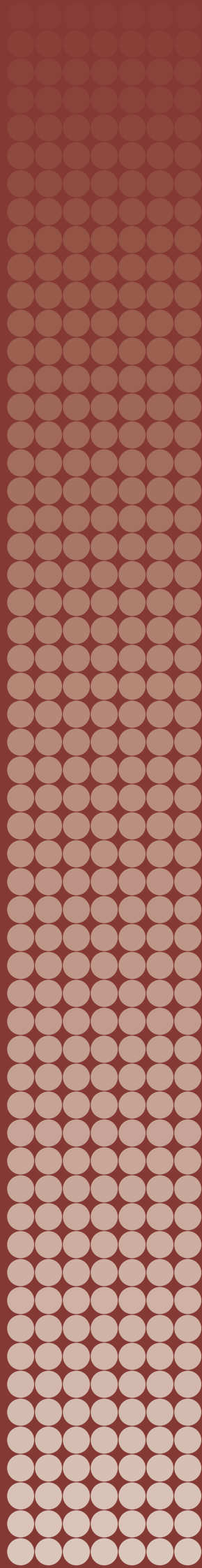


# REPORTING ON CONVENTIONAL ARMS TRANSFERS AND TRANSFER CONTROLS

Improving Coordination and Increasing Engagement

MARK BROMLEY AND JOSÉ FRANCISCO ALVARADO CÓBAR



**STOCKHOLM INTERNATIONAL  
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August 2020



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## Preface

As an institute, SIPRI seldom adopts institutional positions, instead allowing its researchers substantial leeway to think and speak independently on the topics that they cover. However, there are certain ideas that are central to SIPRI's purpose and the work that it tries to do. One of these is the assertion that increasing the volume and quality of the information that states share with each other and the public on issues relating to armaments and disarmament is beneficial to international peace and security. It reduces the possibility for misunderstandings between states and allows for greater public and parliamentary oversight of the policies that states pursue. During its lifetime, accordingly, SIPRI has played an active role in discussions about the establishment of new reporting instruments and has conducted numerous studies that have assessed the quality and comprehensiveness of the information states make available.

SIPRI has always been particularly active about instruments focused on arms transfers and arms transfer controls. SIPRI was thus engaged at the earliest stages of discussions about the establishment of the United Nations Register of Conventional Arms (UNROCA) and the reporting instruments attached to the Arms Trade Treaty, and it monitors state compliance with both agreements in the SIPRI Yearbook and other publications. However, it has been many years since SIPRI—or any other research institute—has sought to assess and compare rates of reporting to all of the main international and regional reporting instruments in the fields of arms transfers and arms transfer controls.

A comprehensive analysis of trends in this area is long overdue. Looking at the instruments jointly and breaking the analysis down by region and income group, this report describes a more nuanced picture of recent trends and reveals possible remedies. While rates of reporting have declined for individual instruments, this report shows that the overall willingness of states to share this information remains high. Moreover, recent declines have been reversed in certain cases, particularly in the case of reports to the UN Programme of Action on Small Arms and Light Weapons. As well as insight into the deeper trends underlying the headline figures, this report makes concrete recommendations on how to reverse declines in reporting rates. The most notable proposals are the creation of more joined up systems for managing reporting at the national level and increasing coordination between the secretariats responsible for managing these instruments.

I am grateful to the authors for preparing this insightful report, and commend it to experts and policy makers in the field of arms control reporting instruments.

Dan Smith  
Director, SIPRI  
August 2020

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Mark Bromley and José Francisco Alvarado Cobar

## Executive summary

Since the early 1990s a range of reporting instruments on conventional arms transfers or the controls on such transfers have been created at the international and regional levels. These instruments were created with a range of goals and objectives in mind, such as increasing levels of public transparency in the global arms trade, helping to identify and avert destabilizing build-ups of arms, building trust and confidence between states, and promoting improvements to arms transfer control systems. However, as the number of instruments has increased, the level of participation in many of them has fallen. There is a perception that many states—particularly those with more limited resources—are struggling to keep pace with their multiple reporting obligations. However, analyses of these trends to date have focused on particular instruments or sets of instruments or on particular regions. This makes it hard to gain a comprehensive overview of states' willingness to report this information and makes it difficult to identify where successful initiatives or useful lessons can be applied elsewhere.

This report differs from previous analyses by taking a comprehensive approach—it looks at and compares all the main relevant reporting instruments in the fields of arms transfers and arms transfer controls. In addition, for each instrument it analyses and compares trends in different geographical regions and income categories. The overview provided creates the basis for a more complete understanding of the extent and nature of the decline in reporting levels and thus of the scale and form of the challenges to be overcome.

The three main reporting instruments on arms transfers are the United Nations Register of Conventional Arms (UNROCA), the annual report to the Arms Trade Treaty (ATT) Secretariat, and the Organization for Security and Co-operation in Europe (OSCE) Information Exchange on Conventional Arms Transfers. Rates of reporting for all three have declined. This trend is visible across all regions and income groups but is particularly noticeable for states in Africa and for low-income states. However, the total number of states that submitted a report to at least one of these three instruments has remained stable, at 74 or 75 for 2016, 2017 and 2018. This points to a lack of consistency in states' reporting practices, with few states reporting to all of the instruments to which they are obliged or required to report. However, it also indicates that the overall willingness of states to share information on their arms transfers may not be declining as steeply as some fear.

The five main reporting instruments on arms transfer controls are the national report on the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (POA), the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology, the initial report to the ATT Secretariat on implementation of the ATT, the OSCE Questionnaire on Participating States' Policy and National Practices and Procedures for the Export of Conventional Arms and Related Technology, and the OSCE Document on Small Arms and Light Weapons. Overall, 145 states made a submission to at least one of these instruments during 2014–19. However, only a minority of states made submissions to all of the instruments to which they are required or requested to submit reports even though there is significant overlap in the information that states are requested or required to submit. Notably, while rates of reporting have fallen for almost all of the five instruments, they have risen for the POA, reaching an all-time high of 120 states in 2018. This was true for all regions and income categories, including low-income states, for which the rate of reporting rose from 30 per cent in 2014 to 53 per cent in 2018.

Many states clearly face challenges when compiling and submitting reports on conventional arms transfers and arms transfer controls. However, some efforts that have already been made to address those challenges and to build national capacities. These include outreach and assistance activities to build national capacity. Guidance documents have also been produced by, among others, the UN, the ATT Secretariat, the OSCE and the Wassenaar Arrangement with advice for states on how to fulfil their reporting obligations.

The overall conclusion is that, while participation in individual instruments is indeed falling, a significant number of states are still willing to provide information about their arms transfers and arms transfer controls. To help improve rates of reporting, there are steps that can be taken by the secretariats responsible for overseeing these instruments and other stakeholders—the non-governmental organizations (NGOs) and research institutes that make use of the information produced and the states themselves. States can develop improved procedures for collecting and reporting data at the national level. States and the secretariats can create better connections between the different instruments by harmonizing reporting requirements and making better use of available software tools. Each secretariat can ensure that all of the information that states submit is made available on its website. NGOs and research institutes can make better and more effective use of the information that states submit by analysing the information provided and using it as the basis for assessments of states' control systems. States and NGOs should create links between outreach efforts and guidance tools by ensuring that efforts aimed at improving submission rates for one instrument also highlight the existence and importance of similar reporting instruments. Finally, the secretariats should build stronger links among themselves in order to identify and share areas of good practice and—where possible and relevant—create mechanisms whereby the submission of a report to one instrument can automatically be treated as a submission to another.

## Abbreviations

AAERG	Annual Arms Exports Report Generator
ATT	Arms Trade Treaty
BMS	Biennial meeting of states
CSP	Conference of states parties
ECOWAS	Economic Community of West African States
EU	European Union
FAQ	Frequently asked question
GGE	Group of governmental experts
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
POA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons
SALW	Small arms and light weapons
SEESAC	South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
UN	United Nations
UNODA	United Nations Office for Disarmament Affairs
UNROCA	United Nations Register of Conventional Arms
UNSCAR	United Nations Trust Facility Supporting Cooperation on Arms Regulation
WGTR	Working Group on Transparency and Reporting
WMD	Weapons of mass destruction



# 1. Introduction

Since the early 1990s states have established a wide range of international and regional measures aimed at increasing levels of public transparency in their international transfers of conventional arms or their controls on such transfers. All United Nations member states are requested to submit information on the type and quantity of their arms transfers and on their arms transfer controls to UN reporting instruments. In addition, the 2013 Arms Trade Treaty (ATT) established reporting instruments on arms transfers and arms transfer controls. These international instruments have been joined by various regional reporting instruments (see table 1.1).

These instruments were created with a range of goals and objectives in mind, such as increasing the transparency of the global arms trade, helping to identify and avert destabilizing build-ups of arms, building trust and confidence between states, and promoting the adoption of improved systems of arms transfer controls. However, despite these worthy goals and although the number of instruments has increased, the level of participation in many of them has fallen. There is a perception that many states—particularly those with more limited resources—are struggling to keep pace with their multiple reporting obligations.<sup>1</sup> Meanwhile, other states—including many with the capacity to fulfil these obligations and a strong record of participation—appear to be becoming less willing to provide information, citing national security or other sensitivities. However, until now the exact scope, magnitude and pattern of this decline has been hard to determine. Key questions that have not yet been answered include: What is the pace and scope of the decline in participation? Is it more pronounced in certain instruments? How does the rate of decline differ between regions and income categories?

Noting the perceived decline, several studies have sought to identify the reasons for states' unwillingness or inability to submit reports and to suggest mechanisms for addressing questions of political will or technical capacity. In particular, several studies and good practice guides have highlighted mechanisms and strategies that states can employ in order to manage their reporting obligations more effectively.<sup>2</sup> Several studies have also highlighted the potential for greater harmonization in the format of these different reporting instruments in order to reduce the burden on states and to raise levels of reporting.<sup>3</sup> Moreover, a wide range of assistance has been offered—particularly in connection with the implementation of the ATT—with a view to boosting national capacity to control arms transfers and small arms and light weapons (SALW), including in the collection and reporting of data.<sup>4</sup> However, the analyses conducted to date have mainly been based on an examination of trends and challenges in particular regions and reporting instruments. This makes it difficult to gain an overall assessment of the willingness of states to share information on arms transfers and arms transfer controls or to develop an understanding of whether the decline is more noticeable in one instrument or region than another. It also makes it difficult to identify areas where experiences or approaches in one region or instrument can provide lessons or resources that can be used to offset declines elsewhere.

<sup>1</sup> E.g. Stohl, R. et al., *Reporting on Conventional Arms Trade: Synthesis Handbook* (UN Institute for Disarmament Research (UNIDIR) Resources (UNIDIR: Geneva, 2018), pp. 21–22.

<sup>2</sup> E.g. Wassenaar Arrangement, 'Elements for the effective fulfilment of national reporting requirements', 2015; and UN Office for Disarmament Affairs (UNODA), *The Global Reported Arms Trade: Transparency in Armaments through the United Nations Register of Conventional Arms*, A guide to assist national points of contact in submitting their national reports, Disarmament Study Series no. 36 (UNODA: New York, 2017).

<sup>3</sup> E.g. German Foreign Office, *Voluntary Guidelines for Compiling National Reports on SALW Exports from/Imports to Other Participating States during the Previous Calendar Year* (OSCE: Vienna, 2014); and Stohl et al. (note 1).

<sup>4</sup> For a comprehensive database see Mapping ATT-Relevant Cooperation and Assistance Activities, <<http://www.att-assistance.org/>>.

**Table 1.1.** International and regional reporting instruments on arms transfers and arms transfer controls

Instrument	No. of states <sup>a</sup>	First year of public reporting <sup>b</sup>
<i>Arms transfers</i>		
UN Register of Conventional Arms (UNROCA)	193	1993
OAS Information Exchange on Conventional Arms Transfers	34	1996
OAS Transparency Convention annual report	17	2005
ATT annual report	105	2016
OSCE Information Exchange on Conventional Arms Transfers	56	2017
ECOWAS Convention on Small Arms and Light Weapons database	14	–
Kinshasa Convention information exchange	8	–
<i>Arms transfer controls</i>		
UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (POA)	193	2002
UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology	193	2004
ATT initial report	105	2015
OSCE Questionnaire on Participating States' Policy and National Practices and Procedures for the Export of Conventional Arms and Related Technology	56	2017
OSCE Document on Small Arms and Light Weapons	56	2017

ATT = Arms Trade Treaty, ECOWAS = Economic Community of West African States, EU = European Union, OAS = Organization of American States, OSCE = Organization for Security and Co-operation in Europe, SEESAC = South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, UN = United Nations.

*Note:* This study covers only international and regional instruments, not the national reports on arms exports that many states publish. In the case of arms transfers, this study focuses on the reporting of information on the types and quantities of arms transferred. Thus, it includes neither the EU Annual Report on Arms Exports nor the SEESAC Regional Report on Arms Exports, which both focus on the financial value of arms export licences and arms exports. The study also does not consider confidential exchanges of information, such as those that occur among participating states of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. In the case of arms transfer controls, the study focuses on the reporting of information on conventional arms transfers controls. Thus, it does not include reporting under UN Security Council 1540, which involves the sharing of information on transfer controls on dual-use items (i.e. items with both military and civilian uses).

<sup>a</sup> These figures include only UN member states. In addition, the Holy See is an OSCE participating state and Palestine is party to the ATT.

<sup>b</sup> This year is the first year in which a public report was submitted (not necessarily the first year in which a report was requested and, in the case of arms transfers, not the year of the transfers reported on).

This report provides an up-to-date overview of rates of compliance with the key international reporting instruments in the fields of arms transfers and arms transfer controls. It differs from previous reports by taking a comprehensive approach—by looking at and comparing all the main relevant instruments in these two fields. This overview thus provides the basis for a more complete understanding of the extent and nature of the decline in reporting levels and of the current scale and form of the challenge to be overcome.

This paper continues in chapters 2 and 3 by describing and analysing the key international and regional reporting instruments on, respectively, arms transfers and arms transfer controls. For each instrument, the types of information that states are asked to provide and reporting rates in recent years are described. The chapters compare states' rates of participation across the instruments in order to give a clearer overview of the availability of information on arms transfers and arms transfer controls, the willingness of states to share this information, and the consistency of their reporting practices.



Chapter 4 highlights some of the main challenges to the compilation and submission of reports on arms transfers and arms transfer controls that have been identified in relevant reports and studies. It then gives an overview of some of the assistance offered to states in compiling their reports and some of the efforts that have been made to build national capacities in this area.

Finally, based on the data in chapters 2 and 3, chapter 5 presents conclusions and recommendations for how states, the secretariats responsible for overseeing these instruments, and other stakeholders can take steps to help improve rates of reporting. The conclusions underline that looking at these instruments together reveals that a significant number of states are still willing to provide information about their arms transfers and arms transfer controls. The recommendations focus on steps to help halt and—hopefully—reverse the decline in participation in the individual instruments.

## 2. Reporting instruments on arms transfers

This chapter focuses on the three main international and regional reporting instruments to which states are invited or requested to report data on the types and quantities of their arms exports and imports. These are the UN Register of Conventional Arms (UNROCA), the annual report to the ATT Secretariat on arms transfers, and the Organization for Security and Co-operation in Europe (OSCE) Information Exchange on Conventional Arms Transfers. In addition to these three instruments, there have been less successful efforts to set up regional reporting instruments in the Americas, West Africa and Central Africa (see box 2.1).

The chapter describes each of the three main instruments and their recent rates of reporting: where available, in the six most recent years, accurate as of 30 June 2020. For the global instruments—UNROCA and the ATT annual report—breakdowns of reporting levels by region and income category are also given. The chapter then assesses overall rates of reporting on arms transfers under the three instruments.

