CHAPTER 2: ARMS EXPORTS AND IMPORTS – ASSESSING 2021 ANNUAL REPORTS

2.1 – ANNUAL REPORTS ANALYSIS

Transparency in arms transfers is a central component of the Arms Trade Treaty (ATT) and fundamental to achieving its aims and objectives. The object and purpose of the Treaty cannot be fulfilled in the absence of transparency among states trading in arms, and transparency more broadly is central to the effective implementation of its operative articles. Transparency can also be seen as an indication of a government’s commitment to monitoring, oversight and accountability.

Article 13.3 of the ATT explicitly requires all States Parties to submit an annual report on their authorized or actual arms exports and imports by 31 May each year. The annual reports are crucial in enabling States Parties and other ATT stakeholders to examine whether Treaty commitments have been fulfilled. The analysis of 2021 annual reports presented in this chapter examines compliance with Article 13.3 reporting obligations, reporting that contributes to the aims and objectives of the Treaty, and reporting that contributes to a higher standard of transparency.

Overall, the analysis of 2021 annual reports shows that progress towards accurate, comprehensive and transparent reporting remains disappointing. While there have been some improvements in transparency and some States Parties have resumed reporting after the COVID-19 pandemic, States Parties fall short in other aspects of transparency. In particular, the proportion of annual reports that are meaningfully transparent has been decreasing each year and only a few States Parties provide information on arms transfers that support a higher standard of transparency.

METHODOLOGY

Annual reports were downloaded for analysis on 1 February 2023. Reports later amended by a State Party have not been taken into consideration.

This chapter examines ATT annual reporting on three levels to evaluate whether and to what degree, the reporting obligations and transparency objectives of the ATT have been fulfilled. ATT Monitor analysis considers whether annual reports:

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

For each level, the ATT Monitor established specific criteria on which annual reports are evaluated. These criteria are listed below.

Distinct evaluation exercises were undertaken for each level of reporting to distinguish between (1) Treaty obligations (Article 13.3 reporting requirements), (2) the minimum amount of information the ATT Monitor has determined is needed for annual reports to be meaningfully transparent and to fulfil the transparency aims and objectives of the Treaty (for example, public reporting), and (3) additional information that, when provided, contributes to a higher standard of transparency (for example, comments on the nature of reported transfers). The analysis of each category separately allows to examine different levels of commitment to transparency. For instance, even though an annual report submitted after the reporting deadline does not meet Article 13.3 obligations, it may still contain information that is meaningfully transparent, thereby contributing to a higher standard of transparency.

The submission of ‘nil’ reports for exports and/or imports may also fulfill Article 13.3 reporting obligations as well as the transparency aims and objectives of the Treaty. Even without transfer data and descriptions, the affirmative act of reporting ‘nil’ - indicating there were no imports or exports in a given period - still provides a transparent view of States Parties transfer activities. By providing such a window, those that submit ‘nil’ reports may still have an equivalent commitment to transparency.

The analysis takes into account annual reports for all years, including those submitted late and after previous editions of the ATT Monitor Report were written. Therefore, the numbers presented in this report concerning annual reports covering the years 2015 to 2020 differ slightly from those presented in previous ATT Monitor Reports.

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

COMPLIANCE WITH ATT ARTICLE 13.3 REPORTING OBLIGATIONS

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

- Is submitted to the ATT Secretariat.
- 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 or relevant ‘nil’ reports indicating that no arms were transferred.

In total, 110 States Parties were required to submit by 31 May 2022 an annual report on their imports and exports in 2021. Only 68 of them (62 per cent) did so by the ATT Monitor’s 1 February 2023 cut-off date for analysis.

SUBMITTING REPORTS TO THE ATT SECRETARIAT

The annual reports submitted for 2021 extended the long decline in transparency. When reports submitted late for previous years are taken into account, the number of annual reports submitted annually has ranged between 67 and 69 since 2018. However, as more States Parties have joined the ATT, the proportion of those submitting a report has decreased from 84 per cent for 2015 to 62 per cent for 2021 (see Figure 1).

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2 Annual reports are due by 31 May each year, but States Parties are granted by the ATT Secretariat a seven-day grace period, creating a de facto deadline of 7 June each year.

