

**Arms
Trade
Treaty**

Baseline Assessment Project



TAKING STOCK OF ATT Initial Reports

FEBRUARY 2022

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The Stimson Center's Arms Trade Treaty-Baseline Assessment Project (ATT-BAP)

aims to assist States in understanding the obligations of the ATT and to promote effective implementation. ATT-BAP supports efforts to assist States in implementing the treaty and to ensure that reporting on the ATT is comprehensive and robust. ATT-BAP has developed tools to help provide a baseline for assessing State progress in implementing the ATT and to enable measurement of the treaty's impact and long-term effectiveness. These tools are also utilized for identifying State capacity and resource needs, including the identification of critical gaps and available resources to implement the ATT. The tools include a Ratification Checklist, the ATT-BAP Baseline Assessment Survey, and the ATT-BAP website, which includes country profiles, a national transfer control database, guidance for completing initial and annual reports, and numerous analytical reports.

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INTRODUCTION

The Arms Trade Treaty (ATT) represents the first legally binding instrument to regulate the global trade in conventional arms. The treaty entered into force in December 2014 and aims to reduce human suffering and mitigate harm caused by irresponsible and illegal arms transfers. The treaty establishes common standards for international transfers of conventional weapons and aims to improve transparency and build confidence between States engaging in international arms transfers and establishes mandatory reporting mechanisms.

The ATT requires States Parties to submit two reports to the treaty Secretariat in order to increase responsibility, accountability, and transparency in the arms trade.

- ▶ First, States Parties are required to submit an initial report on treaty implementation that provides details on national laws and measures regulating arms transfers. States Parties are required to update this report should they make changes to their national arms transfer controls systems.
- ▶ Second, States Parties are obliged to submit annual reports on authorized or actual arms exports and imports that occurred during the previous calendar year. These reports are due by 31 May each year. In practice, however, the ATT Secretariat extends a seven-day grace period for the submission of annual reports, creating a de facto annual reporting deadline of 7 June each year.

This report examines ATT initial reporting. For detailed insights on ATT annual reporting over the last six years, see *Taking Stock of ATT Annual Reports*.¹

ATT Reporting Obligations

Article 13(1): Each State Party shall, within the first year after entry into force of this Treaty for that State Party, in accordance with Article 22, provide an initial report to the Secretariat of measures undertaken in order to implement this Treaty, including national laws, national control lists and other regulations and administrative measures. Each State Party shall report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate. Reports shall be made available, and distributed to States Parties by the Secretariat.

Article 13(3): Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

¹ Arms Trade Treaty Baseline Assessment Project, *Taking Stock of ATT Annual Reports*, February 2022.

ATT initial reports are an essential tool available to States, the ATT Secretariat, and non-government experts and stakeholders for understanding, monitoring, and evaluating treaty implementation. ATT initial reports provide a number of benefits:

- ▶ Indicating how States Parties interpret and implement the treaty's obligations;
- ▶ Providing an opportunity for reporting States Parties to assess their national control systems, identify gaps, and make adjustments as needed;
- ▶ Helping to identify good practices and offer insights into common definitions and patterns in control measures;
- ▶ Shining a light on assistance needs to advance treaty implementation and States Parties that might be in a position to provide such assistance; and
- ▶ Capturing treaty compliance and helping to determine the extent to which the treaty is meeting its potential in strengthening arms transfer regulations, improving transparency, and ultimately mitigating harm.

Unfortunately, ATT initial reporting has been challenged by stagnant compliance rates, increasing challenges to transparency, and – at times – limited information on how States Parties are implementing the treaty's provisions. These challenges risk limiting the utility of ATT initial reports and undermining the establishment of a shared understanding of how the ATT affects national regulations to improve arms transfer controls around the world. The challenges to reporting efficacy and impact deserve greater scrutiny and attention from States Parties and other concerned stakeholders.

This report examines whether ATT initial reports – including any updates States Parties may have submitted to prior reports – contribute to a comprehensive understanding of how States Parties are implementing the ATT and assesses the extent to which they provide greater insight into national transfer control systems than would otherwise exist. In doing so, this report examines trends in initial ATT reporting from December 2015 – when the first cohort of States Parties were first required to submit their initial reports – through December 2021 – in which all current States Parties should have submitted their initial reports to the treaty Secretariat. The report comprises five sections. Section one reviews the status of reporting as of 31 December 2021 and examines patterns in how States Parties have submitted their initial reports. Section two reviews information in the 64 publicly available initial reports on States Parties' national arms transfer control systems. Section three compares reporting to the ATT and the UN Programme of Action on Small Arms and Light Weapons. Section four examines challenges to ATT initial reporting and assesses gaps and uncertainties in treaty implementation that appear to result from such challenges. The fifth and final section offers concluding thoughts on ATT initial reporting, insights on available resources to advance treaty implementation, and recommendations for improving States Parties' efforts.

METHODOLOGY

Data in this report are derived from publicly available initial reports as provided on the ATT Secretariat’s website by 31 December 2021 and draw solely on information reported by States Parties.² This report also draws on insights gleaned from surveys and interviews Stimson has conducted with government officials over several years to better understand their initial reporting experiences and challenges.³ The report contains information as provided by States Parties, without interpretation or verification. Percentages reflected in the analysis are rounded to the nearest whole number and therefore may not equate to 100 percent in all cases. Furthermore, charts contained within the section titled “Initial Reporting In-Depth” only reflect yes/no responses to given questions as written within the recommended reporting template and do not include responses where States Parties left the question blank or responses provided in national formats that do not clearly align with the recommended reporting template.



PHOTO: U.S. NAVY

² ATT Secretariat, “Initial Reports,” <https://thearmstradetreaty.org/initial-reports.html?templated=209839>.

³ This report includes insights drawn from a survey on ATT reporting experiences and challenges conducted in collaboration with SIPRI in 2021. Survey responses were received from 34 ATT States Parties and one State that has not yet signed or joined the treaty. Follow-up interviews were conducted with officials from 19 of these 35 States. Insights in this report were also drawn from Stimson’s previous surveys and interviews. For more, see: Arms Trade Treaty Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, August 2017, http://www.armstrade.info/wp-content/uploads/2017/04/Reporting-in-Review_Examining-ATT-Reporting-Experiences_ATT-BAP.pdf; *Reporting Challenges and Assistance Needs in the Asia-Pacific Region*, 2017, http://www.armstrade.info/wp-content/uploads/2014/10/ATT-BAP_Reporting-Challenges-and-Assistance-Needs-in-the-Asia-Pacific-Region_2017-1.pdf; *The Arms Trade Treaty and the Caribbean Community: Towards Comprehensive Implementation*, August 2018, http://www.armstrade.info/wp-content/uploads/2014/10/ATT-BAP_ATT-and-CARICOM_August-2018.pdf.

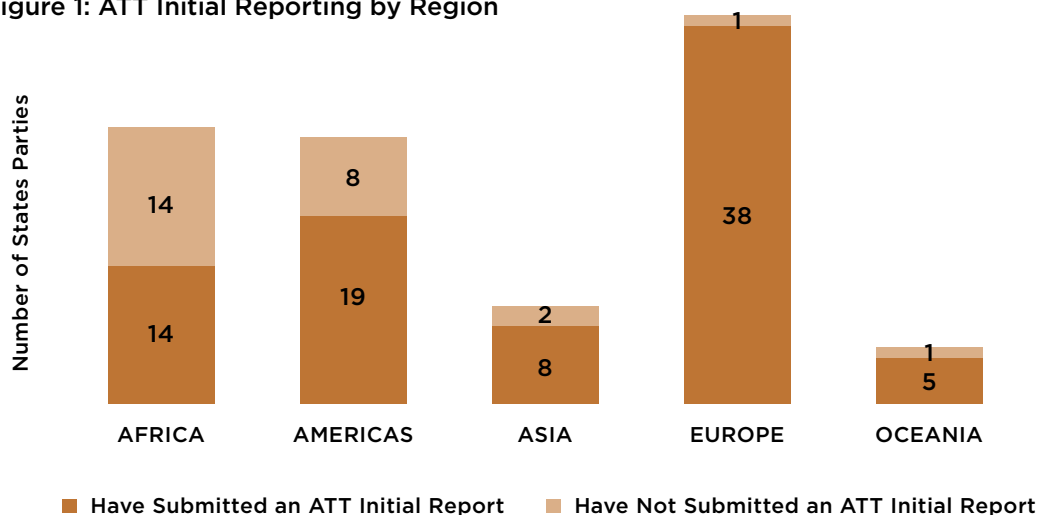
STATUS OF ATT INITIAL REPORTING

Over the last six years – following a large number of report submissions in the first year after the treaty’s entry into force – the rate of ATT initial reporting has remained relatively constant.

COMPLIANCE

While all 110 ATT States Parties are due to submit their initial reports on treaty implementation, only 84 have done so thus far – representing a current compliance rate of 76 percent. Of the 84 States Parties that have submitted their ATT initial reports, 14 are from Africa, 19 are from the Americas, eight are from Asia, 38 are from Europe, and five are from Oceania (See Figure 1).

Figure 1: ATT Initial Reporting by Region



States Parties have used a variety of methods to submit their ATT initial reports. Of the 64 publicly available initial reports, 55 used the recommended ATT reporting template to complete their submissions, seven States Parties used the ATT-Baseline Assessment Survey, and two used a national format to submit their reports.⁴ While States Parties are allowed to submit their initial reports in whatever form they choose, different reporting methods can complicate comparisons across reports as well as comprehensive analyses of treaty implementation efforts.

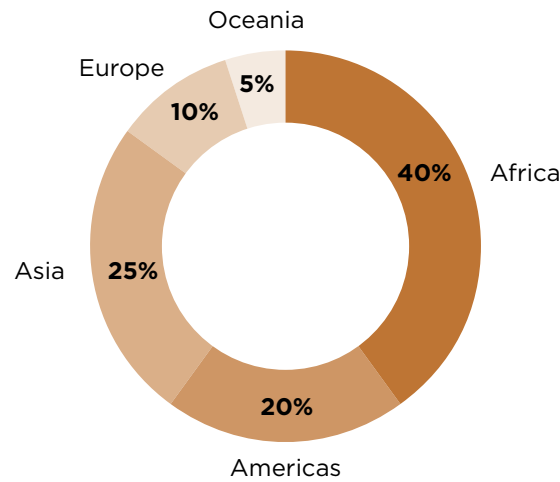
PRIVATE REPORTING

An increasing trend in ATT initial reporting is the submission of private reports, which are only made available to the treaty Secretariat and States Parties and are thereby inaccessible for outside analysis and assessment. To date, 20 States Parties have made their ATT initial reports private, representing nearly one-quarter of all reporting States Parties. Furthermore, there has been a marked increase in the rate of private initial reporting over the last six years. While none of the first 25 initial reports were private, 16 of 25 most recently submitted initial reports – or 64 percent – have been private. Of the 20 States Parties that have

⁴ The ATT-Baseline Assessment Survey was developed by the ATT-Baseline Assessment Project and distributed to States in 2014. The Survey contains questions spread across 12 areas relating to ATT implementation and requires States to review and assess how their current transfer control systems can implement the treaty.