For the reports on arms transfers, the year of the report refers to the year covered by the report (which is usually the year preceding the year of publication). The geographic regions and income groups are as listed in appendix A.<sup>5</sup>

### **The United Nations Register of Conventional Arms**

UNROCA was established by the UN General Assembly in December 1991 to ‘prevent the excessive and destabilizing accumulation of arms . . . in order to promote stability and strengthen regional or international peace and security’ and to ‘enhance confidence, promote stability, help States to exercise restraint, ease tensions and strengthen regional and international peace and security’.<sup>6</sup> Reporting started in 1993 (for transfers in 1992). Every year all UN member states are requested to report information to UNROCA on their exports and imports in the previous calendar year of seven categories of conventional arms: (I) battle tanks, (II) armoured combat vehicles, (III) large-calibre artillery, (IV) combat aircraft, (V) attack helicopters, (VI) warships, and (VII) missiles and missile launchers. States are also invited to provide information on their holdings and procurement from domestic production of major conventional weapons. From 2003 states were also ‘invited’ to provide information on international transfers of SALW. Since 2017 states have been ‘requested’ to do this under a 7 + 1 categories formula and to submit these reports in parallel with their submissions on major conventional weapons.<sup>7</sup> Reports are submitted to the UN Office for Disarmament Affairs (UNODA) and are made publicly available on the UNODA website.<sup>8</sup>

#### *Reporting format*

The current versions of the UNROCA reporting templates for major conventional arms and SALW ask states to submit information on (a) final importer state or states

<sup>5</sup> In order to improve comparability this chapter considers only reporting by UN member states. It thus excludes submissions by the Holy See, which participates in the OSCE but is neither a member of the UN nor a party to the ATT, and Palestine, which is a party to the ATT but not a member of the UN.

<sup>6</sup> UN General Assembly Resolution 46/36 L, ‘Transparency in armaments’, 6 Dec. 1991, A/46/41 (Vol. I), Aug. 1992, paras 1, 2.

<sup>7</sup> United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83; and UN Office for Disarmament Affairs (UNODA), ‘Submission of the report of the Secretary-General on Resolution 74/53 on Transparency in Armaments (United Nations Register of Conventional Arms)’, Note Verbale no. ODA/2020-00066/TIA, 31 Jan. 2020.

<sup>8</sup> UNROCA database, <<https://www.unroca.org>>; and United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/74/201, 19 July 2019.

**Box 2.1. Dormant or unrealized regional mechanisms**

Outside Europe, there are four regional instruments that cover reporting on arms transfers. In all cases the systems have either failed to produce sustained levels of reporting or have yet to be formally established.

**The OAS Information Exchange on Conventional Arms Transfers**

Since 1996 the Organization of American States (OAS) General Assembly has regularly passed resolutions calling on member states to provide their submissions to the United Nations Register of Conventional Arms (UNROCA) to the OAS secretary general by 15 May each year.<sup>a</sup> The OAS makes any reports submitted publicly available.<sup>b</sup>

Participation in this information exchange on conventional arms transfers has declined significantly in recent years. Eight states made their UNROCA submissions for 2010 available to the OAS. This number fell to four for 2011, two for 2012 and 0 for all subsequent years.

**The OAS Transparency Convention annual report**

The 1999 Inter-American Convention on Transparency in Conventional Weapons Acquisitions obligates states to provide an annual report to the OAS on arms acquisitions.<sup>c</sup> These submissions, which use a standardized reporting template, are made publicly available on the OAS website.<sup>d</sup> Seventeen of the 34 OAS member states had ratified the convention by mid-2020. The most recent to do so was Panama, in 2016.

Since the OAS Transparency Convention entered into force in 2002, only eight states have provided an annual report on acquisitions and exports at least once. No report appears to have been submitted on transfers in any year since 2014.

**ECOWAS Convention database**

The 2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials includes requirements concerning the creation of mechanisms for collecting, storing, sharing and reporting information on imports of small arms and light weapons (SALW).<sup>e</sup> Specifically, the convention requires the parties ‘to transmit an annual report to the ECOWAS Executive Secretary detailing their orders or purchase of small arms and light weapons’.<sup>f</sup> In addition ‘The ECOWAS Executive Secretary shall present an annual report on the workings of the sub-regional database and register of small arms and light weapons at the Summit of Heads of State and Government’.<sup>g</sup> The convention does not explicitly state whether the resulting report will be made publicly available.

Although the convention entered into force in 2009 and 14 of the 15 ECOWAS member states have ratified it, ECOWAS has yet to establish a public reporting instrument.

**Kinshasa Convention information exchange**

The 2010 Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly (Kinshasa Convention) aims to regulate SALW and combat their illicit trade and trafficking in Central Africa.<sup>h</sup> It also requires all states parties to submit an annual report on transfers to UNROCA.<sup>i</sup>

The convention entered into force in March 2017. As of mid-2020, the convention had eight states parties.<sup>j</sup> However, none of these states submitted a report to UNROCA in 2016–18.

<sup>a</sup> Organization of American States (OAS), General Assembly, ‘Confidence- and security-building measures in the Americas’, General Assembly Resolution 1409 (XXVI-O/96), 7 June 1996. Similar resolutions are passed annually.

<sup>b</sup> OAS, Permanent Council, Committee on Hemispheric Security, ‘Conventional weapons’.

<sup>c</sup> Inter-American Convention on Transparency in Conventional Weapons Acquisitions, adopted 7 June 1999, entered into force 21 Nov. 2002.

<sup>d</sup> OAS, ‘Conventional weapons: Reports’, 1 Jan. 2020.

<sup>e</sup> Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials (ECOWAS Convention), adopted 14 June 2006, entered into force 29 Sep. 2009.

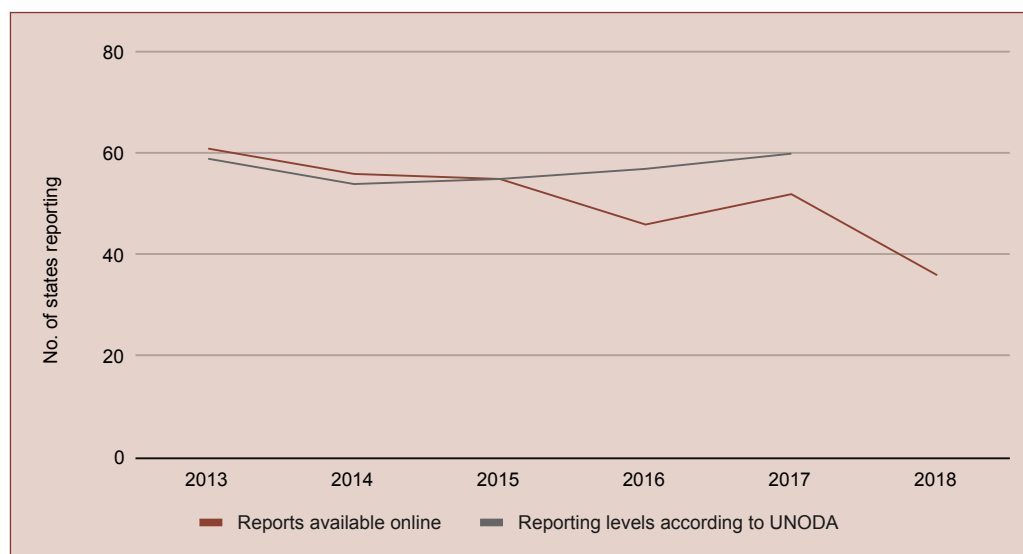
<sup>f</sup> ECOWAS Convention (note e), Article 10(3).

<sup>g</sup> ECOWAS Convention (note e), Article 10(4).

<sup>h</sup> Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly (Kinshasa Convention), opened for signature 19 Nov. 2010, entered into force 8 Mar. 2017.

<sup>i</sup> Kinshasa Convention (note h), Article 24(9).

<sup>j</sup> These 8 states are Angola, Cameroon, the Central African Republic, Chad, the Republic of the Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe.



**Figure 2.1.** Submission of reports to the United Nations Register of Conventional Arms, 2013–18

*Notes:* ‘Reports available online’ represents the number of states whose reports are available in one or more of the online sources. ‘Reporting levels according to UNODA’ is the total figure as reported by the United Nations Office for Disarmament Affairs (UNODA) in the most report of the UN group of governmental experts on UNROCA. Years are year of transfer, not year of reporting.

*Sources:* UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.

(in the case of exports); (b) exporter state or states (in the case of imports); (c) number of items; (d) state of origin (if not exporter); and (e) intermediate location (if any).<sup>9</sup> There is also a section for remarks, which contains two sections: description of item and comments on transfer. A nil report—that is, a report by a member state that has not imported or exported any arms in the relevant calendar year—can be submitted using a simplified version of the reporting template.<sup>10</sup>

Following recommendations made by two groups of governmental experts (GGE) on UNROCA, the UN introduced an electronic system for submitting UNROCA reports in May 2012.<sup>11</sup> In 2016 UNODA launched an updated online database for comparing data on conventional arms exports and imports, to access additional background information provided by member states, and to assess annual submissions.<sup>12</sup> While the database allows users to see which states have submitted reports and provides the information that states have submitted in a standard format, it does not allow access to the actual submissions themselves in the way that the OSCE Exchange does (see below).

### *Reporting levels*

In the 1990s the level of reporting to UNROCA was fairly stable, with 83–98 states submitting reports annually.<sup>13</sup> The level of reporting peaked in 2001, for which

<sup>9</sup> The 2 templates are reproduced in annexes II and III, respectively, of United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019.

<sup>10</sup> UN Office for Disarmament Affairs (note 2), p. 11.

<sup>11</sup> United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/68/140, 15 July 2013, para. 34.

<sup>12</sup> United Nations, A/71/259 (note 7), para 32.

<sup>13</sup> ‘Participation statistics’, UNROCA database, <<https://www.unroca.org/participation>>.

124 states submitted reports. For the next five years the level remained reasonably stable: 113–23 reports were made annually for 2002–2006. Since then reporting levels have decreased significantly.

The exact number of reports that states have submitted in recent years is hard to determine as the submissions can be found in three places on the UNODA website: the UN secretary-general's annual reports to the General Assembly on submissions to UNROCA;<sup>14</sup> an old database, which ceased to be publicly accessible in mid-2019;<sup>15</sup> and the new database.<sup>16</sup> At the time of writing, while some reports were accessible in both the new database and the secretary-general's reports, others were accessible in only one of these. Moreover, reports that had previously been available on the old database were not accessible in the new version.

Combining the information available in these three sources indicates that the number of states reporting fell from 61 for 2013 to 52 for 2017 and 36 for 2018 (see figure 2.1). These numbers do not tally with the data on levels of submission to UNROCA as reported by the UN: according to UNODA, 60 states reported for 2017. This would appear to indicate that some reports submitted to UNODA are not available online.

Some of the reports that the UNODA indicates have been submitted but which are not accessible online may be 'rolling nil' reports. Since 2016 states have been permitted to submit nil reports that can be valid for a maximum of three years.<sup>17</sup> However, it is not clear when a state has submitted such a rolling nil report and when it has resulted in a state being counted as participating in UNROCA in the following two years. UNODA has provided data on the number of rolling nil reports that were counted as submissions for 2016 and 2017 but not the names of the states that submitted them.<sup>18</sup>

Of the reports available online, the region with the highest share of states submitting reports for 2013–18 was Europe (see figure 2.2). It had the highest level of reporting for each of these years, but its reporting rate fell from 87 per cent (41 states) for 2013 to 51 per cent (24 states) for 2018. The rate of reporting of all other regions was significantly lower than that of Europe.

Among the income groups, the high-income group had the highest share of states submitting reports for 2013–18 (see figure 2.3). In this case too there was a significant decline in the rate of reporting among high-income states, from a high of 69 per cent (40 states) for 2013 to 38 per cent (22 states) for 2018. The rate of reporting for all other income groups was low; in particular, for low-income states, the highest rate of reporting was 10 per cent for 2015 and it was 0 per cent for three years.

Until the mid-2010s, the decline in reporting levels appeared to have been largely due to a fall in the number of submissions by states that had previously submitted nil reports. Thus, while it indicated a decline in states' engagement with the instrument, it did not necessarily mean that the amount of data being released was falling since the states not submitting data were unlikely to be major exporters or importers of arms. For 2007, nil reports accounted for 53 per cent of all submissions to UNROCA. For 2014 this had fallen to 23 per cent and for 2018 it was 14 per cent.

Since the mid-2010s, an increasing number of reports by states that are significant exporters or importers of arms and that had previously submitted regular reports to UNROCA are not available on the UNODA website. This implies that the fall in the overall rate of reporting is now not only due to a decline in nil reports and that the value of the information generated by the instrument—in terms of its ability to

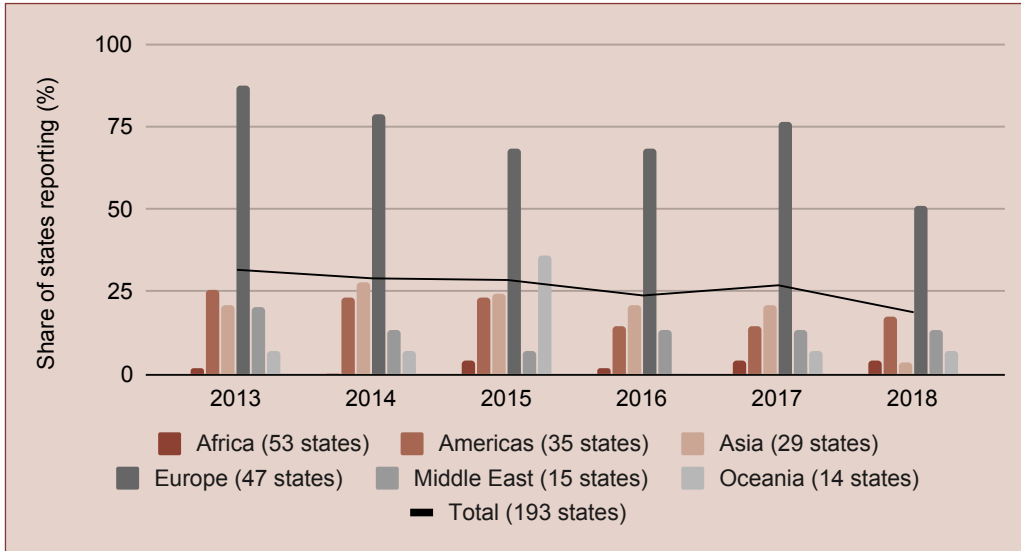
<sup>14</sup> E.g. United Nations, General Assembly, 'United Nations Register of Conventional Arms', Report of the Secretary-General, A/73/185, 18 July 2018.

<sup>15</sup> Former UNROCA database, <<http://www.un-register.org/>>.

<sup>16</sup> UNROCA database (note 8).

<sup>17</sup> United Nations, A/71/259 (note 7), para. 21.