3 Albania, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Canada, Chile, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Mauritius, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Niger, Norway, Palau, People’s Republic of China, Peru, Poland, Portugal, Republic of Korea, Romania, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland and United Kingdom.
A few States Parties were new reporters for 2021. The People’s Republic of China submitted an annual report in the first year that one was due. Four States Parties (Guatemala, Iceland, Niger and Seychelles) submitted one for the first time, several years after they were required to do so. They are part of a group of seven States Parties that submitted reports for 2021 after having not done so in at least some previous years. Sixty-one States Parties have submitted reports for every year that one was due.

States Parties that did not submit a 2021 annual report can be split into three groups.

- Four were required to submit an annual report for the first time but did not (Afghanistan, Namibia, Niue and Sao Tome and Principe).
- A further 15 did not submit an annual report even though they had submitted one in a previous year.
- Twenty-two – the group of most concern – have never submitted an annual report despite being required to do so for several years.

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4 Botswana, Burkina Faso, Guatemala, Iceland, Malta, Niger and Seychelles.
5 Albania, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mauritius, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, People’s Republic of China, Peru, Poland, Portugal, Republic of Korea, Romania, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland and United Kingdom.
6 Cameroon, Costa Rica, Dominican Republic, Honduras, Liberia, Mali, Nigeria, Panama, Paraguay, Republic of Moldova, Republic of North Macedonia, Samoa, Trinidad and Tobago, Tuvalu and Uruguay.
7 Bahamas, Belize, Brazil, Cabo Verde, Central African Republic, Chad, Dominica, Ghana, Grenada, Guinea, Guinea Bissau, Guyana, Lebanon, Lesotho, Mauritania, Mozambique, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Suriname and Togo.
Previous editions of the ATT Monitor Report have noted that States Parties that joined the Treaty more recently have been less likely to submit an annual report than those that ratified or acceded to the Treaty soon after it entered into force (as mentioned above only one State Party required to submit for the first time for 2021 actually did so).\(^8\) The lack of reporting may be explained by the more recent States Parties lacking the capacity to prepare reports or the political will to do so. As such, reporting should be a focus for capacity building and other outreach activities.

The regional distribution of annual reports for 2021 follows the trend identified in previous editions of the ATT Monitor Report.\(^9\) The highest rates of reporting are among States Parties from Asia and Europe, whereas a minority of States Parties from Africa or the Americas submitted reports, and Oceania has a mixed record. The latter three regions should be prioritized for capacity building with regard to reporting.

**SUBMITTING ANNUAL REPORTS ON TIME**

Forty-four of the 68 States Parties that submitted an annual report (65 per cent) complied with the Treaty obligation to do so by 31 May.\(^10\) The other 24 (35 per cent) submitted their report between the Treaty deadline and the ATT Monitor’s 1 February cut-off for analysis.\(^11\)

The ATT Monitor has previously examined the impact of the COVID-19 pandemic on the implementation of the Treaty\(^12\). Some States Parties that did not submit annual reports in years affected by the pandemic have since met their requirements. For example, Barbados, Côte d’Ivoire, Honduras, Madagascar, South Africa, Trinidad and Tobago and Zambia submitted late reports covering the years 2019 and 2020. In addition, Barbados, Côte d’Ivoire, El Salvador, Malta and Zambia submitted late reports for years prior to 2019. These States Parties should be commended for doing so.

**REPORTING BOTH EXPORTS AND IMPORTS OF CONVENTIONAL ARMS COVERED BY ARTICLE 2.1**

Almost all States Parties that made their annual report public complied with the Article 13 obligation to report on exports and imports. Of those that did not, Austria and the United Kingdom provided no information on their imports while Burkina Faso did not include a table on exports. None of the three submitted a ‘nil’ report stating that no arms were imported or exported. Burkina Faso indicated that some commercially sensitive or national security information had been withheld in accordance with Article 13.3 of the Treaty, which may explain the absence of export data. Austria and the United Kingdom did not make such an indication.

**FULL COMPLIANCE WITH ARTICLE 13.3 REPORTING OBLIGATIONS**

Only 42 States Parties (38 per cent) fully complied with their reporting obligations for 2021, compared to 46 (44 per cent) that did so for 2020.\(^13\) They submitted their annual report to the ATT Secretariat, they did it by the 31 May deadline, and they reported on arms imports and exports or submitted ‘nil’ reports.

**FULFILLING THE TRANSPARENCY AIMS AND OBJECTIVES OF THE TREATY**

The object and purpose of the ATT are established in Article 1 and include ‘Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties’.\(^14\) Reporting is a fundamental means by which States Parties can contribute to the transparency aims and objectives of Article 1. Without reporting, it is impossible for States Parties to have confidence that others are fulfilling their Treaty obligations. Transparency is thus an essential aspect of promoting international cooperation and responsible arms transfers.


