

### III. Transparency in arms transfers

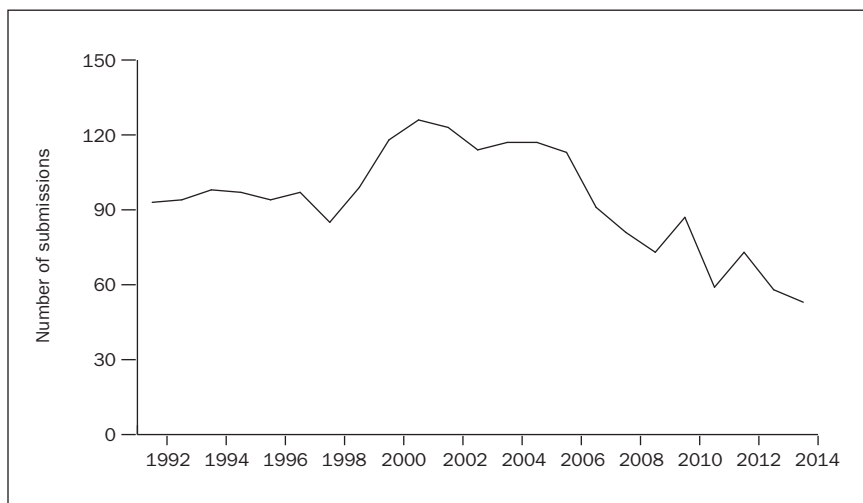
MARK BROMLEY AND SIEMON T. WEZEMAN

Official and publicly accessible data on arms transfers—both exports and imports—is important for assessing states' policies on arms exports, arms procurement and defence. While publishing data on arms transfers is a sensitive issue for nearly all states, most have published information in the past 25 years for at least a single year. However, the amount of information published varies significantly between states. Since the early 1990s a growing number of governments have published national reports giving details of their arms exports. As of January 2016, 35 states had published at least one national report on arms exports since 1990. Of those, only 3 had failed to issue a report since 2009. Of the 32 states that have reported since 2009, 31 provided information about arms export licences granted, and 26 included information about actual arms exports. In 2015 no state produced a national report on arms exports that had not done so previously.<sup>1</sup> Some states that do not publish national reports on arms exports, release official data on the overall financial value of their arms exports as part of a separate report, a press release or as an attributed or unattributed quote in a media report. States that make such data available through one or other of those means include Israel, South Korea, Russia and Turkey.

Starting in the early 1990s, several multilateral reporting mechanisms were established aimed, in whole or in part, at increasing the quality and quantity of publicly available information on arms transfers.<sup>2</sup> They include the global United Nations Register of Conventional Arms (UNROCA), and regional reporting instruments established or mandated in Africa, the Americas and Europe. However, the level of use of these mechanisms has varied substantially and reporting levels have declined in almost all cases in the past few years. This low level of reporting comes despite the fact that the issue of arms transfers and reporting has been given an especially high profile in recent years as a result of the negotiations of the Arms Trade Treaty (ATT), which entered into force in December 2014. The ATT obliges states parties to provide the ATT Secretariat with annual reports on 'authorized or actual exports and imports of conventional arms', with the first report due

<sup>1</sup> SIPRI collects all published national reports on arms transfers and makes them available in its National Reports Database, <[http://www.sipri.org/research/armaments/transfers/research/armaments/transfers/transparency/national\\_reports/sipri-national-reports-database](http://www.sipri.org/research/armaments/transfers/research/armaments/transfers/transparency/national_reports/sipri-national-reports-database)>.

<sup>2</sup> This section covers only public reporting instruments in the field of arms transfers. Confidential exchanges of information, such as those that occur within the context of the Organization for Security Co-operation in Europe's (OSCE) Wassenaar Arrangement, are not addressed. Developments in national reporting on arms exports have been covered in previous editions of the *SIPRI Yearbook* but are not discussed in this edition.