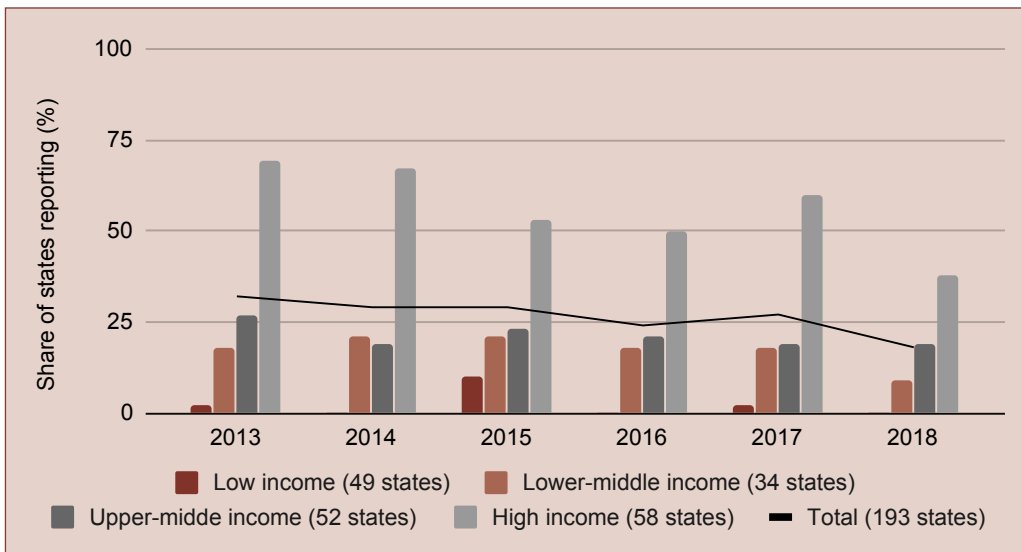
<sup>18</sup> United Nations, A/71/259 (note 7), para. 23; and United Nations, A/74/211 (note 9).



**Figure 2.2.** Reporting to the United Nations Register of Conventional Arms, by region, 2013–18

*Note:* Each bar shows the number of reports submitted to UNROCA by states in a region as a share of the United Nations member states in that region. Years are year of transfer, not year of reporting.

*Sources:* UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.



**Figure 2.3.** Reporting to the United Nations Register of Conventional Arms, by income group, 2013–18

*Notes:* Each bar shows the number of reports submitted to UNROCA by states in an income group as a share of the United Nations member states in that group. Years are year of transfer, not year of reporting.

*Sources:* UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.

map the global arms trade—has also declined. States that had previously submitted regular reports but whose submissions were not publicly available during 2016–18 include China (2018), USA (2018), France (2016 and 2018) and Pakistan (2016, 2017 and 2018). The difference in the number of reports available on the UNODA website and the number that the UNODA reports as having been submitted suggests the possibility that these states may have made submissions that are not publicly accessible. However, it was not possible to verify this.

Despite the decline in reporting levels, UNROCA remains an important source of information. This is particularly the case for transfers by states that are neither parties to the ATT nor participants in the OSCE Exchange, including China and India. Such states submit information to UNROCA that is not available via any other public channel.<sup>19</sup>

### **The Arms Trade Treaty annual report**

Article 13(3) of the ATT obligates each state party to provide the ATT Secretariat, by 31 May each year, with ‘a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms’. The ATT does not explicitly state that these reports will be made public, noting only that they ‘shall be made available, and distributed to States Parties by the Secretariat’.<sup>20</sup> The ATT also notes that these reports ‘may exclude commercially sensitive or national security information’. The ATT entered into force on 24 December 2014 and the first annual reports on arms transfers, for 2015, were due on 31 May 2016.

#### *Reporting format*

The ATT and UNROCA are closely aligned in a number of respects, particularly with regards to the types of weapon covered. The eight categories of weapons listed by Article 2(1) of the ATT are just the seven UNROCA categories of major arms plus SALW. Indeed, Article 13 of the ATT notes that states parties’ reports on arms transfers may contain the same information as states submit to UNROCA. However, in order to further develop the ATT reporting process, the states parties agreed to adopt templates for submissions and established the ATT Working Group on Transparency and Reporting (WGTR) to examine reporting-related issues in order to inform states parties’ practices and encourage more complete and timely submissions. The second conference of states parties (CSP2), in 2016, recommended reporting templates for annual reports and endorsed their use.<sup>21</sup> Further adjustments were made on the basis of recommendations made by the WGTR in 2017 and 2019.<sup>22</sup>

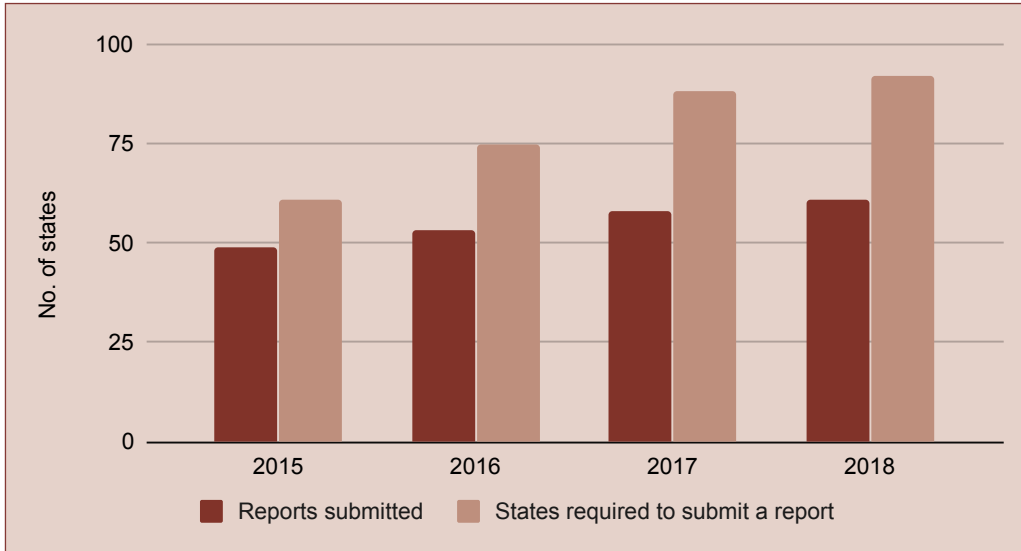
The ATT reporting template is similar in appearance to the UNROCA reporting template. In particular, as noted above, the categories used for reporting on transfers of conventional weapons and SALW are the same as those used in UNROCA. However, there are a number of key differences between the ATT and UNROCA templates, four of which stand out.

<sup>19</sup> Wezeman, S. T., ‘Reporting to the United Nations Register of Conventional Arms for 2017’, SIPRI Background Paper, June 2019, p. 12.

<sup>20</sup> Arms Trade Treaty (ATT), opened for signature 3 June 2013, entered into force 24 Dec. 2014, Article 13(3).

<sup>21</sup> Arms Trade Treaty, Second Conference of States Parties, Final report, ATT/CSP2/2016/5, 26 Aug. 2016, para. 25. The template is presented in Arms Trade Treaty, Second Conference of States Parties, Report of the ATT Working Group on Reporting Templates, ATT/CSP2/2016/WP.6, 17 July 2016, annex 2.

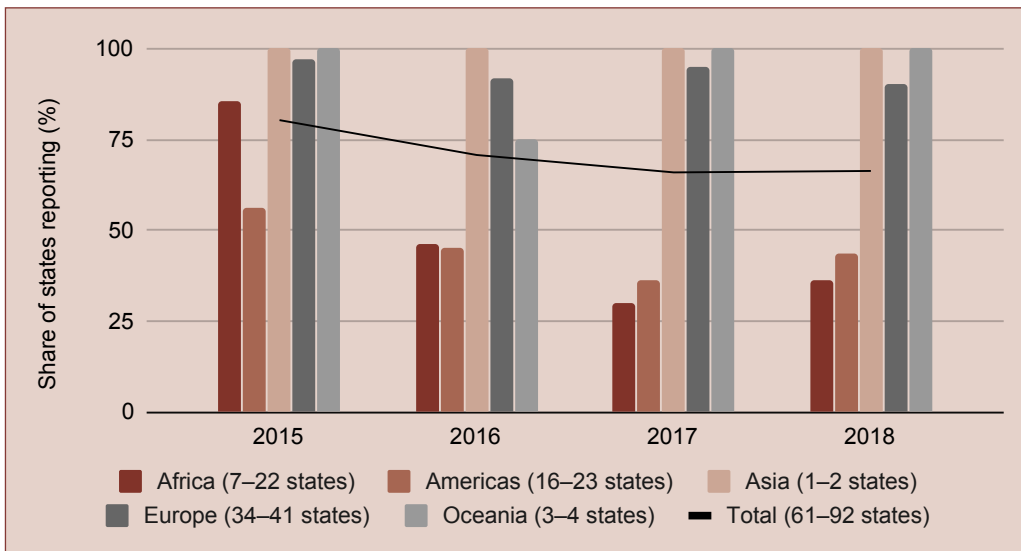
<sup>22</sup> Arms Trade Treaty, Working Group on Transparency and Reporting, Co-chairs’ draft report to CSP3, ATT/CSP3.WGTR/2017/CHAIR/159/Conf.Rep, 31 July 2017, annex D; and Arms Trade Treaty, Working Group on Transparency and Reporting, Co-chairs’ draft report to CSP5, ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rev1, 29 Aug. 2019, annex B.



**Figure 2.4.** Annual reports submitted by Arms Trade Treaty states parties, 2015–18

Note: Years are year of transfer, not year of reporting.

Source: ATT Secretariat, ‘Annual reports’, accessed 30 June 2020.



**Figure 2.5.** Reporting to the United Nations Register of Conventional Arms, by region, 2013–18

Notes: Each bar shows the number of reports submitted to UNROCA by states in a region as a share of the United Nations member states in that region. Years are year of transfer, not year of reporting.

Sources: UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.



1. Several sections of the ATT template are presented as ‘voluntary’. States are invited to (a) specify if any commercially sensitive or national security-related data has been withheld in accordance with Article 13(3) of the ATT; (b) specify their definitions of the terms ‘export’ and ‘import’; (c) report on exports and imports of ‘voluntary national categories’ additional to the eight categories listed in Article 2(1); and (d) specify their national definitions of the different weapon categories.
2. The ATT template gives states the option of providing information on the value of imports and exports of each weapon category. This information can be provided in addition to—or instead of—information on the number of items.
3. The ATT template includes a column asking states to specify if the information entered for each weapon category refers to authorized or actual exports or imports (for UNROCA, states are asked to specify if the whole report refers to authorized or actual exports or imports).
4. The ATT template includes a section asking states to specify whether the report can be made publicly available.

Reports submitted by states that are not marked as being accessible only to other ATT states parties are made available in full on the website of the ATT Secretariat.<sup>23</sup> The website also provides an overview of the number of states that have submitted reports for each year and information on which states’ submissions are overdue.

#### *Reporting levels*

Since the ATT’s entry into force the number of states parties has increased from 61 to 106 as of mid-2020.<sup>24</sup> Because a state is first required to report on arms transfers in the first full year in which it is a party, the number of states that are required to submit an annual report is lower than number of states parties. Thus, the number of states parties that have been required to submit an annual report rose from 61 for 2015 to 92 for 2018. However, because the number of reports submitted has remained relatively stable, the proportion of states fulfilling their reporting obligations has fallen—from 80 per cent for 2015 to 66 per cent for 2018 (see figure 2.4).

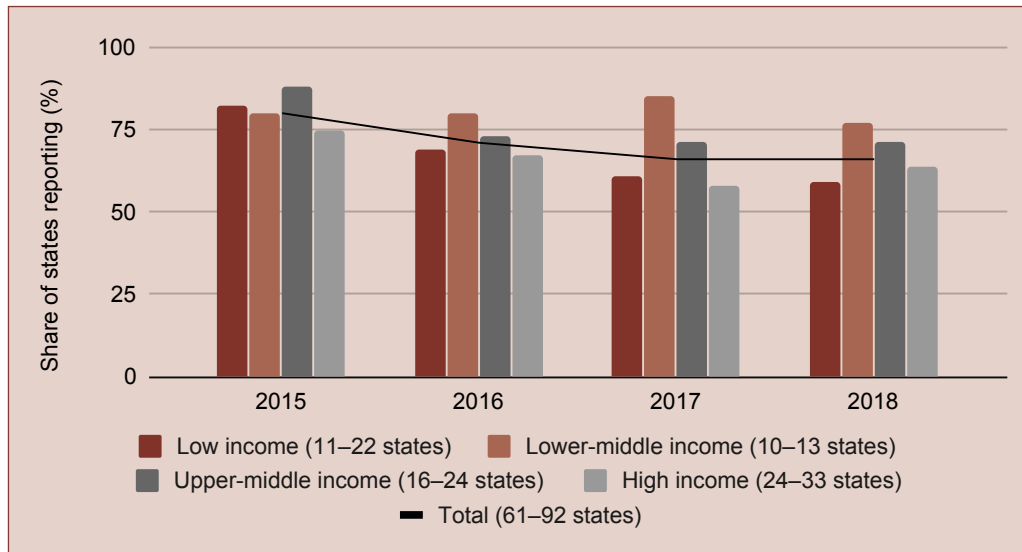
Of particular concern from a transparency perspective has been a steady increase in the number of states keeping their reports confidential. This number has risen from 1 for 2015, to 3 for 2016 and 10 for 2018 (see table 2.1). Particularly notable is that five of the states that kept their reports for 2018 confidential—Georgia, Greece, Liberia, Lithuania and Mauritius—had previously submitted publicly available annual reports to the ATT Secretariat.

The rate of reporting by states in Europe has declined slightly from a particularly high rate (see figure 2.5). Reporting by states in the Americas bounced back from a low for 2017 but remains lower than the peak rate of reporting for 2015. The decline in the reporting rate for Africa has been particularly dramatic. Moreover, five of the eight African states that submitted a report for 2018 chose to keep it confidential.

Among the income groups, the reporting rate for both high-income and upper-middle-income states has declined slightly from relatively high levels (see figure 2.6). The rate of reporting for lower-middle-income states has been consistently high every year but dropped below 80 per cent for the first time in 2018. For low-income states the reporting rate has decreased dramatically, falling from 82 per cent in 2015

<sup>23</sup> ATT Secretariat, ‘Annual reports’.

<sup>24</sup> ATT Secretariat, ‘Treaty status’.



**Figure 2.6.** Submission of Arms Trade Treaty annual reports, by income group, 2015–18

*Notes:* Each bar shows the number of annual reports submitted by states in an income group as a share of the states parties in that group that were required to submit a report for that year. Years are year of transfer, not year of reporting.

*Sources:* UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.

to 59 per cent in 2018. Overall, only 13 of the 22 low-income states that have been required to submit a report have done so at least once for 2015–18.

### The OSCE Information Exchange on Conventional Arms Transfers

The UN General Assembly Resolution that established UNROCA called on states to ‘cooperate at a regional and subregional level . . . with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments’.<sup>25</sup> The OSCE has been particularly active in raising the profile of UNROCA and seeking to increase levels of participation among OSCE participating states. For example, in 1997 the OSCE participating states established the Information Exchange on Conventional Arms Transfers, under which they agree to share their annual submissions to UNROCA with one another and to do so no later than 30 June each year.<sup>26</sup> In 2016 they further agreed to make these exchanges publicly available.<sup>27</sup> The OSCE has done this by posting submissions in full on its website.<sup>28</sup>

While the format of the online database does not allow for an easy overview of the number of submissions made or ready access to the data submitted, it does ensure that all submitted reports are available to the public and that the information provided exactly matches the data that states have submitted. For 2016, 35 OSCE participating

<sup>25</sup> UN General Assembly Resolution 46/36 L (note 6), para. 17.

<sup>26</sup> OSCE, Forum for Security Co-operation, ‘Further transparency in arms transfers’, Decision no. 13/97, FSC.DEC/13/97, 16 July 1997; OSCE, Forum for Security Co-operation, ‘Changes in the deadline for the Exchange of Information on Conventional Arms and Equipment Transfers’, Decision no. 8/98, FSC.DEC/8/98, 4 Nov 1998; and OSCE, Forum for Security Co-operation, ‘Updating the reporting categories of weapon and equipment systems subject to the Information Exchange on Conventional Arms Transfers’, Decision no. 8/08, FSC.DEC/8/08, 16 July 2008.