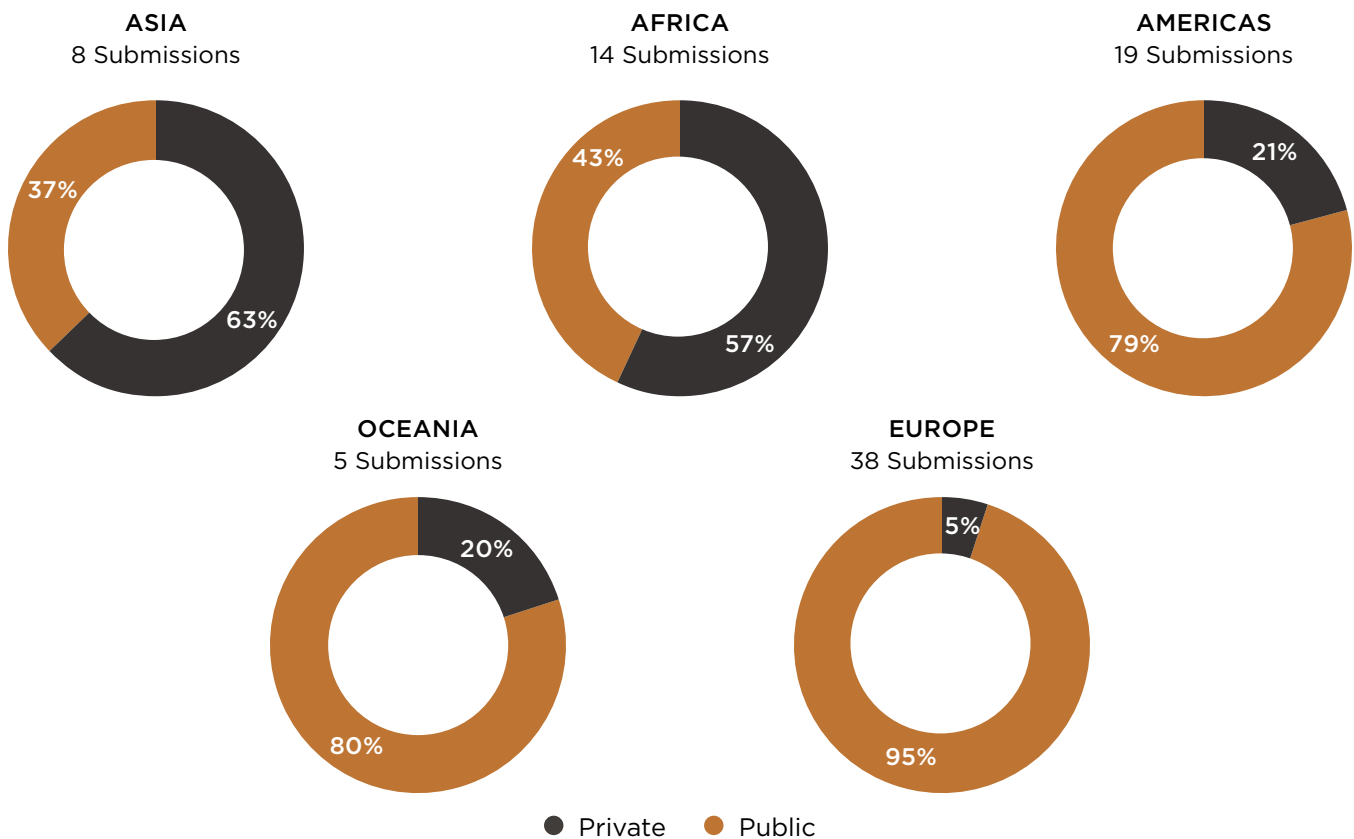
chosen to make their ATT initial reports private, eight are from Africa, four are from the Americas, five are from Asia, two are from Europe, and one is from Oceania.

Figure 2: Regional Composition of Private Initial Reports (as a percent of all privately submitted initial reports)



Regionally, Asia maintains the highest rate of private reporting, with approximately 63 percent of reporting States Parties from the region choosing to make their initial reports private, followed by Africa, where 57 percent of reporting States Parties chose to make their initial reports private. By comparison, 21 percent of reporting States Parties from the Americas, 20 percent of reporting States Parties from Oceania, and five percent of reporting States Parties from Europe chose to report privately.

Figure 3: Private vs. Public Initial Reporting by Region



States Parties have a variety of reasons for choosing to make their initial reports private, including understandable concerns about releasing sensitive information. Some States Parties appear to have restricted access to their initial reports by mistake. Whatever the cause, the growing trend in private reporting raises several concerns. Private reporting makes it impossible for non-governmental stakeholders to review how certain States Parties understand and implement the treaty and to undertake comprehensive comparative analyses. Private reporting also makes it difficult for non-governmental stakeholders to determine good practice across all ATT States Parties and to assess areas in need of assistance. Relatedly, private reporting hinders efforts to identify opportunities for support and/or cooperation that could further facilitate treaty implementation. Thus, it will be helpful to ascertain why those States Parties that reported privately elected to do so and determine how key stakeholders can help overcome any obstacles to public ATT reporting to strengthen transparency in the ATT and on national arms transfer control systems overall.

NON-COMPLIANCE

Twenty-Six States Parties have thus far failed to submit their ATT initial reports to the treaty Secretariat, despite being required to do so. Eleven of these non-reporting States Parties are considered least developed countries and 12 are considered small island developing States, according to United Nations classifications.⁵ Regionally, 14 non-reporting States Parties are from Africa, 8 are from the Americas, two are from Asia, one is from Europe, and one is from Oceania (See Figure 4).

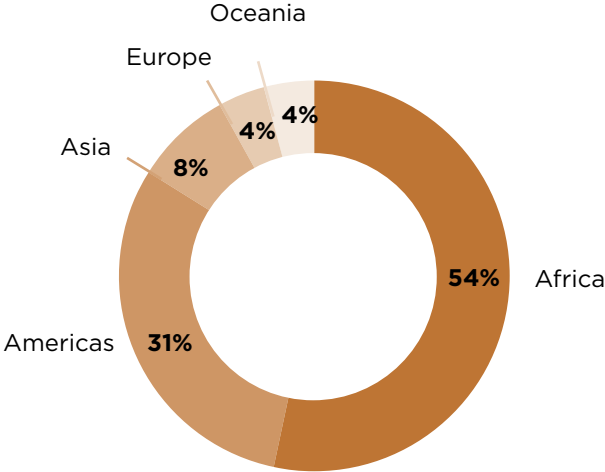
States Parties that have not yet submitted their ATT initial reports:

▶ Afghanistan*	▶ Guinea*	▶ Niue [†]
▶ Bahamas [†]	▶ Guinea Bissau* [†]	▶ Saint Kitts and Nevis [†]
▶ Barbados [†]	▶ Guyana [†]	▶ Saint Lucia [†]
▶ Brazil	▶ Lebanon	▶ San Marino
▶ Cabo Verde [†]	▶ Lesotho*	▶ Sao Tome and Principe* [†]
▶ Central African Republic*	▶ Mali*	▶ Seychelles [†]
▶ Chad*	▶ Mauritania*	
▶ Dominica [†]	▶ Mozambique*	
▶ Ghana	▶ Namibia	
▶ Grenada [†]	▶ Niger*	

* Least developed country
[†] Small island developing State

⁵ For more information on country groupings, see: United Nations, Department of Economic and Social Affairs, Statistics Division, "Methodology," <https://unstats.un.org/unsd/methodology/m49/>.

Figure 4: Regional Composition of Non-Reporting States Parties



Of the 26 States Parties that have yet to submit their ATT initial reports, the vast majority are several years past due in meeting their reporting obligations. Indeed, data show that early ratifiers of the ATT are more often late in complying with their initial reporting requirement. Eighteen, or approximately 69 percent, of the 26 non-reporting States Parties are more than three years late in submitting their ATT initial reports. Three States Parties are one-to-two years past due; one State Party is two-to-three years past due; and four States Parties are less than one year late in submitting their initial reports to the ATT Secretariat (see figure 5).⁶ Given the extended delays in reporting for several of these States Parties, this trend deserves greater scrutiny to better understand why certain early States Parties remain unable to complete their reporting obligations and how to best assist these States Parties with implementing the treaty’s provisions.

Figure 5: ATT Initial Reporting Non-Compliance Over Time

Time Past Due	Number of States Parties
3+ years	18
2-3 years	1
1-2 years	3
0-1 year	4

UPDATES

Under the ATT, States Parties are required to report on any updates made to their national transfer control systems that support treaty implementation. The Seventh Conference of States Parties adopted a revised version of the recommended reporting template, which includes an explicit option for States Parties to indicate if information in their reports has been updated and to highlight that information within the report or in an included annex.

⁶ States Parties that are less than one year past due in submitting their initial reports are: Afghanistan, Namibia, Niue, and Sao Tome and Principe. States Parties that are one-to-two years overdue are: Guinea Bissau, Lebanon, and Mozambique. Brazil is currently the only State Party that is two-to-three years past due in submitting its initial report. States Parties that are more than three years overdue are: Bahamas, Barbados, Cabo Verde, Central African Republic, Chad, Dominica, Ghana, Grenada, Guinea, Guyana, Lesotho, Mali, Mauritania, Niger, Saint Kitts and Nevis, Saint Lucia, San Marino, and Seychelles.

