



TAKING STOCK OF ATT Reporting Trends and Challenges

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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) is the first global, legally binding instrument to regulate the trade in conventional arms. The treaty, which entered into force in 2014, aims to mitigate the harm caused by irresponsible and illicit arms transfers by establishing common standards for international transfers of conventional arms. The ATT also seeks to enhance transparency and build confidence between States engaging in the international arms trade by establishing 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 when they make changes to their national arms transfer control systems. This report is due within the first year of the entry into force for that State Party.

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.

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.



Reporting is a critical element of the ATT and is essential to meeting the treaty's core purpose of contributing to international and regional peace, security, and stability; reducing human suffering; and promoting cooperation, transparency, and responsibility in the global arms trade and building confidence among States Parties. Moreover, comprehensive and consistent reporting can serve a number of important functions for States, the ATT Secretariat, and non-governmental experts and stakeholders. Some of the specific benefits of ATT reporting include:

- ▶ 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 offering 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;
- ▶ 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;
- ▶ Enhancing awareness of regional and global arms flows;
- ▶ Facilitating assessments of treaty compliance, particularly related to export and import decisions;
- ▶ Supporting efforts to monitor whether weapons use complies with international human rights and humanitarian law;
- ▶ Providing a baseline of legally transferred arms that can be used to identify illicit arms and their potential sources;
- ▶ Contributing towards the detection of early warning signs of potential conflict, such as potentially destabilizing weapons accumulations;
- ▶ Providing a basis for bilateral or multilateral consultations on transfers that may not align with ATT obligations; and
- ▶ Promoting transparency and building confidence among States involved in the global arms trade.

Unfortunately, ATT reporting is not living up to its full potential. Over the first six years of ATT reporting the rate of initial reporting has remained relatively constant while annual reporting compliance rates have steadily decreased. Both initial and annual reporting have suffered from increasing challenges to transparency and reporting practices that limit the practical and analytical utility of the reports themselves.¹ But why?

This report aims to assist States Parties, the ATT Secretariat, and other interested stakeholders in their efforts to enhance ATT reporting by contributing to a more specific understanding of States Parties' reporting experiences. The report uses survey research from 35 States as well as follow-up interviews with some survey respondents. The report provides insights into existing reporting processes and practices, the challenges States Parties face in fulfilling their reporting obligations, and the good practices they have developed to overcome recurring challenges. This report is the third in a series of publications by the Stimson Center's Arms Trade Treaty-Baseline Assessment Project that take stock of ATT reporting over the first six years of the treaty's implementation.

This report is organized into three parts. It begins by providing an overview of the reporting processes and practices of the 35 States that participated in the study to identify trends and examples of good practice. The report then discusses the challenges these States have experienced in fulfilling their initial and annual reporting obligations. Finally, the report concludes with a discussion of recommendations that can be taken to ensure more consistent, comprehensive, and transparent reporting under the ATT.



¹ For a fuller discussion of the issues surrounding ATT initial and annual reporting, see: Arms Trade Treaty-Baseline Assessment Project, *Taking Stock of ATT Initial Reports*, February 2022, <http://www.armstrade.info/wp-content/uploads/2014/10/Taking-Stock-of-ATT-Initial-Reports-compressed.pdf>; *Taking Stock of ATT Annual Reports*, February 2022, <http://www.armstrade.info/wp-content/uploads/2022/02/Taking-Stock-of-ATT-Annual-Reports.pdf>.

METHODOLOGY

This report utilizes anonymized survey data obtained from a joint research project between Stimson and the Stockholm International Peace Research Institute (SIPRI). Stimson and SIPRI developed and conducted the survey as part of the “Taking Stock of the ATT” project, which aims to assist key stakeholders in assessing the first six years of the treaty’s implementation. The survey was provided to ATT States Parties, signatories, and non-signatory States to solicit their perspectives on ATT implementation.

The survey was distributed in November 2020 and responses were collected through February 2021. Surveys were shared with all 110 States Parties and 31 signatories to the ATT at the time (one of these signatories, the Philippines, has since ratified and become the 111th State Party to the ATT). Surveys were also shared with 18 non-signatory States. The non-signatory States included in the study were those that had attended at least one ATT Conference of States Parties, as well as those that were among the world’s top arms exporters or importers in 2019, according to SIPRI estimates – as their engagement with the ATT (or lack thereof) could have significant implications for the treaty’s success.

The survey included questions focused specifically on ATT reporting. States Parties and signatories were asked to respond to six questions about their reporting processes and practices and the challenges they may have faced in preparing and submitting their ATT initial and annual reports. Non-signatory States were asked to respond to four questions about their anticipated reporting processes, practices, challenges, and assistance needs. These survey questions are presented throughout this report alongside analyses of the responses States provided to each question.

A total of 35 States responded to the survey, including 34 States Parties and one non-signatory State that had participated in multiple ATT Conferences of States Parties. Nineteen of these States provided additional information in response to follow-up questions from Stimson researchers to elaborate upon or clarify their survey responses.

The States that responded to the survey are not a representative sample of all 111 ATT States Parties, as illustrated in Figure 1. Europe is significantly overrepresented among respondent States, with European States constituting 69 percent of the survey respondents compared to 35 percent of ATT States Parties. The Americas, Africa, and Oceania are underrepresented, and Asia is not represented at all among the survey respondents. The survey also overrepresents the world’s leading arms exporters. According to SIPRI data on international transfers of major conventional arms, eight States that responded to the survey were among the top 25 arms exporters in 2017-21 (representing 23 percent of respondents). For the same period, 16 of the current 111 ATT States Parties were among the top arms exporters (representing 14 percent of all States Parties). The world’s leading arms importers are more evenly represented. Two States that responded to the survey (or six percent of respondents) were among the world’s top 25 arms importers in 2017-21, compared to eight (or seven percent) of the ATT’s 111 States Parties.² Finally, the survey responses underrepresent States that are among the world’s least developed countries, according to United Nations classifications. Least developed countries represent 9 percent of survey respondents,

² The top 25 arms exporters and importers referenced here are based on SIPRI data on the volume of international transfers of major arms in 2017-21. For more on SIPRI’s ranking and methodology, see: SIPRI, *Trends in International Arms Transfers, 2021*, Pieter D. Wezeman, Alexandra Kuimova, and Siemon T. Wezeman, March 2022, https://www.sipri.org/sites/default/files/2022-03/fs_2203_at_2021.pdf.

compared to 18 percent of States Parties.³ In light of these differences, the responses received to the survey are not necessarily reflective of the experiences or positions of ATT States Parties as a whole. At the same time, the 34 States Parties that responded to the survey represent nearly a third of all States Parties – albeit imperfectly – and, as a result, their responses provide important insights into ATT reporting practices, challenges, and good practices.

Figure 1: Comparing Survey Respondents and ATT States Parties

	Survey Respondents		All ATT States Parties	
Regional Breakdown				
Europe	24	69%	39	35%
Americas	6	17%	27	24%
Africa	4	11%	28	25%
Asia	0	0%	11	10%
Oceania	1	3%	6	5%
Top Exporters and Importers				
Top 25 arms exporters	8	23%	16	14%
Top 25 arms importers	2	6%	8	7%
Development				
Least developed countries	3	9%	20	18%

To contextualize the responses States provided to the survey and follow-up questions, this report also relies on ATT reporting data and information contained in publicly available initial and annual reports as provided on the ATT Secretariat’s website as of 1 April 2022.⁴

This report also incorporates insights from Stimson’s previous research on ATT reporting experiences. Of particular relevance is Stimson’s 2017 study *Reporting in Review: Examining ATT Reporting Experiences*, in which Stimson researchers developed and distributed questionnaires to ATT States Parties to gain insight into their processes for compiling reports, reporting challenges, and good practices.⁵ Twenty-Five States Parties responded to the questionnaire. While there are notable differences between the 2017 questionnaire and the survey discussed in this report, as well as differences in the States that participated in each study, insights from this earlier study are incorporated into the present report to illustrate some of the trends in and enduring aspects of ATT reporting experiences that also emerged as part of this recent survey.

Percentages reflected in the analysis are rounded to the nearest whole number and therefore may not equate to 100 percent in all cases. Furthermore, survey data do not include responses where States provided conflicting information. Survey data also do not include the responses provided by the one non-signatory State that responded to the survey, as the questions included in their version of the survey differed from those included in surveys provided to State Parties and signatory States. Instead, responses provided by the non-signatory State are incorporated into the narrative text of the corresponding sections.

