

# Arms Trade Treaty

Baseline Assessment Project

---

## ATT Baseline Assessment Project Annual Report Guidance Booklet

## ATT-BAP ANNUAL REPORT GUIDANCE BOOKLET INTRODUCTION

The Arms Trade Treaty-Baseline Assessment Project (ATT-BAP) seeks to help States in three ways.

- First, it provides clear guidance on the Arms Trade Treaty (ATT)'s provisions.
- Second, it helps States identify whether their existing arms transfer control systems fulfill ATT requirements, and where elements might need to be developed or strengthened.
- Third, it serves as a tool to assist States Parties in fulfilling their reporting obligations.

ATT-BAP has developed this guidance booklet to enable States to fulfill their ATT annual reporting requirements. The guidance booklet accompanies the online training and capacity building tutorials available at [www.armstrade.info](http://www.armstrade.info).

**Article 13 (3)** of the ATT requires all States Parties to submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). The annual reports contribute to the objective and purpose of the Treaty by increasing transparency of the global arms trade, building confidence between States Parties, and demonstrating application and good practice of the provisions of the ATT.

The guidance booklet can facilitate the completion of a State Party's annual report on arms exports and imports and has three benefits:

- It can guide government officials as they prepare their annual reports;
- It can support the development of good practice for collecting data and compiling export and import information; and
- It explains the minimum information required for reporting conventional arms exports and imports and provides concrete examples of conventional arms and other military equipment that could be reported.

**The guidance booklet has 5 modules:**

1. History of Multilateral Transparency Instruments
2. Synergies Between the UN Register of Conventional Arms and the Arms Trade Treaty
3. Data Collection Sources and Methods
4. Conventional Arms Identification and Categorization
5. Small Arms and Light Weapons Identification and Categorization

---

## MODULE 1 - HISTORY OF MULTILATERAL TRANSPARENCY INSTRUMENTS

---

Module One provides historical background of efforts to increase transparency in the international arms trade and establish reporting mechanisms on international arms transfers. This module will offer descriptions of existing agreements and regimes that are synergistic with the Arms Trade Treaty (ATT).

The module has two key aims:

- To foster understanding of the history of multilateral reporting of the global arms trade through a brief history of key developments in global transparency efforts; and
- To provide an overview of multilateral transparency instruments.

### OUTLINE OF THE MODULE

---

Module One consists of three sections. The first section explains the benefits of transparency and reporting on the arms trade. States have undertaken several initiatives to increase transparency in international arms transfers in the last 100 years, which are described in the module. The second section provides an overview of international transparency and reporting instruments. The third section provides an overview of regional and multilateral transparency and reporting instruments.

### WHY REPORT?

---

The international arms trade has been notoriously opaque. Throughout history, States traditionally did not provide information on their arms exports or imports, or on their national acquisitions or holdings. Governments were hesitant to share information about their capabilities and what they were buying and selling. This secrecy led to a lack of trust among States and facilitated destabilizing arms build-ups as well, since governments were largely unaware of who was selling what to whom. As a result, weapons proliferated around the world with relative impunity.

Comprehensive and transparent reporting on arms exports and imports helps mitigate the risks of secret arms transfers. Such information generates awareness of global arms flows, which in turn creates an environment of responsibility and accountability for arms transfer decisions. Such openness serves as a confidence-building measure and encourages international cooperation. Transparency also supports conflict prevention by contributing to early warning signals for potential violence and instability. For the ATT, reporting on arms transfers has additional benefits. First, reporting can demonstrate how the export assessment criteria are being applied. The data on transfers helps other governments understand that export determinations are considered to be in line with Articles 6 and 7. Second, reporting on imports and exports demonstrates the record-keeping system maintained by the reporting State. Reporting States are also able to retrieve information from these records in line with the recommended contents of records outlined in Article 12 of the ATT.

# INTERNATIONAL INSTRUMENTS FOR TRANSPARENCY AND REPORTING

## LEAGUE OF NATIONS

### League of Nations

**Date of establishment:** 1924

*Aim/objective: facilitate better control in the international arms trade by providing periodical information on annual transfers*

*Type of transfers: exports and imports*

*Type of arms covered: arms, ammunition, and instruments of war*

**Website:** <http://digital.library.northwestern.edu/league/otcgi/digilib/llscgi60-8fb1.html>

In 1924, the League of Nations created a statistical yearbook of the trade in arms, ammunition, and material of war. States provided information on the quantity and value of arms transfers to the League of Nations, which were reproduced in the Yearbook. The League of Nations published this information annually from 1924 to 1939, although not all States provided information for every edition of the yearbook. The Statistical Yearbook established an early reporting mechanism to increase transparency in the global arms trade.

