



Arms Trade Treaty Implementation Toolkit

## Module 3 Reporting Requirements

## I. Introduction

Any country joining the Arms Trade Treaty (ATT) commits to putting in place effective measures to implement the Treaty.

States will decide which measures are best to fulfil their obligations under the ATT. These measures may vary from country to country.

After reviewing the obligations under the ATT in module 2 of this toolkit, this third module, *Reporting requirements*, aims to assist States in understanding the reporting obligations under this Treaty.

Module 3 will discuss the preparation of both the initial report and the annual report as well as the submission of information on effective measures taken to address the diversion of covered weapons.

## II. Reporting under the ATT

**Openness regarding imports and exports of conventional arms fosters confidence and trust among States. Sharing national reports also enables States Parties – and other relevant stakeholders, if the reports are made available to the public – to assess the level of each State Party’s compliance with ATT obligations, as well as the status of implementation of the Treaty.**

### 1. Types of reports

The ATT requires States Parties to provide two types of reports:<sup>1</sup>

- An initial report on measures taken to implement the Treaty;
- Annual reports on transfers.

In addition, the ATT encourages States Parties to report to other States Parties, through the ATT Secretariat, information on measures taken that prove to be effective in addressing the diversion of transferred conventional arms covered by the Treaty.<sup>2</sup>

#### 1.1 Initial report

Within one year of the Treaty’s entry into force for a particular State, this State Party must submit to the ATT Secretariat an initial report containing information on the measures it has undertaken to implement the ATT.<sup>3</sup>

- This report shall, at a minimum, include information on national laws, national control lists and other regulations and administrative measures.<sup>4</sup>
- The ATT does not prevent States Parties to include information on other measures that they consider to be effective ATT implementation practices or that could provide useful lessons learned to other States Parties.

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<sup>1</sup> See comparable table on ATT reports and information on measures taken to address diversion in Annex A to this module.

<sup>2</sup> Article 13 (2).

<sup>3</sup> Article 13 (1).

<sup>4</sup> Ibidem.

- A Provisional reporting template for the initial report was adopted<sup>5</sup> at the First Conference of States Parties.
- In order to use this report as a baseline against which future national ATT implementation can be measured, States Parties should provide succinct and clear information on their current compliance with the Treaty.

#### 1.1.1 National control system, including national control list

- National Point(s) of Contact and national authorities to regulate arms transfers;
- The national control lists that cover all items (weapons, ammunition and munitions, parts and components) that are subject to transfer controls under the ATT;<sup>6</sup>
- Supplementary information regarding the national control list, such as more detailed definitions of weapons, or separate list for arms for recreational, cultural, historical and sporting purposes, where applicable;
- Additional information regarding the national control system, such as inter-agency coordination structures, training systems for relevant officials, transparency and accountability mechanisms, outreach to private actors such as industry, or any ongoing / planned review or change of the national control system.

#### Box 1 – Definitions in the national control list

- National definitions of the first seven categories of the scope of the ATT shall be at a minimum the descriptions used in the UN Register of Conventional Arms (UN Register) as of 24 December 2014;<sup>7</sup>
- National definitions of SALW must be at a minimum the descriptions used in relevant UN instruments;<sup>8</sup>
- States Parties are encouraged to go beyond the categories listed in Article 2 of the ATT and apply the provisions of the Treaty to the broadest range of conventional arms;
- The national control lists should be publicly available so weapons manufacturers, traders and brokers can freely access the laws, rules and regulations as well as the procedures they need to comply with when transferring conventional arms covered under Article 2 (1) as well as ammunitions, parts and components.

#### 1.1.2 Measures to control export, import, transit, trans-shipment and brokering of weapons

- National authority for the control of exports, imports brokering of weapons;

<sup>5</sup> ATT/CSP1/2015/WP.4/Rev.2.

<sup>6</sup> For more details on the national control list, refer to Module 5 of this toolkit.

<sup>7</sup> Available at [www.un-register.org/Reporting/login.aspx](http://www.un-register.org/Reporting/login.aspx).