³ This paper relies on the list of least developed countries prepared by the Statistics Division of the UN Secretariat. For more on the Statistics Divisions’ country groupings and methodology, see: United Nations, Department of Economic and Social Affairs, Statistics Division, “Methodology,” <https://unstats.un.org/unsd/methodology/m49/>.

⁴ ATT Secretariat, “Initial Reports,” <https://thearmstradetreaty.org/initial-reports.html?templateId=209839>; “Annual Reports,” <https://thearmstradetreaty.org/annual-reports.html?templateId=209826>.

⁵ 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 PROCESSES AND PRACTICES

To better understand ATT reporting trends and good practice, States that responded to the survey were asked to provide information on the agencies or ministries involved in reporting, the processes or mechanisms they use to coordinate reporting efforts and update initial reports, their private reporting practices, and their experiences leveraging synergies between the ATT and other reporting frameworks.

AGENCIES/MINISTRIES INVOLVED IN REPORTING

An important component of effective ATT reporting is the establishment of clear roles and responsibilities for preparing and contributing to ATT initial and annual reports. The survey responses – discussed in more detail below – offer several insights into how States Parties have addressed this issue:

- ▶ Nearly all States Parties that responded to the survey have designated one or more ministries or agencies as responsible for preparing and contributing to their initial and annual reports.
- ▶ Most, but not all, States Parties have one ministry or agency responsible for preparing ATT reports and multiple ministries or agencies responsible for contributing to them.
- ▶ While States Parties identified a range of authorities involved in ATT reporting, Ministries of Foreign Affairs were the most commonly cited authorities for preparing ATT reports, while Ministries of Defense were the most commonly cited authorities for contributing to them.

SURVEY QUESTION: Has your country designated a government ministry or agency responsible for preparing or contributing to preparing its ATT initial and annual reports? If yes, which ones?

Possible Responses	Agencies Responsible for Preparing		Agencies that Provide Information	
	Annual	Initial	Annual	Initial
No agency/ministry designated	0	0	0	2
Customs	0	1	9	10
Ministry of Defense	6	9	24	18
Ministry of Economy	4	3	9	9
Ministry of Finance	0	1	3	5
Ministry of Foreign Affairs	22	21	8	12
Ministry of Interior	1	4	16	12
Other (please specify)	9	9	14	13

Preparing ATT initial reports involves the collection and collation of information on a State Party's national arms transfer control laws, policies, and practices, while preparing ATT annual reports involves the collection and collation of annualized arms export and import data. While the same ministry or agency may be responsible for preparing both reports, this is not always the case. Moreover, given the scope of information required for reporting, it is common for additional ministries or agencies to contribute to the preparation of ATT reports by furnishing information on a State Party's arms transfers or transfer controls.

All 34 States Parties that responded to the survey indicated that they have designated one or more government ministries or agencies responsible for preparing their initial and annual reports. All 34 States Parties similarly indicated that they have designated at least one ministry or agency as responsible for contributing to their annual reports, and all but two States Parties indicated they had done so with respect to their initial reports.

Most of the 34 States Parties indicated that one ministry or agency is responsible for preparing its ATT reports, with 25 States Parties (or 74 percent) indicating only one agency is involved in preparing initial reports and 29 States Parties (or 85 percent) with respect to their annual reports. Most States Parties indicated that multiple ministries or agencies are responsible for contributing to their ATT reports. This is unsurprising, given the fact that information needed to complete both initial and annual reports is often spread across various ministries or agencies and, in some cases, private actors. Twenty-One States Parties (or 61 percent) indicated multiple agencies are responsible for contributing to initial reporting, and 28 States Parties (82 percent) with respect to annual reporting.

States Parties identified a range of ministries, agencies, and other government authorities responsible for various aspects of ATT reporting, including Ministries of Defense, Economy, Finance, Foreign Affairs, and Interior as well as Customs. Several States Parties checked a box to indicate that "other" government authorities were responsible for preparing or contributing to their initial reports and provided written responses with more information. Responses received by States Parties that checked "other" include police, interagency commissions, Ministries of Trade, and specific offices within Ministries of Defense or Foreign Affairs.



There is a degree of overlap between the ministries and agencies responsible for various aspects of ATT reporting across the 34 States Parties that responded to the survey, but also notable differences. For instance, most States Parties indicated that their Ministry of Foreign Affairs is responsible for preparing their ATT reports, with 21 States Parties (or 62 percent) indicating that Foreign Affairs are responsible for their initial reports and an equivalent amount with respect to their annual reports. By contrast, most States Parties indicated that their Ministry of Defense is responsible for contributing to their reports, with 18 States Parties (or 53 percent) indicating Defense is responsible for their initial reports and 24 (or 71 percent) with respect to their annual reports. Additionally, while Ministries of Defense, Economy, Foreign Affairs, Interior, and “other” were all identified as responsible ministries or agencies both for preparing and contributing to reports, this was not the case with respect to Customs and Ministries of Finance, which were generally only described as being responsible for contributing to reports - with the exception of one State Party that indicated that its Customs and Ministry of Finance are among those responsible for preparing its initial report. These results largely align with the responses States Parties provided to Stimson’s 2017 reporting questionnaire, suggesting that divisions of responsibility for ATT reporting have not significantly changed in recent years.⁶

PROCESSES/MECHANISMS USED TO COORDINATE REPORTING EFFORTS

ATT reporting often requires extensive coordination and cooperation, particularly when reporting information needs to be collected from multiple government and non-government sources. The survey responses reveal several notable trends and good practices for coordinating reporting efforts:

- ▶ Nearly all States Parties that responded to the survey “utilize an existing inter-agency process or coordination mechanism” to prepare their reports.
- ▶ Several States Parties offered examples of good practice, including the use of consolidated datasets, legal requirements around the provision of reporting data, and reporting matrices.
- ▶ In many cases, these processes or mechanisms are not formalized but have nonetheless proved effective.

SURVEY QUESTION: Does your country utilize an existing inter-agency process or coordination mechanism to prepare your initial/annual ATT report(s) or to share information with other countries in accordance with another international or regional instrument (e.g. UN Programme of Action, UNROCA, regional agreement)?

Of the 34 States Parties that completed the survey, 31 (91 percent) indicated that they utilize an existing inter-agency process or coordination mechanism to prepare their ATT reports or to share information with other States in accordance with other international or regional instruments. At least two States Parties (6 percent) indicated that they did not do so.

Several States Parties have developed specific processes to implement the ATT’s provisions. In at least one case, this decision was made pursuant to national legislation, which established a consultative framework for determining which government bodies would be responsible for implementing particular aspects of the ATT, including the treaty’s initial and annual reporting requirements. In the case of two other States Parties, interagency export control committees are responsible for requesting information and preparing reports.

⁶ Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, pp. 6 and 12.

Many States Parties indicated that information needed to complete their initial and annual reports is collected from a variety of government authorities and, in some cases, private actors, such as licensed arms exporters and importers. In their survey responses, many of these States Parties provided examples of good practice for coordinating requests for information. For example, one State Party explained that it compiles arms transfer data from its military, police, and Customs authorities into a single dataset to ensure that the information it includes in its ATT annual reports is coherent. Another State Party noted that its national legislation requires government authorities and private companies to provide arms export information to its Ministry of Foreign Affairs, which is responsible for ATT annual reporting. Another State Party noted that its Ministry of Foreign Affairs developed a reporting matrix that identifies all its upcoming conventional arms reporting obligations, what information is required, when the reports are due, who the coordinators are, and how to contact the other departments and agencies involved. The matrix is updated each year and distributed to relevant authorities to ensure they are aware of their reporting deadlines and responsibilities. The State Party also explained that its Ministry of Foreign Affairs organizes twice-annual calls with the other departments and agencies involved in reporting – once at the beginning of the reporting season to answer any reporting-related questions and again after its reports have been submitted to reflect on the process and consider how it can be streamlined in the future.

In response to follow-up questions, several States Parties that indicated in their survey responses that they utilize an existing inter-agency process or coordination mechanism for reporting under the ATT or other instruments explained that these processes or mechanisms are not formalized. For example, one State Party indicated that its licensing authority is “the de facto – if not official designated – lead” for compiling its reports. However, the State Party noted that because the licensing authority is in constant contact with other ministries regarding licensing issues, cooperation on matters of reporting is “easy and effective.” Another State Party explained that its reports are compiled by the Ministry of Foreign Affairs “on the basis of an informal coordination process” with other relevant stakeholders. The process is largely carried out on an ad hoc basis through “the old-fashioned exchange of emails.” The State Party added that its Ministry of Justice manages an intra-governmental committee to facilitate cooperation on issues related to firearms trafficking which, while not intended to support reporting, does provide officials involved in reporting a helpful list of contacts to use when requesting reporting information.

