

Can the Arms Trade Treaty Increase Transparency in International Arms Transfers?

By PAUL HOLTOM*

This article asks whether the Arms Trade Treaty (ATT) can achieve its purpose of increasing transparency in the international arms trade. After introducing the concepts of intergovernmental and public transparency in international arms transfers, the article provides examples of key transparency instruments with a focus on United Nations Register of Conventional Arms (UNROCA). The article reviews ATT annual reports submitted during 2016-18, which provide information on international transfers of conventional arms that took place during 2015-17 in comparison to UNROCA submissions for this period. The article concludes that the ATT has the potential to increase the number of States that make information on their arms transfers publicly available, especially if States Parties take advantage of the opportunities for capacity building that could be provided via the ATT voluntary trust fund (VTF). Yet there are worrying signs that several ATT States Parties are providing less detailed information in their ATT reports than they used to provide for UNROCA. Therefore, States Parties and non-governmental organizations need to remain vigilant and highlight backsliding in reporting before obfuscation of information becomes a 'norm' in transparency in international transfers of conventional arms.

The first Article of the Arms Trade Treaty (ATT) declares that the Treaty's purpose includes: 'promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties'.¹ To achieve the aim of promoting transparency in international arms transfers, ATT States Parties are legally obliged to provide to the ATT Secretariat an annual report on authorizations and/or actual exports and imports of eight categories of conventional arms, including small arms and light weapons (SALW).² This article investigates the assumption that the ATT can increase transparency in the international arms trade. Specifically, it seeks to address the question: 'Has the ATT increased transparency in international arms transfers?'. In order to do this, it uses reporting to the United Nations Register of Conventional Arms (UNROCA) to provide a baseline for assessing the impact of the ATT on transparency in international arms transfers, examining both the level of reporting and the quality of the information contained in ATT and UNROCA reports.

Providing data on arms exports and imports for other States and for the general public is viewed as a sensitive issue for many States, having potential implications for national

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¹ UNGA, *Arms Trade Treaty*, Article 1.

² UNGA, *Arms Trade Treaty*, Article 13.3.

defence and security. Yet, a norm in transparency in international arms transfers has been established since the end of the Cold War, as States have exchanged official information with other States on imports and exports of conventional arms and military equipment, as well as making such information available for parliamentary and public scrutiny. However, since the start of the UN process towards an ATT, there has been a significant decline in the number of States providing information on their international transfers of conventional arms to UNROCA. Does this suggest that the norm of transparency in international arms transfers is under threat? Can the ATT reverse this negative tendency and increase transparency in international arms transfers?

Section I of this article identifies intergovernmental and public transparency in international arms transfers. Section II gives an overview of transparency in international arms transfers for the period 1992-2015, with a focus on UNROCA reporting. It provides a baseline against which to assess the impact of the ATT on transparency in international arms transfers. The third section provides background information on the development of ATT reporting forms and other guidance developed for use by ATT States Parties to enable them to report annually on their exports and imports of conventional arms. Section IV reviews the first three years of ATT annual reports submitted during 2016-18, providing information on international transfers of conventional arms that took place during 2015-17, and assesses this data to determine if the ATT has increased transparency in international arms transfers. The final section provides concluding remarks.

I

What is transparency? An Florini provides a negative definition for transparency, suggesting it can simply be considered ‘the opposite of secrecy’.³ In a positive sense, it has come to be understood as involving the ‘systematic provision of information’ with a view to reducing ‘the risk of misunderstanding or miscalculation’.⁴ Therefore, it is also used synonymously with ‘open government’ or ‘openness’. It should also be noted that States and national governments can be transparent in some spheres and still retain secrets in other areas. Thus, a general division can be made, depending on the intended audience of the information released, between intergovernmental transparency and public transparency.⁵

The confidential exchange of information on international transfers of conventional arms between States is classified as intergovernmental transparency. This type of exchange of information is not viewed as a goal, but as a means to build confidence and enhance cooperation between states that regard participation as being in line with their national and international security interests. There are two main objectives for multilateral intergovernmental mechanisms for reporting on arms exports and/or imports: (1) preventing arms races and armed conflict between states that exchange information and (2) informing arms export licensing decisions in order to prevent destabilizing accumulations of arms and diversion to unauthorised illicit end users (i.e. terrorists, criminals, entities subject to UN arms embargoes).

In the first category, it is assumed that the exchange of information can provide data that helps to understand the intentions and capabilities of other States in order to prevent the exaggeration of threats, misinterpretations, and miscalculations that can lead to arms races

³ For example, see: Florini, ‘The end of secrecy’, p 50.

⁴ UNGA, A/46/301, para. 14.

⁵ Florini, ‘The end of secrecy’; Grigorescu, ‘International organizations’, pp. 643–67.

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and armed conflict.⁶ This was the rationale for the Treaty on Conventional Armed Forces in Europe (CFE Treaty), signed on 19 November 1990 by 22 North Atlantic Treaty Organisation (NATO) and Warsaw Treaty Organisation (WTO) states. States that participate in the exchange of information on military holdings of five categories of major conventional weapons under the CFE Treaty share this data in a confidential manner, with the aim of building confidence and preventing conflict.⁷ The CFE Treaty is an example of an intergovernmental transparency mechanism that seeks to prevent arms races and armed conflict between the States that participate in the information exchange.

In the second category, information on arms export licences and/or deliveries of conventional arms is shared between States in order to inform national decision-making on exports, ensuring that potential transfers will not contribute to destabilizing accumulations and fuel armed conflict.⁸ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement), established by 33 states in July 1996, is an example of such an intergovernmental transparency mechanism. The Wassenaar Arrangement has two key objectives:

- promote greater transparency, cooperation and responsibility in transfers of conventional arms, military equipment, and dual-use items and technologies; and
- prevent destabilizing accumulations and the diversion of controlled items to illicit end users.⁹

The 42 Wassenaar Arrangement participating States are major arms producers or States with significant involvement in the international arms trade. These States meet formally twice a year to exchange information in confidence on exports and export licence denials. The information exchanged between Wassenaar Arrangement participating States is not made publicly available.

Public transparency, or government openness, in international arms transfers refers to the practice of making information on a state's preferences, intentions, and capabilities available to the general public, including in other citizens of other States. It is generally regarded as being linked to a government's democratic accountability and commitment to parliamentary and public oversight.¹⁰ Public transparency with regard to international arms transfers entails the public dissemination of information on laws, decision-making procedures for exports and procurement, and information on authorizations and actual arms exports and imports, as well as the refusal for licences to export or import conventional arms. By making such information publicly available, it is expected that it will enable parliamentarians and interested citizens to monitor and assess compliance with national and international legal obligations regarding international arms transfers, in particular Articles 6, 7 and 11 of the ATT.¹¹ The possibility of being held to account for certain transfers that could be viewed negatively by domestic publics 'might motivate the authorities to give

⁶ UNGA, A/46/301, para 99-100.

⁷ The five categories of weapons to be reported upon are listed in Article 1 of the CFE Treaty: tanks, artillery, armoured combat vehicles, combat aircraft and attack helicopters.

⁸ UNGA, A/46/301, para 98 and 101.

⁹ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies is regarded to some extent as a successor to the Coordinating Committee for Multilateral Export Controls (COCOM). COCOM was established in 1947 to prevent the transfer of arms and military equipment from NATO members and Japan to WTO states. It was disbanded in 1994. The membership of the WA is broader than that of COCOM, with former WTO members now participants (WA, 'Website').