**Figure 15.2.** Number of submissions to the United Nations Register of Conventional Arms (UNROCA), 1992–2014

Years refer to the year covered by the report, not the year of its submission.

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

by 31 May 2016.<sup>3</sup> This section analyses the current state of these different multilateral instruments.

### The United Nations Register of Conventional Arms

UNROCA was established in 1991 and reporting started in 1993 (for transfers in 1992). UNROCA aims to build confidence between states and ‘to prevent the excessive and destabilizing accumulation of arms’. Each year all UN member states are requested to report, on a voluntary basis, information on their exports and imports in the previous year of certain types of weapons, specifically those that are deemed to be ‘the most lethal’.<sup>4</sup> UNROCA is the only global mechanism for official transparency on arms exports and imports.

Reporting levels under UNROCA have decreased significantly since the mid 2000s and the decline has been particularly noticeable since the early 2010s. A total of 59 states submitted reports on their arms transfers for 2011.

<sup>3</sup> Arms Trade Treaty (ATT), opened for signature 3 June 2013, entered into force 24 Dec. 2014. For further details of the ATT reporting instrument on arms transfers see chapter 19, section I, in this volume.

<sup>4</sup> These weapons are battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, and missiles and missile launchers. The reports are made publicly available at the website of the UN Office for Disarmament Affairs (UNODA), <<http://www.un.org/disarmament/convarms/Register/>>.

This rose to 73 for 2012 but fell to 58 for 2013. As of 16 April 2015, 53 states had reported for 2014—the lowest level of reporting since the instrument was created (see figure 15.2).<sup>5</sup> The levels of participation in 2011–14 were far below those recorded in the early 2000s (up until and including 2006), during which period the number of states reporting annually remained in excess of 100. The highest recorded reporting rate was in 2001 when 126 reports were submitted (66 per cent of all UN member states).<sup>6</sup>

The decline in reporting over the past few years has largely been due to a steady annual fall in the number of submissions to UNROCA by states that previously submitted ‘nil reports’. Under the UNROCA system, states that neither exported nor imported major weapons during the relevant period are encouraged to submit a report confirming this—known as a ‘nil report’. Nil reports accounted for over 50 per cent of all submissions to UNROCA for 2007. By 2014 this had fallen to 23 per cent. States that submit or have previously submitted nil reports tend to be less developed states or smaller states with only limited armed forces. The decline in submissions by these states may be linked to a lack of capacity. However, several states in this category have continued to report regularly: Grenada, Jamaica, the Maldives and Samoa, for example, have each submitted reports for the past 15 to 17 years—all of them ‘nil’.

Among the states that report regularly, 27 have not missed a single year, while a slightly higher number have reported for most of the years covered by UNROCA. All top 10 suppliers of major weapons recorded by SIPRI for 2011–15 have reported regularly to UNROCA: 7 have reported for all years since 1992, and all members of the top 10 suppliers submitted reports for 2010 through to and including 2014, with the exception of Ukraine, which failed to submit a report for 2011 (for a list of the top suppliers see table 15.1 in section I of this chapter). On the other hand, only 3 (Australia, the United States and South Korea) of the top 10 recipients of major arms in 2011–15 have reported for all years since 1992 (for a list of the top recipients see table 15.3 in section I of this chapter). Two of the top 10 recipients in 2011–15—Saudi Arabia and the United Arab Emirates—have never reported. Other members of the top 10 recipients have erratic reporting records for 2010–14: India failed to submit a report for 2013, for example, and both Pakistan and Turkey failed to report for 2011, 2013 and 2014.

<sup>5</sup> Based on information from UNODA as of 4 Mar. 2016. In 2010 the UN had 192 member states. South Sudan became the 193rd member in 2011. Although the deadline set by the UN Secretary General for submitting reports for transfers in 2014 was 31 May 2015, it is possible that some states will report on 2014 (or even on earlier years) after that date. This type of delayed reporting has occurred in previous years.