\(^10\) Antigua and Barbuda, Australia, Barbados, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Croatia, Czech Republic, El Salvador, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Madagascar, Maldives, Malta, Mauritius, Montenegro, Netherlands, New Zealand, Niger, People’s Republic of China, Peru, Poland, Portugal, Republic of Korea, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden, Switzerland and United Kingdom.

\(^11\) Albania, Argentina, Austria, Benin, Botswana, Bulgaria, Côte d’Ivoire, Cyprus, Denmark, Estonia, Finland, France, Georgia, Iceland, Jamaica, Kazakhstan, Lithuania, Luxembourg, Mexico, Monaco, Norway, Palau, Senegal and Seychelles.


\(^13\) Antigua and Barbuda, Australia, Barbados, Belgium, Bosnia and Herzegovina, Canada, Chile, Croatia, Czech Republic, El Salvador, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Madagascar, Maldives, Malta, Mauritius, Montenegro, Netherlands, New Zealand, Niger, People’s Republic of China, Peru, Poland, Portugal, Republic of Korea, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, State of Palestine, Sweden and Switzerland.

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:\(^{16}\)

1. Be submitted and made public on the ATT Secretariat website.
2. Provide information that is disaggregated by weapon type.
3. Provide information that is disaggregated by importer/exporter.
4. Indicate whether transfer data concerns authorizations or actual transfers (or both).\(^{16}\)
5. Provide the number of units or financial value (or both) for each weapon type.

States Parties can submit ‘nil’ reports indicating that they did not import or export any arms, which also contributes to the transparency aims and objectives of the Treaty. Therefore, the ATT Monitor also considers that an annual report can be meaningfully transparent if the State Party has clearly submitted a ‘nil’ report on exports or imports.

**IDENTIFYING MEANINGFULLY TRANSPARENT ANNUAL REPORTS**

Based on the ATT Monitor’s methodology, only 28 annual reports for 2021 (25 per cent of all reports due) met the above criteria and were thus meaningfully transparent.\(^{17}\) Figure 3 shows that the percentage of reports that were meaningfully transparent has declined from 46 per cent for 2015 to 25 per cent for 2021. The number of meaningfully transparent reports has also declined from 33 for 2017 to 28 for 2021.

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\(^{16}\) An authorized export or import is one that has been approved by national authorities, while an actual export or import concerns the physical movement of weapons or a change in ownership. Authorizations are generally granted before the actual export takes place, sometimes years in advance. For more information, see Working Group on Transparency and Reporting (2019). ‘Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers’. ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rep.Rev1. https://bit.ly/3rHiE2k, pp. 11-12

\(^{17}\) Albania, Argentina, Benin, Canada, Chile, Estonia, France, Germany, Japan, Liechtenstein, Luxembourg, Maldives, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Palau, Peru, Poland, Republic of Korea, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden and Switzerland.
CONFIDENTIAL REPORTING

While part of the explanation for the decline in meaningfully transparent reporting is the decline in the proportion of submitted due annual reports (as noted above), equally important is the increasing proportion of States Parties that do not make their reports public (these reports are only distributed among States Parties). Article 13 of the Treaty does not state that reports should be made public but that they ‘shall be made available, and distributed to States Parties by the Secretariat’, without clarifying to whom they shall be made available.

- Twenty-one States Parties submitted a confidential annual report (31 percent of reports) for 2021. The number and proportion of confidential reports has steadily increased from only 2 (4 per cent) for 2015 to 23 (34 per cent) in 2020, before declining slightly to 21 (31 per cent) for 2021 (see Figure 2.3).
- Eighteen States Parties have never made their annual reports public (having either kept them confidential or not reported).

![Figure 2.3 - Number and Percentage of Confidential Reports (as of 1 February 2023)](image)

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20 Antigua and Barbuda, Barbados, Botswana, Bulgaria, Côte d’Ivoire, Croatia, Cyprus, El Salvador, Georgia, Greece, Guatemala, Kazakhstan, Latvia, Lithuania, Madagascar, Mauritius, Niger, People’s Republic of China, Senegal, Seychelles and State of Palestine.