¹⁰ Grigorescu, 'International organizations', p. 644.

¹¹ Greene, *Information exchange and transparency*; and SAS, *Survey 2007*, pp. 73 and 81.

even more careful consideration to all aspects of contemplated arms transfers before they are carried out'.¹² As of December 2018, 34 States had published at least one national report on arms exports since 1990, providing information on national arms transfer control systems and/or arms export authorizations or actual exports and.¹³ Some States produce reports that include descriptions of all equipment licensed for export, instances where an export licence was denied, brokering licences authorized or denied, and transit licences. The level of detail provided can vary considerably.

Although it is analytically useful to distinguish between intergovernmental and public transparency in international arms transfers, there is a lot of the interplay between the two forms in practice. While the data on international arms transfers shared between States under the CFE Treaty and Wassenaar Arrangement is not made publicly available, there is a growing tendency for information exchanged within intergovernmental frameworks to also be made publicly available, thereby contributing to public transparency.¹⁴ Several regional examples that support this argument are presented below. UNROCA is the most important intergovernmental reporting mechanism on imports and exports of conventional arms, which also makes information provided by States publicly. UNROCA was created to increase intergovernmental transparency and build confidence between States and prevent destabilizing accumulations of conventional arms that could fuel misperceptions and eventually lead to armed conflict. The UN Department for Disarmament Affairs interpreted the UN General Assembly resolution that established UNROCA as providing for the information supplied by UN Member States to be made available for, at first the interested academic and research community, and subsequently for the public at large via a website that reproduces national submissions.¹⁵ Therefore, UNROCA is not only an intergovernmental transparency mechanism but also contributes to public transparency. As will be discussed below, the approach taken for UNROCA set an important precedent for public reporting under the ATT. This article only assesses the way in which the ATT contributes to public transparency in international arms transfers. It also notes that the ATT's reporting obligations did not necessarily introduce new commitments or practices because many ATT States Parties were already politically or legally committed to providing information on an annual basis on their authorizations and/or actual exports and imports.

II

The issue of transparency in international arms transfers is not new. States exchanged information on their international arms transfers during the inter-war period of the 1920s and 1930s under the auspices of the League of Nations, which produced a Statistical Yearbook on Trade in Arms and Armaments using information provided by States.¹⁶ The possibility of the UN collecting, collating and disseminating information on international

¹² UNGA, A/46/301, para. 101.

¹³ The 34 states that have published at least one report on their arms exports since 1990 are: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Former Yugoslav Republic of Macedonia, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, the United Kingdom and the United States. Although Belarus published a national report on export control policy, exports of arms and military equipment for 2006, it did not contain any data on actual transfers. A list of the published reports is at: http://www.sipri.org/contents/armstrad/atlinks_gov.html.

¹⁴ Grigorescu, 'International organizations', p. 649.

¹⁵ UNROCA, 'Website'.

¹⁶ Stone, 'Imperialism and sovereignty', pp. 213-30. The League of Nations's Yearbooks can be found at: www.un.org/disarmament/convarms/Register/HTML/Register_Resources.html.

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arms transfers was also raised in the General Assembly on several occasions during the Cold War. The genesis of UNROCA can be found in General Assembly resolution 43/75 of 7 December 1988, which requested the UN Secretary-General to establish a group of governmental experts (GGE) to carry out a study on the ‘ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis’.¹⁷ This study laid the foundations for the UNROCA of Conventional Arms (‘the Register’), providing recommendations for the instrument’s operation and scope.

UN General Assembly resolution 46/36 L of December 1991, on ‘Transparency in armaments’ established the UNROCA ‘to prevent excessive and destabilizing accumulation of arms (...) in order to promote stability and strengthen regional or international peace and security [and to] enhance confidence, promote stability, help states to exercise restraint, ease tensions and strengthen regional and international peace and security’.¹⁸ All UN Member States are requested to provide information on their actual imports and exports from the preceding calendar year for seven categories of conventional arms:

- I. Battle tanks;
- II. Armoured combat vehicles;
- III. Large-calibre artillery;
- IV. Combat aircraft;
- V. Attack helicopters;
- VI. Warships; and
- VII. Missiles and missile launchers.

Descriptions for the seven categories are provided in an appendix to the resolution. The description have been reviewed every three years by a group of governmental experts (GGE) appointed by the UN Secretary-General as part of a regular assessment of the continuing operation and further development of UNROCA. The GGEs can recommend changes to the parameters of the descriptions, which are then put before the UN General Assembly for adoption.¹⁹ The last change to a category description took place following the 2016 GGE on the UNROCA, which provided a description for unmanned combat aerial vehicles (UCAV) to be reported in an amended category for combat aircraft.²⁰ Member States determine on a national basis what constitutes an ‘export’ or ‘import’ and which conventional arms to report.²¹ Since 2004, UN Member States have been invited to provide information on international transfers of SALW,²² and were provided with a standardised reporting form for reporting international transfers of SALW in 2006.²³ The 2016 GGE on the continuing operation and further development of the UNROCA recommended that member States report on international transfers of SALW on the same basis as the seven

¹⁷ UNGA, A/RES/43/75 I.

¹⁸ UNGA, A/RES/46/36 L.

¹⁹ For more information on the role of GGE’s in the development, or lack thereof, see: Holtom, ‘Nothing to report’, pp. 61-87.

²⁰ UNGA, A/71/259, para. 81.

²¹ Member States are only requested to provide information on international transfers of complete weapons systems and not spare parts, components, upgrade kits, and military technology and equipment. UN General Assembly resolution 46/36 L of December 1991 also invited Member States to provide background information on procurement through national production, military holdings, and relevance policies.

²² UNGA, A/58/274, para. 113(e).

²³ UNGA, A/61/261, para. 125.

categories of conventional arms, thus creating a ‘seven plus one formula’ for reporting.²⁴

Since its inception the UNROCA has received reports from more than 170 states. The level of reporting has varied significantly from year-to-year, from a high of 124 states in 2002 for transfers that took place in calendar year 2001 to a low of just 50 states in 2016 for transfers that took place in 2015 (see Figure 1). The decline in reporting corresponds with the period in which the negotiations on the ATT took place, as well as the repeated failure of several UN GGE to reach consensus on adding an eighth full category to the UNROCA for reporting on international transfers of SALW. Nevertheless, reporting to the UNROCA provides a useful baseline for assessing the contribution of the ATT for transparency in international arms transfers. The GGEs tasked with accounting for the decline in reporting have determined that the downward trajectory is largely due to the fact that the large number of Member States that provided nil reports during the period 2001-7 stopped reporting during 2008-18.²⁵ More precisely, the factors that could have influenced this downward trajectory are thought to include:

- ‘a reduction in follow-up efforts regarding reporting;
- an increasing burden on Member States with regard to reporting on conventional arms issues;
- reporting fatigue felt by Member States that previously reported regularly;
- the limited relevance of the Register while small arms and light weapons were not included as a main category; and
- the focus on the Arms Trade Treaty process at the United Nations in recent years’.²⁶