<sup>6</sup> Aside from the level of reporting, there are also serious problems with the quality of reporting. Wezeman, P. and Wezeman, S., ‘The 2015 UN Register on Conventional Arms: still time to improve’, SIPRI Expert Comment, 18 Sep. 2015.

**Table 15.6.** Reports submitted to the United Nations Register of Conventional Arms (UNROCA), by region, 2010–14

Years refer to the year covered by the report, not the year of its submission. Figures in brackets are the percentages of UN members in each region that have reported.

Region	2010	2011	2012	2013	2014
Africa	2 (4)	2 (4)	3 (6)	1 (2)	0 (0)
Americas	18 (51)	7 (20)	10 (28)	8 (23)	7 (20)
Asia	15 (53)	9 (31)	13 (44)	5 (17)	7 (24)
Europe	45 (96)	38 (81)	44 (93)	41 (83)	38 (81)
Middle East	3 (20)	1 (7)	1 (7)	2 (14)	0 (0)
Oceania	4 (29)	2 (14)	2 (14)	1 (7)	1 (7)
<b>Total</b>	87 (45)	59 (31)	73 (38)	58 (30)	53 (27)

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

The numbers of submissions from states in Africa and the Middle East—two regions with multiple conflicts, heightened inter-state tensions and other arms-related problems—have been low since UNROCA was established and have further declined in the past five years. The annual number of reporting states in Africa for 2010–13 fluctuated between one and three reporting states. As of March 2016, no state in Africa had submitted a report for 2014—the first time since 1992 that none of the UN member states in Africa, of which there are over 50, has submitted a report (see table 15.6). Similarly, no state in the Middle East submitted a report for 2014. As was the case with Africa, this was the first recorded incidence of a year with zero submissions from states in the Middle East since 1992.<sup>7</sup>

A UN Group of Governmental Experts (GGE), made up of representatives of the UN member states, will discuss the continuing operation of UNROCA at a number of meetings in 2016.<sup>8</sup> Low levels of reporting will likely be one of the main topics that participants will seek to address. Participants at the previous GGE meetings on UNROCA in 2013 considered a number of different reasons for the decline in reporting. These included (a) ‘a reduction in follow-up efforts regarding reporting’; (b) ‘an increasing burden on Member States with regard to reporting on conventional arms issues’; (c) ‘reporting fatigue felt by Member States that previously reported regularly’; and (d) ‘the focus on the Arms Trade Treaty process at the United Nations in recent years’.<sup>9</sup> However, the participants at the GGE meetings in 2013 failed to draw any firm conclusions.

<sup>7</sup> Based on information from the UNROCA website, <<http://www.un-register.org/>>.

<sup>8</sup> UNODA, Disarmament-related events calendar, <<http://www.un.org/disarmament/Home-Page/calendar/>>.

<sup>9</sup> United Nations, General Assembly, Continuing operation of the United Nations Register of Conventional Arms and its further development, A/68/140, 15 July 2013, para. 16.

## Reporting instruments in Europe

Under the European Union (EU) Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, each EU member state is required to exchange data on the financial value of the arms export licences it has approved and the actual arms exports it has made during the previous calendar year, along with information on any denials of arms export licences.<sup>10</sup> The EU makes the data on licences and exports—together with aggregated data on denials—publicly available in an annual report on arms exports.<sup>11</sup>

Publication of the 16th EU annual report, covering exports in 2013, was delayed because Greece failed to provide the requested data.<sup>12</sup> The report was eventually published in March 2015, without the Greek data. The delay in publication was the longest recorded since the creation of the EU reporting instrument. The 16th EU annual report was also the first edition not to include data on all EU member states. As of March 2016, the 17th EU annual report, covering exports in 2014, had not been published. The delay has again been caused by Greece's failure to provide the requested data.