Figure 6: Initial Reporting Template Revision

This Report contains only updates to a previously submitted initial report dated (If you tick this box, please highlight or track the changes made to each section OR provide a brief summary of your updates in Annex A)	<input type="checkbox"/>
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This revision to the template itself is an important reminder for States Parties to reflect on their national transfer control systems and update their initial reports as necessary. To date, only five States Parties have provided information on “any new measures undertaken in order to implement” the ATT, as required under Article 13(1) of the treaty, despite several additional States Parties indicating at meetings and technical workshops that they have modified their transfer control systems in response to the ATT. The general lack of updated initial reports hinders concrete and comprehensive understandings of these modifications and thus how the ATT is influencing and augmenting States Parties’ regulations in practice. The five States Parties that have so far submitted updated initial reports to the ATT Secretariat are Hungary, Japan, New Zealand, Slovenia, and Sweden.

HUNGARY



Updated information about its national points of contact and legislation that contains its national control list. Also provided a new link to its national control list and updated the names of its national authorities responsible for controlling arms exports, imports, transit/transshipment, and brokering. Additionally, clarified language in its definition of brokering.⁷

JAPAN



Provided new links to relevant legislation containing its national control list as well as regarding its transfer assessment principles/procedures.⁸

NEW ZEALAND



Updated information regarding new brokering legislation and amendments to legislation governing arms imports and exports. Also clarified terminology regarding its transfer control practices, such as indicating that it “may require” certain supporting documents be included in an export authorization application and that its Strategic Goods regime applies to “all goods in New Zealand territory.”⁹

SLOVENIA



Indicated updates to national laws and provided updated links to its national control list and its annual reports on import, export, brokering, transit or transshipment licenses. Also updated language describing its transfer review process by clarifying that requests to issue any license (export, brokering or transit and transshipment) “may seek a prior opinion” by the Inter-Ministerial Export Control Commission, rather than be obliged to consult the Commission, as was indicated in Slovenia’s originally submitted initial report.¹⁰

⁷ Government of Hungary, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/ba9652fd-502e-34c1-9ec3-09add726ef8a>.

⁸ Government of Japan, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” (March 2019), <https://thearmstradetreaty.org/download/67a84ebb-686f-32c3-bb53-20d84dedfb4e>.

⁹ Government of New Zealand, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/6cbd8770-a0be-3676-9932-d4fda67bf9ac>.

¹⁰ Government of the Republic of Slovenia, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/fe8f9702-fa98-3f0a-92f2-9f9f83993d87>.



SWEDEN

Provided updated details on its national point of contact as well as the national authority responsible for export controls. Also updated its national risk assessment procedures for export licensing.¹¹

INITIAL REPORTING IN-DEPTH

Public initial reports allow States Parties, the ATT Secretariat, and outside experts to examine and analyze how States Parties interpret and implement the ATT. States Parties provide insights on measures they undertake to advance responsible arms transfer control policies and practices and to ultimately align with the treaty's provisions. Such measures could serve as examples of good practice, as well as indicators of common approaches to – and/or gaps in – treaty implementation. Public information also facilitates assessments of whether the adoption of the ATT has aided in the development of wider understandings on national conventional arms regulations. In other words, do the initial reports allow for a comprehensive understanding of how the ATT is being implemented? To try to answer that question, the following section provides an overview of States Parties' reported implementation practices, based on 12 thematic sections contained within the recommended reporting template. The information in this section is based on information provided in the 64 publicly available initial reports.

NATIONAL CONTROL SYSTEM AND LIST

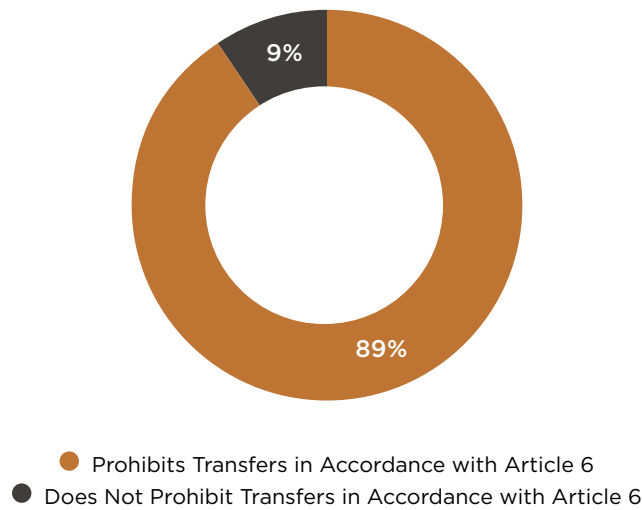
At least 51 States Parties, or 80 percent of those that submitted public initial reports, indicated that their national control system includes a national control list. Furthermore, 60 States Parties, or 94 percent of the States Parties that submitted public initial reports, indicated they have a national point of contact in place to exchange information on ATT implementation. Three States Parties reported that they do not yet have national points of contact in place, which could be an area for further engagement and assistance to strengthen treaty implementation and promote compliance. Fifty-One States Parties also indicated that their national control systems cover the eight categories of conventional weapons included within Article 2(1), which details the ATT's scope. By comparison, 53 States Parties indicated their national control systems cover ammunition and 51 States Parties indicated their systems cover parts and components.

PROHIBITIONS

At least 57 States Parties, or 89 percent of those that submitted public initial reports, indicated they prohibit arms transfers in all circumstances specified in Articles 6(1), 6(2), and 6(3) of the treaty. Six States Parties indicated that their national transfer control systems do not prohibit transfers in all circumstances detailed in Article 6 of the treaty, though the reasonings behind this implementation gap are not immediately clear for all six States Parties. Three of these States Parties (Liberia, Panama, and Trinidad and Tobago) noted they intend to expand their national control systems or establish relevant legislation to address this gap and fully implement this treaty provision, but other reporting States Parties (Antigua and Barbuda, Belize, and Suriname) did not offer clarifying details.

¹¹ Government of Sweden, "Initial Report on Measures Undertaken to Implement the Arms Trade Treaty," <https://thearmstradetreaty.org/download/bebf4cc5-4957-378f-9bd4-166c36eb57ad>.

Figure 7: Prohibiting Arms Transfers in Accordance with Article 6 of the ATT (as a proportion of publicly available reports)

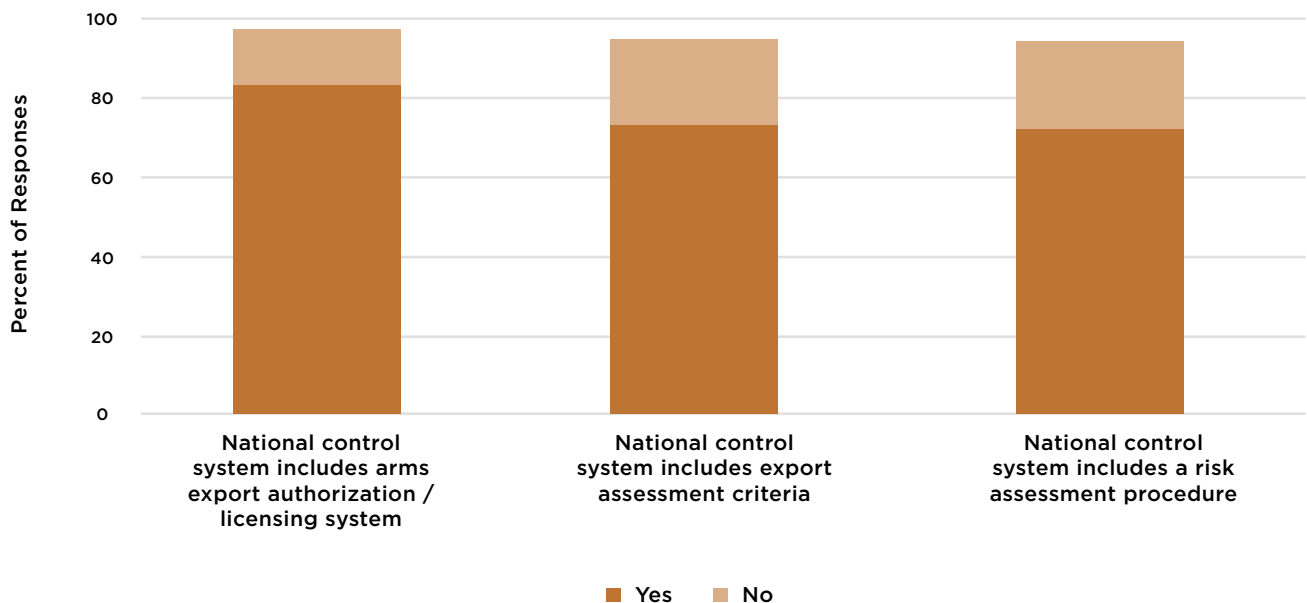


EXPORTS

Fifty-Three States Parties reported that their national control systems include an authorization or licensing system for arms exports, representing nearly 83 percent of States Parties that submitted public initial reports to the ATT Secretariat. Forty-Seven, or 73 percent, of publicly reporting States Parties indicated their national control systems include export assessment criteria, and 46, or 72 percent, reported that their national control systems include a risk assessment procedure. Forty-Six States Parties indicated their national risk assessment procedures include all criteria described in ATT Articles 7(1) and 7(4).

At least five States Parties (Belize, El Salvador, Trinidad and Tobago, Uruguay, and Zambia) that indicated their national control systems regulate arms exports reported they do not currently maintain export assessment criteria, and four of these five States Parties (Belize, El Salvador, Uruguay, and Zambia) reported that they also do not currently have risk assessment procedures. This could highlight an area for further examination and potential cooperation to support comprehensive treaty implementation.

Figure 8: Regulating Arms Exports (as a proportion of publicly available reports)



Fifty-One States Parties, or nearly 80 percent of publicly reporting States Parties, indicated their national control systems include measures to ensure all export authorizations are detailed and issued prior to export. Forty-Six States Parties indicated they allow information about an export authorization to be made available, upon request, to the importing and/or transit/transshipment States Parties and 28 States Parties indicated they allow, under certain circumstances, exports of controlled equipment without a license or under simplified procedure - representing approximately 44 percent of all publicly reporting States Parties.