<sup>27</sup> OSCE, Forum for Security Co-operation, ‘Enabling the publication of information exchanges in the field of small arms and light weapons, conventional arms transfers and anti-personnel mines’, Decision no. 4/16, FSC.DEC/4/16/Corr.1, 21 Sep. 2016, para. 1(c).

<sup>28</sup> OSCE, Forum for Security Co-operation, ‘Information Exchange on Conventional Arms Transfer’.

states made their UNROCA submissions for 2016 available via the OSCE Exchange.<sup>29</sup> The figure rose to 37 for 2017 but fell to 34 for 2018.

### **Overview of reporting on arms transfers**

Data is available on the three main reporting instruments on international arms transfers for the three years—2016, 2017 and 2018—since the OSCE made its information exchange public. During this period, rates of reporting have declined either in absolute terms (in the cases of UNROCA and the OSCE Exchange) or in terms of the proportion of states that are taking part (in the case of all three instruments). However, the total number of states that submitted a report to at least one of these three instruments has remained stable, at 74 or 75 for 2016, 2017 and 2018. This indicates a lack of consistency in states' reporting practices, which is made more apparent by comparing states' participation in these instruments (see table 2.1). Such a comparison demonstrates that only a minority of states are submitting reports to all of the instruments in which they are required or requested to participate. In addition, some states are submitting confidential reports to one instrument while making the same information publicly available elsewhere.

Further key points are revealed by this comparison.

1. For 2016–18, 85 states submitted at least one report to at least one of these three instruments. However, only 19 states submitted reports for all three years to all of the instruments in which they were required or requested to participate.
2. For 2018, 27 states submitted reports to all of the instruments to which they were requested or required to participate, 20 submitted to two instruments (and failed to report to a third) and 27 submitted to just one (and failed to report to one or two others).
3. Of the 34 OSCE participating states that shared their UNROCA submission for 2018 via the OSCE Exchange, 17 did not submit it to UNROCA itself. Conversely, 9 of the 26 OSCE participating states that submitted a report to UNROCA for 2018 did not submit it to the OSCE Exchange.
4. For 2018, 33 states that submitted an ATT annual report for 2018 did not make a submission to UNROCA.
5. Eight states that were not required to make submissions to the ATT annual report for 2018 made a submission to UNROCA.
6. Six of the 12 states that submitted confidential ATT annual reports during 2016–18 also submitted a publicly accessible report for the same year to UNROCA or the OSCE Exchange or both.

Of the 193 UN member states, 108 did not submit a single report for 2016–18 under any of the three instruments. All but a handful of states in the Middle East failed to submit a single report, whereas almost all states in Europe did so (see table 2.2). Among income groups, the rate of participation seems to rise as income rises (see table 2.3).

<sup>29</sup> The Holy See is excluded from these figures since it is not a UN member state.

**Table 2.1.** Participation in the three main reporting instruments on arms transfers, 2016–18  
Listed states participated in at least one of the three instruments in 2016–18.

State	2016				2017				2018			
	ATT	UNROCA	OSCE	Any	ATT	UNROCA	OSCE	Any	ATT	UNROCA	OSCE	Any
Albania	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
Andorra	..	✗	✓	✓	..	✗	✓	✓	..	✗	✓	✓
Argentina	✓	✓	..	✓	✓*	✓	..	✓	✓	✓	..	✓
Armenia	..	✓	✓	✓	..	✓	✓	✓	..	✗	✓	✓
Australia	✓	✗	..	✓	✓	✓	..	✓	✓	✓	..	✓
Austria	✓	✓	✗	✓	✓	✓	✓	✓	✓	✗	✗	✓
Azerbaijan	..	✗	✗	✗	..	✓	✗	✓	..	✗	✗	✗
Belarus	..	✓	✓	✓	..	✓	✓	✓	..	✓	✓	✓
Belgium	✓	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
Benin	..	✗	..	✗	..	✗	..	✗	✓	✗	..	✓
Bosnia–Herzegovina	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓	✗	✓
Brazil	..	✓	..	✓	..	✓	..	✓	..	✓	..	✓
Bulgaria	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓	✗	✓
Burkina Faso	✓	✗	..	✓	✓	✗	..	✓	✗	✗	..	✗
Canada	..	✓	✓	✓	..	✓	✓	✓	..	✓	✗	✓
Chile	..	✓	..	✓	..	✗	..	✗	..	✗	..	✗
China	..	✓	..	✓	..	✓	..	✓	..	✗	..	✗
Costa Rica	✓	✗	..	✓	✓	✗	..	✓	✓	✗	..	✓
Croatia	✓	✗	✗	✓	✓	✗	✗	✓	✗	✗	✗	✗
Cyprus	..	✓	✓	✓	✓*	✓	✓	✓	✓*	✓	✓	✓
Czechia	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Denmark	✓	✗	✓	✓	✓	✗	✓	✓	✓	✗	✓	✓
Dominican Republic	✓	✗	..	✓	✓	✗	..	✓	✓	✓	..	✓
El Salvador	✓	✗	..	✓	✓	✗	..	✓	✗	✗	..	✗
Estonia	✓	✗	✗	✓	✓	✗	✗	✓	✓	✗	✗	✓
Finland	✓	✓	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓
France	✓	✗	✓	✓	✓	✓	✗	✓	✓	✗	✓	✓
Georgia	..	✗	✓	✓	✓	✗	✓	✓	✓*	✗	✓	✓
Germany	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Greece	..	✓	✓	✓	✓*	✓	✓	✓	✓*	✓	✓	✓
Honduras	..	✗	..	✗	..	✗	..	✗	✓*	✗	..	✓
Hungary	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
India	..	✓	..	✓	..	✓	..	✓	..	✗	..	✗
Ireland	✓	✗	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓
Israel	..	✓	..	✓	..	✓	..	✓	..	✓	..	✓
Italy	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓
Jamaica	✓	✗	..	✓	✓	✗	..	✓	✓	✗	..	✓
Japan	✓	✓	..	✓	✓	✓	..	✓	✓	✓	..	✓
Kazakhstan	..	✗	✗	✗	..	✗	✗	✗	..	✗	✓	✓

State	2016				2017				2018			
	ATT	UNROCA	OSCE	Any	ATT	UNROCA	OSCE	Any	ATT	UNROCA	OSCE	Any
Korea, South	.	x	.	x	.	x	.	x	✓	x	.	✓
Latvia	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Liberia	✓*	x	.	✓	x	x	.	x	✓*	x	.	✓
Liechtenstein	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lithuania	✓	✓	✓	✓	✓	✓	✓	✓	✓*	✓	✓	✓
Luxembourg	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓
Madagascar	..	x	..	x	✓*	x	..	✓	✓*	x	.	✓
Malta	x	x	✓	✓	✓	x	✓	✓	x	x	✓	✓
Mauritius	✓	x	..	✓	✓	x	.	✓	✓*	✓	.	✓
Mexico	✓	x	..	✓	✓	x	..	✓	✓	x	..	✓
Moldova	✓	x	x	✓	✓	✓	x	✓	✓	✓	✓	✓
Monaco	..	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	✓
Mongolia	..	✓	x	✓	..	✓	x	✓	.	x	x	x
Montenegro	✓	✓	x	✓	✓	x	x	✓	✓	x	✓	✓
Netherlands	✓	✓	x	✓	✓	✓	✓	✓	✓	✓	x	✓
New Zealand	✓	x	..	✓	✓	x	..	✓	✓	x	..	✓
Nigeria	x	x	..	x	x	x	..	x	✓*	x	..	✓
North Macedonia	✓	✓	✓	✓	✓	✓	x	✓	✓	x	x	✓
Norway	✓	x	✓	✓	✓	x	✓	✓	✓	x	✓	✓
Panama	✓*	x	..	✓	✓	x	..	✓	✓	x	..	✓
Paraguay	✓	x	..	✓	x	x	..	x	✓	x	..	✓
Peru	..	x	..	x	✓	x	..	✓	✓	✓	..	✓
Poland	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Portugal	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Romania	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓
Russia	..	✓	✓	✓	..	✓	✓	✓	.	✓	✓	✓
Samoa	✓	x	..	✓	✓	x	..	✓	✓	x	..	✓
San Marino	x	x	x	x	x	x	✓	✓	x	x	✓	✓
Senegal	✓*	x	..	✓	✓	✓	..	✓	✓*	x	..	✓
Serbia	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	x	✓
Sierra Leone	✓	x	..	✓	✓	x	..	✓	✓	x	..	✓
Singapore	..	✓	..	✓	..	✓	..	✓	..	x	..	x
Slovakia	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓	✓
Slovenia	✓	x	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
South Africa	✓	✓	..	✓	✓	✓	..	✓	✓	✓	..	✓
Spain	✓	✓	✓	✓	✓	✓	x	✓	✓	✓	✓	✓
Suriname	..	x	..	x	..	✓	..	✓	..	✓	..	✓
Sweden	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	x	✓
Switzerland	✓	✓	x	✓	✓	✓	x	✓	✓	✓	x	✓
Turkey	..	✓	✓	✓	..	✓	✓	✓	.	✓	✓	✓

State	2016				2017				2018			
	ATT	UNROCA	OSCE	Any	ATT	UNROCA	OSCE	Any	ATT	UNROCA	OSCE	Any
Tuvalu	X	X	..	X	✓	X	..	✓	✓	X	..	✓
Ukraine	..	✓	✓	✓	..	✓	✓	✓	..	✓	✓	✓
United Kingdom	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
United States	..	✓	✓	✓	..	✓	✓	✓	..	X	X	X
Uruguay	✓	X	..	✓	X	X	..	X	✓	X	..	✓
Viet Nam	..	✓	..	✓	..	X	..	X	..	X	..	X
<b>Total</b>	<b>53</b>	<b>46</b>	<b>35</b>	<b>74</b>	<b>58</b>	<b>52</b>	<b>37</b>	<b>75</b>	<b>61</b>	<b>36</b>	<b>34</b>	<b>74</b>

✓ = participated; X = did not participate; .. = not required or requested to participate; \* = report only made available for other ATT states parties.

Notes: The three instruments are the United Nations Register of Conventional Arms (UNROCA), the Arms Trade Treaty (ATT) annual report and the Organization for Security and Co-operation in Europe (OSCE) Information Exchange on Conventional Arms Transfers. The figures exclude reports submitted by the Holy See (which participates in the OSCE but is neither a member of the UN nor a party to the ATT) and Palestine (which is a party to the ATT but not a member of the UN).

**Table 2.2.** States failing to report to the three main reporting instruments on arms transfers, by region, 2016–18

Region	No. of states	No. of states submitting no report	Share of states submitting no report (%)
Africa	53	44	83
Americas	35	19	54
Asia	29	21	72
Europe	47	1	2
Middle East	15	13	87
Oceania	14	10	71
<b>Total</b>	<b>193</b>	<b>108</b>	<b>56</b>

Notes: The three instruments are the United Nations Register of Conventional Arms (UNROCA), the Arms Trade Treaty (ATT) annual report and the Organization for Security and Co-operation in Europe (OSCE) Information Exchange on Conventional Arms Transfers. The figures exclude reports submitted by the Holy See (which participates in the OSCE but is neither a member of the UN nor a party to the ATT) and Palestine (which is a party to the ATT but not a member of the UN).

**Table 2.3.** States failing to report to the three main reporting instruments on arms transfers, by income group, 2016–18

Income group	No. of states	No. of states submitting no report	Share of states submitting no report (%)
Low income	49	42	86
Lower-middle income	34	24	71
Upper-middle income	52	29	56
High income	58	13	22
<b>Total</b>	<b>193</b>	<b>108</b>	<b>56</b>

Notes: The three instruments are the United Nations Register of Conventional Arms (UNROCA), the Arms Trade Treaty (ATT) annual report and the Organization for Security and Co-operation in Europe (OSCE) Information Exchange on Conventional Arms Transfers. The figures exclude reports submitted by the Holy See (which participates in the OSCE but is neither a member of the UN nor a party to the ATT) and Palestine (which is a party to the ATT but not a member of the UN).

### 3. Reporting instruments on arms transfer controls

This chapter focuses on the five main international and regional reporting instruments to which states are invited or requested to report details of their conventional arms transfer controls. These details can include information such as licensing requirements, export prohibitions, and details of national laws and regulations. The five instruments are the national report on the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (POA), the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology, the initial report to the ATT Secretariat on implementation of the ATT, the OSCE Questionnaire on Participating States' Policy and National Practices and Procedures for the Export of Conventional Arms and Related Technology, and the OSCE Document on Small Arms and Light Weapons. Unlike in the case of reports on arms transfers, submissions to these instruments are not meant to take place on an annual basis. Rather, with the exception of the biennial POA report, they consist of a one-off initial report followed by ad hoc updates as needed.

As in chapter 2, each instrument is described along with recent rates of reporting: where available, in the six most recent years, accurate as of 30 June 2020. For the global instruments—the POA report and the ATT initial report—breakdowns of reporting levels by region and income category are also given. The chapter then assesses overall levels of reporting on arms transfer controls under the five instruments.<sup>30</sup>

For the reports on arms transfer controls, the year of the report is the year in which the report was submitted. The geographic regions and income groups are as listed in appendix A.

#### **The United Nations Programme of Action national report on implementation**

The POA was adopted at the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001.<sup>31</sup> To counter the illicit trade in SALW, it outlines a set of control measures for various stages of the life cycle of these arms to be implemented at the international, regional and national levels. These include creating legislation, regulations and administrative procedures to control the production and international transfer, including brokering, of SALW. The POA indirectly invites UN member states to provide national reports on their implementation of these measures.<sup>32</sup> The invitation is reiterated each year in a UN General Assembly resolution on the illicit trade in SALW, which requests that states synchronize their reporting with the biennial meetings of states (BMS) on the POA.<sup>33</sup>

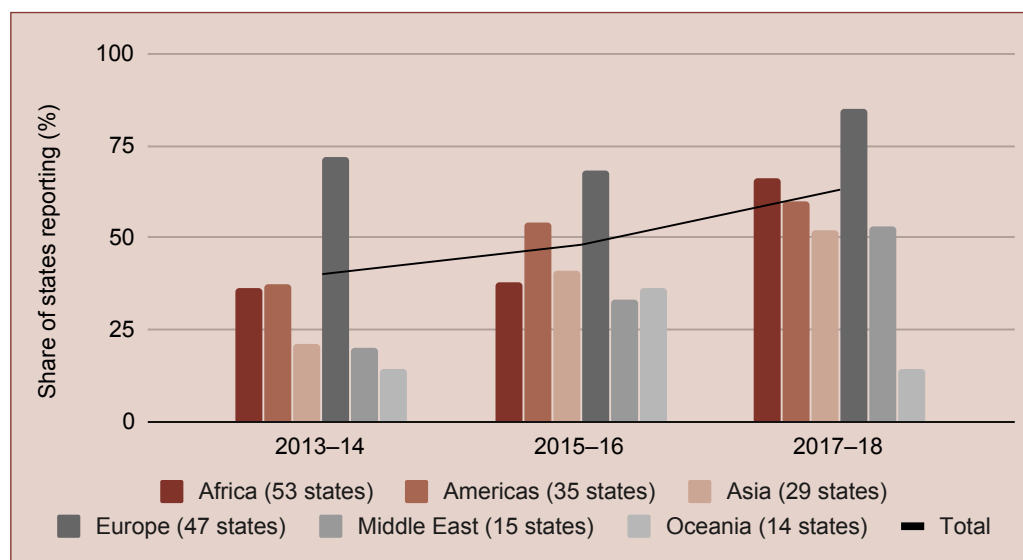
#### *Reporting format*

The aim of the POA report is to provide insight into national control systems to regulate the life cycle of SALW.<sup>34</sup> In 2011 UNODA developed a standardized reporting template to support submission of reports.<sup>35</sup> The format was revised in 2014 and again in 2018. The current format contains 10 sections, two of which—on international transfers and brokering—deal in part with arms transfer controls.