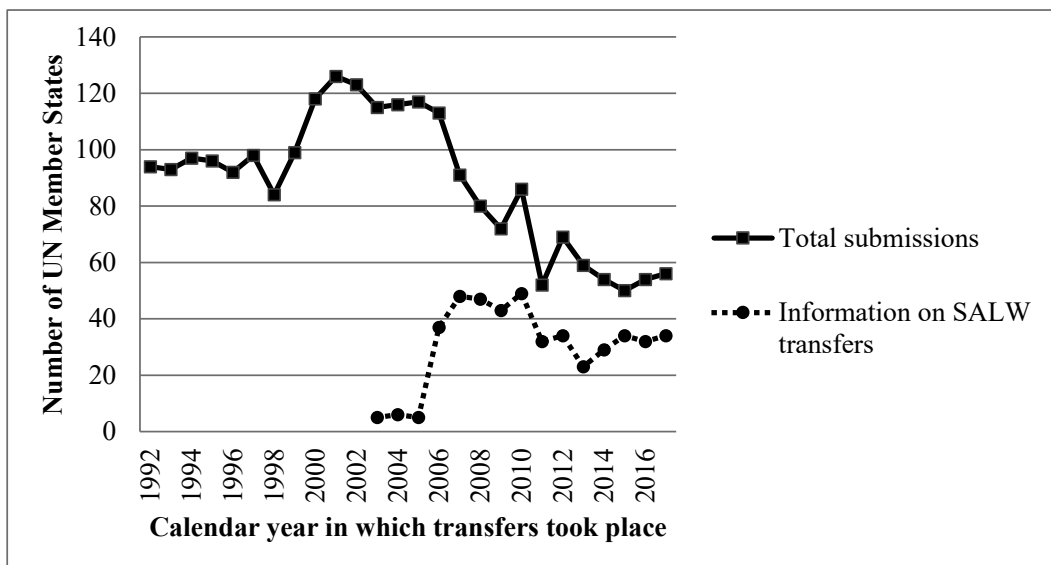


Figure 1. Submissions to the UNROCA of Conventional Arms, years in which transfers took place, 1992-2017

Sources: UNODA, *The UN Register*; UNROCA.

²⁴ UNGA, A/71/259, para. 75 and 83.

²⁵ UNGA, A/68/140, para. 17; UNGA, A/71/259, para. 20.

²⁶ UNGA, A/68/140, para. 16.

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The UNROCA has not only served as a critical point of reference for the ATT, but has also been an inspiration for regional confidence-building instruments and information exchanges on international arms transfers. For example, since 1998 participating states of the Organization of Security and Co-operation in Europe (OSCE) have exchanged annual reports on their imports and exports of conventional arms using UNROCA descriptions for seven categories of conventional arms and using reporting templates that are identical to those used for the UNROCA.²⁷ A decision was taken in September 2016 for the information exchanged on conventional arms transfers to be made publicly available on the OSCE website.²⁸ In June 1999, the Organization of American States (OAS) General Assembly adopted the Inter-American Convention on Transparency in Conventional Weapons Acquisitions (CITAAC), which entered into force in November 2002. The CITAAC requires States Parties to submit annual reports on imports and exports of items falling within the seven categories of the UNROCA, and to report on all acquisitions within 90 days of their incorporation into the armed forces, and provides that ‘States Parties shall guarantee the confidentiality of any information they receive, if requested to do so by the State Party providing the information’.²⁹ In addition, European Union (EU) Member States regularly exchange information on authorizations for export and brokering licences and deliveries of conventional arms. This information is compiled in the publicly available EU annual report produced in accordance with the legally binding Common Position 2008/944/CFSP, which defines common rules governing control of exports of military technology and equipment.³⁰ Countries in south-eastern Europe have adopted the EU approach to exchanging information in a regional setting and making information on authorizations and/or actual exports of conventional arms. Therefore, the Euro-Atlantic region and the Americas have multiple political commitments and legal obligations for reporting on international arms transfers.

In contrast to the public transparency on international arms transfers by States in the EU, OAS, OSCE, and south-eastern Europe, there are several intergovernmental transparency mechanisms on international transfers of SALW for which the results are not made publicly available. Since 2001, OSCE participating states have exchanged information on their imports and exports of small arms, but this information is not made publicly available. States parties to the Economic Community of West African States (ECOWAS) Convention on SALW, their Ammunition and Other Related Materials (ECOWAS Convention) and the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly (Kinshasa Convention) are legally obliged to report each year to their respective Secretariats on their SALW imports and exports, but these reports do not have to be made public.³¹ As a result of this opacity, the baseline for assessing the contribution of the ATT to public transparency in international transfers of SALW relies on UNROCA submissions and information provided in national and regional reports on arms exports.

²⁷ OCSE, FSC.DEC/13/97.

²⁸ OSCE, FSC.DEC/4/16/Corr.1.

²⁹ OAS, CITAAC. Most national reports can be found online at: <http://www.oas.org/csh/english/conventionalweapons.asp>.

³⁰ CoEU, Council Common Position 2008/944/CFSP.

³¹ ECOWAS, *Convention*, Article 10; ECCAS, *Convention*, Articles 21 and 24.

III

Article 13(3) of the ATT obliges ATT States Parties to provide an annual report to the ATT Secretariat by 31 May each year on their conventional arms imports and exports during the previous calendar year.³² This section notes that while the treaty text provides some guidance for reporting, the ATT working group on transparency and reporting, and non-governmental organizations have developed tools and materials to support reporting by ATT States Parties.

Article 13(3) does not explicitly state that ATT annual reports will be made publicly available. At a glance, Article 13(3) resembles the UN General Assembly resolution that established the UNROCA, which also did not contain provisions for national submissions to the UNROCA to be made publicly available. However, it has been argued that there is an implicit call for public reporting because of the placement of the comma in the sentence: ‘Reports shall be made available, and distributed to States Parties by the Secretariat’.³³ The so-called ‘transparency comma’ is thus interpreted as distinguishing between making reports publicly available in the first half of the sentence before the comma, and the intergovernmental transparency provided for in the second half of the sentence. One could argue that the fact that Article 13(3) also notes that ‘reports may exclude commercially sensitive or national security information’ suggests that it is the intention of the treaty to provide for public transparency. Most of the ATT States Parties that have provide an annual report on arms exports and imports have accepted this public transparency approach, yet several have also indicated that they have withheld information from the report due to commercial sensitivities or national security.

Article 13(3) of the ATT also provides some flexibility for States Parties with regards to the sources of information for their reports. UN Member States are requested to provide information for UNROCA on their actual exports and imports of conventional arms. In other words, the reports should contain data on deliveries that have taken place. ATT States Parties can elect to provide such information in their ATT annual reports, in accordance with the provisions in the Treaty to provide the same information for the ATT and UNROCA. Alternatively, States Parties can provide information on authorizations, in other words on licences issued for exports or contracts signed for imports. This flexibility reflects the fact that several Member States indicated that they use such sources for providing information on international transfers of SALW for the UNROCA.³⁴ It has recently been revealed that UN Member States use information on authorizations for their UNROCA submissions for other categories too.³⁵

The ATT does not provide a form or template for reporting exports and imports of conventional arms in the treaty nor in an annex to the treaty. Article 13(3) provides some guidance in noting that a State Party can provide the same information in its ATT annual report as it provides in its UNROCA submission, in order to address concerns that ATT reporting provisions would introduce a new reporting burden for ATT States Parties. States Parties decided in late 2014 to establish an informal working group on transparency and reporting, which was tasked with the development of standardized templates for both the ATT initial reports on implementation measures and ATT annual reports on exports and

³² UNGA, *Arms Trade Treaty*, art. 13.3

³³ Control Arms Secretariat, *ATT monitor*, p. 19.