Five States Parties (Benin, Maldives, Monaco, Palau and Sierra Leone) submitted ‘nil’ annual reports to state that they had neither imported nor exported any arms during 2021. The remaining 42 reports, which contain data on arms transfers, are assessed in the remainder of this section, along with reports from previous years that were submitted by the 1 February deadline.22

To be meaningfully transparent, an annual report must indicate what type of weapon was imported from or exported to a particular state. Previous editions of the ATT Monitor Report have highlighted that excessive aggregation of imports and exports by source/destination or weapon type in annual reports can be an obstacle to determine what type of arms transfers have taken place.23 For 2021, thirty-six reports (86 per cent of public reports that contain import or export data) included disaggregated data on the importers or exporters of the arms transfers in question.24 Some reports did not meet this standard of meaningful transparency. One State Party (Malta) simply provided the total number of small arms that had been exported or imported and a list of all the states that they had been exported to or imported from, without indication of which countries provided or received which type of weapons. Without such indication, it is not possible to discern how many weapons were transferred to or from each state. Five additional States Parties (Australia, Denmark, Ireland, Jamaica and Norway) aggregated importers or exporters only in some cases. For example, Denmark’s annual report indicated that some categories of small arms were exported to ‘multiple states’.

A similar form of excessive aggregation occurs when weapons types are combined. Thirty-six annual reports (86 per cent of public reports that contain import or export data) included sufficiently disaggregated information on weapon types.25 Of those that did not:

- Two States Parties (Austria and Malta) aggregated data for all weapon types. For example, Austria aggregated data for exports of all small arms, light weapons and their parts and components, obscuring what type of equipment was transferred.26

- Four States Parties (Australia, Belgium, Ireland and Norway) aggregated some weapon types. For example, among its imports Ireland made use of the ‘other’ category for small arms. Using this category is encouraged as a means to provide extra data, but Ireland’s report aggregated 4,844 items and included the following broad listing ‘Action only, Airguns, Barrel Only, Blank firing, Bolt Only, Deactivated, Eod (explosive ordnance disposal), Frame Only, Humane, Moderator, Receiver Only, Scope, Shotgun.’

Annual reports should also indicate whether transfers are actual or authorized. Not all authorized exports or imports ultimately take place as orders may be cancelled or reduced before transfer. If authorized weapons are actually transferred, these weapons may cross national borders during a different reporting period to that of the authorization, even perhaps several years later. Knowing whether authorized or actual transfers are reported is vital to understanding apparent discrepancies between reports produced by different States Parties.27

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22 Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Liechtenstein, Luxembourg, Malta, Mexico, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and United Kingdom.


24 Albania, Argentina, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Mexico, Montenegro, Netherlands, New Zealand, Peru, Poland, Portugal, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and United Kingdom.

25 Albania, Argentina, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Jamaica, Japan, Liechtenstein, Luxembourg, Mexico, Montenegro, Netherlands, New Zealand, Peru, Poland, Portugal, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and United Kingdom.

26 Austria did not report any data on imports.

Three States Parties (Bosnia and Herzegovina, Finland and Portugal) did not specify whether any of the transfers listed in their 2021 annual report referred to authorized or actual transfers. Finland and Portugal had specified this in previous reports.

Eight States Parties specify some but not all of the transfers listed in their annual report. For example, the Czech Republic specified that the data for its exports of battle tanks concerned actual transfers, but it provided no information for its other exports and its imports listed in its report.

The ATT reporting template includes columns for States Parties to record the number of weapons imported or exported and their financial value. This information is valuable to understand the magnitude of an arms transfer. All 42 of the annual reports that contain data on transfers included some information on the number of items or their financial value. Two States Parties did not include numbers or value data for some transfers: Australia stated that the number of missiles it imported was ‘withheld’ and Sweden stated that the number of some light weapons exports was ‘classified’. This information conforms to Article 13.3 of the Treaty, which states that some ‘some commercially sensitive or national security information’ can be withheld, and both States Parties have acted responsibly in highlighting what data was withheld.

### CHANGES IN COMMITMENTS TO TRANSPARENCY

Table 2.1 shows the percentage of public annual reports since 2015 that meet the criteria for meaningful transparency. This reveals some diverging trends.

- The proportion of annual reports that provided sufficient disaggregation by importer and exporter increased from 66 per cent in 2015 to 88 per cent in 2020 but fell to 86 per cent in 2021.
- The proportion of annual reports that are adequately disaggregated by weapon type has fluctuated, reaching a peak of 93 per cent in 2020 before dropping to 86 per cent in 2021.
- There has been a consistent decrease in the number of annual reports that specify whether a transfer pertains to an actual export or only an authorization.
- The proportion of annual reports that include information on units or financial value has improved, rising from 96 per cent in 2015 to 100 per cent in 2021.