<sup>31</sup> Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, United Nations, General Assembly, Report of the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, 9–20 July 2001, A/CONF.192/15, pp. 7–22.

<sup>34</sup> Stohl et al. (note 1), p. 13.

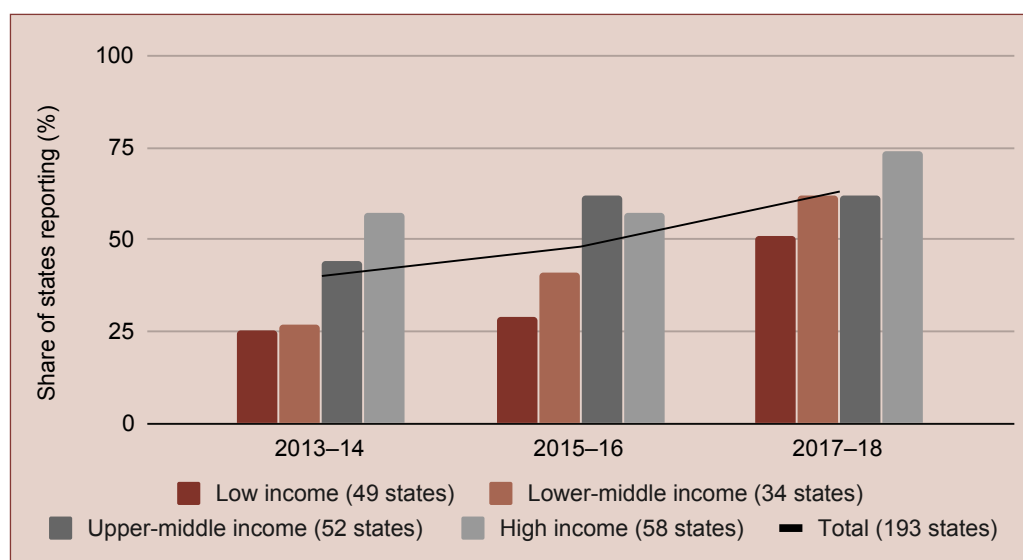
<sup>35</sup> Stohl et al. (note 1), p. 13.



**Figure 3.1.** Submission of reports on implementation of the United Nations Programme of Action, by region, 2013–18

*Notes:* Because the number of reports submitted fluctuates sharply between odd and even years (see table 3.1), figures are reported here for two-year periods.

*Sources:* UN Office for Disarmament Affairs, Programme of Action on Small Arms and Light Weapons, ‘National reports’.



**Figure 3.2.** Submission of reports on implementation of the United Nations Programme of Action, by income group, 2013–18

*Notes:* Each bar shows the number of reports submitted to UNROCA by states in a region as a share of the United Nations member states in that region. Years are year of transfer, not year of reporting.

*Sources:* UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.



**Table 3.1.** Submission of reports on the implementation of the United Nations Programme of Action, 2009–18

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Total</b>	<b>11</b>	<b>106</b>	<b>12</b>	<b>84</b>	<b>3</b>	<b>76</b>	<b>7</b>	<b>89</b>	<b>3</b>	<b>120</b>

Source: UN Office for Disarmament Affairs, Programme of Action on Small Arms and Light Weapons, ‘National reports’.

The amount of information that states were asked to report on arms transfer controls was reduced in 2014: several questions concerning the assessment of export licence application, re-export conditions, and exemptions or simplified licensing procedures were removed.<sup>36</sup> Questions dealing with licensing for brokers, criminal offences relating to brokering, and the sharing of information on revocation of registrations for unlawful brokers were also removed.<sup>37</sup> There were no significant changes to these sections in the 2018 version of the template.

Reports can be submitted using an online reporting tool or by email. States are also free to submit reports that do not follow the reporting template. UNODA makes all reports available in a searchable database.<sup>38</sup> UNODA has also produced visualization tools that allow users to see summaries of the number of states that have reported having particular sets of control measures in place, but only for states that have reported using the online reporting template.<sup>39</sup> Because information from reports submitted as a PDF or using another format is not included, the visualizations provide an incomplete picture of the information submitted.

#### *Reporting levels*

The level of reporting under the POA has fluctuated over the years (see table 3.1). In line with the request included in the UN General Assembly resolutions, reporting rates increase significantly in years when a BMS is held. The introduction of the reporting template in 2011 was followed by a fall in reporting levels, although it is unclear if the two are connected. Instead, the adoption and entry into force of the ATT may have diverted attention away from the POA, leading to the reduction in reporting levels. However, the number of states submitting a report in even years subsequently increased, from 76 states in 2014 to 120 states in 2018.

Overall, during 2013–18, 138 states submitted at least one report on implementation of the POA. Of these, 126 used the reporting template. Reporting levels increased in almost all regions (see figure 3.1), the exceptions being Europe in 2015–16 and Oceania in 2017–18. The greatest increases were in Africa (from 36 per cent in 2013–14 to 66 per cent in 2017–18) and Asia (from 21 per cent to 52 per cent). The rate of reporting by states from all income categories also increased (see figure 3.2). This is particularly evident for low-income and lower-middle-income countries, for which the reporting rates more than doubled between 2013–14 and 2017–18.

Of the 193 UN member states, 55 did not submit a report in 2013–18. Of these, 14 are in Africa, 12 in Asia, 11 in the Americas, 8 in Oceania, 6 in the Middle East and 4 in Europe.

<sup>36</sup> Holtom, P. and Ben Hamo Yeger, M., *Implementing the Programme of Action and International Tracing Instrument: An Assessment of National Reports, 2012–17* (Small Arms Survey: Geneva, June 2018), p. 42.

<sup>37</sup> These questions can be seen in reports using the initial template, e.g. UN Programme of Action Reporting Tool, ‘Germany: 2011’, 2 Apr. 2012, pp. 4–5.

<sup>38</sup> UN Office for Disarmament Affairs (UNODA), Programme of Action on Small Arms and Light Weapons, ‘National reports’.

<sup>39</sup> UN Office for Disarmament Affairs (UNODA), Programme of Action on Small Arms and Light Weapons, ‘Global implementation status of the Programme of Action’.

### **The United Nations Legislation Exchange**

The UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology was established by the UN General Assembly in 2002.<sup>40</sup> The General Assembly initially adopted further resolutions supporting the exchange annually in 2003–2005, then biennially in 2007–13.<sup>41</sup> The most recent resolution was adopted in 2016.<sup>42</sup> The resolution recognizes disarmament, arms control and non-proliferation as essential for peace and security and encourages states to provide the UN secretary-general, via UNODA, with information on their arms transfer controls.<sup>43</sup>

In 2004–17 a total of 118 reports by 63 UN member states were provided under the UN Legislation Exchange.<sup>44</sup> Participation was highest in 2014, when 20 states submitted a report. The online database on the UNODA website has not been updated since 2017, which makes it impossible to determine whether further reports have been submitted.

One reason for the decline of the UN Legislation Exchange—in terms of both the irregular adoption of the General Assembly resolution and the fall off in submission of reports—may be the adoption by the UN Security Council of Resolution 1540 on the non-proliferation of weapons of mass destruction (WMD) in 2004 and the ongoing expansion in the work of its 1540 Committee.<sup>45</sup> Among other things, Resolution 1540 obligates all UN member states to put in place ‘effective’ laws to prevent any non-state actor—primarily terrorists—from transporting or transferring WMD or their delivery systems. States are required to submit reports detailing the legislation they have in place to enforce these measures.<sup>46</sup> However, while these reports provide a significant amount of information, they only cover controls on transfers of WMD-related material and do not cover conventional arms.

The entry into force of the ATT and the creation of the ATT initial report may also have helped to make this instrument obsolete. However, the 2016 UN General Assembly resolution notes that the UN Legislation Exchange will retain its ‘added value’ as long as not all states that participate in the exchange are party to the ATT.<sup>47</sup> Indeed, of the 63 states that have submitted information to the UN Legislation Exchange, 19 are not party to the ATT.<sup>48</sup> However, the exchange can now be considered defunct. The earlier reports remain available and it nonetheless continues to be a useful source on information on arms transfer controls.

### **The Arms Trade Treaty initial report**

Under Article 13(1) of the ATT, each state party is required to provide an initial report to the ATT Secretariat on the measures that it has undertaken to implement the treaty. The text of the ATT gives some guidance on the report’s content, stating that it should

<sup>40</sup> UN General Assembly Resolution 57/66, ‘National legislation on transfer of arms, military equipment and dual-use goods and technology’, 22 Nov. 2002, A/RES/57/66, 30 Dec. 2002.

<sup>41</sup> UN General Assembly Resolutions 58/42, 8 Dec. 2003; 59/66, 3 Dec. 2004; 60/69, 8 Dec. 2005; 62/26, 5 Dec. 2007; 64/40, 2 Dec. 2009; 66/41, 2 Dec. 2011; and 68/44, 5 Dec. 2013.

<sup>42</sup> UN General Assembly Resolution 71/68, ‘National legislation on transfer of arms, military equipment and dual-use goods and technology’, 5 Dec. 2016, A/RES/71/68, 14 Dec. 2016.

<sup>43</sup> UN General Assembly Resolution 57/66 (note 40), para. 2.

<sup>44</sup> UN Office for Disarmament Affairs (UNODA), ‘National Legislation on Transfer of Arms, Military Equipment and Dual-Use Goods and Technology’. The Holy See, which is not a UN member state, also provided a report.

<sup>45</sup> UN Security Council Resolution 1540, 28 Apr. 2004. On the 1540 Committee see United Nations, Security Council Committee Established Pursuant to Resolution 1540 (2004).

<sup>46</sup> These reports are available at United Nations, 1540 Committee, ‘National reports’.

<sup>47</sup> UN General Assembly Resolution 71/68 (note 42).

<sup>48</sup> These 19 states are Andorra, Armenia, Azerbaijan, Belarus, Bolivia, Cambodia, China, Cuba, India, Iraq, Jordan, Maldives, Nicaragua, the Philippines, Qatar, Thailand, Tunisia, Turkmenistan and Ukraine.

include ‘national laws, national control lists and other regulations and administrative measures’.<sup>49</sup> Each party is required to submit its report ‘within the first year after entry into force of this Treaty for that State Party’. For states that ratified the ATT before it entered into force on 24 December 2014, the deadline for submission of their initial reports was 23 December 2015.

### *Reporting format*

A provisional reporting template for states’ initial reports on their implementation of the ATT was presented to states parties and discussed at CSP1 in 2015 and endorsed at CSP2 in 2016.<sup>50</sup> The template is divided into 13 sections: national control system and list; prohibitions; exports; imports; transit and trans-shipment; brokering; diversion; record-keeping; reporting; enforcement; international cooperation; international assistance; and dispute settlement.<sup>51</sup> The template uses shading to distinguish between requested information on binding obligations of the ATT and information on provisions in the treaty deemed to be binding to a lesser degree or non-binding.

The ATT also requires parties to ‘report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate’—the same template can be used for such a report, indicating only the updates.<sup>52</sup>

States parties can submit their reports either online via the ATT Secretariat’s website or by email to the ATT Secretariat. When submitting a report, a state can indicate to the ATT Secretariat if it wishes its report to be made available in the public part of the website (as is the case for the ATT annual reports).<sup>53</sup> The ATT Secretariat also provides an overview of the number of reports submitted and details of which states are overdue with their submissions.

### *Reporting levels*

Ninety-six states had a deadline for the submission of their initial report prior to 31 December 2019.<sup>54</sup> Of these 25 (26 per cent) had yet to submit their initial report by 31 December 2019. The proportion of states that were overdue with the initial report at the end of each calendar year has remained relatively stable since the ATT entered into force (see figure 3.3).

The rate of submission varies considerably by region. As of 31 December 2019, 52 per cent of African states that were required to submit a report had not done so, as had 44 per cent of states in the Americas. The high rate for the Americas is largely due to a lack of reporting by Caribbean countries.<sup>55</sup> In contrast, only 5 per cent of states in Europe were overdue with their submission, and no state in Asia or Oceania had an overdue report at the end of 2019. The first initial report from a state party in the Middle East (other than Palestine) is due to be submitted by Lebanon in August 2020.

The rate of submission also varies considerably by income group. As of 31 December 2019, 53 per cent of low-income states had failed to submit a required report, compared with 40 per cent of lower-middle-income states, 28 per cent of upper-middle-income states and only 12 per cent of high-income states.

<sup>49</sup> Arms Trade Treaty (note 20), Article 13(1). See also Holtom, P. and Stohl, R., *Reviewing Initial Reports on ATT Implementation: Analysis and Lessons Learned* (Arms Trade Treaty Baseline Assessment Project: Coventry, 2016).

<sup>50</sup> Arms Trade Treaty, ATT/CSP2/2016/5 (note 21), para. 25.

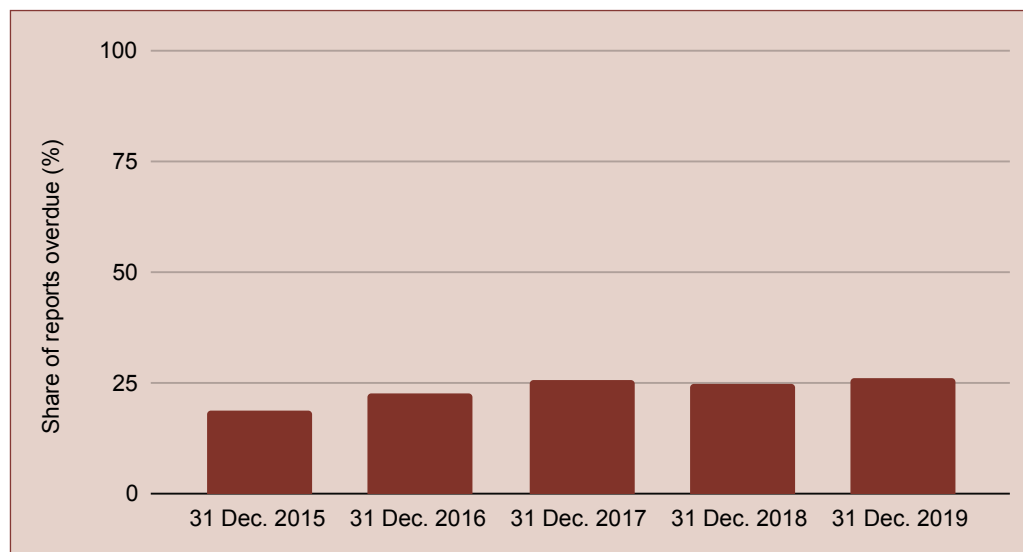
<sup>51</sup> Arms Trade Treaty, ATT/CSP2/2016/WP.6 (note 21), annex 1.

<sup>52</sup> Arms Trade Treaty (note 20), Article 13(1). See also Stohl, R., *Lessons Learned from ATT Reporting* (Arms Trade Treaty Baseline Assessment Project: Coventry, Jan. 2019), p. 4.

<sup>53</sup> ATT Secretariat, ‘Reporting requirements’, 2019.

<sup>54</sup> ATT Secretariat, ‘Initial reports’.

<sup>55</sup> Seven of the 11 Caribbean states parties had not submitted an initial report as of 31 Dec. 2019: Bahamas, Barbados, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines. Four other states in the Americas were overdue: Belize, Brazil, Guatemala and Guyana.