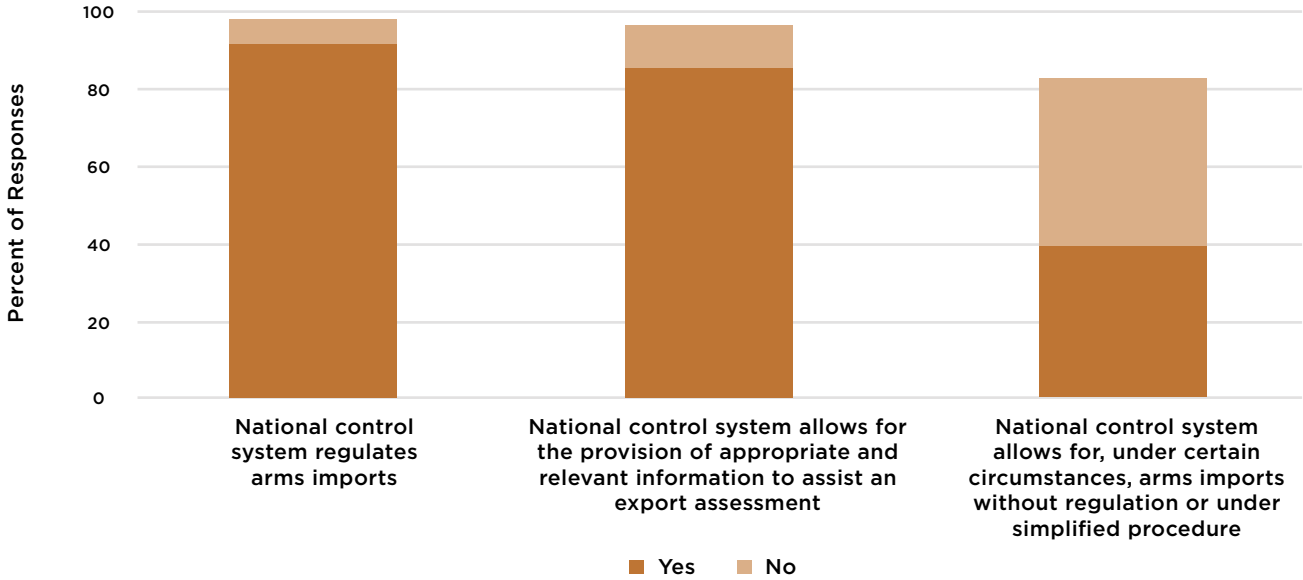
Forty-Seven States Parties, or 73 of those that submitted public initial reports, indicated that an export authorization can be reassessed if new relevant information becomes available and at least 44 States Parties, equaling 69 percent of public reporters, provided details on the types of information/documentation that is included in an application for an export authorization. According to insights provided by these States Parties, such information/documentation may include: application form, contract details, name of importer, import license/certificate, description of the items (such as the origin, name, model, caliber, and quantity/value of the weapon(s)), end use/r certificate, notes on intended end use, financial liability data, means of transport, transit routes, commodity customs code and customs point of exit, mode of transport, and guarantees to conduct post-shipment verifications.

IMPORTS

Fifty-Nine States Parties indicated their national control systems allow for the regulation of arms imports, representing approximately 92 percent of publicly reporting States Parties. Fifty-Five States Parties indicated their national control systems allow for the provision of appropriate and relevant information to assist an export assessment by a potential exporting State Party. Two States Parties (Liberia and Samoa) that reported their national control systems do not allow for the provision of information to potential exporting States Parties noted that their systems can be expanded to include such a provision, and two additional States Parties (Hungary and Trinidad and Tobago) noted that while national legislation does not specify the provision of such information, they are able to share insights upon request and through mutual cooperation.

Twenty-Five States Parties indicated that, under certain circumstances, conventional arms imports may be permitted without regulation or under simplified procedure, reflecting nearly 40 percent of States Parties that submitted public initial reports. By comparison, 28 States Parties, or approximately 44 percent, reported that their national control systems do not contain such a provision.

Figure 9: Regulating Arms Imports (as a proportion of publicly available reports)



At least 49 States Parties, or 77 percent of those that submitted public initial reports, offered details on the information/documentation required for an import authorization. Such information and/or documentation may include, among other things: a contract, trade license, end user declaration/certificate, description and quantity of goods, financial data, means of transport, transit routes, police authorization for import, countries of origin/shipment/final destination, and details on any transfer prohibitions or sanctions.

TRANSIT/TRANSSHIPMENT

Fifty-Six States Parties reported their national control systems allow for the regulation of transit and Fifty-Five States Parties reported their systems regulate transshipment, representing 88 and 86 percent, respectively, of States Parties that submitted public initial reports. At least three States Parties (Czech Republic, Dominican Republic, and the Republic of North Macedonia) indicated they control transit but not transshipment, and two States Parties (Belgium and Liberia) reported they currently control transshipment but not transit. At least seven States Parties (Austria, Canada, Costa Rica, Belgium, Lithuania, Montenegro, and the United Kingdom) provided definitions of transit and/or transshipment in their initial reports.

Examples of Transit/Transshipment Definitions Provided by States Parties



CANADA

“In Canadian law, transshipment refers to the unloading of goods from the means of transportation through which they entered Canada, and reloading onto the same or another means of transportation. It is a subset of the concept of transit in Canada.”¹²



COSTA RICA

“Article 138 of the General Customs Law defines customs transit as: ‘Internal or international customs transit is the customs regime under which goods under customs control are transported by land within the national territory. Internal customs transit shall be declared by the customs carrier expressly authorized by the General Directorate of Customs’. Article 152 states that Transshipment constitutes: ‘...the transfer of goods, under customs control, from a transportation unit or vehicle used for entry into the national territory to another unit or vehicle that continues the customs transit, without the goods causing payment of taxes. The customs and port authorities shall give priority to the transshipment of live animals and perishable goods over any other transshipment.’”¹³



LITHUANIA

“Transit of military equipment is defined in the Law of the Republic of Lithuania on the Control of Strategic Goods as a transport of military equipment entering from the territory of a third country and passing through the territory of the Republic of Lithuania to the territory of another third country. Thus passage of military equipment from EU member state to another EU member state is not considered as transit. Transit also covers the notion of trans-shipment and thus there is neither separate definition nor different form of license for trans-shipment.”¹⁴

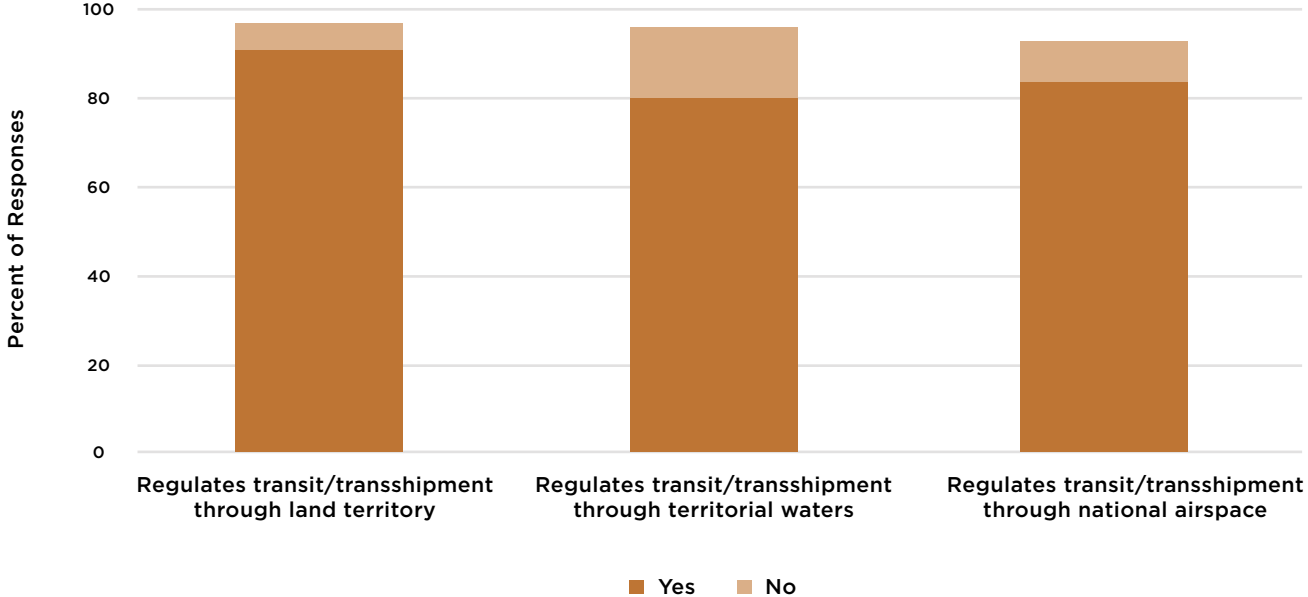
¹² Government of Canada, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” (16 September 2020), <https://thearmstradetreaty.org/download/733233d5-8bb8-30f3-8a53-396909f9ae0e>.

¹³ Government of Costa Rica, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” (23 December 2015), <https://thearmstradetreaty.org/download/80a3f246-fb62-3a95-85a0-14dbaa0a0896>. Translation provided in correspondence with Costa Rican official, 4 February 2022.

¹⁴ Government of the Republic of Lithuania, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/4c7b4b2e-992a-3d9e-ac66-3aff3a203617>.

States have also reported whether their national control measures cover transit/transshipment through land, air, and/or sea. Fifty-eight States Parties (91 percent) that reported publicly noted they regulate transit/transshipment through land territory (including internal waters), 51 (80 percent) noted they regulate transit/transshipment through territorial waters, and 54 States Parties (84 percent) noted they control transit/transshipment through their national airspace. Overall, this represents an average of 85 percent of publicly reporting States Parties that indicated they regulate transit/transshipment in some form.

Figure 10: Regulating Transit/Transshipment (as a proportion of publicly available reports)



At least 22 States Parties, or 34 percent of those that reported publicly, indicated that, under certain circumstances, transit/transshipment may be permitted without regulation or under simplified procedure. By comparison, 32 States Parties, or 50 percent of publicly reporting States Parties, reported that their national transfer control systems do not contain such exceptions. Additionally, at least 42 States Parties, or 66 percent of public reporters, provided details on information/documentation that is required for an application for transit/transshipment authorization, including: the export/import/transit permit, end use certificates, name of the importer and end user, description and quantity/value of the goods (including name, model, and caliber), details on companies involved in the transfer, country of origin, means of transport, points of entrance and exit, and relevant customs codes and documents.

BROKERING

At least 48 States Parties, or 75 percent of those that reported publicly, indicated that their national control systems allow for the regulation of arms brokering. Forty-Three States Parties, or approximately 67 percent of publicly reporting States Parties, offered insights on their national definitions of brokering within their ATT initial reports on implementation. While the ATT itself does not define brokering, States Parties’ national definitions contain several common elements, such as identifying “brokers” as persons or entities acting on behalf of a third party or as an intermediary between two or more parties in the manufacture, transfer, and supply of military goods and technology.

