DECLINED EVERY
YEAR SINCE REPORTING
BEGAN, FROM 46 PER
CENT FOR 2015 TO 27
PER CENT FOR 2020.

FULFILLING THE TRANSPARENCY AIMS AND OBJECTIVES OF THE TREATY

The ATT Monitor considers that, to be meaningfully transparent and to contribute to the aims and objectives of the ATT, an annual report should at minimum:

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

Only 28 States Parties (27 per cent) met the above criteria and submitted 2020 reports that were meaningfully transparent. The percentage of meaningfully transparent reports has declined every year since reporting began, from 46 per cent for 2015 to 27 per cent for 2020.



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

Only 25 States Parties (24 per cent) required to submit a report for 2020 produced one that was on time, was publicly available and was meaningfully transparent.

Text Box 2: Aggregation in arms transfers

One of the most significant ways in which publicly available reports do not meet the minimum criteria for meaningful transparency is through the aggregation of data. When data is aggregated excessively, the quantity, type or destination/origin of the weapons is obscured, and it becomes impossible to know what weapons were transferred to whom. In addition, aggregation makes it difficult or impossible to determine whether a State Party has abided by its Treaty commitments. Data aggregation was identified in nine of the publicly available 2020 reports (21 per cent).

All of the aggregation in 2020 reports concerned transfers of small arms and light weapons. One method used to aggregate data in the 2020 reports was to combine different weapons categories, which results in an obfuscation of the actual number of weapons transferred. A second method used to aggregate data was to combine exporters and importers. The proportion of reports that disaggregated all weapon types by importer or exporter rose from 66 per cent of 2015 reports to 82 per cent of 2020 reports. However, the proportion of reports in which all transfers were disaggregated by weapon type and sub-category has fluctuated without an overall upward or downward trend.

WHEN DATA IS
AGGREGATED
EXCESSIVELY, THE
QUANTITY, TYPE OR
DESTINATION/ORIGIN
OF THE WEAPONS IS
OBSCURED, AND IT
BECOMES IMPOSSIBLE
TO KNOW WHAT
WEAPONS WERE
TRANSFERRED
TO WHOM.

STATES PARTIES
ARE ENCOURAGED
TO PROVIDE MORE
INFORMATION THAT
CONTRIBUTES TO AN
EVEN HIGHER STANDARD
OF TRANSPARENCY.
THIS IS SUPPORTED
BY SEVERAL OF THE
TREATY'S PROVISIONS.

A HIGHER STANDARD OF TRANSPARENCY

States Parties are encouraged to provide more information that contributes to an even higher standard of transparency. This is supported by several of the Treaty's provisions. Article 5.3, for instance, encourages States Parties to apply the Treaty provisions, including on reporting, to the broadest range of conventional arms.

The ATT Monitor considers an annual report to include information that contributes to a higher standard of transparency if, for example, States Parties provide descriptions and/or comments of reported transfers, include '0', 'nil', '/' or any indication that no transfers were made in relevant weapons categories or include any other kind of additional information (see report for full methodology).

Sixty-seven per cent of publicly available 2020 reports contained descriptions of some or all transfers. Seventeen States Parties have a consistent record of including descriptions of at least some of their transfers in every report that they were required to submit. Fifty-seven per cent of reports contained comments for some or all transfers. Nine States Parties have a consistent record of having included comments on at least some of their transfers in every report they were required to submit.

SIXTEEN STATES
PARTIES COMPLIED WITH
ARTICLE 13.3 REPORTING
OBLIGATIONS, PROVIDED
INFORMATION THAT
GOES BEYOND THE
MINIMUM INFORMATION
NEEDED TO CONTRIBUTE
TO THE AIMS AND
OBJECTIVES OF THE
ATT IN ARTICLE 1, AND
PROVIDED INFORMATION
THAT SUPPORTS A
HIGHER STANDARD
OF TRANSPARENCY.

MOST TRANSPARENT REPORTS

Sixteen States Parties complied with Article 13.3 reporting obligations, provided information that goes beyond the minimum information needed to contribute to the aims and objectives of the ATT in Article 1, and provided information that supports a higher standard of transparency. Of these, three States Parties (Mexico, Montenegro and Peru) provided the most information that supports a higher standard of transparency. All three fully disaggregated the data for each transfer by weapon type, importer and exporter, number of units and actual or authorized transfers. Mexico and Peru included comments for all transfers, while Montenegro included comments on most. The three reports provided descriptions for all listed transfers. In addition, Montenegro indicated when no transfer had taken place for a particular weapon category.