**Figure 3.3.** Proportion of Arms Trade Treaty initial reports overdue as of 31 December, 2015–19

*Notes:* Each bar shows the number of reports submitted to UNROCA by states in a region as a share of the United Nations member states in that region. Years are year of transfer, not year of reporting.

*Sources:* UNROCA database, <<https://www.unroca.org/>>; United Nations, General Assembly, ‘United Nations Register of Conventional Arms’, Report of the Secretary-General, A/73/185, 18 July 2018; United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016, para. 83, para. 17; and United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/74/211, 22 July 2019, para. 18.

Over the years, a higher proportion of the states required to submit an initial report have decided to keep it confidential. During 2014–19, 75 states (excluding Palestine) submitted an ATT initial report. Of these, 12 kept their reports confidential: 6 in Africa, 2 in the Americas, 2 in Europe, 1 in Asia and 1 in Oceania.<sup>56</sup> Notably, none of the initial reports submitted in 2019 was made publicly available.<sup>57</sup>

As noted above, the ATT requires states parties to report on new measures to implement the treaty. However, although a number of states have noted improvements made in their national control systems during presentations at CSPs, only two—Japan and Sweden—appear to have updated their initial reports since they were first submitted.

### **The OSCE Questionnaire on arms export controls and the OSCE Document on Small Arms and Light Weapons**

In November 1993 the OSCE’s predecessor, the Conference on Security and Co-operation in Europe (CSCE), adopted a set of Principles Governing Conventional Arms Transfers.<sup>58</sup> In 1995 the OSCE held a seminar to discuss follow-up to this decision. In advance of the seminar the OSCE circulated a questionnaire about participating states’ national export controls, the results of which formed the basis of the discussions.<sup>59</sup> The OSCE Questionnaire on Participating States’ Policy and National Practices and Procedures for the Export of Conventional Arms and Related

<sup>56</sup> These 12 states are Benin, Burkina Faso, Chile, Cyprus, Greece, Honduras, Kazakhstan, Madagascar, Mauritius, Nigeria, Senegal and Tuvalu. Palestine also kept its report confidential. ATT Secretariat (note 54).

<sup>57</sup> Three reports were submitted in 2019: Chile, Kazakhstan and Palestine.

<sup>58</sup> CSCE, Forum for Security Co-operation, ‘Principles governing conventional arms transfers’, DOC.FSC/3/96, 25 Nov. 1993.

<sup>59</sup> Lachowski, Z., *Confidence- and Security-building Measures in the New Europe*, SIPRI Research Report no. 18 (Oxford University Press: Oxford, 2004), pp. 103–104.

Technology was circulated annually, but for many years the responses were exchanged confidentially.<sup>60</sup>

The questionnaire is divided into 19 sections which request each state to supply detailed information about different aspects of its export controls. These include national legislation, international agreements or guidelines to which the state is party, the procedures for processing an export licence application, and lists of arms covered by export controls and the basis for their control.

In 2000 the OSCE adopted the OSCE Document on Small Arms and Light Weapons.<sup>61</sup> The OSCE Document commits participating states to ‘a comprehensive set of norms, measures and principles to control each stage of life of a small arm’.<sup>62</sup> They also agree to exchange annual information on their implementation of the OSCE Document using an agreed reporting template. In 2011 the OSCE issued a revised version of the reporting template.<sup>63</sup> This template was based on the POA reporting template (see above) with additional questions—differentiated by highlighting—on commitments that appear in the OSCE Document but not in the POA. OSCE participating states can use the template for both their reports under the POA and the OSCE Document. In this way, the revised reporting template aimed at ‘reducing the reporting burden on participating States, while making information more comparable and comprehensive’.<sup>64</sup>

In 2016 the OSCE participating states agreed to make their responses to the OSCE Questionnaire and the information exchanged under the OSCE Document publicly available.<sup>65</sup> As with the OSCE Information Exchange on Conventional Arms Transfers, the OSCE has done this by posting states’ submissions in full on the OSCE website.<sup>66</sup> Between 2016 and 2019, 44 states submitted a response to the OSCE Questionnaire and 31 submitted at least one report on implementation of the OSCE Document.<sup>67</sup>

### Overview of reporting on arms transfer controls

There is significant overlap in the information that states are requested or required to submit on their arms transfer controls under the POA, the UN Legislation Exchange, the ATT initial report, the OSCE Questionnaire and the OSCE Document. The information that states are requested to submit under the POA and the OSCE Document (which cover only SALW) is narrower than the information requested for the other instruments (which cover all conventional arms). However, the national laws and regulations that states are asked to detail are often the same. Indeed, there is significant overlap in the information that states are asked to report under the POA and the ATT initial report templates, particularly on prohibitions, exports, imports, transit and trans-shipment, brokering, diversion, record-keeping, and enforcement.<sup>68</sup> The format of the OSCE Questionnaire differs from the POA and ATT initial report templates in that it asks a set of open-ended questions and does not include any of the

<sup>60</sup> OSCE, FSC.DEC/4/16/Corr.1 (note 27), para. 1(b).

<sup>61</sup> OSCE, Forum for Security Co-operation, ‘OSCE document on small arms and light weapons’, FSC.DOC/1/00, 24 Nov. 2000, reproduced in *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2001), pp. 590–98. As slightly revised version was reissued as FSC.DOC/1/00/Rev.1, 20 June 2012.

<sup>62</sup> OSCE, Conflict Prevention Centre, OSCE Report to the Fifth Biennial Meeting of States on the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, June 2014, p. 4.

<sup>63</sup> OSCE (note 62), p. 8.

<sup>64</sup> OSCE (note 62), p. 8.

<sup>65</sup> OSCE, FSC.DEC/4/16/Corr.1 (note 27), paras 1(b), (d).

<sup>66</sup> OSCE, Forum for Security Co-operation, ‘Answers to the questionnaire on participating states’ policy and/or national practices and procedures for the export of conventional arms and related technology’; and OSCE, Forum for Security Co-operation, ‘Answers to the Small Arms and Light Weapons Questionnaire’.

<sup>67</sup> The Holy See is excluded from these figures since it is not a UN member state.

<sup>68</sup> This was highlighted in Stohl et al. (note 1), p. 13.

tick boxes used in the other templates. However, the overall coverage is similar in scope.

Overall, 145 states made a submission to at least one of the five main reporting instruments on arms transfer controls during 2014–19 (see table 3.2). However, only a small minority of states made submissions to all of the instruments to which they are required or requested to submit reports.

Further key points are revealed by this comparison.

7. Only 18 states submitted reports to all of the instruments in which they were required or requested to participate in 2014–19.
8. Excluding the largely defunct UN Legislation Exchange, 101 states reported to all the instruments to which they were required or requested to participate in 2014–19, 15 reported to three (but failed to report to one other), 10 reported to two (but failed to report to at least one), and 19 reported to just one (and missed others).
9. Despite efforts to align the reporting mechanisms of the POA and the OSCE Document, 20 OSCE participating states submitted reports to the POA in 2016–19 but did not submit reports under the OSCE Document.
10. Of the 12 states that submitted confidential ATT initial reports in 2015–19, 10 submitted publicly accessible reports to one or more of the other instruments during 2014–19.

Of the 193 UN member states, 48 did not submit a single report to any of these five instruments in 2014–19. In Oceania and Asia close to half of all states failed to report, while all states in Europe submitted at least one report (see table 3.3). Among income groups (see table 3.4), the rate of participation again seems to rise as income rises.

**Table 3.2.** Participation in the five main reporting instruments on arms transfer controls, 2014–19

Listed states participated in at least one of the five instruments in 2014–19.

State	POA, 2014–19	UN Legislation Exchange, 2014–19	ATT initial report, 2015–19	OSCE Questionnaire, 2016–19	OSCE Document, 2016–19
Afghanistan	✓	X	..	..	..
Albania	✓	X	✓	✓	X
Algeria	✓	X	..	..	..
Andorra	✓	X	..	✓	X
Angola	✓	X	..	..	..
Antigua and Barbuda	✓	X	✓	..	..
Argentina	✓	✓	✓	..	..
Armenia	X	✓	..	✓	X
Australia	✓	X	✓	..	..
Austria	✓	X	✓	✓	X
Azerbaijan	✓	X	..	✓	✓
Belarus	✓	X	..	✓	X
Belgium	✓	X	✓	✓	X
Belize	✓	X	✓	..	..
Benin	✓	X	✓*	..	..
Bosnia and Herzegovina	✓	X	✓	X	✓
Botswana	✓	X	..	..	..
Brazil	✓	X	X	..	..
Bulgaria	✓	X	✓	✓	✓
Burkina Faso	✓	X	✓*	..	..
Burundi	✓	X	..	..	..
Cabo Verde	✓	X	X	..	..
Cambodia	✓	X	..	..	..
Canada	✓	X	..	✓	X
Central African Republic	✓	X	X	..	..
Chile	✓	✓	✓*	..	..
China	✓	X	..	..	..
Colombia	✓	X	..	..	..
Comoros	✓	X	..	..	..
Congo, DRC	✓	X	..	..	..
Congo, Republic of	✓	X	..	..	..
Costa Rica	✓	X	✓	..	..
Croatia	✓	X	✓	X	✓
Cuba	✓	✓	..	..	..
Cyprus	✓	X	✓*	X	✓
Czechia	✓	X	✓	✓	✓
Côte d'Ivoire	✓	X	✓	..	..
Denmark	✓	X	✓	✓	X
Dominican Republic	✓	X	✓	..	..

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State	POA, 2014–19	UN Legislation Exchange, 2014–19	ATT initial report, 2015–19	OSCE Questionnaire, 2016–19	OSCE Document, 2016–19
Ecuador	✓	X	..	..	..
Egypt	✓	X	..	..	..
El Salvador	✓	X	✓	..	..
Eritrea	✓	X	..	..	..
Estonia	✓	X	✓	X	X
Eswatini	✓	X	..	..	..
Fiji	✓	X	..	..	..
Finland	✓	X	✓	X	✓
France	✓	X	✓	✓	✓
Georgia	✓	X	✓	✓	X
Germany	✓	✓	✓	✓	✓
Ghana	✓	X	X	..	..
Greece	✓	X	✓*	✓	X
Grenada	✓	X	X	..	..
Guatemala	✓	X	X	..	..
Guinea	✓	X	X	..	..
Honduras	X	X	✓*	..	..
Hungary	✓	X	✓	✓	✓
Iceland	X	X	✓	✓	X
India	✓	X	..	..	..
Iran	✓	X	..	..	..
Iraq	✓	✓	..	..	..
Ireland	✓	✓	✓	✓	✓
Italy	✓	X	✓	✓	✓
Jamaica	✓	X	✓	..	..
Japan	✓	X	✓	..	..
Kazakhstan	✓	X	✓*	✓	✓
Kenya	✓	X	..	..	..
Korea, South	✓	X	✓	..	..
Kuwait	✓	X	..	..	..
Kyrgyzstan	✓	X	..	X	X
Latvia	✓	✓	✓	✓	✓
Lebanon	✓	✓	..	..	..
Lesotho	✓	X	X	..	..
Liberia	✓	X	✓	..	..
Liechtenstein	✓	X	✓	✓	✓
Lithuania	✓	X	✓	✓	✓
Luxembourg	✓	X	✓	✓	X
Madagascar	✓	X	✓*	..	..
Malaysia	✓	X	..	..	..
Maldives	✓	X	..	..	..
Mali	✓	X	X	..	..
Malta	✓	X	X	✓	X
Marshall Islands	✓	X	..	..	..



State	POA, 2014–19	UN Legislation Exchange, 2014–19	ATT initial report, 2015–19	OSCE Questionnaire, 2016–19	OSCE Document, 2016–19
Mauritania	✓	✗	✗	..	..
Mauritius	✓	✓	✓*	..	..
Mexico	✓	✓	✓	..	..
Moldova	✓	✗	✓	✗	✗
Monaco	✗	✗	✓	✓	✗
Mongolia	✓	✗	..	✗	✗
Montenegro	✓	✓	✓	✓	✗
Morocco	✓	✗	..	..	..
Mozambique	✓	✗	..	..	..
Namibia	✓	✗	..	..	..
Netherlands	✓	✓	✓	✓	✗
New Zealand	✓	✗	✓	..	..
Niger	✓	✗	✗	..	..
Nigeria	✓	✗	✓*	..	..
North Macedonia	✓	✗	✓	✗	✓
Norway	✓	✓	✓	✓	✗
Pakistan	✓	✗	..	..	..
Panama	✓	✓	✓	..	..
Paraguay	✓	✗	✓	..	..
Peru	✓	✓	✓	..	..
Philippines	✓	✗	..	..	..
Poland	✓	✗	✓	✓	✓
Portugal	✓	✓	✓	✓	✓
Qatar	✓	✗	..	..	..
Romania	✓	✓	✓	✓	✓
Russia	✓	✗	..	✓	✓
Rwanda	✓	✗	..	..	..
Saint Vincent	✓	✗	✗	..	..
Samoa	✓	✗	✓	..	..
San Marino	✗	✓	✗	✓	✓
Saudi Arabia	✓	✗	..	..	..
Senegal	✓	✗	✓*	..	..
Serbia	✓	✓	✓	✓	✓
Sierra Leone	✓	✗	✓	..	..
Singapore	✓	✗	..	..	..
Slovakia	✓	✗	✓	✓	✓
Slovenia	✓	✗	✓	✓	✓
Somalia	✓	✗	..	..	..
South Africa	✓	✗	✓	..	..
South Sudan	✓	✗	..	..	..
Spain	✓	✓	✓	✓	✓
Sudan	✓	✗	..	..	..
Suriname	✗	✗	✓	..	..
Sweden	✓	✗	✓	✓	✓

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State	POA, 2014–19	UN Legislation Exchange, 2014–19	ATT initial report, 2015–19	OSCE Questionnaire, 2016–19	OSCE Document, 2016–19
Switzerland	✓	✗	✓	✓	✓
Tanzania	✓	✗	..	..	..
Thailand	✓	✗	..	..	..
Timor-Leste	✓	✗	..	..	..
Togo	✓	✗	✓	..	..
Trinidad and Tobago	✓	✗	✓	..	..
Turkey	✓	✗	..	✓	✗
Turkmenistan	✓	✗	..	✗	✗
Tuvalu	✗	✗	✓*	..	..
Uganda	✓	✗	..	..	..
United Kingdom	✓	✓	✓	✓	✓
Ukraine	✓	✓	..	✓	✓
United Arab Emirates	✓	✗	..	..	..
United States	✓	✗	..	✓	✓
Uruguay	✓	✗	✓	..	..
Vanuatu	✓	✗	..	..	..
Venezuela	✓	✗	..	..	..
Zambia	✓	✗	✓	..	..
<b>Total</b>	<b>138</b>	<b>23</b>	<b>74</b>	<b>44</b>	<b>31</b>

✓ = participated; ✗ = did not participate; .. = not required or requested to participate; \* = report only made available for other ATT states parties.

*Notes:* The five instruments are the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (POA, 2014–19), the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology (2014–19), the initial report of the Arms Trade Treaty (ATT, 2015–19), the Organization for Security and Co-operation in Europe (OSCE) Questionnaire on Participating States’ Policy and National Practices and Procedures for the Export of Conventional Arms and Related Technology (2016–19), and the OSCE Document on Small Arms and Light Weapons (2016–19). The figures exclude reports submitted by the Holy See (which participates in the OSCE but is neither a member of the UN nor a party to the ATT) and Palestine (which is a party to the ATT but not a member of the UN).