Examples of Brokering Definitions Provided by States Parties



LIBERIA

“This definition will be expanded to include extraterritorial element in a comprehensive national control system. However, the Firearms & Ammunition Control Act defines Brokering as work carried out as an intermediary between any manufacturer, supplier or distributor of small arms and light weapons and any buyer or user; which includes the provision of financial support and the transportation of small arms and light weapons.”¹⁵



NEW ZEALAND

“Brokering activity is defined in section 6 of the Act, as a means of “arranging, facilitating, or negotiating a transaction that involves the international transfer of weapons” between two third countries. It includes acting as an agent or intermediary for a person involved in the transaction, acquiring or storing weapons. Pursuant to section 4 of the Act, the law applies to any brokering activity carried out by New Zealand persons or entities, including those operating wholly or partially offshore.”¹⁶



PORTUGAL

“The activities other than exports to, imports from or transit through Portugal, that consist on the negotiation or organization of transactions that may involve the sale, acquisition or transfer of military goods and technologies from a third country to another third country, promoted by individuals or companies, nationals or foreigners, in the Portuguese territory, as well as those activities promoted in a third country by nationals or companies based in Portugal.”¹⁷

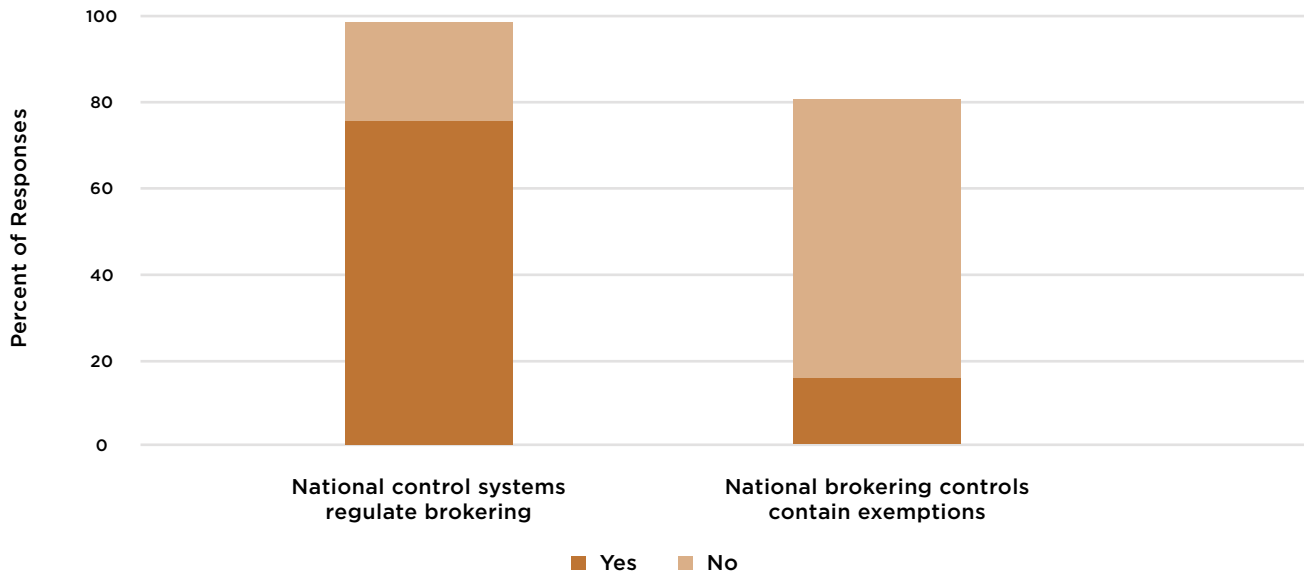
Ten States Parties, or 16 percent of those that submitted public initial reports, indicated that their national brokering controls contain exemptions, including for the transfer of goods related to events hosted by national armed forces or national security institutions (including armed forces, police, and customs administration), to close partners or allied States (such as European Union, NATO, or ECOWAS member States), or for defense companies or individuals that only supply the national government. However, the majority of publicly reporting States Parties, 64 percent, indicated that their national transfer controls do not contain such exemptions for brokering.

¹⁵ Government of Liberia, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/64635b9f-3995-364d-863a-d0e2213c42b9>.

¹⁶ Government of New Zealand, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/6cbd8770-a0be-3676-9932-d4fda67bf9ac>.

¹⁷ Government of the Portuguese Republic, “Initial Report on Measures Undertaken to Implement the Arms Trade Treaty,” <https://thearmstradetreaty.org/download/9b41779d-6e74-3152-8083-8e3ccfc74f03>.

Figure 11: Regulating Arms Brokering (as a proportion of publicly available reports)



At least 37 States Parties provided details on the information/documentation required in an application related to brokering, representing 58 percent of States Parties that submitted public initial reports. Information/documentation required includes: registration with a national register of brokers, a permit for brokering activity, contract, end use/r certificate, financial data, description and quantity/value of goods, means of transport, transit routes, final destination, and a copy of the export/import license.

Information/documentation that States Parties indicated they may require as part of an application for export, import, transit/transshipment, or brokering authorization:

- ▶ **Exports:** Application form, contract details, name of importer, import license/certificate, description of the items (such as the origin, name, model, caliber, and quantity/value of the weapon(s)), end use/r certificate, notes on intended end use, financial liability data, means of transport, transit routes, commodity customs code and customs point of exit, mode of transport, guarantees to conduct post-shipment verifications
- ▶ **Imports:** Contract, trade license, end user declaration/certificate, description and quantity of goods, financial data, means of transport, transit routes, police authorization for import, countries of origin/shipment/final destination, details on any transfer prohibitions or sanctions
- ▶ **Transit/Transshipment:** Export/import/transit permit, end use certificates, name of the importer and end user, description and quantity/value of the goods (including name, model, and caliber), details on companies involved in the transfer, country of origin, means of transport, points of entrance and exit, relevant customs codes and documents
- ▶ **Brokering:** Registration with a national register of brokers, a permit for brokering activity, contract, end use/r certificate, financial data, description, and quantity/value of goods, means of transport, transit routes, final destination, copy of the export/import license



PHOTO: U.S. AIR FORCE

DIVERSION

Several States Parties reported on various efforts within their national measures to prevent arms diversion. Fifty-Two States Parties, or 66 percent of those reporting publicly, reported that their diversion prevention measures include assessing the risk of diversion of an export. Of those States Parties that responded no or left this question blank, three (the Dominican Republic, Panama, and Trinidad and Tobago) noted they do not export conventional arms – thereby offering brief explanations as to why their national control systems do not currently assess the risk that an export may be diverted. Fifty-Eight States Parties reported that they cooperate and exchange information with other States Parties.

At least 50 States Parties indicated their national control systems include appropriate measures to be taken when diversion is detected, representing 78 percent of publicly reporting States Parties. According to publicly submitted reports, such measures may include:

- ▶ Amending, suspending, or canceling transfer permits;
- ▶ Sharing information with relevant countries and authorities;
- ▶ Sending reports to countries of origin and destination;
- ▶ Stopping the shipment and/or seizing the material in question; and
- ▶ Undertaking inspections and – where needed – formal law enforcement investigations and proceedings.

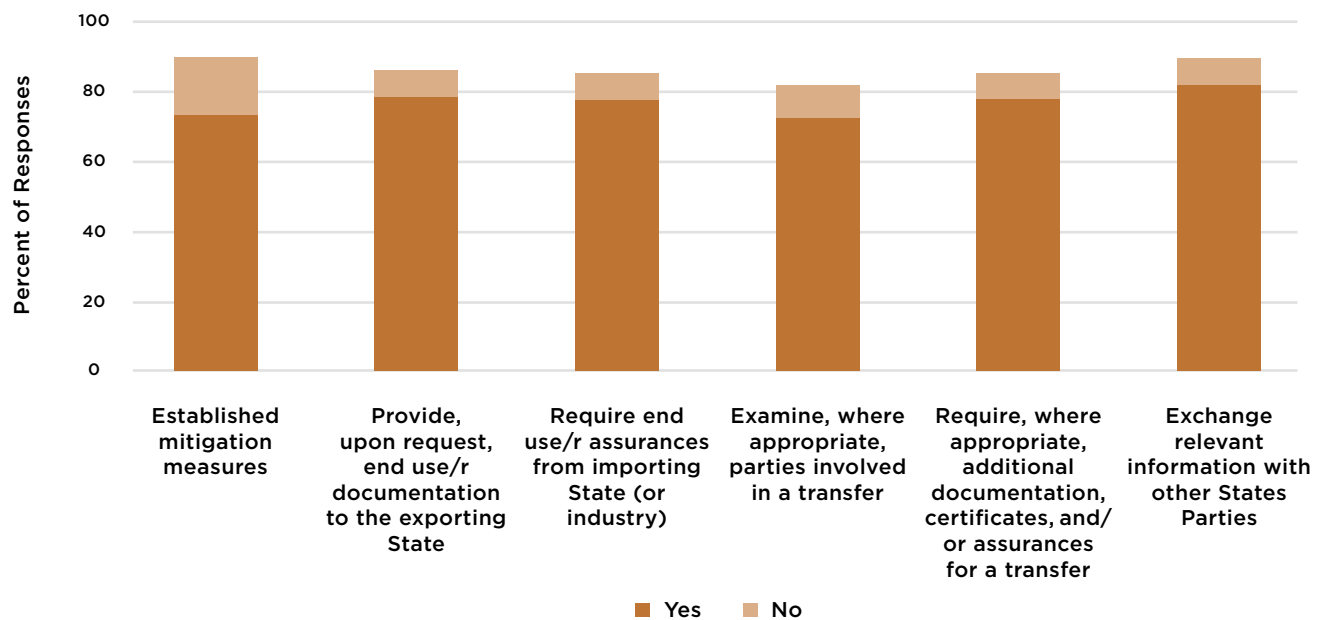
By comparison, several States Parties indicated that while such measures do not currently exist in national legislation, they are managed administratively.

