ATT MONITOR REPORT 2023
SUMMARY
COVER PHOTO:

HMAS ARUNTA’S FLIGHT DECK TEAM CONDUCT DECK-LANDING QUALIFICATIONS WITH AN MH-60 ROMEO HELICOPTER DURING THE SHIP’S RETURN TO AUSTRALIA.

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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 2023 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 2023 Report and provides examples of analysis and research undertaken in support of strengthening Treaty implementation efforts.
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This review takes stock of the period between 1 June 2022 and 31 May 2023, 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.

**TAKING STOCK – ARE STATES PARTIES MEETING THEIR OBLIGATIONS?**

Ten years after the Arms Trade Treaty was adopted, its main aims and objectives of reducing human suffering continued to be tested. The humanitarian crisis caused by the war in Ukraine has resulted in severe consequences for civilians, with widespread displacement, food and medical shortages, and a devastating impact on the overall well-being and safety of the affected populations.

The Independent International Commission of Inquiry on Ukraine created in March 2022 has collected evidence that Russian authorities have engaged in numerous violations of international human rights law and international humanitarian law across various regions of Ukraine as well as within the Russian Federation. The commission also determined that Russian armed forces conducted indiscriminate and disproportionate attacks using explosive weapons in populated areas, which violate international humanitarian law.

Encouragingly, there was a deep decline in the number of States Parties reporting authorized or actual arms exports to the Russian Federation compared to previous years. This presents an optimistic indication that certain States Parties are taking steps to enforce and modify their national policies, aligning them with the obligations outlined in the ATT.

**UNIVERSALIZATION**

Gabon and Andorra, which ratified the Treaty on 21 September 2022 and 2 December 2022 respectively, were the only countries to become a State Party to the ATT between 1 June 2022 and 31 May 2023. This represents a continuation of the trend of a low annual rate of ATT accessions and ratifications.
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.

As of 7 June 2023, 110 of the 113 States Parties were required to submit their 2022 annual reports. Of these, 35 submitted an annual report by the deadline – a compliance rate of 32 per cent. This was the lowest on-time annual reporting compliance rate in the ATT’s history – the previous record low being when the initial impact of the COVID-19 pandemic contributed to a rate of 38 per cent for the 2019 annual reports. Two States Parties have submitted overdue initial reports since the publication of last year’s ATT Monitor Report: Brazil, which was due to report in 2019 and Lesotho in 2017. 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 ATT MANAGEMENT COMMITTEE PROVIDED UPDATES ON THE STATUS OF ATT FINANCES AND A PROPOSAL TO REVIEW THE ATT PROGRAMME OF WORK. THE PROPOSED REVIEW INCLUDES A REDUCTION IN THE NUMBER OF IN-PERSON MEETINGS OF THE ATT WORKING GROUP FROM EIGHT TO FIVE DAYS, IN AN EFFORT TO OPTIMIZE THE SUPPORT PROCESS AND ADDRESS THE CONGESTED DISARMAMENT CALENDAR AND THE LIMITED CAPACITY OF DELEGATIONS.

SYSTEMS AND PROCEDURES

Intersessional work prior to CSP9 included two series of meetings of the ATT Working Groups and Informal Preparatory meetings in February 2023 and May 2023.

The first Informal Preparatory meeting for CSP9 was held on 17 February 2023 and the second one on 12 May 2023. Ambassador Yoon Seong-mee of the Republic of Korea opened the first meeting by introducing the priority theme for the Korean Presidency – The Role of Industry in Responsible International Transfers of Conventional Arms – and outlined how this would be taken forward during the CSP9 cycle.

The ATT Management Committee provided updates on the status of ATT finances and a proposal to review the ATT programme of work. The proposed review includes a reduction in the number of in-person meetings of the ATT Working Group from eight to five days, in an effort to optimize the support process and address the congested disarmament calendar and the limited capacity of delegations.

The Working Group on Effective Treaty Implementation (WGETI) had the most ambitious agenda of the CSP9 cycle, which included in May 2023 the presentation of a proposal to explore future options to configure its work. The other Working Groups set expectations low in their agendas for intersessional work, some perhaps due to the absence of a Chairperson and Facilitators.
THE NIMITZ-CLASS AIRCRAFT CARRIER USS DWIGHT D. EISENHOWER (CVN 69), RIGHT, REPLENISHES FROM THE FAST COMBAT SUPPORT SHIP USNS SUPPLY (T-AOE 6) IN THE ATLANTIC OCEAN.