PROCESSES/MECHANISMS USED TO UPDATE REPORTS

States Parties to the ATT are required not only to submit initial reports on ATT implementation but to “report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate.” States Parties can do so by submitting an updated version of their initial reports to the ATT Secretariat. A revised version of the recommended initial reporting template adopted by the Seventh Conference of States Parties to the ATT (CSP7) in 2021 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. Updated initial reports submitted to the Secretariat are made available on the Secretariat’s website unless the State Party elects to restrict public access to them. To date, only six States Parties have submitted updated versions of their initial reports, despite several additional States Parties indicating at meetings and workshops that they have taken new measures to implement the ATT since submitting their initial reports.⁷

⁷ The six States Parties that have so far submitted updated initial reports to the ATT Secretariat are Hungary, Japan, New Zealand, Romania, Slovenia, and Sweden.

In their survey responses, States Parties offered insights into their procedures for updating initial reports; why they have not updated their reports, despite having procedures in place to do so; or why they do not have such procedures in place:

- ▶ The vast majority of respondents indicated that they have procedures in place to update information in their initial reports, though these procedures vary and in some cases are not formalized.
- ▶ Several States Parties have not updated their initial reports, despite making changes to their national control systems, due to capacity or resource constraints or uncertainties surrounding how to do so. Notably, two of these States Parties have provided updates in their annual reports.
- ▶ Some States Parties provided additional insights on how they interpret the scope of the ATT's obligation to update initial reports.

SURVEY QUESTION: If changes are made to your national control system, does your country have procedures in place to update information provided in your ATT initial report? If no, why not?

Twenty-Eight of the States Parties that responded to the survey (82 percent) indicated that they have procedures in place to update the information provided in their initial report if changes are made to their national control system.

Procedures for updating initial reports vary by State Party. Many States Parties indicated that updates to their initial reports would be made following the same procedure used to prepare their original initial reports and that the government authority responsible for preparing and submitting their initial reports is also responsible for ensuring that these reports are updated, as necessary. However, at least three of these States Parties explained that this process is not formalized – with one describing the process for ensuring its initial report is up to date as “institutional memory” that does not exist in any “guidelines or similar instruments.” While most States Parties indicated that this process would involve intra-governmental coordination and consultation, one State Party indicated that its arms export licensing authority is able to make any necessary changes to its initial report without the involvement of other agencies. In an example of good practice, one State Party indicated that its initial report “is checked regularly by the competent authorities” to determine whether updates are necessary.

There were similar differences in the reasons States Parties provided for not updating their initial reports. Several States Parties indicated that they have not updated their initial reports because they have not made any changes to their national control system since submitting their initial reports. One State Party indicated that “so far no need has arisen to update the initial report since it contains links to the [national] control list which is the yearly updated EU military list.” However, two States Parties acknowledged that there have been changes to their national control system since they submitted their reports which had yet to be communicated to the ATT Secretariat, despite indicating they had procedures in place to do so. An official from one of these States Parties noted that there had been some legislative changes to their transfer control system and that the official “should put updating the initial report on [their] to-do list,” but noted that they were already quite busy with preparing reports that were due under other frameworks. Similarly, another State Party explained that there had been changes to its national transfer control policies since it submitted its initial report, but that time and capacity constraints have prevented it from updating its initial report. Notably, two States Parties that have yet to update their initial reports indicated that updates are provided in their annual reports. It is worth recalling that, despite the challenges to updating initial reports expressed by several respondent States Parties,

many have been able to provide similar updates in other forums including in reports under the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), which are submitted every two years. This suggests that State Parties can similarly make updating their ATT initial reports a part of their national practices.

Three States Parties indicated that they do not have procedures in place to update the information provided in their initial reports due to uncertainties surrounding how to submit this information to the ATT Secretariat. One of these States Parties indicated that it regularly updates its national laws and policies to harmonize them with relevant EU regulations, and noted that it had established a national control list that is harmonized with the revised EU military list adopted in 2020 and that its parliament was considering a new law which is in line with the recast EU dual-use regulation adopted in 2021.⁸ However, there is no evidence of this State Party having provided an update to its initial report to reflect these changes. While the State Party indicated in its survey response that it was unsure how to do so, it indicated in response to follow-up questions from Stimson researchers that it “is ready to share all information on changes in [its] national control system with the ATT Secretariat in the form in which this body requests it from us.”

Notably, responses received from two States Parties offered insights on how they interpret the scope of their obligation to update their initial reports. One State Party explained that it “is aware of the obligation to update its initial report when important changes are made to the national control system,” which may suggest that it does not interpret the ATT as requiring it to provide updates on relatively minor changes to its national control system. Another State Party explained that it has not updated its initial report because there have not been any new regulations on a “national or EU-level,” which may suggest that it considers there to be a requirement for States Parties to report on changes to their regional, as well as national, control systems.



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PRIVATE REPORTING PRACTICES

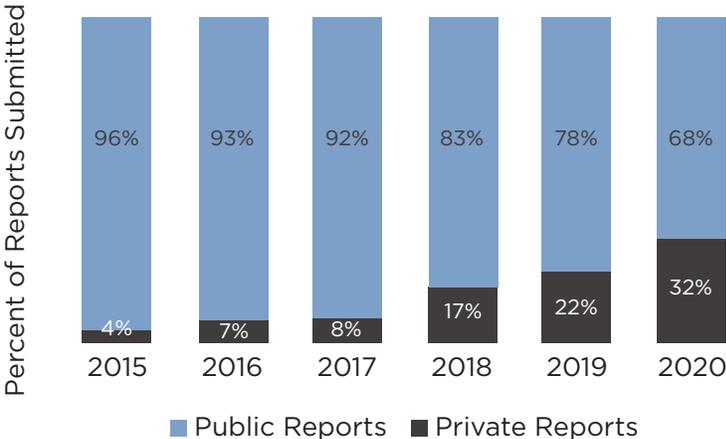
The ATT requires that initial and annual reports “be made available, and distributed to States Parties by the Secretariat.” The grammatically incorrect but strategically placed comma allows States to interpret the treaty to encourage public reporting. However, because the treaty does not explicitly require that they

⁸ Common Military List of the European Union, 13 March 2020, OJ C/8101, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XG0313\(07\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XG0313(07)). Regulation (EU) 2021/821 of the European Parliament and of the Council setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast), 20 May 2021, OJ L205/1, <https://eur-lex.europa.eu/eli/reg/2021/821/oj>.

be made available to the general public, some States Parties make their reports available only to other States Parties and the Secretariat. In previous versions of the ATT reporting templates, States Parties had the option of ticking a box to indicate if the report may be available only to States Parties and the ATT Secretariat. In revised versions of the templates endorsed by CSP7, States Parties are asked if the report may be made publicly available, and may tick either “Yes” or “No” to indicate their preference. Public reports are posted on the Secretariat’s website while private reports are available only to the Secretariat and other States Parties on a password-protected section of the Secretariat’s website. Relatedly, the ATT also allows States Parties to exclude commercially sensitive or national security information from their annual reports, irrespective of whether the reports are public or private. States Parties concerned about the release of sensitive information, but interested in reporting publicly, may wish to pursue this approach as an alternative to restricting public access to reports in their entirety.

To date, most ATT reports have been submitted publicly, with 76 percent of submitted initial reports and 84 percent of submitted annual reports publicly available on the Secretariat’s website. However, private reporting rates have steadily increased over the first six years of ATT reporting. While none of the first 25 initial reports were private, 16 of 25 most recently submitted initial reports – or 64 percent – have been private. Similarly, while just 4 percent of annual reports submitted for 2015 arms exports and imports were private, 32 percent of those submitted for the 2020 calendar year were private. This increase in private annual reporting presents transparency challenges that are compounded by decreasing annual reporting compliance rates, which have fallen nearly every year since reporting began. Eighty-Four percent of States Parties due to report on their 2015 arms exports and imports have done so, compared to the 59 percent of States Parties that have submitted their required 2020 annual reports.