The diverging nature of these trends means that improvements in transparency in some areas have been counterbalanced by deterioration in others, leading to the overall decline in transparency described above.

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28 Australia, Belgium, Czech Republic, Hungary, Ireland, Italy, Romania and Serbia.
29 The analysis does not consider ‘nil’ reports or annual reports that were submitted before they were due.
FULL COMPLIANCE WITH ARTICLE 13.3 REPORTING REQUIREMENTS AND FULFILMENT OF THE TRANSPARENCY AIMS AND OBJECTIVES OF THE TREATY

Only 19 States Parties (17 per cent) required to submit an annual report for 2021 submitted one that was on time, public and meaningfully transparent. This proportion is lower than in the previous year when 24 per cent met these criteria.

A HIGHER STANDARD OF TRANSPARENCY

The previous sections described the minimum reporting standard for compliance with the Treaty under Article 13.3 and the threshold for meaningfully transparent annual reports that support and contribute to its aims and objectives. States Parties are also encouraged by the Treaty to provide more information, and thereby to contribute to an even higher standard of transparency.

For example, Article 5.3 encourages States Parties to apply the Treaty provisions, including on reporting, to the broadest range of conventional arms. States Parties could include in their annual reports information on a wider range of items than those set out in the eight weapons categories defined in Article 2. Reports could include information on, for example, ammunition, munitions and parts (including exports or imports of complete weapons that have been disassembled and are transferred as parts). The ‘FAQ-type guidance document on annual reporting obligations’ endorsed by the ATT Conference of States Parties encourages States Parties to provide as much additional information as possible, even in the absence of a requirement to do so.

Though Article 5.3 states that ‘Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms’, the ATT reporting template does not outline all weapons that are covered by the Treaty. For example, shotguns are not mentioned explicitly. Instead, to allow a State Party to report a wider range of arms exports or imports, the template has sub-categories for ‘other’ small arms and/or light weapons, and a section for voluntary national categories of weapons. States Parties can also use their own national reporting format.

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

1. Include descriptions of reported transfers that provide details on the make, model and/or calibre of transferred conventional arms.
2. Include comments on reported transfers that provide details on the nature of the transfer, including end-use/end-user information.
3. Include ‘0’, ‘nil’, ‘/’ or any other indication that no transfers were made in relevant weapons categories and sub-categories.
4. Clearly indicate whether commercially sensitive or national security information was withheld or not, and, if it was, what information was withheld.
5. Include information reported in voluntary national categories that includes arms categories covered by Article 2.1 but not explicitly highlighted in the reporting templates (shotguns, etc.).
6. Include information reported in voluntary national categories that includes arms categories not covered by Article 2.1 (ammunition, parts and components, gas-powered firearms, etc.).
7. Include any other kind of additional information, including national reports, detailed tables or annexes with information of arms categories not covered by Article 2.1 (other type of aircraft, vessels and vehicles that fall outside the categories of the United Nations Register on Conventional Arms, or imaging, communications and radar items).
8. Include national definitions of reported categories of conventional arms.

30 Canada, Chile, Germany, Japan, Liechtenstein, Maldives, Montenegro, Netherlands, New Zealand, Peru, Poland, Republic of Korea, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden and Switzerland.
33 Ibid.
34 Ibid.
DESCRIPTIONS AND COMMENTS
The ATT reporting template provides for reporting of broad categories of weapons (for example ‘Armoured combat vehicles’ or ‘Warships’). It also includes a column in which States Parties can give a more detailed description of what was supplied. Twelve States Parties included descriptions for all the transfers they reported and 22 included descriptions for some of the transfers they reported. This was an improvement on the previous year when 29 annual reports contained at least some descriptions. Descriptions provide important contextual information that can help clarify the nature of a transfer. For example, in its 2021 report Belgium included the export of six aircraft to the United States with the description that they were ‘C-130’, which are usually used for transport and that they were ‘ex Belgian Defense’. These aircraft are not covered within the scope of Article 2.1.