CREDIT: © US NAVY / MASS COMMUNICATION SPECIALIST 2ND CLASS MERISSA DALE
The chapter summarizes how conventional ammunition is covered by the ATT and provides a brief analysis of the main gaps in how the Treaty addresses ammunition. Second, it focuses on one specific area of controls – conventional ammunition diversion – and presents case studies that draw on field data collected by the independent investigative organization Conflict Armament Research, as well as a judicial case in Brazil that was first reported by Instituto Sou da Paz. It also explores some of the measures that States Parties could take to attempt to prevent or mitigate such diversion. The chapter concludes with recommendations for how to address conventional ammunition within the current Treaty architecture, including the recently established Diversion Information Exchange Forum.

CONVENTIONAL AMMUNITION CONTROLS IN THE CONTEXT OF THE ATT

Article 3 of the ATT sets out the central obligations of States Parties with respect to conventional ammunition/munitions. It reads:

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.

Conventional ammunition types covered by Article 3 are those that can be either ‘fired, launched or delivered’ by any of the seven categories of major conventional weapons in the United Nations Register of Conventional Arms, as well as by small arms and light weapons.

Article 3 obligations focus primarily on export controls. The article obligates States Parties to apply the provisions of Article 6 and 7 prior to authorizing the export of ammunition/munitions. States Parties are therefore required to follow an identical process for assessing prospective ammunition exports as for conventional weapons and to base this assessment on the same risk criteria.
However, no specific connections are established between Article 3 and Articles 8 (import), 9 (transit or trans-shipment), 10 (brokering), 11 (diversion) or 12 (record-keeping). Nor is any connection established in relation to reporting on export and import activity (Article 13).

The inconsistency in the ATT’s treatment of conventional ammunition may, in theory, contribute to significant uncertainty among States Parties were they to adopt a narrow reading of the Treaty’s obligations.
Box 1: The OEWG on Conventional Ammunition

On 24 December 2021, the United Nations General Assembly adopted resolution 76/233, establishing an Open-Ended Working Group (OEWG) to address gaps in through-life ammunition management. In June 2023, the OEWG on Conventional Ammunition completed its work and adopted a final report with 15 objectives for safe, secure, and sustainable conventional ammunition management.

While the nature and scope of the frameworks differ, the purpose and objectives of the ATT and the OEWG final report align in the following ways to promote responsible international transfers of conventional ammunition:

1. Reduce human suffering resulting from ineffective management of conventional ammunition, similar to the ATT’s purpose.

2. Promote effective management of conventional ammunition to reduce diversion risks at pre-transfer, in-transfer, and post-transfer stages, focusing on risk assessments and measures to ensure authorized users have custody.

3. Facilitate international cooperation and assistance in through-life management, supporting areas like record-keeping, diversion risk assessments, post-transfer measures, and information-sharing to combat diversion and trafficking.
CONVENTIONAL AMMUNITION DIVERSION

The absence of ammunition from Article 11’s provisions on diversion, unless subject to prohibitions under Article 6, in particular is significant, especially in light of the heightened vulnerability of much of this materiel to diversion. This section presents three case studies that illustrate some recent instances of ammunition diversion. They have been selected to highlight not only how diversion may occur but also how States Parties have attempted to prevent or mitigate it. The cases describe the introduction of pre-export controls to reduce the risk of diversion of man-portable air-defense systems (MANPADS), attempts to trace mortars recovered in northeastern Syria from a suspected Islamic State cell and how the discovery of marked small-caliber ammunition cases helped identify individuals responsible for a homicide in Brazil.
PRE-EXPORT CONTROLS

Case 1: MANPADS lost in battle

Conducting diversion risk assessments prior to export is a vital preventive measure that States Parties can take to protect exports of conventional ammunition. Article 11.2 requires States Parties to assess the risk of diversion only of exports of conventional arms covered under Article 2.1. In so far as the Treaty requires that States Parties extend the risk assessment process to exports of ammunition, this is limited to the risk criteria elaborated under Article 7.1: that is, for example, that the diversion of an item might be involved in the commission or facilitation of an act constituting an offence under international conventions or protocols relating to terrorism.

MANPADS, are considered by states to be particularly sensitive and to require heightened transfer controls, including enhanced risk assessments and the introduction of mitigation measures where appropriate.