Varying States Parties indicated the following measures are included in their national control systems to prevent diversion:

- ▶ 47 States Parties reported they established mitigation measures

- ▶ 50 States Parties reported they provide, upon request, end use/r documentation to the exporting State
- ▶ 49 States Parties indicated they require end use/r assurances from an importing State (or industry)
- ▶ 46 States Parties noted they examine, where appropriate, parties involved in a transfer
- ▶ 49 States Parties reported they require, where appropriate, additional documentation, certificates, and/or assurances for a transfer
- ▶ 52 States Parties indicated they exchange relevant information with other States Parties on measures to address diversion of transferred arms
- ▶ 31 States Parties noted they report through the ATT Secretariat to other States Parties on measures to address diversion

Figure 12: Measures to Prevent Diversion (as a proportion of publicly available reports)



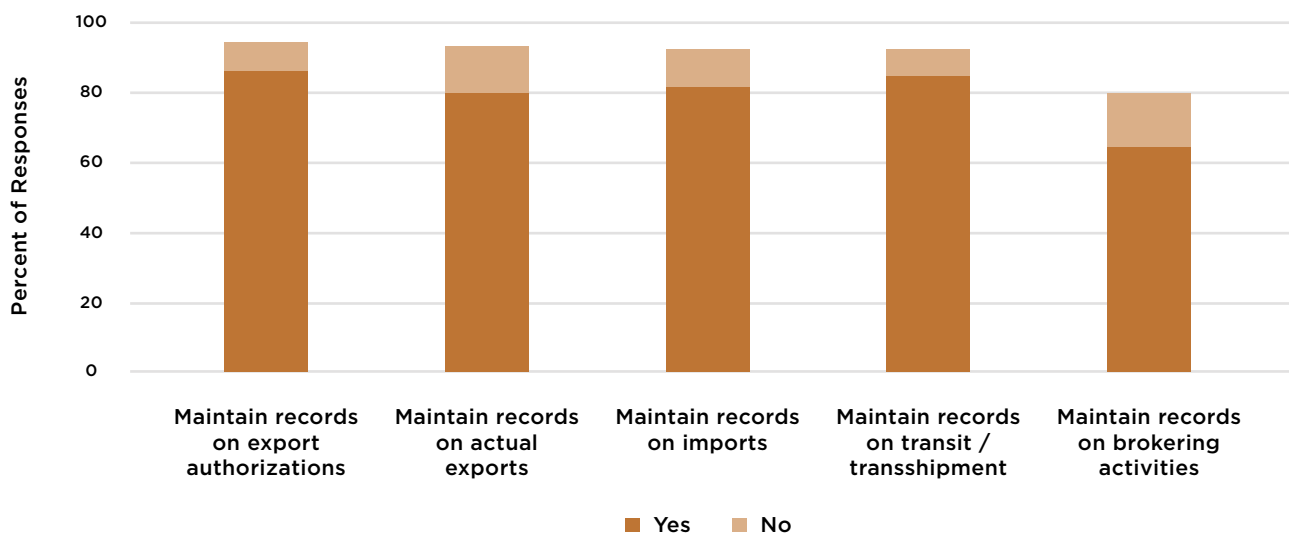
Additionally, 17 States Parties, or 27 percent of those that submitted public initial reports, reported on other measures that are included in their national control systems to prevent diversion, including responding to tracing requests by foreign law enforcement agencies and UN arms embargo monitoring mechanisms, cooperating and supporting initiatives to create databases of information on diverted weapons, conducting post-shipment verifications and other confidence-building measures, requiring transit certifications and controlling transit/transshipment of military items via escorts, and maintaining good stockpile management, security, and record keeping practices for conventional arms and ammunition.

With respect to undertaking measures when diversion has been detected, at least 45 States Parties, or 70 percent that reported publicly, indicated they alert potentially affected States Parties while 49 States Parties (77 percent) reported they take investigative and law enforcement measures at the national level. Forty-Six States Parties (72 percent) reported they use international tracing mechanisms to identify points of diversion and at least 19 States Parties (30 percent) indicated they undertake other measures, such as conducting on-site inspections if they receive evidence that a non-re-export declaration has been violated or withholding all exports to a country in question until the situation is resolved.

RECORD KEEPING

Fifty-Five States Parties, or 86 percent of those that reported publicly, indicated they maintain records on export authorizations, while 51 States Parties (80 percent) indicated they maintain records on actual exports. By comparison, 52 States Parties (81 percent) indicated they maintain records on imports, 54 States Parties (84 percent) reported they maintain records on transit/transshipment, and 41 (64 percent) indicated they maintain records on brokering activities. Fifty-Six States Parties, or nearly 88 percent of publicly reporting States Parties, indicated they keep records for a minimum of 10 years, as stipulated by the ATT. At least four States Parties indicated they maintain records related to small arms and light weapons (SALW) longer than other types of records. The Republic of North Macedonia indicated it retains records related to SALW for 20 years while Jamaica, Trinidad and Tobago, and Zambia indicated they retain such records indefinitely.

Figure 13: Record Keeping Practices (as a proportion of publicly available reports)



REPORTING

Sixty States Parties indicated in their initial reports that their national control systems allow for the provision of information as required by Article 13(3), specifically regarding annual arms exports and imports. This represents nearly 94 percent of publicly reporting States Parties. Six of these States Parties (Belize, Côte d'Ivoire, Iceland, Togo, Trinidad and Tobago, and Zambia) have not yet submitted an annual report on arms exports and imports, despite indicating in their initial reports that their national control systems allow them to do so.

Two States Parties (Antigua and Barbuda and Suriname) indicated in their initial reports that their national control systems do not allow for the provision of information as required by Article 13(3). However, Antigua and Barbuda has submitted all of its required annual reports since it was first required to do so in 2016, with respect to its 2015 arms exports and imports.

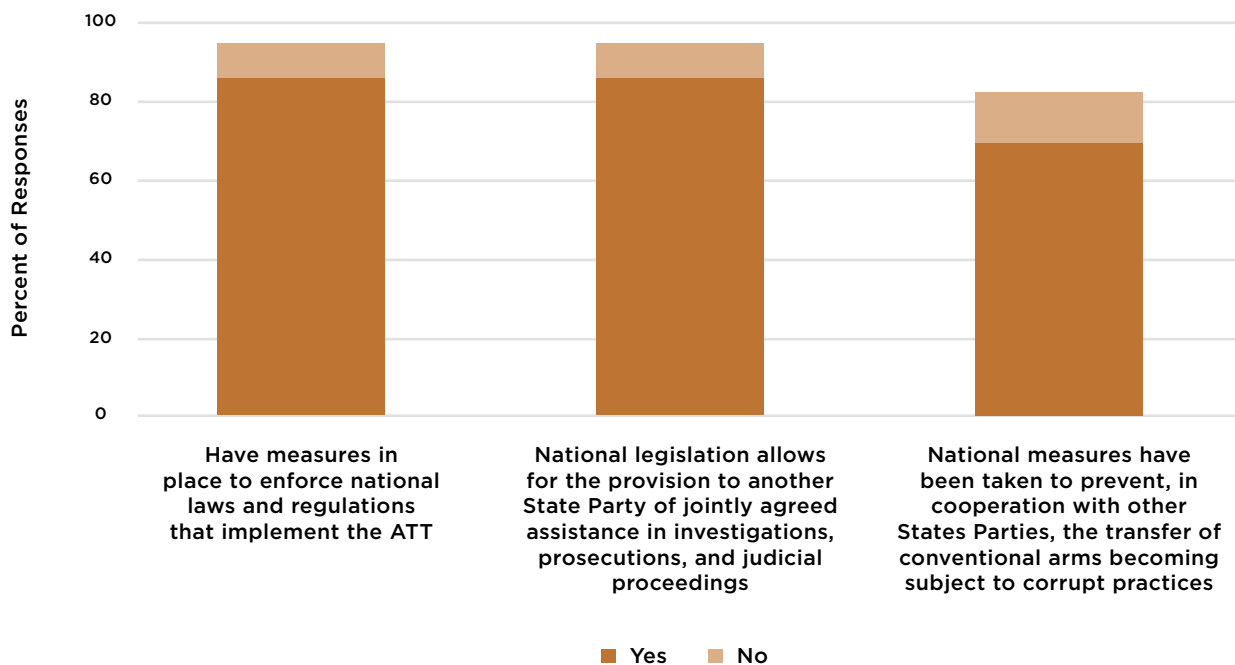
As of 31 December 2021, 75 States Parties had submitted an ATT annual report on arms exports and imports at least once. Meanwhile, 30 States Parties have never submitted an ATT annual report, despite being required to do so for one or more years. Overall, annual reporting to the ATT has an average compliance rate of approximately 69 percent over the last six years. For additional insights on the latest ATT annual reporting patterns and trends, see *2020 ATT Annual Reports: Examining Trends and Enduring Challenges*.¹⁸

¹⁸ Arms Trade Treaty Baseline Assessment Project, *2020 ATT Annual Reports: Examining Trends and Enduring Challenges*, October 2021, <http://www.armstrade.info/wp-content/uploads/2014/10/ATT-AR-2021-WEB12.pdf>.

ENFORCEMENT

Fifty-Five States Parties, or 86 percent of those that reported publicly, indicated they have measures in place to enforce national laws and regulations that implement the ATT. Fifty-Five States Parties also indicated their national legislation allows for the provision to another State Party of jointly agreed assistance in investigations, prosecutions, and judicial proceedings in relation to violations of measures established pursuant to the ATT. Forty-Four States Parties, or 69 percent of public reporters, indicated that national measures have been taken to prevent, in cooperation with other States Parties, the transfer of conventional arms from becoming subject to corrupt practices.

Figure 14: Measures to Enforce the ATT (as a proportion of publicly available reports)



INTERNATIONAL COOPERATION

Sixty States Parties, or approximately 94 percent of publicly reporting States Parties, indicated in their initial reports that cooperation is possible with other States Parties to support effective implementation. States Parties did not, however, provide details about how such cooperation is undertaken. One State Party (Sierra Leone) indicated that only regional cooperation is possible.

INTERNATIONAL ASSISTANCE

At least 55 States Parties, or approximately 86 percent of those that reported publicly, indicated that their national regulations and policies allow for the provision – upon request and if in a position to do so – of implementation assistance as set out in Article 16(1) of the treaty. The initial reports, however, largely do not contain specific details on what types of assistance States Parties would be willing or in a position to provide. Five States Parties (Australia, Norway, Serbia, South Africa, and the United Kingdom) offered additional information on assistance they have provided or could provide to support treaty implementation as comments in their reports.