## PROPOSALS IN THE UNITED NATIONS DURING THE COLD WAR

World War II and the Cold War made transparency much more difficult. The international political environment was plagued by a lack of trust and an unwillingness to share information. As a result, non-governmental organizations, such as the Stockholm International Peace Research Institute, known as SIPRI, stepped in to try to fill the information gaps. In many cases, non-governmental sources of information on arms transfers were often the only sources on international arms transfers available during this period.

### Stockholm International Peace Research Institute Arms Transfer Database

**Date of establishment:** 1969

*Aim/objective: to provide information on international transfers of major conventional arms*

*Type of transfers: exports and imports, including licensed production arrangements*

*Type of arms covered: aircraft, air defence systems, air refuelling systems, anti-submarine weapons, armoured vehicles, artillery, engines, missiles, sensors, satellites, ships, turrets for armoured vehicles and ships*

**Website:** <https://www.sipri.org/databases/armstransfers>

Yet, States did try to promote transparency within the UN framework during this period, often with very little success, however, as Cold War politics played out on the UN Stage.

- In 1965, Malta submitted a draft resolution to the General Assembly to invite the Eighteen-Nation Disarmament Committee (ENDC) to consider the establishment of a system for publishing information on the transfer of arms between states via the UN. The proposal was rejected, with 18 states voting in favor, 19 against, and 39 abstaining.
- In 1968, Denmark, Iceland, Malta, and Norway co-sponsored a draft resolution requesting the UN Secretary-General to collect State views on the establishment of a UN Register of arms transfers, and the collection and publication of information on arms transfers. There was no vote on the draft resolution.

- In 1976, 13 countries sponsored a draft resolution in the 31st session of the General Assembly for a study of the international transfer of conventional arms. The majority of UN member states voted to adjourn the debate.
- In 1978, a large number of states at the General Assembly's first Special Session on Disarmament (SSOD-1) suggested a study on a register of arms transfer and to control the illicit trade in arms.
- In 1988, General Assembly resolution 43/75 requested the Secretary-General gather State's views on "ways and means of providing for more openness and transparency with regard to world-wide arms transfers" and requested a group of government experts (GGE) to conduct a study on ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis.

The willingness to reconsider transparency in arms transfers was renewed in the aftermath of the Gulf War, when governments around the world discovered the large numbers of weapons provided to Saddam Hussein in the lead up to his invasion of Kuwait. Suddenly, there was a renewed push towards greater transparency over the arms trade, as governments sought to prevent future secret arms build-ups and build greater confidence between States.

In 1991, the GGE submitted its report on "ways and means of promoting transparency in international transfers of conventional arms."

That year also saw the General Assembly adopt Resolution 46/36L on transparency in armaments, which requested that the Secretary General establish and maintain a Register of Conventional Arms to house data on international arms transfers, as well as military holdings and procurement through national production, and relevant policies. The Resolution also called on Member States to provide information to this voluntary Register on their annual arms exports and imports, including details regarding the transfers of seven categories of weapons: battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack, helicopters, warships, and missiles or missile systems imported into or exported from their territory.

## UN REGISTER OF CONVENTIONAL ARMS

### UN Register of Conventional Arms

**Date of establishment:** 1 January 1992

*Aim/objective:* build confidence between States and encourage restraint in arms transfers/production by increasing transparency in armaments and identifying destabilizing accumulations of conventional arms.

*Information provided on:* imports and exports, procurement from national production, national holdings, relevant national policies

*Types of arms covered:* battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers

*Website:* <https://www.unroca.org/>

UN Resolution 46/36L established the UN Register of Conventional Arms (UN Register) on 1 January 1992, but more work was needed to get the UN Register in working order. In 1992, a group of technical experts submitted its report on the functioning of the UN Register. In 1993, States submitted their first reports to the UN Register for international transfers of conventional arms that had taken place during the 1992 calendar year.

