

### III. Transparency in arms transfers

MARK BROMLEY AND SIEMON T. WEZEMAN

Official and publicly accessible data on arms transfers—both for exports and imports—is important for assessing states’ policies on arms exports, arms procurement and defence. Since the early 1990s a growing number of governments have published national reports giving details of their arms exports. In some cases the reports give extensive information about the types of arms licensed and exported, their destination and type of end user. As of the end of December 2016, 36 states had published at least one national report on arms exports since 1990, with only 2 of those states (Austria and Belarus) failing to issue a report since 2010. No state produced a national report on arms exports in 2015 or 2016 that had not done so previously, and in 2016 there were no significant developments in either the types of data included or the level of detail provided.<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 Some states that do not publish national reports on arms exports release official data on the overall financial value of their arms exports as part of a separate report, in a press release or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 these means include India, Israel, Pakistan and Russia.

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.<sup>3</sup> However, reporting levels for most of these instruments have declined in the past few years. A new transparency mechanism established by the 2013 Arms Trade Treaty (ATT) received its first reports during 2016.<sup>4</sup> The ATT, which came into force in December 2014, obliges states parties to provide annual reports on ‘authorized or actual exports and imports of conventional arms’, following a format similar to that of UNROCA. However, since it is only obligatory for states parties to the ATT, UNROCA, which covers all UN member states, remains the only global mechanism for

<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 (OSCE) and the Wassenaar Arrangement, are not addressed.

<sup>3</sup> For an analysis of these different regional reporting instruments see Wezeman, S. et al., ‘International Arms Transfers’, *SIPRI Yearbook 2016*, pp. 595–603.

<sup>4</sup> For further detail on the ATT see chapter 15, section I, in this volume.

official transparency on arms exports and imports. This section analyses the status of the UNROCA and ATT reporting mechanisms.

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

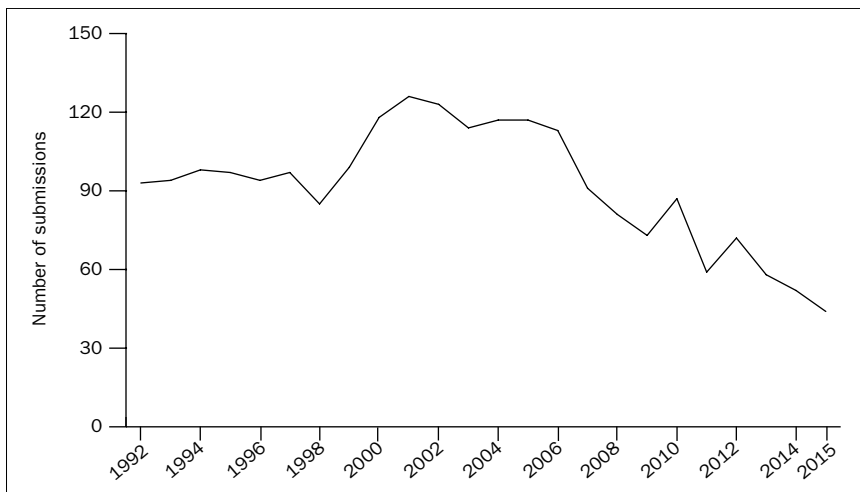
UNROCA was established in 1991 and reporting started in 1993 (for transfers in 1992). It aims to build confidence between states and ‘to prevent the excessive and destabilizing accumulation of arms’. Each year all UN member states are ‘requested’ to report, on a voluntary basis, information on their exports and imports in the previous year for seven categories of weapons, specifically those that are deemed to be ‘the most lethal’ or ‘indispensable for offensive operations’. Furthermore, they are ‘invited’ to provide additional background information on holdings of weapons and procurement from national production. Since 2003, UN member states have also been ‘invited’ to provide background information on exports and imports of small arms and light weapons (SALW).<sup>5</sup>

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. This rose to 72 for 2012 but fell to 58 for 2013 and 52 for 2014. As of February 2017, only 44 states had reported for 2015—the lowest level of reporting since the instrument was created (see figure 10.2).<sup>6</sup> Some of the largest arms-exporting countries did not report for 2015, including China, France and Italy. The decline in reporting levels has been particularly strong for ‘nil reports’ (i.e. a report indicating that a state neither exported nor imported major weapons during the relevant period). Nil reports accounted for over 50 per cent of all submissions to UNROCA for 2007, whereas they accounted for 23 per cent of all submissions in 2014 and for 32 per cent in 2015.