Figure 2: Public vs. Private ATT Annual Reporting Rates



The shift towards increased private reporting raises several concerns. While private reports are available to ATT States Parties and the Secretariat, these reports are inaccessible to civil society organizations and researchers, thereby limiting the ability of these actors to provide insights and analyses that can assist States Parties in understanding and implementing the treaty. Private annual reporting prevents comprehensive insights into global weapons flows, which in turn obstructs efforts to identify problematic sales or dangerous accumulations and prevents accurate assessments of whether States Parties are complying with their obligations under the ATT and whether the treaty is fulfilling its object and purpose. The practice also limits efforts to identify inconsistencies and irregularities between information provided in ATT annual reports and reports submitted under other frameworks. Private initial reporting makes it difficult to examine and compare how States Parties understand and implement the treaty, thereby limiting assessments of potential areas of strength and/or weakness and identification of trends, good practice, assistance needs and capabilities, and opportunities for support and cooperation that could

further facilitate treaty implementation. These insights can be of enormous value to States Parties, but often require analyses for which government officials may lack the time and capacity and for which the Secretariat has no formal mandate. Civil society organizations are often left to undertake such efforts, but when information is limited or off-limits to civil society, their analysis is often incomplete, which ultimately undermines efforts to increase transparency in the global arms trade and challenges efforts to fully realize the object and purpose of the ATT itself.

The survey responses help shed light on why States Parties may elect to restrict public access to their ATT reports as well as the degree to which they understand the distinction between public and private reporting:

- ▶ States Parties cited concerns around the release of potentially sensitive information, uncertainties around public reporting, and international legal obligations outside the ATT as reasons for electing to submit private initial or annual reports.
- ▶ Several States Parties explained that public access to their reports was restricted by mistake.
- ▶ There continues to be a degree of uncertainty and confusion around the distinction between public and private reporting as well as, in some cases, around a State Party's own private reporting practices.

SURVEY QUESTION: Has your country ever submitted a private ATT initial/annual report? If yes, what were the reasons for doing so?

SURVEY QUESTION (for non-States Parties): If your country became a State Party, would you submit a public initial/annual report?

Nine of the States Parties that participated in the study have submitted at least one private ATT initial or annual report, according to the reporting data on the Secretariat's website. The one non-State Party that responded to the survey indicated that it would submit both its initial and annual reports publicly if it becomes a State Party.

In response to survey and follow-up questions, States Parties offered a variety of reasons for reporting privately, including concerns around the release of potentially sensitive information. One of the States Parties that responded to the survey submitted its most recent annual reports privately, after previously only ever submitting public ATT reports, and explained that it did so due to concerns relating to the release of information regarded as sensitive. Another State Party with experience submitting private initial and annual reports explained that its private reporting was motivated by security concerns tied to its status as a small island developing State.

Two of the States Parties that participated in the study indicated that uncertainties around reporting motivated them to restrict access to certain reports. One of these States Parties explained that when it submitted its first annual report in 2016 – the first year of ATT annual reporting – it elected to do so privately because it did not yet know who would be accessing the data and for what purpose. Another State Party explained that its initial report and one of its annual reports were submitted privately because they were prepared following political transitions by new governments that did not fully understand the ATT and wanted more time to consider whether to make their reports publicly available.

Another State Party indicated that it reported privately due to its international legal obligations outside of the ATT. The State Party – which submitted a private initial report and has oscillated between public and private annual reporting – explained that its private ATT reporting was due to its obligations under the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials. Although their survey response noted this rationale, it remains unclear why this State would believe this to be the case. The response is also confusing, because if the Convention requires private reporting, why has this particular State Party not consistently submitted its annual reports privately, and why have public initial and annual reports been submitted by other States Parties to both instruments? Although the State’s underlying thinking in this specific case remains unclear, the fact remains that States Parties are often confused by their obligations and how to implement them.

Three States Parties that participated in the study indicated that public access to their initial or annual reports was restricted by mistake. Two of these States Parties explained that they mistakenly submitted a private ATT report after inadvertently checking a box to indicate their preference that the reports not be made publicly available. One of these States Parties noted that it was able to rectify the issue by submitting an amended report to the ATT Secretariat with the appropriate boxes checked. Another State Party reported that its most recent annual report appears to have been mistakenly made private on the ATT Secretariat website. While the Secretariat’s website indicates that the report was submitted privately, the State Party explained that it instructed the Secretariat to make the report publicly available. The State Party indicated that it took steps to resolve the issue after Stimson researchers brought it to its attention. However, at the time of writing, the report is still not publicly available on the Secretariat’s website.

There continues to be a degree of uncertainty and confusion around private reporting for some States Parties. This includes a lack of understanding of what is meant by ‘private reporting’ and what, exactly, the process entails. For example, when an official from one State Party that participated in the study was asked if their government had ever submitted a private report, they said they were unable to provide a response, as they were “not sure what ‘private report’ means.”

Moreover, survey respondents in some States Parties were not aware as to whether their governments have ever submitted a private ATT report – and in at least one case, whether they have reported at all. Five of the States Parties that participated in the study provided information on their private reporting practices that is inconsistent with information on the ATT Secretariat’s website. In response to follow-up questions, one explained that the classification of the report as private was a mistake. The other four States Parties were unable to clarify the discrepancy in report status. Two of these States Parties indicated that they had never submitted a private ATT report, despite the Secretariat’s website indicating that they had each reported privately at least once. The remaining two States Parties indicated that they had reported privately, despite the Secretariat’s website indicating that one of these States Parties has only ever reported publicly and that the other has yet to submit any reports, public or private.

While some of these discrepancies may be attributable to mistakes made by government officials in responding to the survey, it appears likely that they may instead reflect continued uncertainty and confusion around private reporting. This may include confusion around the distinction between private reporting and the exclusion of commercially sensitive or national security-related information. One of the States Parties that indicated it had reportedly privately, despite there being no record of them ever doing so on the Secretariat’s website, indicated in its most recent annual report that commercially sensitive and/or national security-related information was withheld, which the State Party may have mistaken for private reporting.

In at least one case, these discrepancies may underscore the importance of interagency coordination. One State Party indicated it lacked an existing inter-agency process or coordination mechanism to prepare reports under the ATT or other frameworks.

Uncertainty and confusion around private reporting even among long-standing ATT States Parties also continues to be an issue. Some States Parties indicated they did not understand what survey questions regarding private reporting meant, even if they were among the first States Parties to ratify the ATT.

SYNERGIES WITH OTHER REPORTING FRAMEWORKS

States Parties can minimize reporting burdens by taking advantage of the similarities and overlaps that exist between the ATT and existing national, regional, and international reporting frameworks. Indeed, the ATT allows States Parties to use the same information they submit to the United Nations Register of Conventional Arms (UNROCA) or other “relevant United Nations frameworks” to prepare their ATT annual reports. The survey responses offer several insights on States Parties’ experiences with leveraging synergies to streamline ATT reporting:

- ▶ Using the same information, processes, or reports to report on arms transfers or transfer control systems under multiple frameworks can be effective strategies for minimizing ATT reporting burdens.
- ▶ However, States Parties that report under multiple frameworks may struggle to keep track of various reporting deadlines and may be limited in their ability to utilize the same reporting data to prepare or submit reports under multiple frameworks.

States Parties have leveraged reporting synergies to streamline ATT reporting efforts in various ways. For example, several States Parties explained that existing national legislation requires the publication of annual reports on arms transfers and that authorities use these reports and the underlying datasets as the basis for their ATT annual reports. One State Party in particular indicated that its national legislation was amended to align the deadline for publishing its national arms transfer reports with the ATT annual reporting deadline. Additionally, several States Parties indicated that they utilize the same process for preparing their ATT reports as they do for reports submitted to other regional or international reporting frameworks, including the Wassenaar Arrangement; UNROCA; Organization for Security and Co-operation in Europe (OSCE); Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA); and the European Union (EU). States Parties also noted that they avail themselves of the opportunity to submit the same report under the ATT, UNROCA, and OSCE.