AUSTRALIA

Provides assistance via the UN Trust Facility Supporting Cooperation on Arms Regulation (USNCAR) and other initiatives; promotes ATT universalization, including in regional workshops; contributed to New Zealand's development of model legislation; funded and took part in legal workshops; sponsored participation of developing countries in ATT meetings; and provided support for the Control Arms' ATT Monitor Project, for the Baseline Assessment Project, and for Small Arms Survey work on small arms and light weapons.¹⁹



NORWAY

Provides assistance through national and international organizations that provide capacity building, stockpile destruction and management, including Norwegian People's Aid, Mines Advisory Group, and Saferworld.²⁰



SERBIA

Is in a position to provide legislative assistance, including model legislation.²¹



SOUTH AFRICA

Has a great deal of practical experience in the area of arms control and is in a position to share its knowledge with other States, subject to financial and capacity constraints. Non-governmental organizations in the country have indicated their willingness to assist other African States with legislative development and disarmament training and education.²²



THE UNITED KINGDOM

Is in a position to provide legal assistance; legislative assistance, including model legislation; assistance for institution building; technical assistance; financial assistance; material assistance; stockpile management assistance; disarmament, demobilization, or reintegration assistance; and implementation assistance.²³

¹⁹ Government of Australia, "Initial Report on Measures Undertaken to Implement the Arms Trade Treaty," (December 2015), pgs. 12-13, <https://thearmstradetreaty.org/download/79019cb7-31ce-3892-892d-6a6e8c7db3e6>.

²⁰ Government of Norway, "Initial Report on Measures Undertaken to Implement the Arms Trade Treaty," pg. 7, <https://thearmstradetreaty.org/download/6612b20d-b5a6-3779-ae1f-0896997cebd3>.

²¹ Government of the Republic of Serbia, "Initial Report on Measures Undertaken to Implement the Arms Trade Treaty," (May 2015), pgs. 11-12, <https://thearmstradetreaty.org/download/5ccce5b-e628-3ed4-b8bb-5113c2052aad>.

²² Government of South Africa, "Initial Report on Measures Undertaken to Implement the Arms Trade Treaty," (December 2015), pgs. 15-16, <https://thearmstradetreaty.org/download/c6d3360d-5853-3eab-8791-cd253e7ae84a>.

²³ Government of the United Kingdom, "Initial Report on Measures Undertaken to Implement the Arms Trade Treaty," pgs. 9-10, <https://thearmstradetreaty.org/download/8b6fb808-d6ba-324f-b3e1-d7e9d14b1c5a>.

In general, the reports also do not offer insights on whether States Parties need assistance to advance treaty implementation, or what types of assistance they might require. Two States Parties (Albania and Hungary) indicated that although their national legislation and regulations do not specifically stipulate the ability to provide assistance, they would be able to provide treaty implementation assistance upon request. Currently, there is no mechanism to match assistance needs and resources. However, the revised initial reporting template adopted by the Seventh Conference of States Parties includes a list of specific types of assistance States Parties may require or may be in a position to provide. Use of the revised template combined with the European Union's grant to the Secretariat to provide new funding to create a database to match implementation needs and resources and train local and regional ATT experts in delivering ATT implementation assistance may offer significantly greater structure to assistance efforts.



PHOTO: U.S. ARMY PHOTO BY CAPT. ADAN CAZAREZ

COMPARING REPORTING TO THE ATT & UN POA

ATT initial reports share several synergies with the national report to the UN Programme of Action on Small Arms and Light Weapons (PoA), and insights gleaned from both reports can help increase understanding of how States work to increase responsibility and transparency in measures to regulate the international arms trade and prevent and address diversion. States are invited to submit national reports on a voluntary basis to the UN PoA every two years, providing information on how they implement the instrument. UN PoA reports are made publicly available through the UN Office for Disarmament Affairs.²⁴

The ATT initial reports and UN PoA national reports cover similar topics and can be used to inform one another and improve efficiencies within States' reporting processes. Indeed, States may be able to find and use relevant information contained within their completed PoA reports to support reporting on ATT implementation in their initial reports, and vice versa. Relatedly, States may be able to use their PoA reports to identify and submit information on relevant updates to their national transfer control systems that can then be shared in updated ATT initial reports.

Of the 110 States Parties to the ATT, 99 – or 90 percent – have submitted a national report to the UN PoA at least once since the PoA's reporting mechanism took effect in 2002. Of the 99 ATT States Parties that have experience reporting on conventional arms transfer controls to the UN PoA, 80 have submitted an initial report on ATT implementation to the treaty Secretariat as required by Article 13(1) of the ATT.

Figure 15: Reporting to the UN PoA and the ATT

Number of ATT States Parties that Have Submitted a UN PoA National Report	99
Number of ATT States Parties that Have Submitted an ATT Initial Report	84
Number of ATT States Parties that Have Submitted Both a UN PoA Report and an ATT Initial Report	80

Eighty-Seven ATT States Parties have submitted a UN PoA report in the last six years. Of these States Parties, 16 submitted private ATT initial reports despite submitting UN PoA national reports, which are public and – like ATT initial reports – ask States Parties to provide information on their national transfer control systems.

The question, therefore, remains whether there is more meaningful information regarding national control measures as a result of ATT initial reports than before the ATT's entry into force. The answer is not straightforward. In some cases, UN PoA national reports provide more insights than ATT initial reports on specific elements contained within States' national transfer control systems. Three primary examples of this relate to risk mitigation measures, brokering controls, and international assistance. The UN PoA reporting form explicitly asks States to provide information on the contents of their end use/r documentation, as well as measures taken to verify and authenticate such documents, and post-delivery controls. The UN PoA reporting form also requests more specific information regarding arms

²⁴ UN Office for Disarmament Affairs, Programme of Action on Small Arms and Light Weapons, "National Reports," <https://smallarms.un-arm.org/national-reports/>.

brokering controls, such as whether States require registration of arms brokers and/or require a license or authorization for brokering. The UN PoA reporting form also asks States which activities they regulate in relation to brokering, thereby raising the opportunity that States will provide more detailed insights in their responses than in the open-ended sections of the ATT initial report. Finally, the UN PoA report asks States about assistance needs within eight out of the ten sections of the reporting form, which includes an entire section focused on international cooperation and assistance. This stands in contrast to the two open-ended questions asked in the ATT initial report – though, as already noted, the revised initial reporting template now invites States Parties to provide more detailed information regarding their assistance capacities and needs. Given that the UN PoA report contains these and other types of specific questions, States have often provided more detailed insights on these elements of regulating arms transfers through their UN PoA national reports than in their ATT initial reports.

Figure 16: PoA Report Questions about the Contents of End User Certificates

6.5 What kind of documentation does your country require prior to authorising an export of SALW to another country?

- a) An end-user certificate (EUC) from the importing country.

[if no, go to 6.5 b]

- i) What elements does an end-user certificate in your country contain (check relevant boxes)?

- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
- 2) Contract number or order reference and date
- 3) Final destination country
- 4) Description of the end-use of the SALW
- 5) Exporter’s details (name, address and business name)
- 6) End-user information (name, position, full address and original signature)
- 7) Information on other parties involved in the transaction
- 8) Certification by the relevant government authorities of the authenticity of the end-user
- 9) Date of issue
- 10) Other:

[if other, please explain]

NATIONAL CHALLENGES TO FULFILL THE ATT INITIAL REPORT OBLIGATION

Over the last six years, States Parties have identified several challenges that hinder their ATT initial reporting efforts. Some of these challenges relate to how relevant information is collected and reported, while others relate to technical and/or procedural obstacles that can delay reporting on treaty implementation. Stimson has surveyed and interviewed national governments to better understand the challenges, obstacles, and practices for ATT initial reporting. States have identified four key types of ATT reporting challenges: awareness and understanding of ATT obligations; capacity and resource challenges; internal and bureaucratic challenges; and political and/or security challenges.

Figure 17: States Parties' Expressed Challenges to ATT Reporting



The challenges to reporting most frequently cited by States Parties in Stimson's research are issues associated with coordination and information sharing between government agencies/ministries.²⁵ Often, States Parties must collect and coordinate responses to questions provided in the initial report from multiple government departments, agencies, and/or ministries. This can present difficulties for information collection, consolidation, and approval, as well as for timely submissions to the ATT Secretariat. Other commonly cited challenges are lack of capacity/personnel, lack of time, and concerns related to the release of information regarded as sensitive. States have also noted challenges with the availability of information within their national governments, lack of resources, and confidentiality concerns regarding national measures and practices. Some States also noted the challenges posed by technical difficulties associated with electronic databases and other internal information networks that can stymie reporting efforts. All of these factors can make it challenging for States to submit a complete and comprehensive inventory of national measures that implement the ATT.

States also remarked upon the complications that can arise from political and/or economic challenges experienced by their national governments, including weak governmental institutions and understaffed

²⁵ Stimson survey research and interviews with States, November 2020 – December 2021.

ministries/agencies. In some cases, national political changes may alter a State Party's willingness to engage with the treaty, fulfill treaty obligations, and abide by its initial reporting requirement.

In addition to various internal challenges to reporting experienced by States Parties, the ATT reporting template itself had previously presented challenges for those completing the report. For example, the original initial reporting template used by several reporting States Parties uses gray shading to distinguish between "binding" and "non-binding" treaty provisions. This structure, however, did not align with the treaty text itself, as the treaty does not differentiate between varying levels of obligation in its reporting requirement. This distinction in the reporting template led to some confusion about what to report in order to comply with the treaty's reporting requirement, as well as increased the potential for States Parties to underreport on measures taken to implement the treaty. Additionally, questions contained within the earlier version of the initial reporting template might also have resulted in answers that lack specificity. For example, the template did not offer significant opportunities for States Parties to detail the measures they take to implement Articles 6 and 7 – which are central to the treaty's object and purpose.

The Seventh Conference of States Parties to the ATT adopted a revised version of the recommended initial reporting template (in addition to a revised version of the recommended annual reporting template), which may help resolve some of these earlier challenges. Indeed, the changes are described in the ATT Working Group on Transparency and Reporting Co-Chairs' Draft Report to CSP7 as ones that "address the most urgent clarifications, user friendliness issues, gaps and inconsistencies identified in the current templates" and "could significantly contribute to improving the quality of reporting."²⁶ Notable changes include:

- ▶ Providing an explicit option for States Parties to indicate if information in their reports has been updated and to highlight that information within the report or in an included annex;
- ▶ Asking discrete questions about the extent to which States Parties' national transfer control systems align with each element of Article 6 of the ATT on prohibitions against certain arms transfers (See Figure 18);
- ▶ Explicitly inviting States Parties to indicate if national legislation, regulations, or administrative procedures include definitions of export, import, transit, transshipment, and brokering;
- ▶ Explicitly inviting States Parties to provide more detailed information about their national control lists, national definitions, brokering regulations, record keeping practices, prohibitions, and risk assessment and mitigation measures, among others;
- ▶ In the sections that invite States to indicate which international agreements they are a Party to and consider relevant for the application of Articles 6(2) and 6(3), adding references to a non-exhaustive list of examples maintained by the ATT Secretariat that States "are welcome to consult ... when preparing their answer"; and
- ▶ Providing a list of specific categories of assistance that States Parties can use to indicate the types of assistance they may require or may be in a position to provide.

