



Intervention on Transparency and Reporting in Accordance with the Arms Trade Treaty

Submitted to: The Office of the General Secretariat of the Arms Trade Treaty

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Introduction

Public disclosure of matters related to the arms trade is a very important means for the Arms Trade Treaty (ATT) so that it becomes more than just a set of obligations and to have a real impact on States' behavior. A full declaration of arms trade operations would build confidence among States and enable them to demonstrate that they are effectively implementing the treaty and provide the basis for States and civil society in assessing the application of the arms trade treaty on the ground.

The legal framework regulating transparency and reporting in the field of arms trade

In Article I, the Arms Trade Treaty emphasizes the need to promote cooperation, transparency and responsible action by States parties in the field of international trade in conventional arms, thereby building confidence in States parties. Article 5 of the Treaty also contains provisions for States parties to undertake to establish a national control system that includes a national list of items subject to protection, as well as taking the necessary measures to make this national list publicly available in accordance with each State party's national laws, as well as the need for transparent and effective national arms control system to regulate the transfer of conventional arms provided for in articles 2, 3 and 4.¹

Thus, for purposes of demonstrating adherence to the provisions of the Arms Trade Treaty, transparency means that States should provide accurate, comprehensive and timely information on their export and import of conventional weapons covered by the Treaty's provisions and on their international transfers of such weapons. States should also report on ways of implementing the Convention under their laws, regulations and administrative procedures at the national level, including on measures taken to implement its provisions in the context of international cooperation and assistance activities.²

¹ <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/3.pdf> معاهدة تجارة الاسلحة، الامم المتحدة، الرابط،

² <https://www.amnesty.org/ar/wp-content/uploads/sites/9/2021/06/act301162011ar.pdf> الابلاغ الشفاف في إطار معاهدة تجارة الاسلحة، منظمة العفو الدولية، الرابط،



Hence, transparency in armaments can help determine whether or not there is an excessive or destabilizing stockpiling of arms. Frankness on the issue of armaments can encourage the control of the transfer or production of arms, and contribute to preventive diplomacy. That is why the United Nations Register of Conventional Arms was established in 1991, in order for countries to submit reports that adhere to frankness about arms transfers, which helps to avoid conflict between them. Since its inception, the United Nations Register has received reports from more than 170 countries. The registry accounts for the vast majority of official transfers. The reports include data provided by States Parties on arms transfers, as well as information on stocks, local procurement and related policies. When establishing the Register, States decided to continue working to expand its scope. States achieve this through panels of governmental experts that meet every three years and report to the General Assembly, which can take a decision that includes the groups' recommendations.³ States to submit reports to the United Nations Register of Conventional Arms Exports and Imports and additional background information for the previous calendar year by May 31 of each year.

States' commitment to the principles of transparency and reporting

Enhancing international transparency is also necessary to curb the illicit trade in light weapons. In the absence of an effective transparency system, it is relatively easy for illegal traders to conceal their operations. As information about legal trade becomes more widely available, doing so will become more difficult. Increased transparency will also facilitate joint efforts by law enforcement agencies to identify, track, and arrest black market traffickers.⁴

Reporting at the national level on Governments' arms exports and imports is a key pillar through which civil society, journalists and concerned citizens can ensure that Governments fulfill their obligations to execute and implement the provisions of the Treaty. Without comprehensive and timely statistical data on arms trade and transfers, as well as on legal, administrative and operational measures to implement the Treaty's provisions, this role is immeasurably more difficult. All States must also take all measures to prevent illicit arms trafficking.⁵

Hence, the existence of multilateral mechanisms to which states have agreed to provide selected information on their arms exports and imports highlights the value of monitoring arms flows, not least the efforts to uncover potentially destabilizing accumulations of arms. Among these mechanisms is the United Nations Register of Conventional Arms and the exchange of information on transfers of conventional arms between the countries participating in the Organization for Security and Cooperation in Europe. However, there are significant differences

³ <https://bit.ly/3JKRw9L> سجل الامم المتحدة للأسلحة التقليدية، الامم المتحدة، الرابط،

⁴ Small Arms and Light Weapons: Controlling the Real Instruments of War, Arms Control Association, link, https://www.armscontrol.org/act/1998_08-09/mkas98

⁵ الإبلاغ الشفاف في إطار معاهدة تجارة الاسلحة، منظمة العفو الدولية ، الرابط، <https://www.amnesty.org/ar/wp-content/uploads/sites/9/2021/06/act301162011ar.pdf>



in how states participate in these mechanisms and as a result, the mechanisms cannot provide a reliable and comprehensive picture of arms transfers at the global or regional level.

For example, the war between Azerbaijan and Armenia in 2020 in Nagorno-Karabakh can be traced back to the lack of transparency pursued by both States' arms exporters. In the case of arms exports to Armenia and Azerbaijan for the period 2011-2020, reports to these mechanisms differed between suppliers and were therefore insufficient in themselves to demonstrate the arms race between the two countries, since it is known that if more information is provided about the specific types of the weapons used. s military capacity ", a better assessment could be made of how weapons affected the receiving State's military capability. Although Belarus and Turkey reported all their major arms exports to Azerbaijan and provided details on the types of weapons used. However, Russia has concealed some information about its exports of Iskander ballistic missiles to Armenia in 2016. Israel also omitted all of its major arms exports to Azerbaijan.⁶

Thus, although it is difficult to assess the immediate causes of the war in 2020, the fact that Armenia and Azerbaijan have obtained more weapons than in the past, including new types of weapons such as drones, appears to have at least partially prompted the escalation of the conflict, as the arms race and the lack of transparency in reporting on both countries' arms imports have fueled their conflict and thus further violations of both relevant laws and customs.

Recommendations

In conclusion, transparency and reporting can be said to be essential elements of effective dual-use and arms trade controls. Transparency covers the exchange of information between States and the production of publicly available data. It could be useful to demonstrate that States are implementing export control policies that are consistent with their national laws and international obligations and help to identify and prevent destabilizing weapons stockpiles, and we therefore recommend:

- The need to strengthen and improve multilateral transparency instruments in arms transfers.
- Ensure the effective and consistent use of arms transfers controls aimed at reducing the likelihood of armed conflict.
- Ensure effective international control over the legitimate trade in light weapons, where efforts must be made to increase transparency at the national, regional and international levels.

⁶ <https://www.amnesty.org/ar/wp-content/uploads/sites/9/2021/06/act301162011ar.pdf> الإبلاغ الشفاف في إطار معاهدة تجارة الاسلحة، منظمة العفو الدولية ، الرابط، 6



- National Governments should be asked to publish detailed annual statistics on arms imports and exports, while regional arms registers covering light weapons should also be encouraged.
- At the international level, the United Nations arms register must be gradually expanded to cover all types of ammunition, including small arms and light weapons.