<sup>8</sup> Such as the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI), available at [www.poa-iss.org/InternationalTracing/InternationalTracing.aspx](http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx); the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (Firearms Protocol), available at [www.unodc.org/documents/treaties/UNTOC/Publications/A-RES%2055-255/55r255e.pdf](http://www.unodc.org/documents/treaties/UNTOC/Publications/A-RES%2055-255/55r255e.pdf).; the Report of the Panel of Governmental Experts on Small Arms (A/52/298), available at [www.un.org/depts/ddar/Firstcom/SGreport52/a52298.html](http://www.un.org/depts/ddar/Firstcom/SGreport52/a52298.html).

- Additional information regarding risk assessment procedures;
- Information / documentation required in an application for an export/import/transit authorization;
- National definition of brokering.

### 1.1.3 *Measures concerning the diversion of weapons*

- Measures to prevent the diversion of conventional arms;
- Measures to be taken when a diversion of transferred conventional arms has been detected;
- Additional information such as measures in place to prevent diversion in the context of the international movement of conventional arms referred to in Article 2(3) of the Treaty.

In their initial report, States could also include information on other measures undertaken to implement the ATT, such as:

- Measures undertaken to establish or maintain a record-keeping system;
- Measures undertaken to facilitate international cooperation and assistance.

#### **Box 2 – Similar requirements in other instruments**

Synergies can be developed between reporting under the ATT and reporting under other regional or international instruments containing overlaps. In preparing their initial reports, States Parties could refer to other instruments that have similar reporting requirements. Similarly, information provided in the ATT initial report could be useful to officials charged with reporting under other instruments, thus avoiding duplication.

- UN Register of Conventional Arms (UN Register) – States provide information on weapons transfers in seven pre-defined categories.
  - Programme of Action on SALW (PoA) – Biennially, States can submit voluntary reports on the measures taken to prevent and combat the illicit trade in SALW. In the online reporting form provided by the UN Office for Disarmament Affairs (UNODA), States are asked to provide information on a range of topics, including legislation and national system concerning transfers of SALW, brokering, stockpile management, capacity-building needs, international cooperation and assistance. All the reports submitted by States are available at the Programme of Action-Implementation Support System (PoA-ISS).
  - The International Tracing Instrument (ITI)– States must provide biennial reports on measures to enable the adequate marking and record-keeping of SALW, to foster cooperation in tracing illicit SALW, as well as related capacity-building needs and international cooperation and assistance activities. The ITI reports are submitted as part of the reports on the above-mentioned Programme of Action.
- Each State Party to the ATT is required to submit its initial report within the first year after entry into force of this Treaty for the said State Party.

- After their initial reports, States Parties shall report to the Secretariat on any new ATT implementation measures undertaken when appropriate.<sup>9</sup> Eventually the conference of States Parties may provide guidance on when such reporting should be deemed appropriate.
- States Parties are also encouraged to use their initial reports to identify areas in which they may need international assistance.
- The use of available tools such as the ATT baseline assessment survey could prove helpful.<sup>10</sup>

## 1.2 Annual report

States Parties must submit annually, by 31 May,<sup>11</sup> a report for the preceding calendar year on authorized or actual exports and imports of weapons under the scope of the ATT. Reports may exclude commercially sensitive or national security information.

- This report may contain the same information submitted by the State Party to the UN Register<sup>12</sup> This would avoid duplication and reduce the reporting burden on ATT States Parties.
- States Parties can provide additional information they deem relevant in their annual reports.
- In addition to reporting, States Parties to the ATT are required to keep national records, pursuant with their laws and regulations, of export authorizations or actual exports and are encouraged to keep national records of conventional arms transferred to its territory or transited / trans-shipped within its territory.<sup>13</sup>
- A Provisional reporting template for annual reports<sup>14</sup> was adopted at CSP1. In the reporting template, States Parties are required to provide information on:
  1. Whether the imports/exports are authorized or actual;
  2. Quantity and/or value;
  3. Exporting state (for imports);
  4. Final importing state (for exports).
- In addition to the above, States Parties could *voluntarily* provide additional information concerning transfers. Such information could include:
  1. State of origin (if not exporter);
  2. Description of items transferred (designation, type, model or other relevant information);
  3. Comments on the transfer (explain or clarify the nature of the transfer - for instance if it is a temporary for exhibitions or repairs, or if it is industrial in nature such as intended for integration into a larger system.)

