

### III. Transparency in arms transfers

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Official and publicly accessible data on arms transfers is important for assessing states' arms export, arms procurement and defence policies. However, publishing data on arms sales and acquisitions is a sensitive issue for nearly all states. This section analyses recent developments in official international, regional and national reporting mechanisms that aim, in whole or in part, to increase the quality and quantity of publicly available information on arms transfers.<sup>1</sup>

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

Established in 1992, the United Nations Register of Conventional Arms (UNROCA) remains the key international mechanism for official transparency on arms exports and imports. Each year all UN member states are requested to report, on a voluntary basis, information to UNROCA on their exports and imports in the previous calendar year of seven categories of major weapons and invited to report on their transfers of small arms and light weapons (SALW).<sup>2</sup>

The level of reporting decreased from 87 states reporting on their transfers during 2010 to an all-time low of 57 for reports for 2011. Reporting for 2012 was better. As of April 2014, 72 states had submitted reports on their arms transfers during 2012 (see table 5.6). For transfers in the five years 2008–12 fewer than half of UN member states have provided information. All top 10 suppliers of major weapons recorded by SIPRI for 2009–13 are regular reporters to UNROCA. However, three have failed to report once in the past five years: Israel for 2012, France for 2008 and Ukraine for 2010. Of the top 10 recipients, the United Arab Emirates, Saudi Arabia and Algeria did not report for any of the years 2008–12; India did not report for 2011 and 2012; and the remaining six reported for all years.

Aside from the low levels of participation, the actual reports are sometimes incomplete, unclear or contain irrelevant information. Several countries continue to report on the transfer of weapons for museum display, to

<sup>1</sup> This section does not address confidential intergovernmental exchanges of information on arms transfers, such as those that occur within the Organization for Security and Co-operation in Europe, the Organization of American States and the Wassenaar Arrangement. Another source of information on the international arms trade is the customs data of the UN Commodity Trade Statistics Database (Comtrade). Comtrade data is not discussed here because it is neither intended nor designed to be a tool for increasing the amount of publicly available information on international arms transfers. Comtrade data is included in the Norwegian Initiative on Small Arms Transfers (NISAT) Small Arms Trade Database, <<http://www.prio.no/NISAT/Small-Arms-Trade-Database/>>.

<sup>2</sup> The 7 categories are (a) tanks, (b) armoured combat vehicles, (c) large-calibre artillery systems, (d) combat aircraft, (e) attack helicopters, (f) warships, and (g) missiles and missile launchers.

**Table 5.6.** Reports submitted to the United Nations Register of Conventional Arms (UNROCA), by region, 2008–12

Years refer to the year covered by the report, not the year of its submission. The share (%) figure is the percentage of UN members that have reported.

Region	2008		2009		2010		2011		2012	
	No.	%	No.	%	No.	%	No.	%	No.	%
Africa	4	8	4	8	2	4	2	4	3	6
Americas	15	43	10	29	18	51	7	20	11	31
Asia and Oceania	19	44	22	51	19	44	11	26	14	33
Europe	39	81	39	81	45	94	36	75	43	90
Middle East	3	20	2	13	3	20	1	7	1	7
<b>Total<sup>a</sup></b>	80	42	77	40	87	45	57	30	72	37

<sup>a</sup> Note that the UN had 192 member states in 2008–10. South Sudan became the 193rd member in 2011.

Source: UNROCA database, <<http://www.un-register.org/>>.

civilian users and for scrap. For example, of the United Kingdom's 57 export entries in 2012, only 2 seem to be transfers to military users. At the same time, the UK did not include exports of long-range air-to-ground missiles to Saudi Arabia. UNROCA's 'missile and missile launchers' category remains particularly problematic. Several countries (e.g. Australia and Sweden) refuse to provide data on the quantity of exports and imports in this category, probably because missiles are seen as ammunition and more indicative of a capability to sustain wars than the other weapons in UNROCA.

The Arms Trade Treaty (ATT), which was agreed in 2013 and may enter into force as soon as 2014, makes the future of UNROCA uncertain.<sup>3</sup> The ATT has its own separate and obligatory reporting requirements, asking for annual reports on imports and exports in the seven UNROCA categories as well as on small arms and light weapons (as also requested by UNROCA). It is possible that states will choose to report only to the ATT secretariat. However, unlike UNROCA, ATT reporting is not public and a further drop in reporting to UNROCA would be a serious loss.

### National and regional reports on arms exports

Since the early 1990s a growing number of governments have published national reports giving details of their arms exports.<sup>4</sup> As of January 2014, 35 states had published at least one national report on arms exports since

<sup>3</sup> On the negotiation of the ATT see chapter 10, section I, in this volume.

<sup>4</sup> A database of the published reports is maintained by SIPRI at <[http://www.sipri.org/research/armaments/transfers/transparency/national\\_reports](http://www.sipri.org/research/armaments/transfers/transparency/national_reports)>.

1990, including 32 that had done so in the past five years (2009–13) and 23 that had published a continuous series of annual reports from the first year of their reporting.<sup>5</sup> During 2013 no state produced a national report on arms exports that had not done so previously. Of the top 10 suppliers of major weapons, 3 have never published a national report on arms exports: China, Israel and Russia.