The numbers of submissions from states in Africa and the Middle East—two regions with multiple conflicts, heightened interstate 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 2011–15 fluctuated between zero and three. As of February 2017, only one state in Africa (Senegal) had submitted a report for 2015

<sup>5</sup> The 7 categories 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/>>.

<sup>6</sup> Information on reporting is based on information from the UN Office for Disarmament Affairs (UNODA) as of 4 Mar. 2017, including from the UNROCA website, <<http://www.un-register.org/>>. From 2011 the UN had 193 members. Although the deadline set by the UN Secretary-General for submitting reports for transfers in 2015 was 31 May 2016, many states reported later and it is possible some states will report on 2015 (or even on earlier years) after Feb. 2017. This type of delayed reporting occurred in previous years.



**Figure 10.2.** Number of submissions to the United Nations Register of Conventional Arms (UNROCA), 1992–2015

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

*Source:* The UNROCA database, <<http://www.un-register.org/>>. Data for 2015 was provided by the UN Office for Disarmament Affairs (UNODA).

(see table 10.5). No state in the Middle East submitted a report for 2014 or 2015.

A UN Group of Governmental Experts (GGE), made up of representatives of the UN member states, discussed the continuing operation of UNROCA in 2016.<sup>7</sup> The low level of reporting was one of the main topics on the agenda, as was the case at meetings of the previous GGE in 2013. The GGE's report published in July 2016 noted that the low level of nil reports had 'significantly contributed' to the decrease in overall participation. It raised a number of potential underlying causes for why states are not reporting but did not draw any firm conclusions.<sup>8</sup> The GGE made a number of recommendations—later endorsed by the UN General Assembly—that were aimed at improving reporting rates.<sup>9</sup> They included (a) allowing states to submit 'rolling' nil reports that would cover three years of transfers in advance, and (b) using, on a trial basis, a new reporting template that incorporates transfers of SALW.<sup>10</sup> The trial template would act as a step towards potentially including SALW as an eighth category of UNROCA, something that has been discussed by previous GGEs.

<sup>7</sup> United Nations, General Assembly, Report on the continuing operation of the United Nations Register of Conventional Arms and its further development, A/71/259, 29 July 2016.

<sup>8</sup> United Nations, A/71/259 (note 7), p. 26.

<sup>9</sup> United Nations General Assembly Resolution 71/44, 5 Dec. 2016.

<sup>10</sup> United Nations, A/71/259 (note 7), pp. 26–29.

**Table 10.5.** Reports submitted to the United Nations Register of Conventional Arms and Arms Trade Treaty by region, 2011–15

Years refer to the year covered by the report, not the year of its submission. Figures in brackets in the left-most column are the total UN members or ATT parties per region. Other figures in brackets are the percentages per region of UN members or ATT parties that have reported.

	2011	2012	2013	2014	2015
<i>UNROCA</i>					
Africa (54)	2 (3.7%)	3 (5.6%)	1 (1.9%)	0 (0%)	1 (1.9%)
Americas (35)	7 (20%)	11 (31%)	9 (26%)	8 (23%)	8 (23%)
Asia (28)	10 (36%)	12 (43%)	5 (18%)	7 (25%)	5 (14%)
Europe (47)	37 (79%)	43 (91%)	39 (83%)	36 (77%)	27 (57%)
Middle East (15)	1 (6.7%)	1 (6.7%)	3 (20%)	0 (0%)	0 (0%)
Oceania (14)	2 (14%)	2 (14%)	1 (7.1%)	1 (7.1%)	3 (21%)
<b>Total (193)</b>	<b>59 (31%)</b>	<b>72 (37%)</b>	<b>58 (30%)</b>	<b>52 (27%)</b>	<b>44 (23%)</b>
<i>ATT</i>					
Africa (7)	..	..	..	..	3 (43%)
Americas (16)	..	..	..	..	8 (50%)
Asia (1)	..	..	..	..	1 (100%)
Europe (34)	..	..	..	..	32 (94%)
Middle East (0)	..	..	..	..	..
Oceania (3)	..	..	..	..	3 (100%)
<b>Total (61)</b>	..	..	..	..	<b>47 (77%)</b>

.. = not available or not applicable; ATT = Arms Trade Treaty; UNROCA = United Nations Register of Conventional Arms.