While States Parties indicated that these strategies have streamlined their reporting processes, several indicated that they continue to face challenges associated with reporting under multiple frameworks. As one State Party that responded to the survey explained, it can be confusing to keep track of the different reporting deadlines for various reporting frameworks. And as several States Parties observed, completing multiple reports can be a time and resource-intensive process, as each report may contain slightly different data. For example, one State Party explained that they cannot rely solely on their UNROCA reporting data to prepare their ATT annual reports, as their UNROCA reports do not contain information on the value of authorized transfers or information on small arms and light weapons (SALW) transfers – both of which are included in their ATT annual reports. This State Party also explained that they cannot rely exclusively on their OSCE reports to prepare their ATT annual reports, since these reports only contain information on transfers to or from other OSCE States. Similarly, another State Party explained that it cannot reuse its UNROCA reports as its ATT annual reports because the former only contains information on government-to-government transfers, while the latter contains information on all its arms exports and imports. An additional State Party explained that even where the underlying data is the same, it still takes considerable time to input the data, which must be transferred from an Excel file into multiple reporting systems, and to check it for accuracy. The State Party noted that the EU has promised to change its data collection process to allow States to upload Excel files, which could enable much more efficient reporting under that framework.

REPORTING CHALLENGES

Despite efforts to minimize the challenges and burdens posed by ATT reporting, many States Parties continue to face obstacles to fulfilling their ATT reporting requirements. Through previous research and in analyzing the response received to this survey, Stimson researchers have identified four main types of ATT reporting challenges:

Awareness and understanding of ATT obligations

in which States have expressed uncertainties about what, how, and when to report.

- ▶ Uncertainty/confusion regarding reporting requirements, deadlines, and the distinction between public reporting, private reporting, and the exclusion of information from reports
- ▶ Uncertainty in how to collect relevant information in ways that align with reporting deadlines
- ▶ Confusion arising from reporting templates/the online reporting tool
- ▶ Uncertainty about when States Parties are required to submit updates to the ATT Secretariat, and how they can do so

Capacity and resource challenges

in which States have described the negative impact of limited time, personnel, and/or information management systems on their reporting efforts.

- ▶ Limited capacity and resources
- ▶ Limited availability of relevant information
- ▶ Lack of national point(s) of contact
- ▶ Lack of time to complete report(s)
- ▶ Underdeveloped/lack of internal systems to collect, compile, and store relevant information

Internal and bureaucratic challenges

in which States have noted the obstacles posed by poor coordination across government offices or agencies as well as complications accessing, compiling, and assessing relevant information.

- ▶ Poor coordination between government agencies or lack of interagency process to facilitate report completion
- ▶ Difficulty accessing and compiling relevant information
- ▶ Difficulty conducting assessments of a national transfer control system
- ▶ Difficulty preparing statistical data for ATT annual reports

Political/security challenges

wherein States' reporting efforts are hampered by concerns or a lack of understanding related to what information is shared and with whom as well as competing government priorities.

- ▶ Confidentiality concerns
- ▶ Concerns related to the release of information regarded as sensitive
- ▶ Reporting fatigue
- ▶ Political interference

The responses provided to the survey and to follow-up questions from Stimson researchers offer several key insights into the reporting challenges that have emerged over the first six years of ATT reporting:

- ▶ Nearly two-thirds of States Parties that responded to the survey have experienced ATT reporting challenges.
- ▶ Annual reporting has presented a particular challenge, with most respondent States Parties having faced one or more obstacles to preparing annual reports.
- ▶ Coordination and information sharing was the most commonly cited challenge, both for initial and annual reporting.

SURVEY QUESTION: If your country has submitted an annual and/or initial report, what are the main challenges in preparing your country's ATT initial and annual reports?

GENERAL CHALLENGES

At least 24 of the 34 States Parties that responded to the survey (71 percent) indicated they have faced one or more challenges to preparing their ATT initial and/or annual reports. In their survey responses, several States Parties reported facing cross-cutting challenges that have negatively impacted the preparation of both their initial and annual reports. One State Party explained that a decades-long political and economic crisis, the possibility of war, weak state institutions, and limited interdepartmental cooperation have made it “difficult to talk about the systemic fulfillment of international obligations and regular reporting.” Another State Party with a federal system of government described how difficult it can be to achieve consensus among the various federal and regional authorities involved in arms transfer decision-making and how this can delay the completion of ATT reports. And while one State Party noted that it has not faced any specific reporting challenges since the introduction of the ATT Secretariat’s online reporting tool, another State Party noted that internal network restrictions had at one point prevented it from accessing the online tool, requiring that reports instead be submitted by email, through diplomatic channels, or by mail. Finally, one State Party indicated that the ATT Secretariat has not always been responsive and that it took repeated attempts to request that the Secretariat update its information on the State Party’s ATT focal point before the change was made.

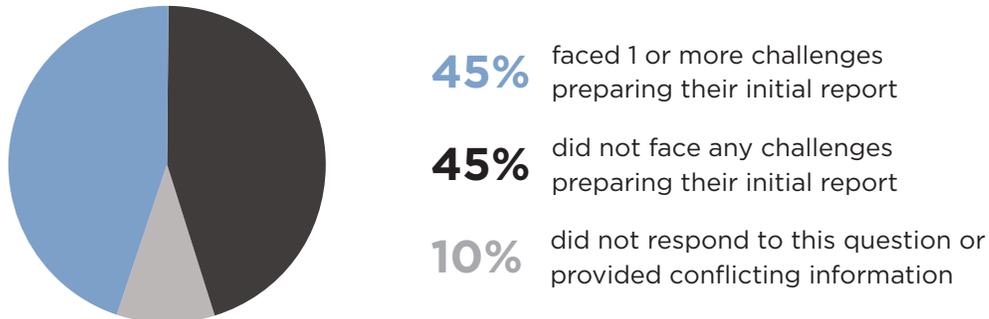
States Parties also reported facing challenges specific to either initial or annual reporting, which are discussed in more detail below. Based on the survey responses, annual reporting seems to have posed a particular challenge, with 69 percent of States Parties indicating they have faced one or more challenges in preparing their annual reports compared to the 45 percent that did so with respect to their initial reports. However, the reasons for this are not entirely clear. While it may be the case that annual reporting has proved more challenging than initial reporting, it may also be the case that States have additional burdens in completing an annual report every year. In addition, the responses could be due to personnel changes. The officials that responded to the survey may not have been involved in the preparation of their governments’ initial reports – which most of the States Parties surveyed submitted several years ago – and may therefore be unfamiliar with the challenges that their State faced at the time.

INITIAL REPORTING CHALLENGES

Initial reports are an essential tool for identifying how States Parties interpret and implement their obligations under the ATT. Unfortunately, while 110 States Parties are now required to have submitted

their initial reports, only 84 (or 76 percent) have done so, underscoring the importance of identifying and addressing the challenges States Parties face in preparing their initial reports.

Of the 33 States Parties with initial reporting experience:



Thirty-Three States Parties that responded to the survey had submitted an ATT initial report. At least 15 of these States Parties (or 45 percent) indicated they faced one or more challenges in preparing their initial report. An additional 15 States Parties indicated they had not faced any challenges in preparing their initial report. The remaining three States Parties either did not respond to this question or provided conflicting information.

It is worth noting that initial reporting challenges may have been underreported in this survey, as most of the 33 States Parties that had submitted an initial report did so several years ago. Indeed, 21 of responding States Parties (or 64 percent) submitted their initial reports in 2015, the first year that reports were received. Due to personnel changes, it is likely that many of the individuals that responded to the survey on behalf of these States Parties were not involved in the preparation of their initial reports, and were therefore unlikely to report any associated challenges. This seems to be supported by the fact that a much smaller percentage of States Parties that submitted initial reports in 2015 indicated they faced challenges in doing so (38 percent) as compared to those that submitted their reports more recently (58 percent). Still, while the survey results may not adequately reflect how widespread initial reporting challenges have been, they do provide valuable insight on the types of challenges States Parties have faced in preparing these reports.

Coordination and information sharing between government ministries and agencies was the most commonly cited initial reporting challenge. Ten States Parties that responded to the survey, or nearly a third of those that had submitted an initial report, identified this as an initial reporting challenge in their survey responses. As one of these States Parties explained, collecting all the information necessary to complete an initial report – including its voluntary sections – can be time consuming, and requires extensive interagency cooperation and coordination.

Some States Parties face unique initial reporting challenges owing to their particularly complex transfer control system. One State Party with a federal system of government described how its transfer control laws and policies exist on both the federal and regional level, and there are notable differences between them. The State Party explained that these variations make it difficult to describe the system as a whole.