³⁴ Holtom, *Transparency in transfers*, pp. 23-6.

³⁵ An analysis of information provided by UN Member States in their UNROCA submissions for calendar years 2016 and 2017 indicates that 36 UN Member States provided information on actual exports and imports compared to four Member States that provided information on authorizations.

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imports of conventional arms.³⁶ The informal working group produced a draft annual reporting template, which combined the UNROCA standardized form for reporting on international transfers of conventional arms and the form for providing background information on international transfers of SALW. The informal working group developed ATT reporting templates that contained three key differences when compared to the UNROCA standardized forms:

- First, the ATT annual reporting template provides space for States Parties to indicate if the data provided relates to authorizations and/or actual exports and imports.
- Second, it offers the option to report on the number of units exported or imported and/or their financial value.
- Third, the UNROCA standardized form provides a column for ‘intermediate location’, which is not included in the ATT annual reporting template.

The annual reporting template was not adopted at the first Conference of States Parties (CSP1) for the ATT in 2015.³⁷ Following minor revisions in 2016, CSP2 endorsed the template and recommended it for use by States Parties. However, it is not compulsory for ATT States Parties to use the standardised reporting template. The Conference also decided to keep the template and procedures for making reports publicly available ‘under review’.³⁸ The ATT working group on reporting and transparency has continued to support ATT State Party reporting on international transfers of conventional arms. Given the fact that ATT States Parties can provide the same information for UNROCA and the ATT annual report, the ATT working group on reporting and transparency and civil society organizations and research institutions have developed various tools to help reduce the reporting burden for States.³⁹ In preparation for the third conference of ATT States Parties, Belgium led on the development of guidance to help ATT States Parties better understand how to fulfil their obligations under Article 13(3) of the ATT, in the form an FAQ guide entitled: *Reporting authorized or actual exports and imports of conventional arms under the ATT: questions and answers*.⁴⁰ The FAQ approach taken for the guidance resembles the guidance document prepared by the UNODA for UNROCA reporting.⁴¹ Also, like the UNROCA, the ATT Secretariat has led the development of an online reporting tool, which has been introduced for use for ATT States Parties reporting in 2019.

IV

ATT annual reports on exports and imports of conventional arms are the primary method for assessing the application of the ATT and demonstrating that national systems are in place that maintain records of actual or authorised exports and imports of conventional arms. As noted above, the submission of annual reports to the ATT Secretariat is a legally-binding obligation, in contrast to the political commitment of participation in the UNROCA. This section presents an overview of reporting for the first three years of ATT annual reports, those submitted during 2016-18 and covering authorization or actual

³⁶ ATT Secretariat, ATT/CSP1/2015/WP.4.

³⁷ ATT Secretariat, ATT/CSP1/2015/6, para. 36.

³⁸ ATT Secretariat, ATT/CSP2/2016/5, para. 25.

³⁹ ATT-BAP, *Reporting guidance*; UNIDIR, *Reporting on conventional arms*.

⁴⁰ ATT Secretariat, ATT/CSP3.WGTR/2017/CHAIR/159/Conf. Rep.

⁴¹ UNODA, *The global reported arms trade*.

international transfers of conventional arms that took place during calendar years 2015-17.

The first ATT annual reports were due to be submitted to the ATT Secretariat by 31 May 2016, providing information on authorizations and/or actual exports and imports of the eight categories of conventional arms covered by Article 2(1) of the treaty that took place during the calendar year 2015. Reporting for this first year gave a positive initial sign. A total of 61 ATT States Parties were due to report by 31 May 2016. Twenty-eight States Parties reported by this date, but a total of 51 ATT States Parties submitted an annual report on conventional arms transfers that took place during the 2015 calendar year. Of these 51 States Parties, three submitted a report even though they were not due to submit their first annual report until 31 May 2017. Thus, of the 61 ATT States Parties due to report, 48 did so, representing 79 per cent of the total reports due. While the number of annual reports submitted on time and overall has increased year on year, the percentage of ATT States Parties that are fulfilling their obligation to report is in decline (see Table 1). Thus, 68 per cent of the 75 ATT States Parties due to report by 31 May 2017 fulfilled their reporting obligation for calendar year 2016, dropping to 61 per cent of 89 States Parties due to report for 2017 by 31 May 2018.

Table 1. ATT Annual Reports for calendar years 2015-17

ATT State Party	Region	Level of economic development	Freedom House Score	ATT Annual Report (year of transfers)			Last UN Register submission (year of transfers)
				2015	2016	2017	
Albania	Europe	UMI	PF	✓	✓	✓	2017
Antigua and Barbuda	Americas	SIDS	F	-	-	-	2010
Argentina	Americas	UMI	F	✓	✓	✓ *	2017
Australia	Oceania	HI	F	✓	✓	✓	2017
Austria	Europe	HI	F	✓	✓	✓	2017
Bahamas	Americas	HI (SIDS)	F	-	-	-	2011
Barbados	Americas	HI (SIDS)	F	NRR	-	-	2003
Belgium	Europe	HI	F	✓	✓	✓	2017
Belize	Americas	UMI (SIDS)	F	NRR	-	-	2010
Bosnia and Herzegovina	Europe	UMI	PF	✓	✓	✓	2017
Bulgaria	Europe	UMI	F	✓	✓	✓	2017
Burkina Faso	Africa	LI	PF	-	✓	-	2006
Cape Verde	Africa	LMI (SIDS)	F	NRR	NRR	-	
Central African Republic	Africa	LI	NF	NRR	NRR	-	1995
Chad	Africa	LI	NF	NA	-	-	1994
Costa Rica	Americas	UMI	F	✓	✓	✓	2008
Cote d'Ivoire	Africa	LMI	PF	NA	-	-	2002
Croatia	Europe	UMI	F	✓	✓	✓	2014
Cyprus	Asia	HI	F	NRR	NRR	✓ *	2017
Czechia	Europe	HI	F	✓	✓	✓	2017