In 2007, Poland exported 100 Grom MANPADS launch tubes and missiles to Georgia. The Polish authorities took several measures to prevent the diversion of this equipment, including providing support to the Georgian army in preparing the physical protection for the storage and stockpile management of the MANPADS. Many of the MANPADS transferred under this license were used in battle during the war between Georgia and the Russian Federation in August 2008. While at least 26 of the original shipment remained in the possession of the Georgian army after the war, some were abandoned on the battlefield and taken by Russian forces. Even though Georgian authorities later confirmed that they did not grant any permit for the export of these items, this case shows that the implementation of diversion mitigation measures can help to target and address vulnerabilities, but that it may not be able to eliminate the risk of diversion.
TRACING

Case 2: Mortar packaging in northeastern Syria

Tracing, while not explicitly referenced in the text of the ATT, has been consistently demonstrated to be a necessary measure to respond to instances of diversion. Diverted items that are marked with lot numbers can be successfully traced to a specific custodian: often a purchase will be in such large quantities that it encompasses an entire lot.

In Syria, a crate of Serbian-made mortar rounds was found to have been diverted and replaced with hand grenades in 2021. The crate was originally exported to the US military, but it was lost from the custody of an authorized recipient at some point between 2018 and 2021. CAR field investigators traced the crate with the cooperation of the Serbian government.

A similar case was documented in Niger, where ammunition was found to have been diverted from the Nigerian military. These cases demonstrate that it is possible to conduct tracing for some types of diverted conventional ammunition but that effective tracing depends on the cooperation and transparency of the transfer parties.
Case 3: Small-caliber ammunition used in extrajudicial killings

Conventional ammunition is manufactured in production runs that range from thousands to millions of units and, as such, are invariably marked with collective identifiers. Collective identifiers typically contain information that can help to determine the provenance of an item, such as the manufacturer, the year of production, the caliber or the specific lot. They do not uniquely identify an individual unit, and efforts to promote the unique marking of small-caliber ammunition have historically met with some resistance, with the large scale of production being cited as a barrier on the grounds of cost and capacity.

There are, however, some instances where governments and industry have taken this step or have pursued alternative approaches to enhancing the traceability of small-caliber ammunition. One example is Brazilian Federal Law No. 10,826, which dictates that small-caliber ammunition must be marked with a ‘traceability code’ when it is sold to national police and armed forces.

In October 2020, five people were shot and killed in an extrajudicial killing in Brazil. Police investigations confirmed the involvement of five military police officers who were off duty and out of uniform at the time of the attack. A key factor behind the identification of the culprits was the discovery of marked ammunition casings that had previously been sold to the police forces of the state of Ceará, where the deaths occurred.

The above cases illustrate some of the ways in which conventional ammunition is diverted, and how States Parties may address this. The implementation of pre-export measures, the marking of ammunition with unique identifiers and the sharing of information between transfer parties, including in response to formal trace requests, are just a few examples of the types of measures that States Parties can take in support of the effective through-life management of conventional ammunition.
39TH OPERATIONAL SUPPORT BATTALION TRAINEES CONDUCT A LIVE FIRE SERIAL AT HOLSWORTHY BARRACKS, NEW SOUTH WALES.

CREDIT: © COMMONWEALTH OF AUSTRALIA, DEPARTMENT OF DEFENCE / LAC SAM PRICE
There are several opportunities for enhancing conventional ammunition controls within the current scope of States Parties’ discussions.

**Post-shipment cooperation measures**: Post-shipment cooperation measures are a type of mitigation measure that States Parties can use to prevent the diversion of conventional ammunition. These measures typically involve the exporting State Party conducting checks on the ammunition after it has been delivered to the importing State Party.

As conventional ammunition is a consumable item and stocks of it are purchased with the intent of being expended and replenished, it poses a particular challenge for existing models of on-site inspections that seek to establish that 100 per cent of transferred supplies are still in the custody of the end-user. However, States Parties can still implement post-shipment measures for conventional ammunition by linking on-site inspections with wider assistance for enhanced management and accountability practices.