Other initial reporting challenges that States Parties identified in their survey responses include:

- ▶ a lack of capacity/personnel
- ▶ concerns relating to the release of information regarded as sensitive
- ▶ a lack of time
- ▶ availability of information
- ▶ confidentiality concerns
- ▶ a lack of resources

Many of these barriers to initial reporting have proved to be enduring ones, as underscored by the significant overlap that exists between the initial reporting challenges expressed by States Parties that responded to this survey and those that responded to Stimson’s 2017 reporting questionnaire. Coordination and information sharing appears to represent a particularly persistent challenge, as it was among the most commonly cited initial reporting challenge in both studies. However, while the availability of information was also one of the most commonly cited initial reporting challenges in the 2017 questionnaire, only two States Parties that responded to the present survey listed this as an initial reporting challenge, which may suggest that States Parties are now better equipped to access necessary reporting information.⁹ However, it may also be the case that this challenge was simply underreported in this survey due to the amount of time that had passed since most respondents submitted their initial reports.

ANNUAL REPORTING CHALLENGES

Annual reports provide invaluable insights into global weapons flows and allow stakeholders to identify worrying developments related to risky transfers, dangerous weapons accumulations, and related dynamics. However, the rate of compliance with the treaty’s annual reporting obligation has continued to decline nearly every year since reporting began, making it all the more important to understand and assist States Parties in addressing the barriers they face to annual reporting.

Of the 32 States Parties with annual reporting experience:



Thirty-Two States Parties that responded to the survey had submitted an ATT annual report. Twenty-Two of these States Parties (or 69 percent) indicated they faced one or more challenges in preparing their annual reports. The remaining 10 States Parties (or 31 percent) indicated they did not face any challenges in preparing their annual reports. That a majority of respondents have experienced annual reporting challenges is particularly notable in light of the disproportionately large number of European States Parties and top arms exporters that responded to the survey. EU Member States have been required to report annually to the regional framework on their arms transfers and have had criteria in place for doing so for decades and might therefore be expected to have less difficulty in preparing their annual reports than other States. Similarly, the world’s leading arms exports might be expected to have more robust systems in place to account for their arms exports than other States. Given the overrepresentation of these two groups among the survey respondents, it may be the case that annual reporting challenges are even more widespread among ATT States Parties overall than this survey would suggest.

As with initial reports, the most commonly cited annual reporting challenge was coordination and

⁹ Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, p. 15.

information sharing between government ministries and agencies. Ten States Parties, or nearly a third of those that had submitted an annual report, identified this as an annual reporting challenge in their survey responses. A number of these States Parties indicated that information required to prepare their annual reports is derived from various government authorities — and in some cases, private companies — and that it can be challenging to coordinate information sharing between these various actors. States Parties also described steps that have been taken to overcome, or at least mitigate, these challenges, including by developing laws, policies, or written procedures clearly identifying reporting roles and responsibilities; conducting awareness raising campaigns; organizing recurring interagency meetings to review and consider improvements to reporting processes; and collecting reporting information from license holders when government counterparts are unresponsive.

An additional two States Parties indicated that internal bureaucratic challenges have resulted in delays in submitting their annual reports. One of these State Party explained that, once its annual reports are prepared, they are reviewed by multiple Ministers and, ultimately, the Prime Minister before a decision is made to submit them to the ATT Secretariat. The State Party indicated that this is a slow process that results in it submitting its annual reports late. Another State Party indicated that responsibility for preparing its annual reports rotates between different offices and that a misunderstanding regarding who was responsible for preparing its 2020 annual report resulted in that report being submitted at the last minute.

The second most commonly cited challenge to preparing annual reports was a lack of capacity or personnel. Seven States Parties, or 22 percent of respondents that have annual reporting experience, identified this as a challenge they have faced in preparing their annual reports. One of these States Parties explained that, due to staffing constraints, even small changes in the day-to-day workload of licensing officers can result in delays in compiling and submitting its annual reports. Another State Party indicated that a number of officials involved in preparing its annual reports recently retired, and it took a significant amount of time for their replacements to become acquainted with ATT reporting processes and deadlines.

An additional State Party reported that a lack of technical capacity has undermined its annual reporting efforts. The State Party explained that technical shortcomings in its electronic license recording program have resulted in a lack of reliable information on international arms transfers and have required additional effort and extensive inter-ministerial cooperation to collect all the information it needs to prepare its annual reports. However, the State Party noted that it is working with other governments to implement a new electronic database, which it expects will enable simpler, more efficient, and faster data collection for use in its annual reports.

Six States Parties, or 19 percent of those with annual reporting experience, indicated in their survey responses that preparing statistical data in accordance with ATT categories has posed a challenge for the preparation of their annual reports. Four States Parties explained that the data captured in their annual reports are collected from multiple government authorities – including Customs, Ministries of Defense, and police – and that it takes time to aggregate and check the data for coherence. One of these States Parties noted that one of the government authorities that contributes data for inclusion in its annual reports uses weapons categories that do not align with UNROCA categories, and that the statistics need to be manually “triaged.” Several States Parties have taken steps to overcome these data-related challenges, including by developing consolidated datasets to minimize the need to aggregate information from different sources and by developing templates agencies can use to contribute reporting data that align with the structure of the ATT reporting template.

One State Party explained that the various government authorities that submit data for its annual reports do not always use the same country names, which results in country-by-country transfer data appearing out of order, and which needs to be manually corrected. This State Party also noted that there are variations in the types of data that government authorities provide, with some providing data on the number of items transferred and others providing data on the items’ value. In an interview with Stimson

researchers, an official responsible for preparing this State Party's annual reports explained that they often need to manually calculate certain data to reconcile these differences using an "amateur" and "primitive" system and "hoping [they] don't make mistakes." The official noted that data on the number and value of transfers, in particular, are "a complete nightmare to agglomerate in one report." The official provided an example of a time when different national authorities - one that reported on the number of items transferred and another that reported on their value - authorized the import of the same type of weapons from the same exporting State within a given calendar year. The official explained that they were unable to provide either the total number or total value of these transfers in the State Party's annual report the following year due to the divergent record keeping practices of the licensing authorities. Instead, they were forced to split the transfers into two separate rows - one that included a partial number of arms imported and another that included a partial value.

A related issue that was not explicitly addressed in the survey questions, but which arose in response to follow-up questions, was the prevalence of inconsistencies and errors in annual reporting data. One State Party noted that the officials responsible for preparing its annual reports have not always been consistent in whether and how they account for licenses issued for the transfer of SALW parts and components in their annual reports. This State Party also acknowledged that several of its previously-submitted annual reports mistakenly contain information on the export of man-portable air-defense systems (MANPADS) - a weapons system that the State Party explained it does not produce. An official of this State Party explained that they had not sought to correct these mistakes, in part because they were unsure how to do so easily and discreetly without needing to notify or work through their superiors and other government ministries. These types of inconsistencies and errors limit the utility of ATT annual reports and undermine accurate assessments of global weapons flows over time. It may therefore be worth investigating whether these issues are present in other States Parties' annual reports and, if so, what steps might be taken to make it easier for States Parties to identify and address them.

Five States Parties that responded to the survey, or 16 percent of those that had submitted an annual report, indicated they faced annual reporting challenges due to concerns relating to the release of information regarded as sensitive. One State Party that did not explicitly indicate it faced such challenges in preparing its ATT annual reports described how these concerns have manifested themselves with respect to reports submitted under other frameworks and have led to the adoption of processes that are less than helpful in achieving transparency in arms transfers. The State Party explained that one of its licensing authorities only provides data on the value of its export licenses - not the number of items exported - for inclusion in reports to the European Union in order to prevent others from cross-referencing the two figures to determine the unit price of exported goods. The State Party noted that it also aggregates data on the export of certain weapons categories to add an additional "layer of complexity" and make it more difficult to determine the price per item.

Five States Parties, or 16 percent of those with annual reporting experience, also indicated in their survey response that issues surrounding the availability of information have presented challenges to preparing their annual reports. One State Party explained that its annual reports are based on data provided by licensed importers and exporters and that many license holders need to be reminded of their obligation to provide the data, which can cause delays. At least two States Parties indicated that they do not have data concerning authorized and actual transfers for all categories of weapons; for some weapons categories, only actual or authorized transfer data is available.

Four of the States Parties with annual reporting experience, or 13 percent, indicated that a lack of time posed challenges to preparing their annual reports. One State Party reported that these time constraints have been exacerbated by the COVID-19 pandemic. The State Party explained that pandemic-related staff shortages and turnover in the companies and government offices that contribute data for its annual reports have created communication issues and required that additional time be spent consolidating

discrepancies in reporting data.

Other annual reporting challenges identified by States Parties with annual reporting experience include confidentiality concerns and a lack of resources. Of the 32 States Parties that had submitted an annual report prior to responding to the survey, 3 (or 9 percent) reported facing challenges related to confidentiality concerns and one (or 3 percent) reported challenges stemming from a lack of resources.