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Denmark	Europe	HI	F	✓	✓	✓	2014
Dominica	Americas	SIDS	F	NRR	-	-	2010
Dominican Republic	Americas	UMI (SIDS)	PF	✓	✓	✓	2010
El Salvador	Americas	LMI	F	✓	✓	✓	2015
Estonia	Europe	HI	F	✓	✓	✓	2015
Finland	Europe	HI	F	✓	✓	✓	2017
France	Europe	HI	F	✓	✓	✓	2017
Georgia	Asia	LMI	PF	NRR	NRR	✓	2007
Germany	Europe	HI	F	✓	✓	✓	2017
Ghana	Africa	LMI	F	NRR	NRR	-	2007
Greece	Europe	HI	F	NRR	✓ ~	✓ *	2017
Grenada	Americas	SIDS	F	-	-	-	2014
Guatemala	Americas	LMI	PF	NRR	NRR	-	2007
Guinea	Africa	LI	PF	-	-	-	
Guyana	Americas	UMI (SIDS)	F	-	-	-	2010
Hungary	Europe	HI	F	✓	✓	✓	2017
Iceland	Europe	HI	F	-	-	-	2013
Ireland	Europe	HI	F	✓	✓	✓	2017
Italy	Europe	HI	F	✓	✓	✓	2017
Jamaica	Americas	UMI (SIDS)	F	✓	-	-	2014
Japan	Asia	HI	F	✓	✓	✓	2017
Latvia	Europe	HI	F	✓	✓	✓	2017
Lesotho	Africa	LMI	PF	NRR	NRR	-	2005
Liberia	Africa	LI	PF	✓ ~	✓ *	-	
Liechtenstein	Europe		F	✓	✓	✓	2017
Lithuania	Europe	HI	F	✓	✓	✓	2017
Luxembourg	Europe	HI	F	✓	✓	✓	2017
Madagascar	Africa	LI	PF	NRR	NRR	✓ *	2010
Mali	Africa	LI	PF	✓	-	-	2006
Malta	Europe	HI	F	-	-	✓	2012
Mauritania	Africa	LMI	NF	NRR	-	-	1994
Mauritius	Africa	UMI (SIDS)	F	NRR	✓	✓	2012
Mexico	Americas	UMI	PF	✓	✓	✓	2015
Moldova	Europe	LMI	PF	NRR	✓	✓	2017
Monaco	Europe		F	NRR	NRR	-	2017
Montenegro	Europe	UMI	PF	✓	✓	✓	2016
Netherlands	Europe	HI	F	✓	✓	✓	2017
New Zealand	Oceania	HI	F	✓	✓	✓	2009
Niger	Africa	LI	PF	NRR	-	-	2005
Nigeria	Africa	LMI	PF	-	-	-	
Norway	Europe	HI	F	✓	✓	✓	2014
Panama	Americas	UMI	F	✓	✓ *	✓	2008
Paraguay	Americas	UMI	PF	✓ ~	✓	-	2006
Peru	Americas	UMI	F	NRR	NRR	✓	2010
Poland	Europe	HI	F	✓	✓	✓	2017
Portugal	Europe	HI	F	✓	✓	✓	2017

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Romania	Europe	UMI	F	✓	✓	✓	2017
St Kitts and Nevis	Americas	(SIDS)	F	-	-	-	2005
St Lucia	Americas	(SIDS)	F	-	-	-	2006
St Vincent and the Grenadines	Americas	(SIDS)	F	-	-	-	2008
Samoa	Oceania	UMI (SIDS)	F	✓	-	-	2011
San Marino	Europe		F	NRR	-	-	2013
Senegal	Africa	LI	F	✓	✓ *	✓	2017
Serbia	Europe	UMI	F	✓	✓	✓	2017
Seychelles	Africa	(SIDS)	PF	NRR	NRR	-	2008
Sierra Leone	Africa	LI	PF	✓	✓	✓	2006
Slovakia	Europe	HI	F	✓ *	✓	✓	2017
Slovenia	Europe	HI	F	✓	✓	✓	2017
South Africa	Africa	UMI	F	✓	✓	✓	2016
Spain	Europe	HI	F	✓	✓	✓	2017
Sweden	Europe	HI	F	✓	✓	✓	2017
Switzerland	Europe	HI	F	✓ ~	✓	✓	2017
FYROM	Europe	UMI	PF	✓	✓	✓	2017
Togo	Africa	LI	PF	NRR	NRR	-	2007
Trinidad and Tobago	Americas	HI (SIDS)	F	-	-	-	2014
Tuvalu	Oceania	(SIDS)	F	NRR	-	✓	2006
UK	Europe	HI	F	✓	✓	✓	2017
Uruguay	Americas	HI	F	✓	✓	✓	2015
Zambia	Africa	LMI	PF	NRR	NRR	-	2006
TOTAL REPORTS SUBMITTED				51	52	54	
Reports not due but submitted				3	1	0	
Total reports due				61	75	89	
Reports due and submitted				48	51	54	
Percentage of due reports submitted				79%	68%	61%	
Reports not due but submitted				3	1	0	
Number of reports not made publicly available				1	3	4	

Notes: For the column that indicates level of economic development: ‘HI’ indicates a ‘high income country’; ‘UMI’ indicates a ‘upper-middle income country’; ‘LMI’ indicates a ‘lower-middle income country’; ‘LI’ indicates a ‘low income country’; (SIDS) indicates ‘small island developing state’.

For the column that indicates Freedom House score: ‘F’ indicates ‘Free’; ‘PF’ indicates ‘partly free’; ‘NF’ indicates ‘Not Free’.

‘✓’ indicates report submitted; ‘NRR’ indicates ‘no report required’; ‘-’ indicates report due but not submitted; ‘*’ indicates report not made publicly available; ‘~’ indicates report submitted but not required to do so

Sources: ATT Secretariat, ‘Reporting: Status as of 16 April 2019’; Freedom House, ‘Freedom in the World’; UN, *WESP Report 2018*; UNROCA.

Overall, 61 ATT States Parties have submitted at least one ATT annual report, of which 52 have submitted a report for every year for which they are obliged to report. Twenty-eight States Parties that are due to report have never reported, of which 11 were due to

report for all three years. Japan is the only State Party in Asia due to report for the years 2015-17 and has reported every year. The three States Parties in Oceania due to report on their 2015 activities all reported, but this dropped to two out of four for 2016 and then up to three out of four for 2017. Of the three regions that represent most of the ATT States Parties due to report, Europe has the highest level of participation with more than 90 per cent of States Parties due to report in this region doing so each year. The level of reporting by States Parties in Africa and the Americas is largely comparable. More than half of States Parties in these two regions submitted an annual report for 2015 but the percentage has been in decline for the next two years for both regions to around a quarter of States Parties in Africa reporting for 2017 and about a third for the Americas (see Table 1). The ATT working group on transparency and reporting and the Arms Trade Treaty-Baseline Assessment Project have separately distributed questionnaires to find the reasons for non-compliance with the reporting obligation, but the limited number of returns prevents one from understanding the challenges and obstacles faced by all non-reporting States Parties.⁴²

Therefore, this article has looked for reasons that could help to explain why some States Parties are able to report. First, there is a strong correlation between ATT States Parties that are participating States of the Wassenaar Arrangement and those that report – all 34 ATT States Parties that are participating States of the Wassenaar Arrangement have submitted an annual report for every year due. All EU Member States and those located in South-Eastern Europe that submit information for regional and sub-regional reports on arms exports also submit ATT annual reports. There is not a particularly strong correlation between states parties to CITAAC and ATT States Parties located in the Americas. So, while regional and multilateral reporting instruments could help to explain reporting for the Euro-Atlantic region and States with well-developed transfer control systems, this is not the only reason for explaining why ATT States Parties report.

Robert J. Lemke and James J. Marquardt have argued that the nature of a state's political system can help to determine whether it will submit a report to the UNROCA, by looking at reporting records against Freedom House scores.⁴³ For the ATT, this approach does not help understand reporting or non-reporting as 73 per cent of the 46 ATT States Parties identified as 'free' in Freedom House's scores for 2018 have submitted an ATT annual report compared to 70 per cent of the 16 States Parties assessed as 'partly free'. None of the three States Parties considered 'not free' have yet reported (see Table 1). James H. Lebovic noted the weakness of this approach for analysing reporting to UNROCA and determined that 'a state's capacity' is a key factor for explaining participation.⁴⁴

Therefore, this article sought to determine 'state capacity' by using the level of economic developed as assessed by the 2018 World Economic Situation and Prospects (WESP) report. Thirty-five of the 89 States Parties due to submit an ATT annual report for at least one of the calendar years 2015-17 were classified as 'high income countries', compared to 21 'upper-middle income countries', 11 'lower-middle income countries', and 11 'low income countries' (see Table 1).⁴⁵ Of these States, 89 per cent of 'high income countries' and 86 per cent of 'upper-middle income countries' submitted at least one annual report, compared to 36 per cent of 'lower-middle income countries' and 45 per cent of 'low income countries'. Further, only 28 per cent of small island developing states (SIDS) have submitted at least one annual report. Therefore, the level of economic development of an

⁴² ATT Secretariat, ATT/CSP4.WGTR/2018/CHAIR/357/M2.SumRep, para. 33; ATT-BAP, 'Lessons learned'

⁴³ Lemke and Marquardt, 'Freedom and transparency', pp. 343-68.