Sources: The UNROCA database, <<http://www.un-register.org/>>; and ATT Secretariat, <<http://thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports>>. Data for 2015 was provided by the UN Office for Disarmament Affairs (UNODA).

### The ATT reporting instrument

Article 13 of the ATT obliges each state party to provide the ATT Secretariat with ‘a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms’ by 31 May each year. The ATT does not explicitly state that these reports will be made public, noting only that they ‘shall be made available, and distributed to states parties by the Secretariat’. The ATT and UNROCA are closely aligned in a number of respects, particularly with regard to the types of weapons covered.<sup>11</sup> Indeed, Article 13(3) of the ATT notes that the report submitted to the ATT Secretariat may contain the same information as used in the submission to UNROCA. This led to discussions about using UNROCA as the ATT reporting instrument. However, states parties instead agreed to develop a separate ATT annual report and accompanying reporting template. The template was

<sup>11</sup> The 7 categories of major conventional weapons covered by Article 2(1)(a)–(g) of the ATT are the same as those in UNROCA. Moreover, Article 5(3) of the ATT states that ‘National definitions of any of the categories covered under Article 2(1)(a)–(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty’.

discussed at the first ATT Conference of States Parties (CSP1) in 2015 and endorsed by the second ATT Conference of States Parties (CSP2) in 2016, though its use is not obligatory.

The template for the ATT annual report is similar to the UNROCA template. In particular, the categories used for reporting on transfers of conventional weapons and SALW are the same as those used by UNROCA. However, there are several key differences. The ATT template gives states the option of providing information on the financial value of imports and exports of each weapon category as well as, or instead of, the number of items. In addition, the ATT template includes a voluntary section allowing states to report on imports and exports of additional categories of weapons.

At the end of 2014 the 61 states parties to the ATT were due to submit their first ATT annual reports—covering imports and exports during 2015—by 31 May 2016. Of these 61 states parties, only 28 (47 per cent) met this deadline.<sup>12</sup> By 31 January 2017 the number had risen to 47 (77 per cent). Liberia and Switzerland also submitted reports, even though they became states parties only in 2015 and were thus not obliged to do so.<sup>13</sup> Slovakia was the only state party to take up the option of submitting a confidential report. As with UNROCA, reporting rates varied from region to region. Of the 34 states in Europe that were due to report, 32 had done so by 31 January 2017 (94 per cent) compared with 8 states parties out of 16 in the Americas (50 per cent), and 3 out of 7 in Africa (43 per cent) (see table 10.5).

### **Comparing ATT and UNROCA reporting**

It remains unclear whether having the ATT reporting instrument and UNROCA existing in parallel will help to boost overall levels of transparency in the international arms trade. Five ATT states parties that have not submitted a report to UNROCA since reporting on transfers for 2011 (or earlier) submitted an ATT annual report in 2016.<sup>14</sup> Liberia, which has never submitted a report to UNROCA, submitted an ATT annual report in 2016. An additional 15 African states will be obliged to submit their first ATT annual reports in 2017. Most of these states have not reported to UNROCA in recent years.

The ATT reporting instrument has not completely divested UNROCA of its usefulness. UNROCA covers more states than the ATT, which by February 2017 had 91 states parties. In addition, some of the main arms exporters,

<sup>12</sup> ATT Secretariat, 'Overview of ATT reporting by states parties', 8 Feb. 2017.

<sup>13</sup> The reports are available at the website of the ATT Secretariat, <<http://thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports>>.

<sup>14</sup> The 5 states are: Costa Rica, Dominican Republic, Former Yugoslav Republic of Macedonia, New Zealand and Senegal. Arms Trade Treaty-Baseline Assessment Project (ATT-BAP), *Reviewing Initial Reports on ATT Implementation: Analysis and Lessons Learned* (ATT-BAP: 2016), pp. 20–21.

including the three largest exporters in 2016 (the USA, Russia and China), and major importers (e.g. India, China, Pakistan and Viet Nam—all among the top 10 importers in 2016) are not signatories to the ATT but generally do submit reports to UNROCA. However, the fact that rates of reporting to UNROCA continue to decline, even among states that are submitting the required information to the ATT reporting instrument, does not bode well for UNROCA's long-term future. Of the 49 states (including Liberia and Switzerland) that submitted ATT annual reports covering transfers in 2015, 22 have not submitted reports to UNROCA for that year. Furthermore, none of the 14 ATT states parties that were required to submit ATT annual reports in 2016 and failed to do so, reported to UNROCA.