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<sup>9</sup> Article 13 (1).

<sup>10</sup> Available at [www.armstrade.info/](http://www.armstrade.info/).

<sup>11</sup> Article 13 (3).

<sup>12</sup> For an overview of reporting themes under relevant UN frameworks, see Annex B of this module.

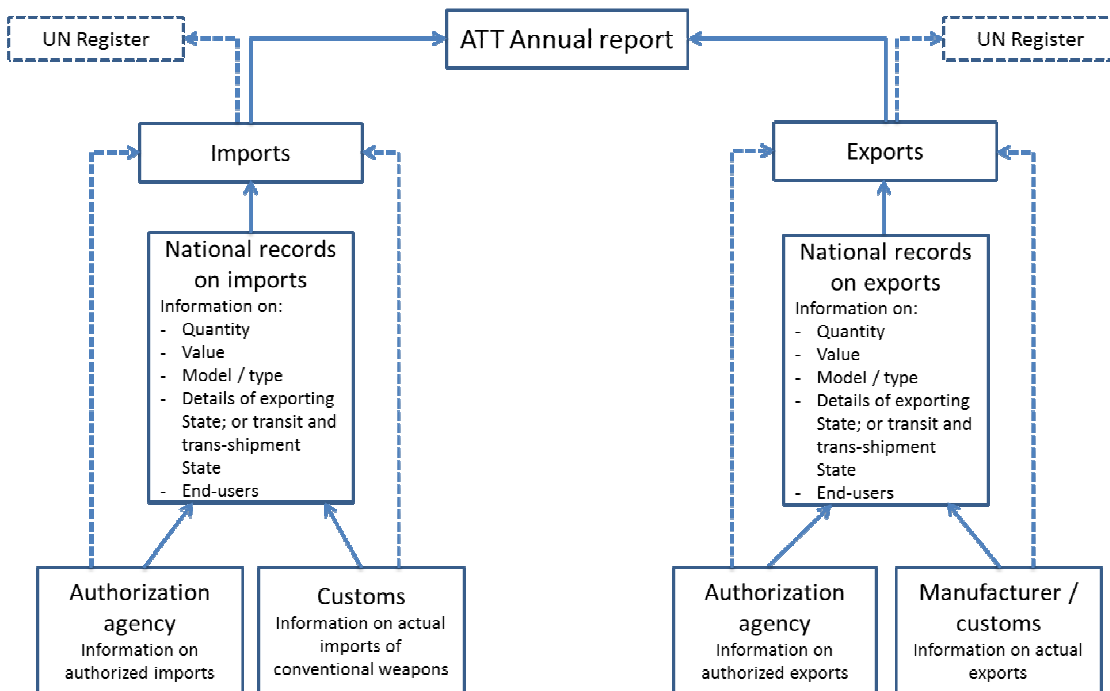
<sup>13</sup> Article 12 (1) and (2).

<sup>14</sup> ATT/CSP1/2015/WP.4/Rev.2

**Tip:** Rather than treating record-keeping as a separate activity from reporting, States Parties should consider using the national records as a key source of information for the preparation of their annual reports. In other words, States Parties could ideally set up or adapt their record-keeping systems in a manner that feeds directly into the national reports.

### Box 3 – Sources of information for the annual report

- Collecting and collating information concerning exports and imports would normally require involvement of several entities within a government, such as defence, foreign affairs and trade ministries, authorization agency, customs, manufacturers, etc.
- While the details concerning the processes and methods for collecting information for annual reports differ from country to country, the diagram below shows an example of possible sources of information and their roles.