Not all states are able to make a 'full submission' for publication in the EU annual report—that is, a submission that includes data on the number of arms export licences issued and the financial value of those licences and of actual arms exports, broken down both by destination and by EU Common Military List category.<sup>13</sup> In particular, several EU member states—including France, Germany and the United Kingdom—are unable to collect and submit data on actual arms exports disaggregated by the categories of the EU Common Military List.<sup>14</sup> Of the 28 EU member states required to provide submissions for the 16th EU annual report, 21 provided full submissions (75 per cent),

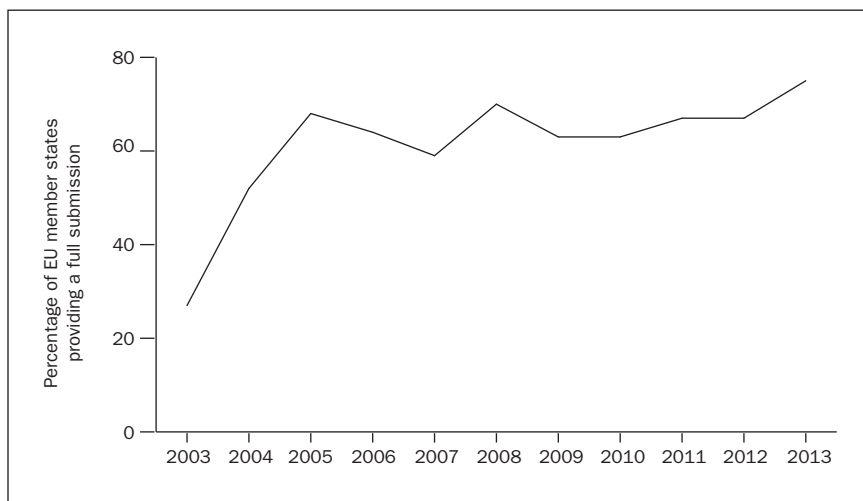
<sup>10</sup> The EU common position was introduced in Dec. 2008 to replace the politically binding EU Code of Conduct on Arms Exports, which was agreed in June 1998. Council of the European Union, Council Common Position 2008/944/CFSP of 8 Dec. 2008 defining common rules governing control of exports of military technology and equipment, *Official Journal of the European Union*, L335, 13 Dec. 2008, pp. 99–103; and Council of the European Union, EU Code of Conduct on Arms Exports, 8675/2/98 Rev. 2, Brussels, 5 June 1998.

<sup>11</sup> See also Bauer, S. and Bromley, M., *The European Union Code of Conduct on Arms Exports: Improving the Annual Report*, SIPRI Policy Paper no. 8 (SIPRI: Stockholm, Nov. 2004), p. 5; and Bromley, M., *The Impact on Domestic Policy of the EU Code of Conduct on Arms Exports: The Czech Republic, the Netherlands and Spain*, SIPRI Policy Paper no. 21 (SIPRI: Stockholm, May 2008).

<sup>12</sup> Council of the European Union, Sixteenth 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*, C103, 27 Mar. 2015.

<sup>13</sup> The EU Common Military List was updated by the Council of the European Union on 9 Feb. 2015. Council of the European Union, Common Military List of the European Union, *Official Journal of the European Union*, C129, 21 Apr. 2015.

<sup>14</sup> France provides data on the total value of actual arms exports. Neither Germany nor the UK provide such data. They release data relating only to arms export licences.



**Figure 15.3.** Percentage of European Union member states providing a full submission for the EU annual report on arms exports, 2003–13

Years refer to the year covered by the report, not the year of its submission.