EACH PROFILE PROVIDES
DATA ON KEY REPORTING
PRACTICE METRICS
(PUBLIC REPORTING,
TIMELY REPORTING,
WITHHOLDING SECURITY
INFORMATION), AS WELL
AS A SUMMARY OF AREAS
OF GOOD REPORTING
PRACTICE AND AREAS
FOR IMPROVEMENT.

COUNTRY PROFILES

By disaggregating analysis of 2020 annual reports on a country-specific basis, the ATT Monitor seeks to provide easily comparable and nationally relevant findings to help inform future practice. Chapter 2 includes country profiles for each State Party obliged to submit a 2020 ATT annual report. Each profile provides data on key reporting practice metrics (public reporting, timely reporting, withholding security information), as well as a summary of areas of good reporting practice and areas for improvement. The profiles also contain a summary of transfers reported by each State Party, focusing on basic comparable information such as number and status of export/import partners, and highlighting the largest transfers reported by that State Party in 2020.





CHAPTER 3: ATT REPORTING UPDATES AND INSIGHTS FROM 2021

This chapter presents preliminary analysis on 2021 annual reports, as well as updates on initial reports and monitoring implementation during the past year. Of particular concern is the trend towards private reporting, which continues to pose a challenge to transparency. This trend is equally as troubling for annual reports as it is for initial reports, as private reports create a challenge for identifying global arms exports and imports, prevent a public accounting of arms sales and impede identification of irresponsible transfers.





ONE-HUNDRED AND TEN STATES PARTIES WERE REQUIRED TO SUBMIT THEIR 2021 ANNUAL REPORTS ON ARMS EXPORTS AND IMPORTS. FORTY-FOUR OF THESE DID SO BY 7 JUNE 2022, REFLECTING AN ON-TIME COMPLIANCE RATE OF 40 PER CENT.

56

TWENTY-EIGHT STATES **PARTIES HAVE NEVER SUBMITTED AN ANNUAL** REPORT, DESPITE BEING **REQUIRED TO DO SO FOR ONE OR MORE YEARS** (NOT INCLUDING THOSE STATES PARTIES THAT **WERE REQUIRED TO** REPORT FOR THE FIRST TIME THIS YEAR). THIS **REPRESENTS A SLIGHT INCREASE FROM THE 26 CONSISTENTLY NON-COMPLIANT STATES PARTIES OVER THE** PREVIOUS TWO YEARS.

PRELIMINARY REVIEW OF 2021 ANNUAL REPORTS

One-hundred and ten States Parties were required to submit their 2021 annual reports on arms exports and imports. Forty-four of these did so by 7 June 2022, reflecting an on-time compliance rate of 40 per cent. This was the second-lowest rate of on-time compliance in the seven years of annual reporting under the Treaty, higher only than that for the first year of the COVID-19 pandemic.

Fourteen of the States Parties that reported on time this year made their 2021 annual reports confidential, representing 32 per cent of on-time submissions. By comparison 28 per cent of on-time reports in 2020 and 17 per cent of on-time reports in 2019 were kept confidential. At least four States Parties shifted their reporting patterns towards more privacy.

Twenty-eight States Parties have never submitted an annual report, despite being required to do so for one or more years (not including those States Parties that were required to report for the first time this year). This represents a slight increase from the 26 consistently non-compliant States Parties over the previous two years.

Positively, 17 States Parties belatedly submitted their 2020 annual reports. Five of these (Barbados, Cameroon, El Salvador, Madagascar and South Africa) also submitted past-due annual reports for previous years. In the past year, Barbados submitted all four of its past-due annual reports after years of non-compliance, covering arms exports and imports from 2016 through 2020. Additionally, South Africa not only submitted its 2021 annual report by the de facto 7 June 2022 deadline, but also submitted its 2019 and 2020 annual reports.

The approach of Barbados and South Africa to submitting their overdue reports serves as an example of good practice towards improving compliance with the ATT's reporting requirements as well as demonstrating a positive commitment towards transparency in the global arms trade.



WHILE STATES PARTIES
ARE REQUIRED TO
SUBMIT THEIR INITIAL
REPORTS WITHIN THE
FIRST YEAR OF THE ATT'S
ENTRY INTO FORCE
FOR THEM, NEARLY A
QUARTER OF THOSE DUE
TO REPORT HAVE YET
TO DO SO, AND TWOTHIRDS ARE MORE
THAN FOUR YEARS
PAST THEIR INITIAL
REPORTING DEADLINE.