## 2. *Information on measures to prevent diversion*

- The ATT aims not only at establishing the highest common international standards for the regulation of the international trade in conventional arms, but also at preventing and eradicating the illicit trade in conventional arms and at preventing their diversion.<sup>15</sup>
- The ATT would be ineffective if it only required States to apply high standards to international arms transfers, while failing to require them to take measures to prevent their diversion after leaving the country of export.
- The ATT encourages States Parties to report to other States Parties, through the ATT Secretariat, information on measures taken that have been proven effective in addressing the diversion of transferred conventional arms covered in Article 2 (1).
- Although reporting on prevention of diversion is not mandatory,<sup>16</sup> it is recommended that States Parties make a serious effort to submit such reports.

### 2.1 *Information on measures to prevent diversion (from an exporting State perspective)*

- Prevention of diversion would usually require concerted actions on the part of both exporters and importers. Others, such as transit and trans-shipment States, may also need to undertake actions to help prevent diversion.
- From the perspective of exporting States Parties, measures to prevent diversion could include:
  - a. Assessing the risk of diversion prior to authorizing exports;
  - b. Establishing mitigation measures or jointly developed or agreed programmes with importing States aimed at preventing diversion;
  - c. Making a close examination of parties involved in the export;
  - d. Requiring additional documentation or additional certification of documents provided by the importer;
  - e. Requiring the importer's assurances that there is no risk that exported weapons will be diverted;
  - f. Setting conditions to be observed by the importing States if they wish to export the weapons they have imported (re-export);
  - g. Not authorising exports if the authorities of the exporting State Party are not confident that the weapons will reach and remain with the authorized end-user;
  - h. Exchanging information about illicit activities, including corruption practices, international trafficking routes, illicit brokers, falsification or misuse of documentation, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion.

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<sup>15</sup> Article 1.

<sup>16</sup> Article 13 (2).

## 2.2 *Information on measures to prevent diversion (from an importing State perspective)*

- From the importing States' perspective, measures to prevent the diversion could include:
  - a. Adopting legislative measures taken to prevent the diversion of weapons, including the criminalization of activities constituting, aiding or abetting diversion;
  - b. Establishing or improving weapons stockpile management and security systems, including measures to identify and to dispose of surplus stocks;
  - c. Regulating or enhancing regulation and control of brokering activities;
  - d. Taking measures to improve border and customs control;
  - e. Adopting measures to prevent and combat corrupt practices leading to or facilitating the diversion of weapons, especially in the country's security sector and customs;
  - f. Putting into place measures to enhance the capacity of law enforcement officers (e.g. measures to enhance investigative and intelligence gathering capacities, studies undertaken) to identify sources, routes and means of diversion, including entities involved in diversion activities;
  - g. Taking measures to improve weapons marking and record-keeping, including provisions for the marking of weapons at the time of import;
  - h. Adopting measures to avoid the forgery of documentation, including end-use/user certificates, and to ensure their authenticity and proper use;
  - i. Exchanging information on illicit activities, including information on corruption, international trafficking routes, illicit brokers, falsification or misuse of documentation, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion;
  - j. Taking measures to facilitate post-delivery verification and controls.

## 2.3 *Information on measures to prevent diversion (from a transit / trans-shipment State perspective)*

- From the transit/trans-shipment States' perspective, measures to prevent diversion could include:
  - a. Exchanging information on illicit activities, including corruption practices, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch and destinations used by organized groups engaged in diversion;
  - b. Establishing mechanisms to enable transit / trans-shipment States Parties to acquire timely and reliable information, including any relevant documentation, on shipments transiting through or being trans-shipped within their territories; illicit activities, including corruption.

For methodological reasons, the above actions were broken down into different perspectives (i.e., of the importer, the exporter, or the transit / trans-shipment State). In practice, a State Party may be faced with the need to take measures pertaining to all three perspectives, as it is likely to be an importer, exporter and transit / trans-shipment State at different moments in time or with regard to different transactions.