Source: EU annual reports for 2003 to 2013. European External Action Service, <[http://www.eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control/index\\_en.htm](http://www.eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control/index_en.htm)>.

compared with 20 of the 27 EU member states (74 per cent) required to provide submissions for the 15th EU annual report (see figure 15.3).<sup>15</sup>

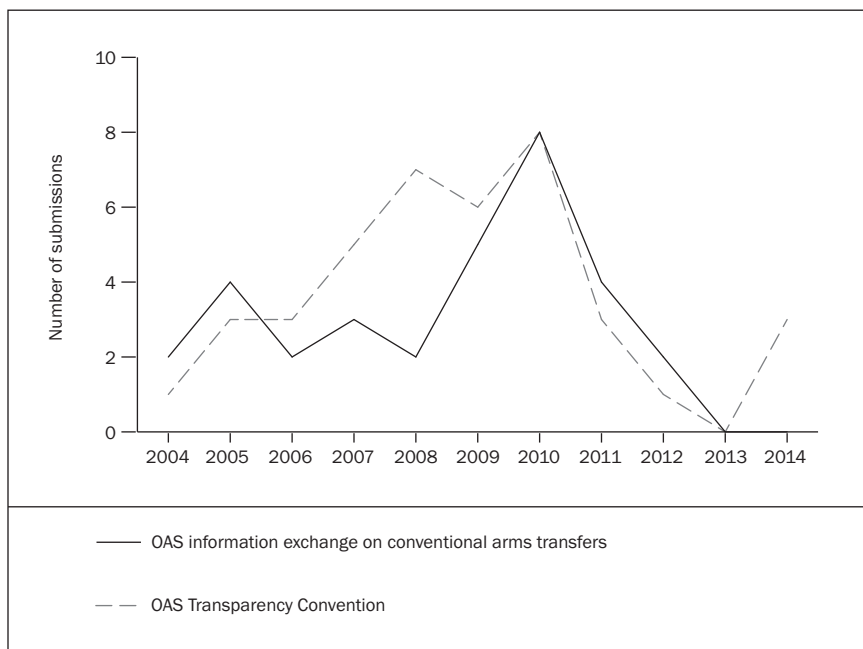
In June 2009 states in South Eastern Europe agreed to produce a regional version of the EU annual report.<sup>16</sup> The structure and the format of the South Eastern Europe regional report on arms exports are modelled on the EU annual report. The first edition of the report was published by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) in December 2009 and covered exports in 2007. It contained data on arms exports by Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia.<sup>17</sup> Croatia has contributed data to the South Eastern Europe regional report on arms exports since the fourth edition of the report, which covered 2010. The latest edition was published in June 2015 and covered arms exports in 2013.<sup>18</sup> Unlike the EU annual report, the information contained in the South

<sup>15</sup> The additional state that submitted data for the 16th EU annual report was Croatia. Croatia was required to submit data for the 16th EU annual report but not for the 15th EU annual report.

<sup>16</sup> SEESAC, *Regional Report on Arms Exports in 2007* (SEESAC: Belgrade, 2009), p. 1.

<sup>17</sup> SEESAC (note 16).

<sup>18</sup> SEESAC's regional reports are available at its website, <<http://www.seesac.org/publication.php?l1=101&l2=110>>.



**Figure 15.4.** Number of submissions to the Organization of American States (OAS) information exchange on conventional arms transfers and the OAS Transparency Convention, 2004–14

Years refer to the year covered by the report, not the year of its submission.

Source: Organization of American States (OAS), <<http://www.oas.org/csh/english/conventionalweapons.asp>>.

Eastern Europe regional report on arms exports is also available in a searchable online database.<sup>19</sup>

### Reporting instruments in the Americas

The Organization of American States (OAS) has created two public reporting instruments on arms transfers. The first is the OAS information exchange on conventional arms transfers, which was implemented in 1996. It calls on member states to make their submissions to UNROCA available to the OAS Secretary General. The OAS then publishes these reports on its website.<sup>20</sup>

<sup>19</sup> The database is available at: <<http://www.seesac.org/arms-exports-reports/regional-reports/1/>>.

<sup>20</sup> Organization of American States (OAS), General Assembly, 'Confidence- and security-building measures in the Americas', Resolution AG/RES. 1409 (XXVI-O/96), 7 June 1996. Similar resolutions are passed annually. The OAS makes UNROCA and UN Standardized Instrument for Reporting Military Expenditures submissions available at: <<http://www.apps.oas.org/cshdocs/defaultENG.asp>>.