**Table 3.3.** States failing to report to the five main reporting instruments on arms transfer controls, by region, 2014–19

Region	No. of states	No. of states submitting no report	Share of states submitting no report (%)
Africa	53	15	28
Americas	35	10	29
Asia	29	12	41
Europe	47	0	0
Middle East	15	5	33
Oceania	14	6	43
<b>Total</b>	<b>193</b>	<b>48</b>	<b>25</b>

*Notes:* The five instruments are the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (POA, 2014–19), the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology (2014–19), the initial report of the Arms Trade Treaty (ATT, 2015–19), the Organization for Security and Co-operation in Europe (OSCE) Questionnaire on Participating States’ Policy and National Practices and Procedures for the Export of Conventional Arms and Related Technology (2016–19), and the OSCE Document on Small Arms and Light Weapons (2016–19). The figures exclude reports submitted by the Holy See (which participates in the OSCE but is neither a member of the UN nor a party to the ATT) and Palestine (which is a party to the ATT but not a member of the UN).

**Table 3.4.** States failing to report to the five main reporting instruments on arms transfer controls, by income group, 2014–19

Income group	No. of states	No. of states submitting no report	Share of states submitting no report (%)
Low income	49	17	35
Lower-middle income	34	14	41
Upper-middle income	52	9	17
High income	58	8	14
<b>Total</b>	<b>193</b>	<b>48</b>	<b>25</b>

*Notes:* The five instruments are the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (POA, 2014–19), the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology (2014–19), the initial report of the Arms Trade Treaty (ATT, 2015–19), the Organization for Security and Co-operation in Europe (OSCE) Questionnaire on Participating States’ Policy and National Practices and Procedures for the Export of Conventional Arms and Related Technology (2016–19), and the OSCE Document on Small Arms and Light Weapons (2016–19). The figures exclude reports submitted by the Holy See (which participates in the OSCE but is neither a member of the UN nor a party to the ATT) and Palestine (which is a party to the ATT but not a member of the UN).

## 4. Key challenges and available assistance

The analysis in chapters 2 and 3 confirms that many states face challenges when compiling and submitting reports on conventional arms transfers and arms transfer controls. However, some efforts have been made to address those challenges, either through the creation of guidelines or assistance tools or through outreach and assistance activities. This chapter describes the key challenges faced and the assistance available to overcome them.

### Challenges of relevance and capacity

The most sustained analysis of the causes of states' lack of engagement with a reporting instrument on arms transfers or arms transfer controls has been in connection with the longest-lasting of these mechanisms, UNROCA.<sup>69</sup> Reasons highlighted include limits on the capacity of states' administrative bodies, changes in states' security or political situations, and concerns about the security implications of making information about arms exports or imports public.<sup>70</sup> One frequently cited concern has been that the seven main UNROCA categories have limited relevance for the security concerns of states in the Americas and Africa, which are far more concerned about the illicit trade in SALW.<sup>71</sup> The addition of SALW as an eighth category for UNROCA reporting was intended to help address these concerns but has not had a meaningful impact on the decline in reports. As noted above, rates of reporting to UNROCA for these regions has remained stubbornly low (see figure 2.2). With its stronger focus on SALW, the ATT was intended to be a more relevant instrument than UNROCA—indeed, far higher proportions of states in Africa and the Americas submit ATT annual reports than report to UNROCA (see figure 2.5). However, these response rates are still lower than other regions and low overall considering that ATT reporting is a legal obligation rather than a voluntary act as it is for UNROCA.

Although the ATT's reporting obligations are relatively new, some analysis has already been made of the challenges that states face when producing an initial report and annual reports under the ATT. Some of these key challenges include limited resources and personnel capacity as well as the difficulties associated with accessing and compiling relevant information and keeping up with reporting obligations and deadlines.<sup>72</sup>

An overall lack of resources appears to have an impact on the ability of a state to submit reports not just to the ATT but to all of the instruments covered by this study. Rates of reporting by low-income countries are consistently the lowest, and rates of reporting seem to increase as income increases. In only one case—the POA—has the rate of reporting by low-income states increased over time (see figure 3.2). The other instruments could potentially learn from this noteworthy case. Key factors behind the increase in the POA's reporting rates could include the simplification of the reporting template and regional workshops funded by the European Union (EU; see below).

<sup>69</sup> E.g. every 3 years a GGE on UNROCA issues a report, most recently in July 2019. United Nations, A/74/211 (note 9).

<sup>70</sup> United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/64/296, 14 Aug. 2009, para. 38; and United Nations, A/71/259 (note 7), para. 16.

<sup>71</sup> UN Office for Disarmament Affairs (UNODA), 'Regional workshop for Western African states on transparency in armaments', *UNODA Update*, Aug. 2009; Deen, T., 'Arab nations insist on WMDs in UN arms register', *Asian Tribune*, 5 Nov. 2008; and United Nations, General Assembly, 'United Nations Register of Conventional Arms', Report of the Secretary-General, A/63/120, 14 July 2008, p. 137.

<sup>72</sup> Stohl (note 52), p. 6.

## Guidelines and good practice

Several sets of guidelines have been issued in connection with many of the main reporting instruments that outline good practice in the collection and reporting of data. Most of these focus on reporting instruments for arms transfers, with fewer dealing with arms transfer controls.

In 2014 the OSCE adopted voluntary guidelines for compiling national reports on transfers of SALW between OSCE participating states.<sup>73</sup> These guidelines make recommendations about the amount of information that states should include in their annual submissions and provide a voluntary cover sheet in which states can disclose information about the sources of information used when compiling the submission.

In 2015 the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies—a multilateral export control regime—published ‘Elements for the effective fulfilment of national reporting requirements’, which was designed to assist states with ‘the systematization of reporting practices’.<sup>74</sup> These guidelines recommend that each state drafts a national ‘procedures document’ containing (a) details of all the state’s reporting obligations and their content; (b) key deadlines for compiling and submitting reports; (c) the methods used for compiling and submitting reports; (d) where appropriate, systems for facilitating the submission of the same information to different reporting instruments; and (e) systems for ensuring that qualified personnel are engaged in the process of classifying items.

In 2017 UNODA released an updated set of guidelines on compiling and submitting reports to UNROCA.<sup>75</sup> The updated guidelines include more information on the role and responsibilities of the national points of contact and on how to establish and maintain a national reporting system, as recommended by the 2016 GGE on UNROCA.<sup>76</sup>

For the ATT annual report, the Annual Report Guidance Booklet, produced by the independent ATT Baseline Assessment Project in 2017, includes modules on how to collect and report data for inclusion.<sup>77</sup> The WGTR has also assessed means of improving compliance with reporting obligations and proposals to enhance transparency. In preparation for CSP3 in 2017, the WGTR adopted a frequently asked questions (FAQ) document to provide guidance to states parties in the preparation of the annual report.<sup>78</sup> It has also developed a reporting functionality on the ATT website.<sup>79</sup> CSP5, in August 2019, adopted amendments to the FAQ to reflect the introduction of the online reporting tool.<sup>80</sup>

## Compilation and categorization tools

Several software tools have been developed that can be used to assist states with the process of compiling national reports on arms transfers. For example, the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) developed the first version the Annual Arms Exports Report Generator (AAERG) software in 2009. The software has been adjusted and

<sup>73</sup> OSCE, Forum for Security co-operation, ‘Voluntary guidelines for compiling national reports on SALW exports from/imports to other participating states during the previous calendar year’, Decision no. 3/14, FSC.DEC/3/14, 4 June 2014; and German Foreign Office (note 3).

<sup>74</sup> Wassenaar Arrangement (note 2).

<sup>75</sup> UN Office for Disarmament Affairs (note 10).

<sup>76</sup> United Nations, A/71/259 (note 7), para. 87.

<sup>77</sup> Stohl, R. and Holtom, P., *Annual Report Guidance Booklet* (ATT Baseline Assessment Project: Coventry, 2017).

<sup>78</sup> Arms Trade Treaty, ATT/CSP3.WGTR/2017/CHAIR/159/Conf.Rep (note 22), annex D, ‘Reporting authorized or actual exports and imports of conventional arms under the ATT: Questions & answers’.

<sup>79</sup> Arms Trade Treaty, Working Group on Transparency and Reporting, ‘The need for an outreach strategy on reporting’, ATT/CSP4.WGTR/2018/CHAIR/307/M2.RepOutreach, 15 May 2018, p. 1.

<sup>80</sup> Arms Trade Treaty, ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rev1 (note 22), annex B; and Arms Trade Treaty, Fifth Conference of States Party, Final report, ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1, 30 Aug. 2019, para. 27(g).

expanded over the years and now allows licensing authorities to keep track of export licences issued and denied and to generate submissions to UNROCA.<sup>81</sup> The AAERG software can be adjusted according to the needs of the individual country to reflect its legislative framework, licensing procedures, and the range and format of the reports that it is required to produce.<sup>82</sup> In most cases, the software allows for nearly automated production of reports. It has been used by Albania, Bosnia and Herzegovina, Montenegro, and Serbia.<sup>83</sup> More recently, the Centre for Armed Violence Reduction (CAVR), an Australian non-governmental organization (NGO), has developed the ArmsTracker database (previously known as the National Arms Transfer Database) to assist small and developing states to manage their record-keeping procedures for civilian and state-owned firearms.<sup>84</sup> ArmsTracker can be used to generate national reports on arms transfers that comply with the requirements of the ATT, UNROCA and the POA. It is currently used by Fiji, Papua New Guinea, Samoa, Somalia and Vanuatu.<sup>85</sup>

Several tools are also available that can help states with the process of categorizing arms according to the categories of the different reporting instruments for arms transfers. In 2015 SEESAC developed the Weapons Categorization Tool to assist states in the Western Balkans to categorize weapons accurately and according to the templates used by the different reporting instruments on arms transfers.<sup>86</sup> This tool contains information on at least 270 weapon systems and provides details of how to categorize them according to the reporting templates used by UNROCA, the OSCE Exchange and the ATT. It also categorizes according to the EU Military List and customs tariff numbers. The Weapons Categorization Tool can be used as a stand-alone tool and is available to download from the SEESAC website.<sup>87</sup> The tool has also been integrated into SEESAC's AAERG software and has been used by Albania, Bosnia and Herzegovina, Montenegro, and Serbia.<sup>88</sup> Other reference materials that could be used to assist with the categorizing of arms include the Royal Canadian Mounted Police's Firearms Reference Table.<sup>89</sup>

### **Building national capacity**

Many of the efforts to increase the rate of reporting on arms transfers and arms transfer controls and to mitigate the associated challenges have been targeted at low-income states. These efforts have increased significantly with the adoption and entry into force of the ATT and the creation of new instruments to support arms transfer control-related assistance work. These include the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR), established in 2013, and the ATT Voluntary Trust Fund (VTF), established by the treaty to support national implementation.<sup>90</sup> More work on building capacity in these areas is planned in the future. For example, as part of his new agenda on disarmament the UN secretary-general, António Guterres, has proposed conducting 'awareness-raising and capacity-building activities with

<sup>81</sup> Savic, I., SEESAC, Communication with author, 15 Dec. 2015.

<sup>82</sup> Savic (note 81); and e.g. SEESAC, 'Upgraded arms export licensing software for Serbian authorities', 30 Oct. 2014.

<sup>83</sup> Savic (note 81).

<sup>84</sup> Centre for Armed Violence Reduction (CAVR), 'ArmsTracker', [n.d.].

<sup>85</sup> Centre for Armed Violence Reduction (note 84).

<sup>86</sup> SEESAC, 'SEESAC develops a Weapons Categorization Tool', 22 Oct. 2015.

<sup>87</sup> SEESAC, 'Weapons Categorization Tool', [n.d.].

<sup>88</sup> Savic (note 81).

<sup>89</sup> Royal Canadian Mounted Police, 'Firearms Reference Table'.

<sup>90</sup> Arms Trade Treaty (note 20), Article 16(3); UN Office for Disarmament Affairs (UNODA). 'UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR)', Fact sheet, July 2018.

military officials on the benefits of participating in and using [UNROCA] for regional confidence-building mechanisms and dialogues in military matters'.<sup>91</sup>

SIPRI's Mapping ATT-relevant Cooperation and Assistance Activities database contains information on efforts to build states' national capacities to control arms transfers and SALW.<sup>92</sup> As of mid-2020 the database contained information on 58 workshops, training events or other types of capacity-building activity that focused in whole or in part on improving reporting on arms transfers or arms transfer controls. The information available in the database also indicates cases in which multiple rounds of assistance have been provided for the same purpose but without achieving notable results. For example, in 2015 the EU funded a project to support establishment of an online arms transfers database by the Economic Community of West African States (ECOWAS).<sup>93</sup> In 2019 UNSCAR also funded a project aimed at enabling ECOWAS to create the reporting mechanism on arms transfers.<sup>94</sup> Despite these efforts, the ECOWAS arms transfers database has still not been established (see box 2.1). Other efforts appear to have been more successful. For example, in the run-up to the 2018 POA review conference, the EU funded a series of regional workshops aimed at building national capacity in a range of areas and, among other goals, encouraging the submission of reports on POA implementation.<sup>95</sup> The effort coincided with the largest increase in the number of national reports (see table 3.1).

<sup>91</sup> United Nations, A/74/211 (note 9), para. 77; and UN Office for Disarmament Affairs (UNODA), *Securing Our Common Future: An Agenda for Disarmament* (United Nations: New York, 2018).

<sup>92</sup> Mapping ATT-relevant Cooperation and Assistance Activities (note 4).

<sup>93</sup> Mapping ATT-relevant Cooperation and Assistance Activities, 'Independent experts meeting on the establishment of ECOWAS SALW register and database', 28–30 Apr. 2015; and Ugbal, J., 'ECOWAS to establish national database for small arms in member states', Cross River Watch, 17 June 2015.

<sup>94</sup> UN Office for Disarmament Affairs (UNODA), 'Supporting implementation of ECOWAS SALW Convention ARTICLE 10', 2019.

<sup>95</sup> Council Decision (CFSP) 2017/633 of 3 April 2017 in support of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Official Journal of the European Union*, L 90, 4 Apr. 2017, pp. 12–21.

## 5. Conclusions and recommendations

There has been a significant decrease in the levels of reporting to the individual international instruments on arms transfers and arms transfer controls. This has happened in tandem with an expansion in the number of reports that states are required or invited to submit and an increase in the range of assistance offered to states in order to help with this process. Although trends differ across the various reporting instruments, it is clear that the declines have been steepest outside Europe and among low-income countries. For example, states in Africa, Latin America and Asia continue to be far less likely to comply with the request to report to UNROCA or the requirement for the ATT annual report. Moreover, where states have the opportunity to make their reports confidential, as is the case for the ATT annual and initial reports, an increasing number are choosing to do so.

At the same time, there are some more promising signs. The number of states that have submitted reports to one instrument—the POA—has increased. Indeed, rates of reporting to the POA have increased for all regions and all income group, including low-income states. More significantly, instead of focusing on the trend for individual instruments, measuring the number of states that have reported to at least one reveals clear signs that the decline in the willingness of states to submit reports may not be as steep as is often assumed. In particular, the total number of reports on arms transfers submitted by states across the three main instruments in this field has remained steady in recent years. Meanwhile, the vast majority of states have submitted at least one report on their arms transfer controls in recent years. Finally, while the number of states taking advantage of the possibility of making their ATT reports private is increasing, most of these states are making similar information openly available through other reporting instruments.

Despite these positive signs, it is apparent that many states—including high-income states—are unable to effectively manage their reporting requirements to ensure consistency of submissions both over time and across instruments. Many states are failing to report to individual instruments every year. They are also failing to report to all of the instruments in which they are invited or required to participate, even when the information involved is essentially the same.