²⁶ Arms Trade Treaty, Working Group on Transparency and Reporting, *ATT Working Group on Transparency and Reporting Co-Chairs' Draft Report to CSP7*, 22 July 2021, para. 26, https://thearmstradetreaty.org/hyper-images/file/ATT_WGTR_Co-Chairs_Draft%20Report%20to%20CSP7_with%20all%20Annexes_EN/ATT_WGTR_Co-Chairs_Draft%20Report%20to%20CSP7_with%20all%20Annexes_EN.pdf.

Figure 18: Revised Initial Report Template Asks Discrete Questions About Each Element of Article 6²⁷

QUESTION 2.A AS IT APPEARED IN THE ORIGINAL TEMPLATE:

2. PROHIBITIONS

<p>A. The national control system prohibits authorization of transfers as defined by Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, in the circumstances specified in Articles 6(1) to 6(3) (if ‘No’ in any respect, please elaborate below)</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
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QUESTION 2.A AS IT APPEARS IN THE REVISED TEMPLATE:

2. PROHIBITIONS

<p>A. The national control system prohibits authorization of transfers as defined by Article 2(2), of conventional arms covered under Article 2(1) and items covered under Articles 3 and 4, if:</p>		<p>Yes</p>	<p>No</p>
<p>i)</p>	<p>the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes [Article 6(1)]</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>ii)</p>	<p>the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms [Article 6(2)]</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>iii)</p>	<p>the State Party has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party [Article 6(3)]</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>(If ‘Yes’, please consider providing further information. If ‘No’ in any respect, please elaborate below)</p>			

²⁷ For the revised initial report template, see: Arms Trade Treaty, Working Group on Transparency and Reporting, *ATT Working Group on Transparency and Reporting Co-Chairs’ Draft Report to CSP7*, Annex B. For the original initial report template, see: Arms Trade Treaty, Working Group on Reporting Templates, *Report of the ATT Working Group on Reporting Templates to the Second Conference of States Parties*, 17 July 2016, Annex 1, https://thearmstradetreaty.org/hyper-images/file/Working_Group_on_Reporting_Templates-Final_Report_to_CSP2.1/Working_Group_on_Reporting_Templates-Final_Report_to_CSP2.pdf.

CONCLUSION AND WAYS FORWARD

Over the last six years, key stakeholders – including the ATT Secretariat, working groups, and civil society experts – have dedicated time and resources to increasing understandings of and compliance with the ATT’s reporting requirements. The initial report represents a critical tool for not only understanding how States Parties are interpreting and implementing the treaty’s provisions, but also monitoring and assessing compliance, recognizing trends and good practice in advancing responsibility and transparency in global arms transfer controls, and identifying gaps and assistance needs for comprehensive treaty implementation.

To date, however, the ATT initial reports have not lived up to their potential. Slow reporting submissions and an increasing trend in private reporting risk undermining the utility of ATT initial reporting and limiting shared understandings of how the ATT is impacting national regulations to better secure international arms transfers. Furthermore, ATT initial reports may not yet be as informative as other resources that contain information on States’ national arms transfer controls, such as UN PoA national reports. Indeed, with only five States Parties having submitted updates to their ATT initial reports, States Parties’ national transfer control systems may be more robust than is otherwise indicated in their initial reports. Similarly, without more widespread reporting on changes that have been made to States Parties’ national transfer control systems, the ATT may have had a greater contribution to the development of these national regulations than is currently known. Moreover, due to how questions are structured and asked in the ATT initial report, it is often difficult to assess or evaluate States Parties implementation practices and analyze trends in good practice or assistance needs. As more States Parties submit their initial reports using the revised reporting template, key stakeholders may gain more informative insights into how the treaty is being implemented and where specific gaps and assistance needs remain.

Several efforts exist to not only assist States Parties with ATT reporting, but also with comprehensive treaty implementation. For example, The ATT Working Group on Transparency and Reporting has provided a working paper with advice on the measures that States Parties can take to advance ATT reporting compliance, and the treaty’s Voluntary Trust Fund can be used by States to request assistance in developing and strengthening their national processes to support ATT reporting.²⁸ Additionally, States may request assistance for partner countries or regional organizations to support ATT reporting through bilateral and multilateral mechanisms. One such mechanism is the European Union’s ATT-Outreach Project, which offers national trainings to States outside of the EU to help strengthen national transfer controls and support ATT implementation.²⁹ Several bilateral assistance programs also exist to support ATT implementation, including support for reporting.³⁰ The April 2021 decision adopted by the Council of the European Union not only funds the ATT Secretariat for projects matching assistance capacities and needs, but also enhances cooperation between States Parties and the ATT Secretariat, including by developing a practical guide for national points of contact with information on the ATT’s reporting obligations and how to fulfill them.

²⁸ Arms Trade Treaty, Working Group on Transparency and Reporting, *Working Paper on National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments*, 2017 [https://thearmstradetreaty.org/hyper-images/file/WGTR%20-%20National%20level%20measures%20\(Annex%20B%20to%20WGTR%20Report%20to%20CSP3\)%20-%20EN/WGTR%20-%20National%20level%20measures%20\(Annex%20B%20to%20WGTR%20Report%20to%20CSP3\)%20-%20EN.pdf?templateId=1265194](https://thearmstradetreaty.org/hyper-images/file/WGTR%20-%20National%20level%20measures%20(Annex%20B%20to%20WGTR%20Report%20to%20CSP3)%20-%20EN/WGTR%20-%20National%20level%20measures%20(Annex%20B%20to%20WGTR%20Report%20to%20CSP3)%20-%20EN.pdf?templateId=1265194); Arms Trade Treaty Secretariat, “Voluntary Trust Fund,” <https://thearmstradetreaty.org/voluntary.html>.

²⁹ German Federal Office of Economic Affairs and Export Controls, “Foreign Trade - Outreach,” https://www.bafa.de/EN/Foreign_Trade/Outreach_Projects/outreach_projects_node.html.

³⁰ To learn more about bilateral assistance programs, see: Stockholm International Peace Research Institute, “Mapping ATT-Relevant Cooperation and Assistance Activities Database,” <https://att-assistance.org/>.

Additionally, during the Sixth Conference of States Parties (CSP), the ATT Secretariat initiated a project to facilitate the voluntary exchange of reporting assistance between States Parties with extensive reporting experience and those with relatively little experience. While COVID-related limitations prevented States Parties from repeating this exercise during CSP7, the Secretariat plans to repeat and expand it during the CSP8 process in hopes that these “reporting assistance clinics” will become a constant feature of future CSP processes.³¹

Furthermore, States, the treaty Secretariat, the Working Group on Transparency and Reporting, and civil society partners could pursue additional options to strengthen ATT initial reporting and facilitate more concrete understandings of ATT implementation and assistance needs.

- ▶ Key stakeholders could support a peer review process to establish comprehensive, national overviews of treaty implementation. Such a process could resemble that which exists for national reports on implementation of UN Security Council Resolution 1540 and enable a group of designated experts to review the initial reports and other relevant information on national control systems and create verified reports on treaty implementation, with input and review by States Parties. These overviews could then be used to create an online, publicly accessible database of national implementation measures to enable further research and analysis into the ATT’s impact on arms transfer regulations.
- ▶ Relatedly, States and the ATT Secretariat could support the development and maintenance of a comprehensive, searchable database of initial report responses. The database could contain information both at the national level and in aggregate to allow for detailed analysis of State-by-State practices as well as general gaps and trends in treaty implementation. The database should be made publicly available and regularly updated as new initial reports are submitted. The creation and management of this database could also be led by civil society organizations, several of which already have the necessary infrastructure in place. The ATT-Baseline Assessment Project, for example, maintains an online database of States’ responses to the ATT-BAP Survey, which includes over 120 questions and sub-questions across 12 categories related to ATT implementation.
- ▶ In the interim period before the development of a comprehensive online database, the ATT Secretariat could provide additional information on its existing initial report webpage that captures insights on submission dates, on-time submissions, submissions by region, and clear and easy-to-find notifications on which States Parties have updated their initial reports. This additional information would allow for greater understanding of States Parties’ reporting practices, as well as national, regional, and global trends. Such information would also facilitate more in-depth analyses of certain reporting patterns and help identify questions for further examination by the Working Group on Transparency and Reporting and other relevant stakeholders.
- ▶ Key stakeholders could also conduct targeted outreach to governments that need to complete their reports. Twenty-Six States Parties have yet to submit their initial reports to the ATT Secretariat, and more than two-thirds of these States Parties are several years past-due in completing their reports. Therefore, the ATT Secretariat, the Working Group on Transparency and Reporting, interested States, and civil society experts could engage in detailed and coordinated outreach to work with non-reporting States Parties to investigate the reasons for not reporting, identify specific obstacles to reporting, and implement targeted and tangible solutions to overcome any such obstacles. Such outreach could also utilize regional groups where relevant to further support ATT reporting efforts.

³¹ Sarah Parker, “Transparency in the Arms Trade: Examining the Role and Efforts of the Arms Trade Treaty,” Stimson, 28 October 2021, <https://www.stimson.org/event/transparency-in-the-arms-trade-examining-the-role-and-efforts-of-the-arms-trade-treaty/>.

- ▶ States Parties could focus on providing updates to their initial reports in the lead up to the 10th anniversary of the ATT. States Parties can use the upcoming 10th anniversary as a target date for reviewing their national control systems and reporting on the ways in which their systems have evolved to support treaty implementation. Similarly, the ATT Secretariat could encourage States Parties to submit updates on their initial reports as part of its efforts to advance reporting and treaty implementation as well as its preparation and outreach for the treaty's 10th anniversary.

ATT initial reporting can provide an important resource for monitoring and evaluating measures taken to regulate – and, ultimately, improve responsibility and transparency in – the global arms trade. As we take stock of efforts to strengthen initial reporting, supporting the identification of shared good practices as well as specific assistance needs for comprehensive treaty implementation are essential.



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For more information, visit the Arms Trade Treaty-Baseline Assessment Project Portal at www.armstrade.info or contact us at ATT@stimson.org.

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