⁴⁴ Lebovic, 'Democracies and transparency', pp. 559-60.

⁴⁵ UN, *WESP Report*, pp. 144-5.

ATT State Party appears to be a good indicator for annual reporting. Therefore, this is an issue that could be addressed to some extent by awareness-raising and capacity-building activities, which could be supported via the Arms Trade Treaty Voluntary Trust Fund (ATT VTF).

In order to determine whether the ATT has increased transparency in international arms transfers, this article compares the first three years of ATT annual reports with submissions to the UN Register on international transfers of seven categories of conventional arms and international transfers of SALW. The United Nations Office for Disarmament Affairs (UNODA) indicated that 50 UN Member States reported to the UNROCA for calendar year 2015, 54 for 2016, and 56 for 2017.⁴⁶ As far as can be discerned from available data, 30 Member States reported to both the ATT and UNROCA for 2015, 29 for 2016, and 35 for 2017 (see Table 1). Therefore, for each of these years, around 20 ATT States Parties submitted an ATT annual report but did not report to the UNROCA. There are no ATT States Parties that reported to the UNROCA and did not provide an ATT annual report during these years. Only four ATT States Parties due to report for the calendar years 2015-17 have never reported to the Register,⁴⁷ of which only Liberia has submitted an annual report to the ATT Secretariat for 2015-17. Of the 23 ATT States Parties that did not report to the UNROCA for the calendar years 2008-17, seven did submit at least one ATT annual report for 2015-17. Therefore, in quantitative terms the ATT has increased transparency in international arms transfers compared to the Register, as UN Member States that have never reported to the Register or which stopped reporting have submitted an ATT annual report. Moreover, the fact that around 20 UN Member States are fulfilling their ATT obligation to provide an annual report, but not reporting to the UNROCA, gives an increase in the number of States providing information on international transfers of conventional arms for public review than would be found in UNROCA alone. Nevertheless, the combined number of reports for the ATT and UNROCA is still not as high as the number of UN Member States that reported to UNROCA during 2001-9.

At the same time, more than half of the ATT States Parties that have submitted an ATT annual report are 'regular reporters' for the UNROCA or publish information in annual national or regional reports on arms exports. The information provided by such States Parties in their ATT annual reports is the same as information provided in UNROCA submissions or other reports on arms transfers. While this is in line with the provisions contained in ATT Article 13(3), under which the same information can be provided in an ATT annual report and UNROCA submission, this means that the ATT is not providing more information or increasing transparency in international arms transfers for such States. However, as will be discussed below, of more concern is the fact that in several cases States Parties appear to be providing less information in their ATT annual reports than they used to in their UNROCA submissions, in particular aggregating data or omitting certain types of information.

Non-governmental organizations expressed concerns during ATT Conferences of States Parties and related events that ATT States Parties would submit their annual reports and indicate that these reports shall not be made available for the public. While the number of States Parties that have requested that their annual reports be restricted for access by other States Parties only is low, there is a worrying upwards trend in the number of States Parties that are requesting that their annual reports are not made publicly available. While only

⁴⁶ UNODA, *The UN Register*.

⁴⁷ These four ATT States Parties are: Cabo Verde, Guinea, Liberia, and Nigeria.

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Slovakia indicated that its ATT annual report for 2015 should be for States Parties only, three States Parties selected this option for 2016 and four for 2017. It is worth noting that no ATT State Party has yet requested more than one annual report to be restricted access – the only reports submitted by Cyprus and Madagascar are restricted access. Therefore, in total, eight States Parties have indicated that one annual report should be made available for States Parties only. However, the year for which Argentina, Cyprus, Greece, and Slovakia made their ATT annual reports available for States Parties only, these States also reported to the UNROCA and their submissions were made publicly available on the UNROCA website; while the restricted access ATT annual reports for Liberia, Madagascar, Panama, and Senegal have no counterpart in the UNROCA. Liberia's report for 2016 is restricted access, while its 2015 report is publicly available and no report has been submitted for 2017. Panama and Senegal have each submitted three annual reports, restricting access to the submissions for 2016 only. No public explanations have been given by these States Parties for why their reports are restricted access. The ATT Secretariat has suggested that there is some confusion on the part of ATT States Parties regarding the tick box on the annual reporting form for this issue and that some States Parties have mistakenly indicated that the report should be restricted access. Therefore, it does not appear that the option to restrict access to annual reports for States Parties only has had a positive impact on reporting – i.e. States Parties are providing information in ATT annual reports but not for the UNROCA because the latter makes the information publicly available. That said, while 61 ATT States Parties have submitted at least one annual report to the ATT Secretariat, the submissions for only 59 ATT States Parties can be assessed in this article because Cyprus and Madagascar have not yet submitted a publicly available report.

Ten States Parties have indicated at least once that information has been withheld from their ATT annual reports because it is considered commercially sensitive or related to national security considerations.⁴⁸ Five of these ATT States Parties have indicated that such information is restricted access twice,⁴⁹ and one has done it for all three reports.⁵⁰ Australia, for instance, indicates that information on imports for the Australian National Defence Forces had been 'withheld', while Sweden provides information on the destinations of its light weapons exports but did not indicate either the number of units or the value. Although this indicates that these reports are not fully transparent, they are being open about this issue in a way that they were not required to do so for their UNROCA submission.

On the other hand, there is aggregation of data and omission of data that indicates a worrying trend for transparency in international transfers. For example, Bosnia and Herzegovina and Jamaica aggregated the list of importers and exporters for each small arms subcategory. Denmark and Norway identified only some of their export destinations and import sources. Croatia identified importers by subcategory in its UNROCA submissions for 2011–15 but has not identified importers, in any form, in its ATT annual reports. Further, Italy has submitted a different format for its information each year, gradually providing less and less information in each return – with its UNROCA submission for 2017 also failing to conform with the minimum expected information. Italy's first annual report provided disaggregated information on number of items for each category for each recipient state, helping it to achieve the status of one of the world's most

⁴⁸ These ten States Parties are: Bulgaria, Croatia, Finland, Germany, Greece, Italy, Mauritius, Norway, South Africa, and Sweden.

⁴⁹ These five States Parties are: Bulgaria, Finland, Germany, Italy, and Norway.

⁵⁰ Greece and Mauritius have only submitted one publicly available report.

transparent exporters according to the Small Arms Survey.⁵¹ For its second and third ATT annual reports, Italy has provided aggregated totals for the number of items exported for each category in the categories of the ATT and then an annex for SALW transfers that provides a list of partner States and an aggregated total of SALW exported and imported for each State. For the third report, there is a distinction between small arms on one hand and light weapons on the other. Therefore, there are concrete examples of where ATT States Parties are becoming less open and transparent with regards to the quality of information and level of detail provided in their ATT annual reports compared to their previous reporting practices for the UNROCA. As noted in the examples above, this is particularly the case for reporting on international transfers of SALW.

