

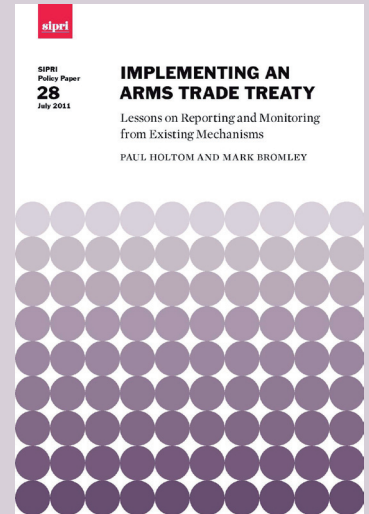
IMPLEMENTING AN ARMS TRADE TREATY

Lessons on Reporting and Monitoring from Existing Mechanisms

PAUL HOLTOM AND MARK BROMLEY

The aims, scope and coverage of an arms trade treaty (ATT) will determine the format and types of information to be provided to an ATT reporting mechanism. It is expected that one of the obligations under the mechanism will be for states parties to provide information on their arms transfers and transfer control systems. A key consideration when designing an ATT reporting mechanism is its future interaction with existing reporting mechanisms. In this context, voluntary reporting of information on arms transfers to the United Nations Register of Conventional Arms (UNROCA) and of information on transfer control systems to the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA) and the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology (UN Legislation Exchange) are particularly relevant. Other UN instruments that provide potential lessons and areas of potential overlap, include UN Security Council resolutions imposing arms embargoes and UN Security Council Resolution 1540, which obligate states to provide information on aspects of national transfer controls. At the regional level, member states of the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE) and the Economic Community of West African States (ECOWAS) are requested to provide information on transfer controls and international arms transfers, while members of the Organization of American States (OAS) are required to provide information on arms acquisitions. It is inevitable that the reporting requirements under an ATT will overlap with some of these instruments, particularly the voluntary UN reporting mechanisms. If an ATT is to increase transparency, then existing obligations should serve as the baseline for reporting under the new treaty.

A common characteristic of these UN instruments is the lack of universal participation, with states facing a range of challenges to reporting. Reporting to UNROCA is particularly affected by political and security factors. State capacity is regarded as an important factor in reporting to all UN instruments. Responses to SIPRI questionnaires on experiences in compiling and submitting reports to UNROCA, the POA and the UN Legislation Exchange reveal that the collection of information required for reports to these instruments involves inter-agency cooperation. The challenges cited by a majority of respondents relate to the availability of information, inter-agency cooperation and personnel issues. Respondents to the POA questionnaire also highlighted lack of time. Improved



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July 2011

ISBN 978-91-85114-65-8

viii+42 pp.

More information at http://books.sipri.org/product_info?c_product_id=426

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mechanisms for inter-agency coordination have helped several states develop better systems for compiling national reports and are therefore essential for the generation of, and access to, relevant information to help facilitate reporting. A standardized reporting template greatly facilitates reporting to these instruments, but online reporting tools can be of limited use when compiling a report involves input from several different government ministries or agencies.

Non-governmental organizations (NGOs) will play a key role in monitoring implementation of an ATT and assessing its role in helping to prevent illicit and irresponsible arms transfers. Specific activities for NGO monitoring could include (a) gathering information on states' arms transfers, (b) uncovering illegal or illicit arms transfers, (c) assessing the extent to which states are complying with the criteria of an ATT, and (d) evaluating whether states' transfer control systems allow them to implement an ATT effectively. A number of NGOs and academic researchers have already developed tools and methodologies for monitoring arms transfers and the implementation of transfer controls that could also be used to ensure the functioning of a robust ATT.

Three types of information should be reported under an ATT. First, information on arms transfers should be provided because 'the ATT should serve as a confidence-building measure that enhances transparency in the conventional arms trade'. An ATT reporting system should be distinct from UNROCA. It should require regular reporting on arms transfers on a standardized reporting form that clearly outlines the types of information requested from states (e.g. importer state, exporter state, category, quantity, designation, description of condition, description of conditions of the transfer, information on mode of transport and route). Reporting on transfers of ammunition, spare parts and components, technology and licensed production arrangements will require creative thinking. An ATT should require states to keep records of authorizations and deliveries, making it possible for states to provide information on both.

Second, information on the key elements of national transfer control systems should be reported in order to show how a state is implementing its commitments under an ATT. Reporting on implementation of UN Security Council Resolution 1540 offers a useful model for such a system. On ratifying the ATT, a state should be obligated to provide a one-off report containing information on its implementation of the treaty. This information should be updated whenever legislation, procedures, documents or contact points change. Guidance will need to be provided to assist with reporting; this could be provided by a user's guide or an active implementation support unit (ISU). Good quality information generated after interaction between states and an ISU or group of experts is particularly useful for assessing implementation and assistance needs. Information reported, or omitted from reports, can be used to assess implementation of obligations under an ATT and identify areas where international assistance may be required. At the same time, states should also provide information on assistance requested, received, rendered or offered.

Third, information on enforcement efforts to prevent transfer control violations and combat arms trafficking should be provided to demonstrate national implementation. This could include reporting on measures to prevent violations, such as outreach to industry. It could also include reporting on trafficking interceptions and entities convicted of violations. An ad hoc approach could be taken to the exchange of information on significant seizures.