These findings indicate that improving the channels of communication between the secretariats responsible for these reporting instruments and persuading states to make a report submitted to one available to all could help to reverse falling reporting rates. They also underline the importance of each state establishing effective mechanisms for managing and keeping track of its reporting obligations as laid out, in particular, in the Wassenaar Arrangement's good practice guidelines. These guidelines also note that having processes in place that can withstand the disruptions caused by changes in personnel and that can keep track of obligations over time and across instruments is a crucial element of ensuring that states meet their reporting obligations.

The following recommendations are directed at individual states that participate in these reporting instruments, the various secretariats that are responsible for maintaining them, and the NGOs and research institutes that make use of the information produced. They aim to build on the analysis presented here by identifying ways in which the decline in reporting levels can be reversed.

### **Develop national procedures for reporting obligations**

There are clear inconsistencies in the reporting practices of many states. This highlights the need for all states to create more effective national reporting procedures.



In particular, states would benefit from laying out in detail the routines they need to follow in order to comply with the different reporting instruments on arms transfers and arms transfer controls in which they are invited or required to participate.

Several good practice guides—and particularly that published by the Wassenaar Arrangement—outline measures that states should put in place to manage their obligations effectively. They emphasize, in particular, that by developing effective routines for drawing in relevant expertise from different government departments, states can greatly facilitate the process of compiling and submitting reports on arms transfers.

### **Connect different reporting requirements**

In recent years a lot of interest and initiatives have focused on consolidating reporting practices and reducing the reporting burden on states. Much more could still be done in this area.

One step would be to create a formal mechanism whereby a submission to one instrument also counts as a submission to another. This would be particularly appropriate for mechanisms that mirror each other—in the way that the OSCE Exchange mirrors UNROCA—but where it is clear that many states are participating in one instrument but not the other.

Various recommendations have also been made to harmonize the reporting templates of the different instruments. While there is scope to do this in certain areas, it is also worth remembering that these instruments were established at different times, with different aims and by different groups of states, and that the processes for amending their templates may be complex. While further harmonization of reporting templates may be difficult, it is possible to make use of online tools to help states generate reports in two different formats using the same set of data. As noted in chapter 4, at least two systems have been developed—SEESAC’s AAERG software and the ArmsTracker database—to help states generate reports for different instruments using the same set of data.

### **Ensure that all information submitted is made available**

The priority for any secretariat charged with overseeing the implementation of these reporting instruments is ensuring that all of the information submitted is made available in full in an accessible format. UNROCA in particular has appeared to struggle with this goal in recent years. The data presented here focuses on the reports that are available to the general public, but it seems from information released by UNODA that some UNROCA reports have not been made publicly available. Moreover, those reports that are made available are found in different locations and are not easy to access or use. In contrast, the OSCE appears to have developed effective systems for making states’ national reports publicly available.

Contrasting experiences such as these highlight the need for more effective mechanisms for sharing experience and resources between the different secretariats responsible for overseeing the reporting instruments.

### **Make better and more effective use of the information that states submit**

The instruments covered by this study have an important role to play as inter-state confidence-building measures, in that they help to reduce uncertainty and foster openness with regards to states’ military capabilities and intentions. However, their value also depends on the effective and systematic use of the data that they generate.

The various reporting instruments on arms transfers are used in particular by research institutes and NGOs that track and analyse trends in the global arms trade. They are also used to identify arms exports that appear to be out of step with the exporting state's national laws or international and regional commitments.

It is not clear how effectively and systematically the data that states produce on their arms transfer controls is being interrogated and used. In the mid-2000s, the Biting the Bullet project produced two reports that used states' submissions to the POA and other data sources to analyse how states were meeting their POA commitments, including those related to arms transfer controls.<sup>96</sup> However, since then nothing equivalent has been produced.

Given the huge amount of data that has been subsequently produced on states' arms transfer controls—both in submissions to the POA and elsewhere—there is scope to conduct a more systematic analysis of states' arms transfer controls and the extent to which they meet agreed international norms and standards. This would serve to both identify gaps in states' control frameworks and to demonstrate the value of states' engagement with these reporting instruments.

### **Create links between outreach efforts and guidance tools**

A significant amount of energy in support of states' efforts to produce national reports on arms transfers and arms transfer controls has been devoted in recent years to the production of guidance material and the conduct of outreach. It would be useful to ensure that, when the issue of reporting is addressed in a good practice document or an outreach event, related commitments in other instruments are also raised and addressed.

Linking together the different instruments is often contentious given the different sets of states that participate in each of them. For example, efforts to create synergies between the POA and the ATT have been blocked by states that are not party to the ATT.<sup>97</sup> However, efforts by NGOs and other independent organizations should—wherever possible—seek to emphasize the connections between reporting instruments and encourage states to find ways of linking together their reporting efforts. This would help to create a clearer focus on the need to build links between the reporting instruments and assist states with ensuring that building capacities in relation to one reporting instrument also creates benefits for the other mechanisms.

### **Build stronger links between relevant secretariats**

Building stronger links between the secretariats that are responsible for maintaining the different reporting instruments would help to improve the sharing of good practice in generating submissions.

One key area in this regard could involve sharing good practice in maintaining lists of national contact points and sending out reminders for submissions. In both cases, it appears that practices among the secretariats vary considerably. For example, as of July 2019, UNODA had not put in place a system whereby states are sent a confirmation that their report has been submitted and was not actively following up with states that had not submitted a report by the initial deadline.<sup>98</sup> In contrast, the ATT's

<sup>96</sup> Watson, C. et al., *International Action on Small Arms 2005: Examining Implementation of the UN Programme of Action* (Biting the Bullet: Bradford, 2005); and Bourne, M. et al., *Reviewing Action on Small Arms 2006: Assessing the First Five Year of the UN Programme of Action* (Biting the Bullet: Bradford, 2006).

<sup>97</sup> Bromley, M., 'Control measures on small arms and light weapons', *SIPRI Yearbook 2019: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2019), p. 475.

<sup>98</sup> United Nations, A/74/211 (note 9), para. 43.

outreach strategy on reporting calls on the CSP president or the ATT Secretariat ‘to proactively reach out to States Parties that have not fulfilled their reporting obligations and identify, where possible, the reasons or difficulties to elaborate and submit the reports’.<sup>99</sup>

Building stronger links between the secretariats would also enable—where possible and relevant—submission of a report to one instrument to be automatically treated as a submission to another and would help to connect outreach efforts, as recommended above.

<sup>99</sup> Arms Trade Treaty, Working Group on Transparency and Reporting, Co-chairs’ draft report to CSP4, ATT/CSP4.WGTR/2018/CHAIR/358/Conf.Rep, 20 July 2018, annex A.

## Appendix A. Geographical regions and income groups

**Table A.1.** Geographic regions and income groups of states listed in this report

State <sup>a</sup>	Year of ATT entry into force	OSCE participating state	Income group
<b><i>Africa</i></b>	<b><i>27 parties</i></b>	<b><i>0 participants</i></b>	<b><i>53 states</i></b>
Algeria	..	..	Upper-middle
Angola	..	..	Low
Benin	2017	..	Low
Botswana	2019	..	Upper-middle
Burkina Faso	2014	..	Low
Burundi	..	..	Low
Cabo Verde	2016	..	Lower-middle
Cameroon	2018	..	Lower-middle
Central African Republic	2016	..	Low
Chad	2015	..	Low
Comoros	..	..	Low
Congo, Democratic Republic of	..	..	Low
Congo, Republic of	..	..	Lower-middle
Côte d'Ivoire	2015	..	Lower-middle
Djibouti	..	..	Low
Equatorial Guinea	..	..	Upper-middle
Eritrea	..	..	Low
Eswatini	..	..	Lower-middle
Ethiopia	..	..	Low
Gabon	..	..	Upper-middle
Gambia	..	..	Low
Ghana	2016	..	Lower-middle
Guinea	2014	..	Low
Guinea-Bissau	2019	..	Low
Kenya	..	..	Lower-middle
Lesotho	2016	..	Low
Liberia	2015	..	Low
Libya	..	..	Upper-middle
Madagascar	2016	..	Low
Malawi	..	..	Low
Mali	2014	..	Low
Mauritania	2015	..	Low
Mauritius	2015	..	Upper-middle
Morocco	..	..	Lower-middle
Mozambique	2019	..	Low
Namibia	2020	..	Upper-middle
Niger	2015	..	Low
Nigeria	2014	..	Lower-middle
Rwanda	..	..	Low
Sao Tome and Principe	..	..	Low

State <sup>a</sup>	Year of ATT entry into force	OSCE participating state	Income group
Senegal	2014	..	Low
Seychelles	2016	..	High
Sierra Leone	2014	..	Low
Somalia	..	..	Low
South Africa	2014	..	Upper-middle
South Sudan	..	..	Low
Sudan	..	..	Low
Tanzania	..	..	Low
Togo	2016	..	Low
Tunisia	..	..	Lower-middle
Uganda	..	..	Low
Zambia	2016	..	Low
Zimbabwe	..	..	Low
<b>Americas</b>	<b>27 parties</b>	<b>2 participants</b>	<b>35 states</b>
Antigua and Barbuda	2014	..	Upper-middle
Argentina	2014	..	Upper-middle
Bahamas	2014	..	High
Barbados	2015	..	High
Belize	2015	..	Upper-middle
Bolivia	..	..	Lower-middle
Brazil	2018	..	Upper-middle
Canada	2019	Yes	High
Chile	2018	..	High
Colombia	..	..	Upper-middle
Costa Rica	2014	..	Upper-middle
Cuba	..	..	Upper-middle
Dominica	2015	..	Upper-middle
Dominican Republic	2014	..	Upper-middle
Ecuador	..	..	Upper-middle
El Salvador	2014	..	Lower-middle
Grenada	2014	..	Upper-middle
Guatemala	2016	..	Lower-middle
Guyana	2014	..	Upper-middle
Haiti	..	..	Low
Honduras	2017	..	Lower-middle
Jamaica	2014	..	Upper-middle
Mexico	2014	..	Upper-middle
Nicaragua	..	..	Lower-middle
Panama	2014	..	Upper-middle
Paraguay	2015	..	Upper-middle
Peru	2016	..	Upper-middle
Saint Kitts and Nevis	2014	..	High
Saint Lucia	2014	..	Upper-middle
Saint Vincent and the Grenadines	2014	..	Upper-middle
Suriname	2019	..	Upper-middle

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State <sup>a</sup>	Year of ATT entry into force	OSCE participating state	Income group
Trinidad and Tobago	2014	..	High
United States	..	Yes	High
Uruguay	2014	..	High
Venezuela	..	..	Upper-middle
<b>Asia</b>	<b>4 parties</b>	<b>6 participants</b>	<b>29 states</b>
Afghanistan	..	..	Low
Bangladesh	..	..	Low
Bhutan	..	..	Low
Brunei Darussalam	..	..	High
Cambodia	..	..	Low
China	..	..	Upper-middle
India	..	..	Lower-middle
Indonesia	..	..	Lower-middle
Japan	2014	..	High
Kazakhstan	2018	Yes	Upper-middle
Korea, North	..	..	Low
Korea, South	2017	..	High
Kyrgyzstan	..	Yes	Lower-middle
Laos	..	..	Low
Malaysia	..	..	Upper-middle
Maldives	2019	..	Upper-middle
Mongolia	..	Yes	Lower-middle
Myanmar	..	..	Low
Nepal	..	..	Low
Pakistan	..	..	Lower-middle
Philippines	..	..	Lower-middle
Singapore	..	..	High
Sri Lanka	..	..	Lower-middle
Tajikistan	..	Yes	Lower-middle
Thailand	..	..	Upper-middle
Timor-Leste	..	..	Low
Turkmenistan	..	Yes	Upper-middle
Uzbekistan	..	Yes	Lower-middle
Viet Nam	..	..	Lower-middle
<b>Europe</b>	<b>41 parties</b>	<b>47 participants</b>	<b>47 states</b>
Albania	2014	Yes	Upper-middle
Andorra	..	Yes	High
Armenia	..	Yes	Lower-middle
Austria	2014	Yes	High
Azerbaijan	..	Yes	Upper-middle
Belarus	..	Yes	Upper-middle
Belgium	2014	Yes	High
Bosnia and Herzegovina	2014	Yes	Upper-middle
Bulgaria	2014	Yes	High
Croatia	2014	Yes	High
Cyprus	2016	Yes	High

State <sup>a</sup>	Year of ATT entry into force	OSCE participating state	Income group
Czechia	2014	Yes	High
Denmark	2014	Yes	High
Estonia	2014	Yes	High
Finland	2014	Yes	High
France	2014	Yes	High
Georgia	2016	Yes	Lower-middle
Germany	2014	Yes	High
Greece	2016	Yes	High
Hungary	2014	Yes	High
Iceland	2014	Yes	High
Ireland	2014	Yes	High
Italy	2014	Yes	High
Latvia	2014	Yes	High
Liechtenstein	2014	Yes	High
Lithuania	2014	Yes	High
Luxembourg	2014	Yes	High
Malta	2014	Yes	High
Moldova	2015	Yes	Lower-middle
Monaco	2016	Yes	High
Montenegro	2014	Yes	Upper-middle
Netherlands	2014	Yes	High
North Macedonia	2014	Yes	Upper-middle
Norway	2014	Yes	High
Poland	2014	Yes	High
Portugal	2014	Yes	High
Romania	2014	Yes	High
Russia	..	Yes	High
San Marino	2015	Yes	High
Serbia	2014	Yes	Upper-middle
Slovakia	2014	Yes	High
Slovenia	2014	Yes	High
Spain	2014	Yes	High
Sweden	2014	Yes	High
Switzerland	2015	Yes	High
Ukraine	..	Yes	Lower-middle
United Kingdom	2014	Yes	High
<b>Middle East</b>	<b>1 party</b>	<b>1 participant</b>	<b>15 states</b>
Bahrain	..	..	High
Egypt	..	..	Lower-middle
Iran	..	..	Upper-middle
Iraq	..	..	Upper-middle
Israel	..	..	High
Jordan	..	..	Lower-middle
Kuwait	..	..	High
Lebanon	2019	..	Upper-middle
Oman	..	..	High

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State <sup>a</sup>	Year of ATT entry into force	OSCE participating state	Income group
Qatar	..	..	High
Saudi Arabia	..	..	High
Syria	..	..	Lower-middle
Turkey	..	Yes	Upper-middle
United Arab Emirates	..	..	High
Yemen	..	..	Low
<b>Oceania</b>	<b>5 parties</b>	<b>0 participants</b>	<b>14 states</b>
Australia	2014	..	High
Fiji	..	..	Upper-middle
Kiribati	..	..	Low
Marshall Islands	..	..	Upper-middle
Micronesia	..	..	Lower-middle
Nauru	..	..	Upper-middle
New Zealand	2014	..	High
Palau	2019	..	Upper-middle
Papua New Guinea	..	..	Lower-middle
Samoa	2014	..	Upper-middle
Solomon Islands	..	..	Low
Tonga	..	..	Upper-middle
Tuvalu	2015	..	Low
Vanuatu	..	..	Low
<b>Total</b>	<b>105<sup>a</sup></b>	<b>56<sup>a</sup></b>	<b>193</b>

ATT = Arms Trade Treaty; OSCE = Organization for Security and Co-operation in Europe; .. = not a participant or a state party

<sup>a</sup> Only United Nations member states are listed. Thus, the Holy See (an OSCE participating state) and Palestine (a party to the ATT) are not included.

Sources: ATT Secretariat, 'Treaty status'; and Organisation for Economic Co-operation and Development (OECD), Development Assistance Committee (DAC), 'DAC list of ODA recipients: Effective for reporting on aid in 2018 and 2019', [n.d.].







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