One key difference between the scope of the UNROCA and the ATT for reporting purposes is the inclusion of SALW as an eighth category on the ATT reporting form. Sixty-three of the 89 States Parties due to report for calendar years 2015-17 have provided information on international transfers of SALW at least once for the UNROCA. Of the 59 States Parties that have submitted a publicly available annual report, 50 have provided information on international transfers of SALW to the Register at least once.⁵² Therefore, nine States Parties have provided information on international transfers of SALW that did not do so for the UNROCA.⁵³ In quantitative terms, it would seem that the ATT has increased transparency in international transfers of SALW.

Forty-seven ATT States Parties have provided information on international transfers of SALW using the sub-categories contained in the ATT reporting template. Austria and Belgium provided information on SALW using the definition provided by Category 1 of the Wassenaar Arrangement Munitions List and EU Common Military List to define small arms for their ATT annual reports, while Japan provided information on small arms transfers disaggregated by Comtrade categories 9301, 9302, and 9303. In addition, Australia uses the subcategories when reporting on small arms imports but did not use the subcategories for reporting authorizations for firearms exports and Sweden utilizes the light weapons subcategories contained in the ATT reporting template but also uses Category 1 of the Wassenaar Arrangement Munitions List and EU Common Military List to define small arms for its ATT annual reports. Switzerland provides different information on SALW transfers in its ATT reports and submissions to the UNROCA because it provides only transfers to military end users for the UNROCA and for 'private entities' for the ATT. However, this information is already made publicly available in the Swiss annual report on the exports of SALW, which contains information not only on the number of units of SALW authorised for export but also the value of the licence – information that is not included in the ATT report. Therefore, while Switzerland provides more information on SALW exports in their ATT report compared to the UNROCA submission on international transfers of SALW, Switzerland is providing information that is made publicly available elsewhere already.⁵⁴ Therefore, the flexibility provided by the treaty for reporting on

⁵¹ Holtom and Pavesi, *Sub-Saharan Africa in Focus*, p. 39.

⁵² Twelve States Parties that have never submitted an ATT annual report have provided background information on international transfers of SALW at least once to UNROCA: Antigua and Barbuda, Bahamas, Ghana, Grenada, Guyana, Iceland, St Lucia, St Vincent and the Grenadines, San Marino, Swaziland, Togo, and Trinidad and Tobago. Of the two States Parties that have only submitted restricted access ATT annual reports, Cyprus has provided background information on international transfers of SALW to the UNROCA, while Madagascar has not.

⁵³ These nine States Parties are: Burkina Faso, Costa Rica, Dominican Republic, Liberia, Mauritius, Paraguay, Sierra Leone, South Africa, and Tuvalu.

⁵⁴ See for example: Switzerland, *Le contrôle à l'exportation*.

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international transfers of SALW is being used by some ATT States Parties to provide more information on international transfers of SALW in comparison to submissions to UNROCA. At the same, time, more ATT States Parties seem to provide less detailed information in their ATT annual reports compared to information provided in their UNROCA submissions. There is cause for concern with regards to the quality of information provided on such transfers in many ATT annual reports.

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The title of this article asked if the ATT has the potential to increase transparency in international transfers of conventional arms. The first sections of this article indicated that it does provide for opportunities to arrest the decline in reporting on international transfers of conventional arms, including SALW, to UNROCA. Reporting to UNROCA at the turn of the millennium seemed to show that the norm of transparency in international arms transfers was fairly well-established, with 89 per cent of UN Member States reporting to the UNROCA at least once and 65 per cent of UN Member States providing information in 2002. The first year of reporting on exports and imports of conventional arms under the ATT corresponded to the lowest level of reporting to UNROCA, with around a quarter of UN Member States participating in UNROCA. Therefore, it was hoped that the ATT could reinvigorate the trend in reporting on international transfers of conventional arms.

The first year of ATT annual reports was very positive, with 79 per cent of ATT States Parties due to report providing an annual report; and three States Parties providing a voluntary report. While the number of ATT States Parties providing an annual report to the ATT Secretariat has increased year-on-year, the percentage of ATT States Parties that are fulfilling their annual report obligations is in decline. The preliminary analysis contained in the section above suggests that rather than a 'reporting burden', States Parties that have other obligations to report on international transfers of conventional arms to other instruments and mechanisms are well-placed to fulfil their ATT reporting obligations. Reporting could be a challenge for States Parties with low levels of economic development, but this does not exclude the possibility that there are other reasons for non-compliance with the reporting obligation. Therefore, use of the ATT VTF for capacity-building for SIDS and States Parties with 'low income' and 'lower-middle income' could provide benefits for these States.

While the quantitative analysis suggests that the ATT can increase transparency in international arms transfers by increasing the number of the States that report on imports and exports of conventional arms, there are several worrying tendencies in ATT reporting to date. First, although still at a low level, it is disconcerting that the number of States Parties that choose to limit access to their reports to ATT States Parties only is increasing; and that two States Parties that reported for the first time in 2018 on their activities in 2017 chose this option. Second, the way in which States Parties that previously reported regularly and with detailed information on their imports and exports of conventional arms have taken to aggregating their data and not providing information on exporting or importing States. By not indicating the States to which conventional arms are being exported to, or imported from, it is not possible to assess whether these States Parties have record-keeping systems in place or if their transfers are being undertaken in accordance with Articles 6, 7, and 11 of the ATT. This is perhaps the most worrying negative tendency in ATT reporting.

The ATT can increase transparency in international transfers of conventional arms, but it has had a rather inauspicious start. The positive tendencies in reporting by States Parties in regions that have not been regular reporters for UNROCA is welcome. This tendency clearly shows the benefits of the ATT for increasing transparency, especially as more States Parties from Africa and the Americas become obliged to report. Based on the current situation, States Parties in these regions should be encouraged to seek ATT VTF funding to support capacity-building efforts to enable their reporting. On the other hand, the ATT should not allow States Parties to take advantage of the flexible approach to reporting contained in Article 13(3) to aggregate data and omit information from ATT annual reports that no longer makes it possible for other States Parties or interested stakeholders to use their annual reports to assess compliance with Articles 6, 7, and 11 of the treaty. The ATT can still fulfil its potential and increase transparency in the international arms trade in order to build confidence between States Parties and foster peace, security, stability, and sustainable development. But it requires a willingness by States Parties to implement the treaty's reporting obligations in good faith, and for non-governmental organizations to remain vigilant and highlight backsliding in reporting before obfuscation of information becomes a 'norm' in transparency in international transfers of conventional arms.