UPDATES ON ATT INITIAL REPORTS AND MONITORING TREATY IMPLEMENTATION

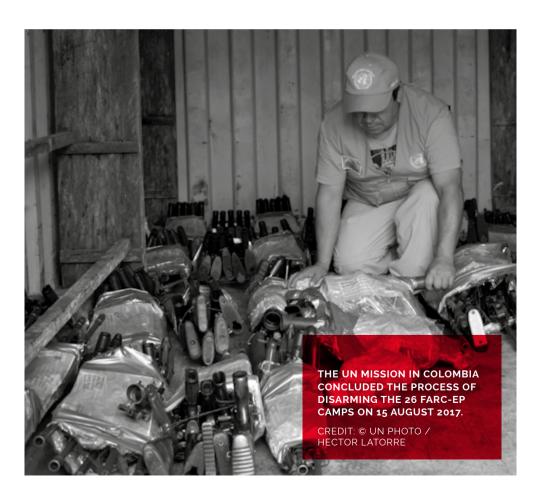
Initial reports can be invaluable tools for understanding, monitoring and evaluating how States Parties interpret and implement their obligations under the ATT. While States Parties are required to submit their initial reports within the first year of the ATT's entry into force for them, nearly a quarter of those due to report have yet to do so, and two-thirds are more than four years past their initial reporting deadline.

This chapter provides an update on the status of ATT initial reporting as of 7 June 2022. It offers an overview of the initial reports submitted or updated over the past year, discusses the current state of compliance with the ATT's initial reporting obligation, and examines efforts by the Working Group on Transparency and Reporting (WGTR) and the ATT Secretariat to enhance initial reporting. In addition, this chapter provides a brief overview of the inclusion in initial reports of post-shipment controls and onsite verification, which is the thematic focus of the Eighth Conference of States Parties (CSP8).

Five States Parties (Afghanistan, Namibia, Niue, People's Republic of China and São Tomé and Príncipe) were required to submit their initial reports since 7 June 2021, the cut-off date for last year's ATT Monitor Annual Report. As of 7 June 2022, only the People's Republic of China had done so. An additional four States Parties (Botswana, Grenada, Guatemala and Niger) belatedly submitted their initial reports to the ATT Secretariat over the past year.

Of the five States Parties that submitted their initial report over the previous year, only Niger elected to make its report publicly available. Botswana, Grenada, Guatemala and the People's Republic of China submitted confidential initial reports, which are available only to the ATT Secretariat and other States Parties.

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.' To date, only six States Parties (Hungary, Japan, New Zealand, Romania, Slovenia, and Sweden) have submitted updated initial report to the ATT Secretariat. Romania was the only State Party submitting an updated initial report since the publication of the 2021 ATT Monitor Annual Report. It reported changes made in 2021 to its primary and secondary legislation, using tracked changes and the report's annex to clearly indicate where information had been updated.





A REVIEW OF THE PUBLICLY AVAILABLE INITIAL REPORTS SUBMITTED AS OF 7 JUNE 2022 SUGGESTS THAT STATES PARTIES PLACE GREATER EMPHASIS ON PRE-TRANSFER THAN POST-TRANSFER CONTROLS.



OVER THE PAST
YEAR, THERE HAVE
BEEN SOME POSITIVE
DEVELOPMENTS WITH
REGARDS TO ATT INITIAL
REPORTING, SUCH
AS THE SUBMISSION
OF NEW, UPDATED
AND LONG-OVERDUE
REPORTS AS WELL
AS THE ADOPTION OF
USEFUL REVISIONS
TO THE INITIAL
REPORTING TEMPLATE.

Text Box 3: Post-shipment controls and on-site verifications

The German Presidency chose post-shipment controls and on-site verifications as the theme for the Eighth Conference of States Parties. Eighteen States Parties, in their initial reports, have described the implementation of these types of control measures.

A review of the publicly available initial reports submitted as of 7 June 2022 suggests that States Parties place greater emphasis on pre-transfer than post-transfer controls. The number of States Parties that describe utilizing post-transfer controls or on-site verifications is much smaller, and explicit mentions of 'post-transfer controls' and 'on-site verifications' are relatively infrequent.

States Parties that mentioned post-shipment controls described their practices and measures in a variety of ways. They frequently referred to the use of delivery verification certificates (DVCs) or similar forms of documentation to confirm that transferred arms have been delivered to an authorized end-user. In some instances, States Parties' post-shipment controls may include requirements that records be kept or provided upon request to facilitate post-transfer checks. Finally, some States Parties provided examples of post-shipment controls that may be applied long after a delivery takes place.

Over the past year, there have been some positive developments with regards to ATT initial reporting, such as the submission of new, updated and long-overdue reports as well as the adoption of useful revisions to the initial reporting template. However, the low rate of initial reporting compliance from the newest Treaty members, the submission of confidential reports by most new reporters and the limited number of States Parties who submit updated initial reports upon modifications to their national control systems continue to undermine initial reporting.