## Annexes

### A. Summary of different ATT reports

Type	Initial report	Annual report	Preventing diversion report
<b>Frequency</b>	Once. Thereafter, only when new measures are taken, as appropriate	Annual	As appropriate
<b>Deadline</b>	Within one year of entry-into-force of the Treaty for that State Party	31 May every year	When deemed appropriate
<b>Main contents</b>	National laws, national control list, other regulations and administrative measures, national points of contact	Information on authorized or actual exports and imports of weapons within the scope of the ATT	Measures proven effective in addressing the diversion of transferred conventional arms
<b>Submit to</b>	ATT Secretariat	ATT Secretariat	States Parties (through ATT Secretariat)
<b>Distribution</b>	Report shall be made available, and distributed to the States Parties by the Secretariat.	Report shall be made available, and distributed to the States Parties by the Secretariat.	Report shall be made available, and distributed to the States Parties by the Secretariat.

**B. Elements of ATT reporting to be considered by States Parties**

	ATT - initial	ATT - annual*	ATT - Measures to Prevent Diversion	UN Register	PoA/ITI**
<b>Implementation and cooperation</b>					
National definitions of conventional arms	x	x***			
National Control List	x				
National Point(s) of Contact	x	x		x	x
Information exchange mechanism	x		x		x
Lessons learned	x		x		
Assistance in investigations, prosecutions and judicial proceedings related to ATT violations	x				x
Provision of international assistance					x
Request for international assistance					x
<b>Regulation of exports</b>					
Regulation of exports of conventional arms	x				
Regulation of exports of ammunition/ munitions	x				
Regulation of exports of parts and components	x				
Laws, regulations, administrative procedures	x				x
Documentation required to authorise an export	x				x
National authorities	x				x
Record-keeping	x				x
Authorized/actual exports					
Transactions details on:					
Importing State		x		x	
Model / type of item (description)		x		x	
Quantity		x****		x	
Value		x****			
Intermediate location		x*****		x	
Comments on the transfer		x*****			
Measures taken to mitigate risk					
Confidence-building measures agreed upon					
Enforcement measures	x				x
<b>Regulation of imports</b>					
Laws, regulations, administrative procedures	x				x

Documentation required to authorise an import	x				
National authorities	x				x
Record-keeping	x				x
Authorized/actual imports					
Details on:					
Exporting State		x		x	
Model / type of item (description)		x		x	
Quantity		x****		x	
Value		x****			
Intermediate location		x*****		x	
End-use or end-user documentation					
Comments on the transfer		x*****			
Stockpile management					x
Border & custom control					x
Marking of weapons					x
<b>Regulate transit/trans-shipment</b>					
Laws, regulations, administrative procedures	x				
Documentation required to authorise transit/trans-shipment	x				
National authorities	x				
Record-keeping	x				
Exporting State					
Importing State					
Model / type of item (description)					
Quantity					
Value					
<b>Regulation of brokering activities</b>					
Laws, regulations, administrative procedures	x				x
Documentation required to authorise brokering activities	x				
National authorities	x				
Record-keeping	x				x
Enforcement measures	x				x
<b>Prevent diversion of weapons</b>					
Information exchange					
Illicit activities, including corruption			x		
International trafficking routes			x		
Illicit brokers			x		
Sources of illicit supply			x		
Methods of concealment			x		
Common points of dispatch			x		
Destinations used by organized groups engaged in diversion			x		

Investigation and law enforcement measures			X		
<b>Marking, tracing and stockpile management</b>					
Measures to improve stockpile management			X		X
Measures to ensure proper marking of weapons			X		X
Measures to enhance cooperation in weapons tracing			X		X
<p>* ATT annual report may exclude commercially sensitive or national security information.</p> <p>** The information below is based on the PoA reporting template.</p> <p>*** If different from Article 2(1).</p> <p>**** States parties could report one or both of them.</p> <p>***** Voluntary information which States could provide if they wish so.</p>					