As with initial reports, many of the challenges to annual reporting that States Parties expressed in their survey responses closely parallel the responses Stimson received to its 2017 reporting questionnaire. In both studies, the availability of information, coordination and information sharing between government agencies, and preparing statistical data were among the most commonly cited challenges to preparing annual reports.¹⁰

SURVEY QUESTION: If your country hasn't submitted an annual and/or initial report, what are the main challenges preventing it from doing so?

Of particular concern are States Parties that have yet to submit their ATT initial or annual reports, despite being required to do so. One State Party that responded to the survey had yet to submit any of its required ATT reports. It indicated that a lack of capacity/personnel and a lack of resources were the main challenges preventing it from fulfilling its reporting obligations. Notably, a lack of capacity was also one of the initial reporting challenges cited by the two States Parties that responded to Stimson's 2017 reporting questionnaire that had yet to submit their initial reports.¹¹

SURVEY QUESTION (for non-States Parties): What are your country's biggest concerns about completing an initial or annual report?

The one non-State Party that participated in the study indicated that its biggest concerns were those relating to the release of information regarded as sensitive.

¹⁰ Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, p. 15.

¹¹ Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, p. 16.

MEASURES TO IMPROVE REPORTING COMPLIANCE

Though reporting compliance remains uneven across States Parties, practices among those that have generally succeeded in meeting their reporting obligations offers some insights for measures that can improve and ease the burden of ATT reporting.



NATIONAL GOVERNMENT COORDINATION

Among the most important but challenging elements of meeting reporting obligations is coordinating and synthesizing expertise and information across multiple government agencies. However, national governments can adopt certain practices to address these issues.

The designation of a **national point of contact** is not only a treaty obligation for ATT States Parties but can also hold several important practical benefits that can aid reporting processes. First, agreeing on a single entity as a primary interlocutor for the ATT necessitates and can incentivize the streamlining of information and encourage the development of processes to consolidate information across government bodies. To maximize the effectiveness of a national point of contact, they should have sufficient authority, well-established responsibilities, maintain clear succession processes, and enjoy synergies made possible by other relevant multilateral instruments.¹² The April 2021 decision by the Council of the European Union to provide new funding for the ATT Secretariat could significantly enhance the effectiveness of national points of contact. One of the projects it supports will provide national points of contact with guidance documents, briefings, and other resources aimed at building their capacity and increasing their knowledge of ATT obligations, including with respect to reporting.¹³

Additionally, **establishing effective, efficient, and structured interagency coordination** is essential to meeting ATT reporting requirements. Though the specific formula for such intra-governmental cooperation will need to be context-specific, certain measures have proven to aid in meeting reporting requirements. Mechanisms should be established to **facilitate information sharing and coordination** across government agencies with defined structures and clearly delineated roles and responsibilities. Such mechanisms should offer **clear guidance** on entities responsible for data collection, report completion, and submission, and on how to integrate their work with that of the national point of contact. Additionally, such mechanisms should be accompanied by specific **modalities of intra-governmental communication and data sharing**. Some successful such mechanisms have taken the form of **interagency committees or working groups**.¹⁴ As part of this effort, identifying a **competent national authority** to chair, facilitate, and galvanize interagency efforts is a useful step. Personnel should be installed on the bureaucratic, rather than political, level to ensure reporting processes and commitments are systemized and can **withstand changes in government and political priorities**.

Interagency mechanisms should also consider the **adoption of specific and explicit procedures for report submission**, which can include a **submission calendar** shared across relevant government stakeholders to

¹² Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, p. 18.

¹³ Council Decision (CFSP) 2021/2309 on Union outreach activities in support of the implementation of the Arms Trade Treaty, 22 December 2021, OJ L461/78, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021D2309&qid=1649448031371>.

¹⁴ Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, p. 17.

ensure all national parties are aware of due dates and timelines.¹⁵ Similarly, it is important for coordination mechanisms to facilitate **awareness of the content required** to complete ATT reports.



RECORD KEEPING AND DATABASE MANAGEMENT

Interagency coordination can only be effective if stakeholders in government embrace robust record keeping that considers the specific content requirements of ATT reporting. Regardless of the competent national authorities, governments are treaty-bound to keep records on export authorizations or actual exports of arms covered by Article 2(1) of the treaty. However, there is additional record keeping that the ATT encourages, including:

- ▶ Records on conventional arms imported or authorized for transit/transshipment
- ▶ Details on quantity, value, model/type, authorized international transfers of conventional arms covered under the treaty, conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users

Vitaly, record keeping also benefits from measures and values that align with the information required in ATT reports to facilitate compliance with treaty obligations. Doing so supports timely and simplified completion and submission of ATT annual reports.

States Parties should ensure systems are in place to facilitate **streamlined information sharing and synthesis**. This effort can be aided by **maintaining holistic data management systems** or technologies to support information collection, storage, sharing, and consolidation, especially in relation to ATT reporting. Some States Parties have relied on existing record keeping mechanisms, while others have developed new systems, including databases, computer software, and other information collection systems.¹⁶

Comprehensive record keeping in line with the good practices noted above is also bolstered when **national legislation and regulatory frameworks for record keeping are applicable to both government and the private sector actors** engaged in the international arms trade. Creating ecosystems that **encourage transparency and private-public partnerships** in data gathering and information sharing helps ensure robust record keeping and accurate and comprehensive national reporting.¹⁷



ADDRESSING REPORTING CONCERNS, UNCERTAINTIES, AND CONFUSION

Concerns around the release of sensitive information and uncertainty and confusion around ATT reporting requirements and processes can serve as barriers to comprehensive and transparent reporting.

States Parties should **strive to submit public initial and annual reports**, which allow for valuable insights into global weapons flows and treaty implementation. States Parties that have already reported privately are encouraged to **periodically review their private reports to consider whether it is still appropriate to**

¹⁵ Arms Trade Treaty-Baseline Assessment Project, *Lessons Learned from ATT Reporting*, January 2019, p. 12, http://www.armstrade.info/wp-content/uploads/2017/04/ATT-BAP_LESSONS-LEARNED-FROM-REPORTING_ATT.pdf.

¹⁶ Arms Trade Treaty-Baseline Assessment Project, *Lessons Learned from ATT Reporting*, p. 10.

¹⁷ Arms Trade Treaty-Baseline Assessment Project, *Annual Report Guidance Booklet*, p. 28, http://www.armstrade.info/wp-content/uploads/2015/10/ATT-BAP_Annual-Report-Guidance-Booklet_2017.pdf.

restrict public access to them or if, due to changed circumstances, they may be made public. Relatedly, States Parties should periodically review their previously submitted reports to **ensure that they have not been made private by mistake**. States Parties can at any time contact the Secretariat to **request a change in their report's status**.

It is also important to remember that States Parties may withhold potentially sensitive information from their annual reports, which, although not desirable, does represent an important middle ground between fully public and fully private reporting. States Parties concerned about the release of commercially sensitive or national security-related information in their annual reports could, as an alternative to private reporting, **submit public reports that exclude only particularly sensitive information** – thereby mitigating concerns around the release of such information while still advancing the treaty's transparency aims.

Similarly, States Parties should take steps to ensure the information captured in their ATT reports is as accurate and up to date as possible. They are encouraged to **periodically review their reports to ensure they do not contain errors or outdated information**, to **alert the Secretariat of any discrepancies**, and, if necessary, **submit an updated report**. States Parties should bear in mind that they are legally required under the ATT to report to the Secretariat on new measures taken to implement the treaty. For its part, the Secretariat should respond promptly to rectify issues identified by States Parties, including when States Parties request that private reports be made publicly available.

The ATT Secretariat, Working Group on Transparency and Reporting (WGTR), and other stakeholders should continue their work to **address concerns, uncertainties, and confusion around reporting**. This should include **training and guidance on the distinction between public reporting, private reporting, and withholding information**, including the distinction between them and how States Parties can request that private reports be made public. It should also include **training and guidance on submitting updates to initial reports**, including on the circumstances in which States Parties are required to submit updates, the information they are required to provide, and the procedure for doing so. To assist in these efforts, the ATT Secretariat or WGTR could **share with States Parties examples of previously updated initial reports** to illustrate how the process works in practice. In light of the continued uncertainty and confusion around reporting – particularly private reporting – expressed by several long-standing States Parties that responded to this survey, it is important that **training and guidance on effective reporting be made available to all States Parties**, not only those that joined the treaty most recently.