**The Diversion Information Exchange Forum**: Created as a sui generis body within the ATT framework in 2020, the DIEF provides a space for States Parties and Signatories to have informal discussions on concrete cases of suspected or detected diversion. The DIEF’s effectiveness as a confidence-building forum relies on the extent and nature of interactions between States Parties; if substantive inputs are not brought forward for open discussion within the forum it will struggle to fulfil its potential to inform and prevent diversion. It is therefore important that States Parties and Signatories take advantage of the opportunity the DIEF offers to present successes and challenges in addressing cases of diversion, the outcomes of which can serve to inform and strengthen cross-border diversion prevention efforts.
Engagement with industry: Industry actors are important stakeholders in the ATT. They are also often drivers of technical innovation, which may be harnessed in support of efforts to address challenges with securing conventional ammunition. To date, industry representatives have not made significant contributions to the deliberations of the ATT sub-working group on Article 11 or other ATT fora. However, with the thematic focus of CSP9 being the role of industry in the ATT framework, future working group meetings may look to explore how the private sector can contribute to enhancing controls on conventional ammunition.
AN AUSTRALIAN ARMY CH-47 CHINOOK FROM THE 5TH AVIATION REGIMENT FLIES OVERHEAD DURING EXERCISE CHAU PHA IN TOWNSVILLE FIELD TRAINING AREA, QUEENSLAND.

CREDIT: © COMMONWEALTH OF AUSTRALIA, DEPARTMENT OF DEFENCE / LCPL RILEY BLENNERHASSETT
The analysis of 2021 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 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 are falling short in other aspects of transparency.

**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).
3. 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, 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. This is the lowest proportion since reporting began in 2015.

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. 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 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:

1. 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.
4. 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 annual reports for 2021 (25 per cent of all reports due) met the above criteria and were thus meaningfully transparent. The percentage of reports that were meaningfully transparent has declined from 46 per cent for 2015 to 25 per cent for 2021.

FIGURE 2 – NUMBER AND PERCENTAGE OF REPORTS DUE THAT ARE MEANINGFULLY TRANSPARENT

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of meaningfully transparent reports</th>
<th>Percentage of meaningfully transparent reports</th>
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<tbody>
<tr>
<td>2015</td>
<td>28</td>
<td>46</td>
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<tr>
<td>2016</td>
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<td>2017</td>
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<td>2020</td>
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<td>30</td>
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<tr>
<td>2021</td>
<td>28</td>
<td>25</td>
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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

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).

Thirty-four States Parties (50 per cent) submitted an annual report providing descriptions and 28 (41 per cent) provided comments, compared to 29 (44 per cent) and 25 (38 per cent) that did so in their 2020 annual report.

Table 2.1 - Percentage of public annual reports that met the criteria for meaningful transparency

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<th>Indicated whether transfer data concerns authorizations or actual transfers (or both)</th>
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<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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<th>Provided the number of units or financial value (or both) for each weapon type</th>
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<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
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<td>96</td>
<td>98</td>
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Table 2.2 – Annual Reports that support a higher standard of transparency

<table>
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<th>Criteria</th>
<th>Included in the annual report</th>
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<td>Descriptions of arms transferred (for some or all transfers)</td>
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</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>
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</table>
Box 2: 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). One critical effect of Article 3 formulation is that it excludes 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’. 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.

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.
MOST TRANSPARENT 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.

COUNTRY PROFILES

Chapter 2.2 includes country profiles for each State Party obliged to submit a 2021 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 2021.
US TROOPS CONDUCT LIVE-FIRE TRAINING DURING READINESS EXERCISE ROCK DAWN, LATVIA.

CREDIT: © US ARMY / SGT. LUKE MICHALSKI
This chapter presents preliminary analysis on 2022 annual reports, as well as updates on initial reports and monitoring implementation during the past year.

PRELIMINARY REVIEW OF 2021 ANNUAL REPORTS

One hundred and ten of the 113 States Parties to the Treaty were required to report to the ATT Secretariat on their authorized or actual arms exports and imports in 2022.

As of 7 June 2023, the Secretariat’s website showed that 35 States Parties had submitted annual reports for 2022, reflecting an on-time compliance rate of 32 per cent. This would be the lowest on-time annual reporting compliance in the ATT’s history – the previous one being in 2020, when the COVID-19 pandemic contributed to a compliance rate of 38 per cent for 2019 reports.

Nine of the 35 States Parties (26 per cent) kept their 2022 annual reports confidential; that is, available only to the ATT Secretariat and other States Parties. Encouragingly, this represents a decrease in confidential on-time reporting compared to a rate of 32 per cent at the same point last year.