The ATT reporting template also includes a column for States Parties to provide comments on the context of a transfer. Four annual reports (Albania, Liechtenstein, Mexico and Peru) contained such comments on every transfer while 25 included such comments on some transfers. This was an improvement on the previous year when 25 reports contained such comments. Comments can also provide important information that can help to explain a transfer. For example, Mexico clarified in its 2021 report that 1,500 ‘rifles or carbines’ exported to Paraguay were for sporting use. Similarly, in its 2021 report Burkina Faso commented that 1,316 ‘rifles or carbines’ imported from Turkey were ‘armes civiles’ or ‘civilian weapons’.

FILLING IN BLANK SPACES
Definitively stating that there were no transfers of a particular type of weapon provides much more information than leaving blank spaces in sections of an annual report. Article 13.3 of the Treaty allows a State Party to ‘exclude commercially sensitive or national security information’. If a State Party leaves parts of its report blank, it is not possible to know whether there were no transfers of a particular weapon, or whether information has been withheld. Seventeen States Parties used symbols like ’0’, ‘/’ or ‘-’ to indicate that no transfers of specific weapon types had taken place in their 2021 report. This was an improvement on the previous year when 15 States Parties included such indications.

WITHHOLDING INFORMATION
The ATT reporting template includes an option to tick a box to indicate whether or not information has been withheld for commercial sensitivity or national security reasons in accordance with Article 13.3 of the Treaty. Thirty-nine States Parties ticked ‘yes’ or ‘no’ to indicate whether or not information was withheld in their 2021 annual report. Eight States Parties provided no such indication in their 2021 report, leaving readers without clarity on how much or where information had been withheld.

36 Albania, Bosnia and Herzegovina, Chile, Finland, France, Luxembourg, Mexico, Peru, Republic of Korea, Slovenia, South Africa and Spain.
37 Argentina, Australia, Belgium, Canada, Denmark, Estonia, Germany, Hungary, Ireland, Japan, Liechtenstein, Malta, Montenegro, Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden and United Kingdom.
38 Argentina, Australia, Belgium, Burkina Faso, Canada, Czech Republic, Denmark, Estonia, France, Germany, Hungary, Ireland, Montenegro, Netherlands, Poland, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and United Kingdom.
40 Australia, Bosnia and Herzegovina, Denmark, Estonia, France, Iceland, Ireland, Italy, Japan, Maldives, Malta, Monaco, Montenegro, Republic of Korea, Romania, Slovakia, Slovenia, South Africa and Sweden.
41 Argentina, Australia, Belgium, Benin, Bosnia and Herzegovina, Burkina Faso, Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Liechtenstein, Luxembourg, Malta, Mexico, Montenegro, New Zealand, Norway, Palau, Peru, Portugal, Republic of Korea, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden and Switzerland.
42 Albania, Austria, Chile, France, Estonia, Netherlands, Poland, Spain and United Kingdom.
**VOLUNTARY NATIONAL CATEGORIES AND ADDITIONAL INFORMATION**

Some annual reports contain information on a wider range of conventional arms than specified in the ATT reporting template. This information is provided under the ‘other’ sub-categories for small arms and light weapons, in a section for voluntary national categories of weapons, or in additional supplementary tables of data.

- Nineteen States Parties included in their 2021 annual report data on arms that are covered within the scope of Article 2 of the Treaty but are not explicitly specified in the reporting template. For example, Argentina, Mexico and Peru reported transfers of shotguns and Romania reported a transfer of 20 mm cannon.

- Eleven States Parties reported on a wider range of military equipment in their annual report. Belgium, as noted, reported the transfer of six C-130 transport planes. Other examples include Liechtenstein reporting the transfer of a ‘silencer’, New Zealand reporting imports of stun guns and South Africa providing information on exports of remote-controlled weapon systems.

- Six States Parties (Australia, Finland, Japan, New Zealand, Norway and Sweden) provided in their annual report supplementary tables containing additional data that go beyond the scope of Article 2.1. For example, Norway attached a copy of a government white paper on all its 2021 defence-related exports.

- Seven States Parties (Albania, Belgium, Bosnia and Herzegovina, Finland, New Zealand, Republic of Korea and Sweden) included in their annual report additional information on their definitions of arms or of exports and imports. For example, Albania clarified that its definitions were from the EU Common Military List whereas the Republic of Korea noted that its definition of arms exports and imports was based on licenses granted and not actual transfers.

Table 2.2 shows the number of annual reports that supported a higher standard of transparency in 2021.