Transparency could still be improved, even in countries that have a long-standing tradition of publishing reports on arms exports. In recent years some governments have taken initiatives to push for further transparency in state reporting. After the 2013 elections in Germany, the Christian Democrat and Social Democrat parties agreed in their coalition programme to increase transparency in arms exports by releasing final decisions made by the Federal Security Council (a Cabinet subcommittee) on export licences. Advice related to preliminary requests would not be released. The coalition parties also agreed that the annual report should be more timely and that figures would be released biannually.<sup>6</sup> Following his appointment as French Minister of Defence in May 2012, Jean-Yves Le Drian personally presented the annual report on arms exports to the French Parliament in July 2013, which had not been done before. The French annual report has also been enriched with additional data, and efforts have been made to deliver the report earlier.<sup>7</sup> However, the information provided still lacks important details such as specifications of the type of materiel delivered and the nature of the end-users.<sup>8</sup>

Following a freedom of information petition and court action, the Israeli Government released a list, although incomplete, of recipients of its arms sales in 2011 and 2012.<sup>9</sup> The Swiss Government also released additional information regarding exports of its 'specific military goods' in 2013, after a Swiss newspaper invoked the law on transparency. The new data showed

<sup>5</sup> The 3 states that have produced at least 1 report since 1990 but none since 2009 are Australia, Belarus, and Bosnia and Herzegovina.

<sup>6</sup> 'Rüstungsexport soll transparenter werden' [Arms exports should become more transparent] *Handelsblatt*, 7 Nov. 2013; and *Deutschlands Zukunft gestalten: Koalitionsvertrag zwischen CDU, CSU und SPD* [Make Germany's future: coalition agreement between the CDU, CSU and SPD] (Union Betriebs: Rheinbach, 14 Dec. 2013), p. 13.

<sup>7</sup> Leymarie, P., 'Les vendeurs d'armes français en petite forme' [French arms sellers feeling low], *Le Monde diplomatique*, 5 Aug. 2013, <<http://blog.mondediplo.net/2013-08-05-Les-vendeurs-d-armes-francais-en-petite-forme>>; and French Ministry of Defence, 'Publication du rapport au Parlement sur les exportations d'armement 2013' [Publication of the report to Parliament on arms exports 2013], 23 July 2013, <<http://www.defense.gouv.fr/actualites/articles/publication-du-rapport-au-parlement-sur-les-exportations-d-armement-2013>>.

<sup>8</sup> Behalal, Z., 'Exportations d'armes françaises : Le Drian innove, mais on est encore loin du compte' [French arms exports: Le Drian innovates but there is still a long way to go], *Le Nouvel Observateur*, 11 Sep. 2013.

<sup>9</sup> Cohen, G., 'Israel reveals more than \$7 billion in arms sales, but few names', *Haaretz*, 9 Jan. 2014.

**Table 5.7.** Submissions of information to the European Union annual report on arms exports, 2003–12

Annual report	Year covered	No. of states making submissions	No. of states making full submission <sup>a</sup>	Proportion of states making full submission (%)
15th	2012	27 <sup>b</sup>	20	74
14th	2011	27	18	67
13th	2010	27	17	63
12th	2009	27	17	63
11th	2008	27	19	70
10th	2007	27	16	59
9th	2006	25	16	64
8th	2005	25	17	68
7th	2004	25	13	52
6th	2003	22 <sup>c</sup>	6	27

<sup>a</sup> A 'full submission' is taken to be data on the financial value of arms export licences issued and actual exports, broken down by both destination and EU Common Military List category.

<sup>b</sup> Croatia, which joined the EU in 2013, was not obliged to submit data for 2012.

<sup>c</sup> Because the 6th annual report covers export licences issued and actual exports in 2003, the 10 member states that joined the EU in 2004 were not obliged to submit data. Instead, they were invited to submit figures for 2003 if they were available, which 7 of them did.

Source: EU annual reports, available from Council of the European Union, 'Arms export controls', <<http://www.eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control>>.

that Swiss exports in 2012 were four times higher than suggested by previously published data.<sup>10</sup>

European Union legislation requires member states to annually exchange data on the financial value of their arms export licence approvals and actual exports along with information on their denials of export licences.<sup>11</sup> The 15th annual report, published in January 2014, covers transfers during 2012. In this report, 20 of the 27 EU member states provided full submissions (i.e. data on the number of licences issued and the financial value of both arms export licences and actual arms exports, broken down by both destination and EU Military List category (see table 5.7)).<sup>12</sup>

<sup>10</sup> 'La *Sonntagszeitung* oblige le Seco à publier la liste d'exportations des biens militaires spécifiques' [*Sonntagszeitung* compels Seco to publish exports of specific military goods], *Le Temps* (Geneva); and Tuchschnid, B. and Spörri, B., 'Der Rüstungs-Sonderfall Schweiz' [The armaments special case Switzerland], *Sonntagszeitung* (Zurich), 24 Nov. 2013.

<sup>11</sup> Council Common Position 2008/944/CFSP of 8 Dec. 2008 defining common rules governing control of exports of military technology and equipment, *Official Journal of the European Union*, L335, 13 Dec. 2008.

<sup>12</sup> Council of the European Union, Fifteenth Annual Report according to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, *Official Journal of the European Union*, C18, 21 Jan. 2014.