The UN Register seeks to build confidence among Member States and help prevent conflict by increasing transparency in armaments. The UN Register contains a list of national reports on annual arms exports and imports of major conventional weapons systems. Information contained in the annual reports includes the number of items, the State of origin, the intermediate locations, and a description of the transferred weapons. The Register initially included seven categories of weapons: battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, and missiles and missile launchers.

Every three years, States convene a GGE to review the Register's scope and provide recommendations for its further development. In 2003, States were encouraged to include information on their imports and exports of small arms and light weapons (SALW), and were further encouraged in 2006 to provide such information in standardized reporting templates. In 2016, the Group of Government Experts recommended that States report on SALW transfers along-side the existing seven categories of conventional weapons covered by the Register.

## ARMS TRADE TREATY

### Arms Trade Treaty

**Date of establishment:** 24 December 2014

**Number of States Parties:** 91 (as of 20 March 2017)

*Aim/objective: reduce human suffering and promote cooperation, transparency, and responsible action in the international arms trade by establishing common international standards for regulating the international trade in conventional arms, and mitigating the illicit trade in conventional arms and preventing their diversion*

*Types of transfers: imports, exports, transit/transshipment, brokering*

*Types of arms covered: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, small arms and light weapons, ammunition/munitions, parts and components*

**Website:** <http://thearmstradetreaty.org/index.php/en/>

The Arms Trade Treaty was adopted in April 2013 and entered into force on 24 December 2014. The ATT seeks to reduce human suffering and promote cooperation, transparency, and responsible action in the international arms trade by establishing common standards for regulating arms transfers.

**Article 13 (3)** of the ATT requires States Parties to submit an annual report on arms exports and imports, to include information on authorized or actual exports and imports of the conventional weapons under the scope of the ATT.<sup>1</sup> The ATT allows States Parties to submit the same report they submitted to the UN Register to fulfil their obligation.

# REGIONAL AND MULTILATERAL INSTRUMENTS FOR TRANSPARENCY / REPORTING

## CONVENTIONAL FORCES IN EUROPE TREATY

### Conventional Forces in Europe Treaty

Date of establishment: 9 November 1992

Number of participating States: 30

*Aim/objective: build confidence and transparency among Member States by requiring States Parties to exchange information on holdings, acquisitions, and reductions in conventional armaments and requiring inspections to monitor and verify treaty compliance*

*Types of transfers: weapons acquisitions, holdings, and disposals*

*Types of arms covered: battle tanks, armoured combat vehicles, artillery, combat aircraft, attack helicopters*

Website: <http://www.osce.org/library/14087>

The Treaty on Conventional Armed Forces in Europe (the CFE Treaty) entered into force on 9 November 1992. The CFE Treaty originally sought to establish a military balance between the NATO alliance and the Warsaw Pact by reducing the two alliances' levels of armaments. The Treaty continues to serve as a confidence-building mechanism to promote greater transparency. The CFE Treaty requires States Parties to provide notification to and exchange information with all other States Parties on their acquisitions, holdings, and reductions in conventional armaments and equipment that are subject to the Treaty's limitations. The CFE Treaty served as a point of reference for the discussions on the descriptions of conventional arms to be covered by the UN Register.

## WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND DUAL-USE GOODS EXCHANGE OF INFORMATION ON ARMS

### Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods exchange of information on arms

Date of establishment: 19 December 1995

Number of participating States: 41

*Aim/objective: prevent destabilizing accumulations of arms by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies*

*Information on: exports, re-exports, brokering, transit/transshipment; licenses issued and authorizations denied*

*Types of arms covered: battle tanks, armoured combat vehicles, large calibre artillery systems, military aircraft/unmanned aerial vehicles, military and attack helicopters, warships, missiles or missile systems, small arms and light weapons, including man portable weapons made or modified to military specification for use as lethal instruments of war*

Website: <http://www.wassenaar.org/>

The Wassenaar Arrangement was established in December 1995 as a means to promote transparency and greater responsibility in transfers of conventional arms and dual use goods and technologies in order to prevent destabilizing accumulations after the end of the Cold War. Replacing the Cold-War Coordinating Committee for Multilateral Export Controls (COCOM), participating Wassenaar States agreed to control items identified on the Wassenaar Munitions List and the list of dual-use goods and technologies, and to report on transfers and denials of controlled items to States that are not members of the Arrangement, as well as on sensitive dual-use goods and technologies. National technical experts of Wassenaar Arrangement participating States work together to establish lists of military equipment, including conventional arms, to be subject to transfer controls. The Wassenaar Arrangement Munitions List is used by participating States as the basis for the development of national control lists (see Annex 1).