LEVERAGING SYNERGIES

Many States Parties have cited limited resources and capacity as obstacles to reporting. In order to minimize the burden ATT reporting places on governments and to support reporting efficiency, States Parties should **identify and promote synergies** across relevant conventional arms control instruments. In many cases, information required for reporting under one framework may be used to facilitate reporting under other arrangements. For example, the ATT allows States Parties to submit their UN Register of Conventional Arms reports to satisfy the treaty's annual reporting requirement. There may be additional overlaps with regional arms control agreements, bilateral arrangements between national governments, or national reporting processes.

States should **coordinate and seek guidance** from the ATT Secretariat, other States Parties, regional organizations, and civil society to help identify synergies between instruments to reduce the burden of ATT reporting and enhance efficiency across various conventional arms control reporting frameworks. States have also recommended a **common online interface** to allow States to submit one report for multiple instruments, though such a platform is not yet available.¹⁸



EXISTING RESOURCES TO SUPPORT ATT REPORTING

States Parties do not overcome reporting challenges alone. Over the last six years, a variety of stakeholders have developed tools and resources to assist States Parties in treaty implementation, including reporting. The ATT Secretariat has devoted significant time and resources to aid States Parties in meeting reporting obligations and is now particularly well-positioned to facilitate effective reporting with the support of additional EU funding for ATT implementation activities. Additionally, the Working Group on Transparency and Reporting has developed a number of practical resources available to States Parties, including an “FAQ”-style document with guidance on the preparation of annual reports and a working paper with advice on measures States Parties can take to advance ATT reporting compliance.¹⁹

In addition, the ATT has established a Voluntary Trust Fund (VTF), which funds projects that support national implementation of the treaty and which States can use to support more robust ATT reporting.²⁰ Several VTF projects have explicitly sought to enhance national reporting practices, including by providing assistance aimed at establishing and building capacity around the use of arms transfer databases; improving interagency coordination; developing procedures for the timely submission of reports; identifying and mobilizing officials for strategic planning on reporting; and developing regional plans of action on reporting. At least 18 States Parties, signatories, and other States have benefited from reporting-related assistance through the VTF.²¹ While this includes some States that still have not submitted all their required ATT reports even after participating in a VTF project, it also includes States that have made notable progress on reporting since receiving VTF assistance. For example, Antigua and Barbuda hosted a VTF workshop

¹⁸ Arms Trade Treaty-Baseline Assessment Project, *Reporting in Review: Examining ATT Reporting Experiences*, p. 17.

¹⁹ Arms Trade Treaty, Working Group on Transparency and Reporting, *Reporting Authorized or Actual Exports and Imports of Conventional Arms Under the ATT*, July 2019, [https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGTR_Guide%20to%20Reporting%20\(Annex%20B%20to%20WGTR%20Report%20to%20CSP5\)/ATT_CSP5_WGTR_Guide%20to%20Reporting%20\(Annex%20B%20to%20WGTR%20Report%20to%20CSP5\).pdf?templated=1280266](https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGTR_Guide%20to%20Reporting%20(Annex%20B%20to%20WGTR%20Report%20to%20CSP5)/ATT_CSP5_WGTR_Guide%20to%20Reporting%20(Annex%20B%20to%20WGTR%20Report%20to%20CSP5).pdf?templated=1280266); Working Paper on National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments, July 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?templated=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?templated=1265194).

²⁰ Arms Trade Treaty Secretariat, “Voluntary Trust Fund,” <https://thearmstradetreaty.org/voluntary.html>.

²¹ This includes Antigua and Barbuda, the Bahamas, Belize, Botswana, Côte d'Ivoire, Dominica, Fiji, Grenada, Nigeria, Palau, Samoa, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Tuvalu, Vanuatu, and Zambia. More information on the VTF projects these States benefited from can be found on the ATT Secretariat's website.

in August 2019 in which Caribbean Community (CARICOM) Member States Parties to the ATT pledged to submit their annual reports within the year. Soon thereafter, Antigua and Barbuda, which had not submitted an annual report since it was first required to do so in 2016, submitted reports to the ATT Secretariat covering six years of arms transfers, from 2015 through 2020.

Other multilateral institutions and government organizations have also developed assistance measures to aid States Parties in meeting ATT reporting requirements and share good practice. For example, the European Union's ATT-Outreach Project provides trainings to non-EU countries on a variety of ATT related issues, including national transfer controls and general ATT implementation.²² Similarly, States may engage in bilateral assistance programs, which can include efforts to establish and improve ATT reporting systems and processes.²³

Additionally, many civil society organizations have provided and continue to provide holistic research on good practice, lessons learned, and potential solutions regarding reporting practices and compliance. The Stimson Center, the ATT Monitor, and the Stockholm International Peace Research Institute are all examples of organizations that continue to develop and provide resources to States Parties and other stakeholders to strengthen the efficacy of the ATT.

Civil society continues to support States Parties in meeting their ATT obligations, including by engaging directly with government stakeholders to understand their successes, challenges, and learnings surrounding the treaty. Beyond seeking to improve the processes and procedures of States Parties, civil society also regularly assesses challenges presented by treaty structures with the aim of progressing mutually beneficial treaty and Secretariat level reforms. To that end, the Stimson Center and many of its partners continue to develop research on the experiences of States Parties in reporting under the ATT to identify opportunities for reforms that ease the reporting burden.²⁴ Encouraging States to clarify and elaborate on their reporting experiences and practices is essential to these efforts. In many cases, information collected for this report has proven contradictory, both in terms of answers to questions posed for this research as well as information submitted pursuant to the ATT. Without consistent and dedicated follow-up and clarification on reporting practices, procedures, and experiences, it will continue to be challenging to construct a coherent or accurate narrative around ATT reporting.



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²² Federal Office of Economic Affairs and Export Controls, "Foreign Trade - Outreach," https://www.bafa.de/EN/Foreign_Trade/Outreach_Projects/outreach_projects_node.html.

²³ 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/>.

²⁴ See for example: Arms Trade Treaty-Baseline Assessment Project, *Annual Report Guidance Booklet*, 2017, http://www.armstrade.info/wp-content/uploads/2015/10/ATT-BAP_Annual-Report-Guidance-Booklet_2017.pdf; *Guidance for Completing the Initial Report on Implementation Measures*, 2016, http://www.armstrade.info/wp-content/uploads/2016/01/ATT-BAP_Reporting-Notes_All.pdf.

CONCLUSION

Robust reporting is a cornerstone of the ATT and is essential to the treaty's efficacy. Unfortunately, reporting compliance remains uneven and, in some cases, trending negatively, especially in terms of annual reporting. Meeting the full potential of the ATT requires an enhanced understanding of the impediments preventing ATT reporting compliance as well as an appreciation of measures that are known to improve or facilitate ATT reporting.

However, any effort to understand obstacles to more robust ATT reporting must include consistent and direct engagement with State Party stakeholders. Understanding their own perspectives of reporting challenges, obligations, and needs is essential to unlocking progress on ATT reporting and in developing recommendations for good practice, both for States Parties, the ATT Secretariat and the UN, and civil society.

This report aimed to identify some of the trends and challenges of ATT reporting from the perspective of States Parties and develop recommendations based on those experiences and insights. The data from this survey clearly illustrates some of the common features of processes, control regimes, and reporting procedures among States Parties surveyed as well as clear distinctions that can help explain variance in reporting compliance. Moreover, the survey has helped pinpoint good practice in reporting procedures, oversight, and management that can help inform other States Parties looking to enhance their own reporting processes.

Among the important findings of this survey was the persistent challenge of insufficient capacity in meeting reporting obligations, highlighting the importance of available assistance programs and external resources to aid states in developing the necessary capabilities and processes to submit initial and annual reports. Similarly, enduring challenges around capacity underscore the need to identify synergies across international instruments or other conventional arms control arrangements.

Crucially, this project has illustrated the frequent and persistent inconsistencies and contradictions in ATT reporting, both in terms of discrepancies within survey answers as well as in terms of information submitted to the ATT Secretariat. It underscores the importance of engaging more directly with States Parties to flesh out the nuances within reporting practices that are susceptible to contradictory responses for narrowly posed questions, as is often the case with ATT initial reports. Moreover, the project makes clear the need for consistent and structured mechanisms for clarification of ATT reporting practices, and commitments from all stakeholders to improve, expand, and share mutual understandings of practice, processes, and challenges when it comes to ATT reporting.



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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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