It is encouraging that several States Parties submitted overdue annual reports this year, which means that the number of those yet to submit any of their reports has decreased. Twenty-eight States Parties submitted 42 overdue annual reports over the past year: 26 reports were for 2021 and 16 were for previous years. They include six first-time reporters that submitted overdue reports: Côte d’Ivoire (which submitted its 2016–2021 reports), Trinidad and Tobago (which submitted its 2015–2019 reports), Zambia (which submitted its 2018–2021 reports) and Botswana, Iceland, and the Seychelles (which submitted their 2021 reports).

Another encouraging development over the past year was the decision by two States Parties (Portugal and Spain) to change their 2021 annual reports from confidential to public. They should be commended for taking this step to promote arms trade transparency.
A FIFTH OF STATES PARTIES DUE TO SUBMIT AN INITIAL REPORT HAVE YET TO DO SO, WITH NEARLY TWO-THIRDS OF THESE MORE THAN FIVE YEARS PAST THEIR REPORTING DEADLINE.

THAT ONLY TWO INITIAL REPORTS WERE SUBMITTED OVER THE PAST YEAR, HOWEVER, IS WORRYING. IT MARKS A DECREASE COMPARED TO EACH OF THE PREVIOUS THREE YEARS, DURING WHICH FIVE OR MORE STATE PARTIES SUBMITTED INITIAL REPORTS. IT ALSO REPRESENTS A CONTINUATION OF THE LOW RATE OF INITIAL REPORTING COMPLIANCE AMONG THE NEWEST STATES PARTIES.

UPDATES ON ATT INITIAL REPORTS AND MONITORING TREATY IMPLEMENTATION

Initial reports are important tools for monitoring and assessing Treaty implementation. They can provide valuable insights into how States Parties interpret and implement their ATT obligations; provide an opportunity for States Parties to assess the efficacy of their existing control measures; facilitate the identification of implementation gaps, assistance needs and good practice; help demonstrate Treaty compliance over time; and shed light on the ATT’s impact on strengthening national control systems. Despite this, a fifth of States Parties due to submit an initial report have yet to do so, with nearly two-thirds of these more than five years past their reporting deadline.

Two States Parties have submitted overdue initial reports since the publication of last year’s ATT Monitor Report: Brazil, which was due to report in 2019 and Lesotho in 2017. The submission of overdue initial reports by Brazil and Lesotho is an example that other States Parties that have not submitted theirs yet should follow. In fact, 46 of the 88 States Parties that have submitted initial reports (52 per cent) did so after their deadline while 42 did so on time (48 per cent).

That only two initial reports were submitted over the past year, however, is worrying. It marks a decrease compared to each of the previous three years, during which five or more State Parties submitted initial reports. It also represents a continuation of the low rate of initial reporting compliance among the newest 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.’ None of the initial reports that were posted on the ATT Secretariat’s website as of 21 June 2023 appear to have been updated since the publication of last year’s ATT Monitor Annual Report. To date, only six States Parties (Hungary, Japan, New Zealand, Romania, Slovenia and Sweden) have submitted updated reports – despite several additional States Parties indicating in interventions at formal and informal ATT meetings that they have made changes to their national control systems since submitting their initial reports.
Box 3: Industry engagement

The Republic of Korea’s chose the role of industry in responsible international transfers of conventional arms as the thematic focus of its Presidency of the Ninth Conference of States Parties. Fourteen States Parties, in their initial reports, have indicated some form of industry engagement.

There are likely more who do so. But, with just 88 States Parties having submitted an initial report and 21 of them making their reports confidential, there cannot be yet a comprehensive picture of the policies and practices employed by all 113 States Parties. Furthermore, the initial reporting template does not place emphasis on industry engagement or provide clear instructions of where to list instances. Thus, such engagement may be more widespread than the reports might suggest.

An analysis of the public initial reports shows the range of measures by States Parties to engage with industry. In their initial reports, several described visiting, auditing or inspecting the facilities or operations of arms manufacturers or exporters to ensure compliance with national transfer controls. Others go further by requiring or encouraging industry actors to develop and implement internal compliance programs. States Parties also described organizing events – such as training sessions, seminars or speaking engagements – engaging in consultations, and developing guidance documents to raise awareness of relevant laws and policies among arms industry actors.
AUSTRALIAN ARMY SOLDIERS CONDUCT AN ASSAULT ON THE ENEMY MAIN DEFENSIVE POSITION DURING EXERCISE BROGLA RUN 23 IN QUEENSLAND.

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