<table>
<thead>
<tr>
<th>Table 2.2 – Annual Reports that support a higher standard of transparency</th>
<th>Included in the annual report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Descriptions of arms transferred (for some or all transfers)</td>
<td>34</td>
</tr>
<tr>
<td>Comments on the nature of a transfer (for some or all transfers)</td>
<td>29</td>
</tr>
<tr>
<td>Information that there was no transfer of a particular type of weapon</td>
<td>17</td>
</tr>
<tr>
<td>Indication of whether commercially sensitive or national security information was withheld</td>
<td>39</td>
</tr>
<tr>
<td>Data on arms covered within the scope of Article 3 but not explicitly specified in the reporting template</td>
<td>19</td>
</tr>
<tr>
<td>Data on a wider range of arms not covered within the scope of Article 3</td>
<td>11</td>
</tr>
<tr>
<td>Supplementary tables containing additional data</td>
<td>6</td>
</tr>
<tr>
<td>Information on the national definitions</td>
<td>7</td>
</tr>
</tbody>
</table>

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43 Argentina, Australia, Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Jamaica, Japan, Mexico, New Zealand, Norway, Peru, Romania, Serbia, Slovakia, South Africa, Sweden and United Kingdom.

44 Belgium, Estonia, Finland, Ireland, Japan, Liechtenstein, Mexico, New Zealand, Norway, South Africa and Sweden.
TEXTBOX 2.1 - GOING BEYOND ARTICLE 13: REPORTING ON AMMUNITION

The status of ammunition within the scope of the ATT was one of the most contentious issues during Treaty negotiations (see Chapter 1). A compromise was reached to include ammunition in some but not all aspects of the ATT. Instead of including it among the list of the equipment covered in Article 2 of the Treaty, it is referenced separately in Article 3. This reference states:

Each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions.45

One critical effect of this formulation is to exclude ammunition from the annual reporting requirements in Article 13.3 (which refers only to the equipment listed in Article 2). Nevertheless, Article 5 on general implementation provides additional guidance when it states: "Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms".46 Reporting on imports and exports of ammunition would be consistent with this guidance and with the overall aim of the Treaty to promote transparency as expressed in Article 1.47

The ATT reporting template offers an opportunity to States Parties to report on a broader range of arms by including a section on voluntary national categories and categories for ‘other’ small arms or light weapons, to be defined by the State Party. In practice, States Parties can also report using national templates or attach separate documents to their annual report containing any information they deem appropriate.

In 2021, four States Parties (Estonia, Finland, Norway and Sweden) submitted reports on ammunition imports or exports. Estonia utilized the ‘other’ section of the reporting template to disclose the export of 130 items of ‘120 mm mortars test ammunition’ to Israel. The remaining three used other methods to report on ammunition, providing additional data in the voluntary national categories section (Sweden and Finland) or in a separate document (Norway). The data provided by each country are based upon equipment categories in the EU Common Military List.48

The list is used by EU member states to ensure that policies are applied to a uniform set of equipment (Norway is not a member state but voluntarily aligns itself with EU arms export policies). It is based upon the control lists developed by the Wassenaar Arrangement, which is used by many countries around the world.49

These three States Parties reported transfers of ammunition covered by two categories of the EU Common Military List:

- ‘ML3’ covers ammunition for small arms, larger artillery guns and high-velocity kinetic energy weapon systems. It also covers associated fuse-setting components for ammunition.

- ‘ML4’ covers a much wider range of equipment specially designed for military use: ‘bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices, demolition-kits, “pyrotechnic” devices, cartridges and simulators’.50 Some of these items are generally understood to be munitions/ammunition but others are stand-alone weapons.

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49 For more information on Wassenaar Arrangement control lists, see the Wassenaar Arrangement website: https://www.wassenaar.org/control-lists/

The EU Common Military List also contains items that may be used in the production of ammunition:

- ‘ML 7’ covers chemical agents that may be used in some types of ammunition (for example, riot-control agents).
- ‘ML8’ covers explosives and propellants, some of which can be used in the production of ammunition.
- ‘ML18’ covers production equipment.
- ML22 covers technology for other categories (including for ML3 and ML4).

However, as these items can be used for other purposes, one cannot be certain that a specific transfer was related to ammunition.

The above illustrates the advantages and disadvantages of using EU Common Military List categories. As the list is already used in export and import licensing, a State Party should have the information at hand, which can be included in reporting with little expenditure of resources. Using them leads to a rich data source that can provide important supplementary information on transfers of ammunition and many other items comprising the broadest range of conventional arms. Nevertheless, some of the list’s categories are highly aggregated and it is not possible to know exactly what type of ammunition or associated product was exported. A State Party should therefore not solely rely on the list’s categories for reporting.