Participation in the instrument has declined significantly in recent years. Eight states made their UNROCA submissions for 2010 available to the OAS. This fell to four for 2011, two for 2012 and none for 2013 (see figure 15.4). While seven OAS member states submitted reports to UNROCA for 2014, none of these reports are available via the OAS website.

OAS states adopted the second reporting instrument in 1999: the Inter-American Convention on Transparency in Conventional Weapons Acquisition (OAS Transparency Convention). The OAS Transparency Convention entered into force in 2002 and, as of January 2016, had 16 states parties. States parties are legally obliged to provide an annual report on arms acquisitions through imports and from domestic production. In addition, all acquisitions must be reported ‘no later than 90 days after incorporation . . . of the weapons into the inventory of the armed forces’.<sup>21</sup> The reports are made publicly available on the OAS website. Despite the fact that the instrument is legally binding, the level of reporting to the OAS Transparency Convention has remained relatively low and has only once been over 50 per cent—covering reports for 2010 (see figure 15.4). In addition, only two states—Brazil and Chile—have submitted information on acquisitions within the stipulated 90-day deadline since the creation of the instrument.<sup>22</sup>

The Union of South American Nations (Unión de Naciones Suramericanas, UNASUR) has also committed to launching a reporting instrument for arms acquisitions. However, it has yet to implement such an instrument.<sup>23</sup> In 2009, UNASUR member states agreed to establish confidence- and security-building measures in a range of different areas, including military spending and arms acquisitions. The proposed measures provided for the creation of systems for reporting on the ‘transfer and procurement of equipment and Conventional Weapons’.<sup>24</sup> UNASUR member states have implemented public reporting mechanisms in several areas—including military expenditure—since 2009, but, as of the end of 2015, there were no indications that they had established an instrument covering arms acquisitions.

<sup>21</sup> Inter-American Convention on Transparency in Conventional Weapons Acquisitions, adopted 7 June 1999, entered into force 21 Nov. 2002, Article 4.

<sup>22</sup> Organization of American States (OAS), Permanent Council, Committee on Hemispheric Security, <<http://www.oas.org/csh/english/conventionalweapons.asp>>.

<sup>23</sup> The South American Community of Nations was founded in 2004. In 2007 the organization changed its name to the Union of South American Nations (Unión de Naciones Suramericanas, UNASUR). UNASUR’s member states are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela. UNASUR has sought to reduce the influence of the OAS in regional security issues. For example, many of UNASUR’s confidence- and security-building mechanisms duplicate existing instruments put in place by the OAS. Weiffen, B., Wehner, L. and Nolte, D., ‘Overlapping regional security institutions in South America: the case of OAS and UNASUR’, *International Area Studies Review*, vol. 16, no. 4 (Dec. 2013), pp. 370–89.

<sup>24</sup> UNASUR, Extraordinary meeting of the ministers of foreign affairs and defence, Resolution, 27 Nov. 2009.



### **Public reporting instruments in Africa**

A number of regional instruments for improving the control of transfers of small arms and light weapons (SALW) have been created in Africa since the 1990s. Two of these instruments—the 2006 Economic Community of West African States (ECOWAS) Convention and the 2010 Kinshasa Convention—include requirements concerning the creation of mechanisms for collecting, storing, sharing and publishing information on SALW imports.<sup>25</sup> However, the Kinshasa Convention had not entered into force as of the end of 2015, and although the ECOWAS Convention entered into force in 2009, states parties had not established a public reporting instrument as of the end of 2015.

<sup>25</sup> Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials (ECOWAS Convention), adopted 14 June 2006, entered into force 29 Sep. 2009; and Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly (Kinshasa Convention), opened for signature 19 Nov. 2010, not yet in force.