References

- ATT-BAP (Arms Trade-Treaty-Baseline Assessment Project), *Lessons learned from ATT reporting* (Washington D.C., January 2019), http://www.armstrade.info/wp-content/uploads/2017/04/ATT-BAP_LESSONS-LEARNED-FROM-REPORTING_ATT.pdf.
- Control Arms Secretariat, *ATT monitor report 2017* (New York, 11 September 2017).
- Florini, A., 'The end of secrecy', *Foreign Policy*, No. 111 (summer 1998), pp. 50-63.
- Greene, O. with Batchelor, B., *Information exchange and transparency: key elements of an international action programme on small arms* (Biting the Bullet Briefing 9, 2001).
- Grigorescu, A., 'International organizations and government transparency: linking the international and domestic realms', *International Studies Quarterly*, 47 (2003), pp. 643-67.
- Holtom, P., *Transparency in transfers of small arms and light weapons: reports to the United Nations Register of Conventional Arms, 2003-2006* (Stockholm, SIPRI Policy Paper No. 22, 2008).
- Holtom, P., 'Nothing to report: The lost promise of the UN Register of Conventional Arms', *Contemporary Security Policy*, vol. 31, no. 1, (2010), pp. 61-87.
- Holtom, P. and Pavesi, I., *Trade update 2018: sub-Saharan Africa in focus* (Geneva, 2018).
- Lebovic, J.H., 'Democracies and transparency: Country reports to the U.N. Register of Conventional Arms, 1992-2001', *Journal of Peace Research*, 43, 5 (2006), pp. 543-62.
- Lemke, R.J. and Marquardt, J.J., 'Freedom and transparency: democracies, non-democracies and conventional arms transfers', *Democracy and Security*, 3 (2007), pp. 343-68.
- SAS (Small Arms Survey), 'Probing the grey area: irresponsible small arms transfers', *Small Arms survey 2007: Guns and the city* (Cambridge, 2007), pp. 72-115.
- Stone, D. R., 'Imperialism and sovereignty: The League of Nations drive to control the global arms trade', *Journal of Contemporary History* 35: 2, (2000), pp. 213-30.
- UNIDIR (United Nations Institute for Disarmament Research), *Reporting on conventional arms trade: Synthesis handbook* (Geneva, 2018), <http://www.unidir.ch/files/publications/pdfs/reporting-on-conventional-arms-trade-synthesis-handbook-en-699.pdf>.

Official publications

- ATT Secretariat (Arms Trade Treaty Secretariat), *Reporting templates: Draft 4*, ATT/CSP1/2015/WP.4 (Cancun, 12 August 2015).
- ATT Secretariat (Arms Trade Treaty Secretariat), *Final report of the first conference of States Parties*, ATT/CSP1/2015/6 (Cancun, 27 August 2015).
- ATT Secretariat (Arms Trade Treaty Secretariat), *Final report of the second conference of States Parties*, ATT/CSP2/2016/5 (Geneva, 26 August 2016).

Can the Arms Trade Treaty Increase Transparency in International Arms Transfers?

- ATT Secretariat (Arms Trade Treaty Secretariat), *Reporting authorized or actual exports and imports of conventional arms under the ATT: questions and answers, Annex D to the ATT working group on transparency and reporting co-chairs' draft report to CSP3*, ATT/CSP3.WGTR/2017/CHAIR/159/Conf. Rep (Geneva, 31 July 2017).
- ATT Secretariat (Arms Trade Treaty Secretariat), *ATT working group on transparency and reporting co-chairs' report of 31 May 2018 meeting*, ATT/CSP4.WGTR/2018/CHAIR/357/M2.SumRep (Geneva, 20 July 2018).
- ATT Secretariat (Arms Trade Treaty Secretariat), *Reporting: Status: as of 16 April 2019*.
- CoEU (Council of the European Union), 'Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment', *Official Journal of the European Union* L335 (Brussels, 8 December 2008)
- ECCAS (Economic Community of Central African States), *Central African convention for the control of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly*.
- ECOWAS (Economic Community of West African State), *ECOWAS convention on small arms and light weapons, their ammunition and other related materials*.
- OAS (Organization of American States), *Inter-American convention on transparency in conventional weapons acquisitions* (CITAAC), http://www.oas.org/en/sla/dil/inter_american_treaties_A-64_transparency_conventional_weapons_acquisitions.asp
- OSCE (Organization for Security and Co-operation in Europe), *Forum for Security Cooperation (FSC) Decision No. 13/97, Further transparency in arms transfers*, OSCE Document FSC.DEC/13/97 (Vienna, 16 July 1997).
- OSCE (Organization for Security and Co-operation in Europe), *Forum for Security Cooperation (FSC) Decision No. 4/16, Enabling the publication of information exchanges in the field of small arms and light weapons, conventional arms transfers and anti-personnel mines*, OSCE Document FSC.DEC/4/16/Corr.1, (Vienna, 21 September 2016), <https://www.osce.org/fsc/268791?download=true>
- Switzerland, 2015: *Le contrôle à l'exportation dans le domaine des armes légères et de petit calibre (ALPC) relevant de la législation sur le matériel de guerre*. (Bern, 2016), https://www.seco.admin.ch/seco/fr/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/exportkontrollen-und-sanktionen/ruestungskontrolle-und-ruestungskontrollpolitik--bwrp-/zahlen-und-statistiken0/2015.html
- UN (United Nations), *World Economic Situation and Prospects (WESP) Report 2018* (New York, 2018), https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/WESP2018_Full_Web-1.pdf
- UNGA (United Nations General Assembly), *International Arms Transfers*, UN Document A/RES/43/75 I (New York, 7 December 1988).
- UNGA (United Nations General Assembly), *Study on ways and means of promoting transparency in international transfers of conventional arms*, UN Document A/46/301, (New York, 9 September 1991).
- UNGA (United Nations General Assembly), *Transparency in armaments*, UN Document A/RES/46/36 L (New York, 6 December 1991).
- UNGA (United Nations General Assembly), *Report on the continuing operation of the United Nations Register of Conventional Arms and its further development*, UN Document A/58/274 (New York, 13 August 2003).
- UNGA (United Nations General Assembly), *Report on the continuing operation of the United Nations Register of Conventional Arms and its further development*, UN Document A/61/261 (New York, 15 August 2006).
- UNGA (United Nations General Assembly), *Arms Trade Treaty* (New York, 2013).
- UNGA (United Nations General Assembly), *Report on the continuing operation of the United Nations Register of Conventional Arms and its further development*, UN Document A/68/140 (New York, 15 July 2013).
- UNGA (United Nations General Assembly), *Report on the continuing operation of the United Nations Register of Conventional Arms and its further development*, UN Document A/71/259 (New York, 29 July 2016).
- UNODA (United Nations Office for Disarmament Affairs), *The global reported arms trade: transparency in armaments through the United Nations Register of Conventional Arms: a guide to assist points of contact in submitting their national reports* (New York, United Nations Office for Disarmament Affairs Disarmament Study Series no. 36, November 2017).
- UNODA (United Nations Office for Disarmament Affairs), *The UN Register of Conventional Arms*

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(*UNROCA*): *developments, trends, challenges and opportunities*, background paper by the United Nations secretariat for the 2019 group of government experts on the United Nations Register of Conventional Arms, Rev.2 (New York, 2019)

Websites

ATT-BAP (Arms Trade-Treaty-Baseline Assessment Project), *Reporting guidance*, Accessed via the 'resources section' of the website of the Arms Trade-Treaty-Baseline Assessment Project, <http://www.armstrade.info/resources-2/>.

Freedom House, *Freedom in the world 2018: table of country scores*, <https://freedomhouse.org/report/freedom-world-2018-table-country-scores>.

UNROCA (United Nations Register of Conventional Arms). n.d. *UNROCA: transparency in the global reported arms trade*, <http://disarmament.un.org/cab/register.html>.

WA (Wassenaar Arrangement), n.d. Website of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, <http://www.wassenaar.org/>.