In its 2021 report, Sweden indicated that it had exported ML3 goods to 39 states for a total value of SEK 2.7 billion (US$314 million) and ML4 items to 22 states for a total value of SEK 904 million (US$106 million). Finland reported exports of ML3 items to 16 states for a total value of EUR 10 million (US$12 million) and ML4 items to 13 states for a total value of EUR 5 million (US$6 million). The government white paper submitted by Norway indicates that it exported ML3 goods worth NOK 623 million (US$73 million) to 21 states and ML4 goods worth NOK 1.6 billion (US$189 million) to 12 states.

For Norway, this was a change from its previous method of ATT reporting. In its annual reports for 2015, 2016, 2017, 2018 and 2020 it provided the total financial value of all its ammunition exports, which was included in the voluntary national categories section of the reporting template. Norway has therefore provided more information on ammunition in its report for 2021.
A MEMBER OF HMCS HALIFAX’S AIR DEPARTMENT GUIDES THE HOIST CABLE OF A CH-148 CYCLONE DOWN TO THE FLIGHT DECK AS PART OF DECK EVOLUTIONS DURING OPERATION REASSURANCE ON 7 JULY 2022

CREDIT: © NATO
MOST TRANSPARENT ANNUAL REPORTS

No State Party submitting a 2021 annual report used all the transparency mechanisms outlined in this chapter. Nineteen States Parties (accounting for 17 per cent of reports due) 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 (Peru, South Africa and Sweden) provided the most information in support of a higher standard of transparency. Peru provided descriptions and comments for all transfers, indicated whether it had withheld data and provided additional information on types of arms not covered by the template. South Africa provided some comments and descriptions for all transfers, indicated those categories of arms for which it had no exports or imports, indicated whether information had been withheld and provided data on types of arms not covered by the ATT reporting template. Sweden provided some comments and descriptions, indicated what kind of information had been withheld, indicated those categories of arms for which it had no exports or imports, provided information on national definitions and included additional data on a wide range of munitions not included in the reporting template.

CONCLUSION

Transparency in reporting is critical to achieving the ATT’s aim of promoting a responsible arms trade. States Parties, civil society organizations and citizens around the world need to have confidence that States Parties are implementing the Treaty consistently with its obligations. Without comprehensive, on-time and public reporting, confidence in the Treaty will diminish.

This chapter has highlighted some positive aspects of reporting in 2021. Sixty-one States Parties have consistently submitted reports for every year that one was due. Slightly more reports contained additional detail in the form of comments about specific transfers or descriptions of weapons transferred. The previously identified trend of more and more States Parties submitting confidential reports has slightly reversed for 2021, though the number remains high.

There is much work still to be done. Two concerning trends identified in previous editions of the ATT Monitor Report continued in the latest year of reporting. First, the proportion of States Parties that submitted an annual report has continued to decline. For 2021, only 62 per cent of States Parties fulfilled the Treaty obligations to submit a report on their arms imports and exports over the previous year. Far fewer States Parties submitted reports that were meaningfully transparent. This sustained a long-term decline with only 25 per cent of submitted public reports that allowed a reader to understand what was exported to whom. Ten years after the Treaty was adopted, the majority of the trade in weapons remains in the shadows.

The ATT Monitor has previously identified three factors explaining why some States Parties have not submitted public reports that advance the transparency aims and objectives of the Treaty: capacity, national systems and political will. All parties involved in providing international cooperation and assistance in relation to the arms trade could encourage transparency by addressing these three factors. Attention can be paid to building more national capacity to collect and compile data, and national transfer-control and licensing systems can be adapted so they can more easily produce data useful for reporting. During the 1st Working Groups and Preparatory Meeting for the Ninth Conference of States Parties to the ATT, held in February 2023, the Working Group on Transparency and Reporting proposed that the ATT Secretariat identify regional reporting champions that could engage with States Parties in their region that struggle with their reporting duties. This, along with more focus on building capacity in reporting, would be a positive step towards increasing reporting rates and improving the quality of information submitted in annual reports.

57 Canada, Chile, Germany, Japan, Liechtenstein, Maldives, Montenegro, Netherlands, New Zealand, Peru, Poland, Republic of Korea, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden and Switzerland.
A MH-60 SEAHAWK HELICOPTER PARKS ON THE FLIGHT DECK OF USS MOUNT WHITNEY.

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