The participating States of the Wassenaar Arrangement have also agreed to an inter-governmental exchange of information on international transfers of eight categories of conventional arms. The titles for these categories of conventional arms are largely comparable to the categories of the ATT and the UN Register. Originally, the UN Register served as a point of reference for this information exchange, but over time it now serves as the basis for proposals to expand the UN Register: battle tanks; armoured combat vehicles; large calibre artillery systems; military aircraft, including unmanned aerial vehicles; military and attack helicopters; warships; missiles or missile systems; small arms and light weapons, including man portable air defense systems (MANPADS). It is important to note, however, that the Wassenaar Arrangement Munitions List differs from the categories used for the exchange of information on arms.

## THE INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITION

### Inter-American Convention on Transparency in Conventional Arms Acquisition

Date of establishment: 21 November 2002

Number of participating States: 17 States Parties

*Aim/objective: promote regional transparency and trust by facilitating information sharing on weapons acquisitions*

*Types of transfers: imports, exports, and acquisitions from national production*

*Types of arms covered: battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers*

Website: <http://www.oas.org/juridico/english/treaties/a-64.html>

The Inter-American Convention on Transparency in Conventional Weapons Acquisition was adopted on 7 June 1999 and entered into force on 21 November 2002. The Convention seeks to promote regional transparency and trust by facilitating information sharing on weapons acquisitions. The Convention overlaps with the scope of the UN Register and the Organization of American States and United Nations Department for Disarmament Affairs have a Memorandum of Understanding to exchange submissions and promote participation in both instruments.

## EUROPEAN UNION ANNUAL REPORTS ON ARMS EXPORTS

### EU Annual report on arms exports

Date of establishment: 8 December 2008

Number of participating States: 28

*Aim/objective: promote transparency in arms exports by providing detailed information on arms export authorizations by EU Member States*

*Types of transfers: exports, brokering licences issued/denied and export licences authorized/denied, and actual exports.*

*Types of arms covered: EU Common Military List*

Website: [http://eeas.europa.eu/headquarters/headquarters-homepage/8472/annual-reports-on-arms-exports\\_en](http://eeas.europa.eu/headquarters/headquarters-homepage/8472/annual-reports-on-arms-exports_en)

The EU annual report on arms exports provides information on arms export licenses that have been authorized and/or denied by EU Member States, as well as actual arms exports. The reports also contain data on brokering licenses that have been issued and/or denied. EU Common Position 2008/944/CFSP requires the EU Council to publish a comprehensive report on arms exports authorized and denied by EU Member States using data provided by each EU Member State. The reports apply to weapons identified in the EU Common Military List, which consists of 22 categories of military items and is comparable in scope to the Wassenaar Munitions List, disaggregated by recipient states. The scope of arms included in the EU annual reports is therefore wider than those covered by the ATT.

## THE ORGANISATION FOR SECURITY CO-OPERATION IN EUROPE'S DOCUMENT ON SMALL ARMS AND LIGHT WEAPONS

### OSCE Document on SALW

Date of establishment: 24 November 2000

Participating States: 57

*Aim/objective: combat illicit trafficking in small arms and light weapons through proper marking and tracking systems, sustained record keeping, export controls, border and customs mechanisms, and enhanced cooperation and information exchange at international, regional, and national levels*

*Types of transfers: import and export*

*Types of arms covered: small arms, light weapons, including MANPADS*

Website: <http://www.osce.org/fsc/20783>

The Organisation for Security Cooperation in Europe's (OSCE) document on small arms and light weapons offers details on principles and measures that can be taken to reduce threats posed by uncontrolled proliferation of SALW, including through enhanced co-operation and information exchange. In order to build confidence and improve efforts to trace illicit small arms flows, States agree to annual exchanges of information "on their national marking systems used in the manufacture and/or import of small arms." The document applies to SALW, including man portable air defense systems, or MANPADS, based on the OSCE definition and is limited only to transfers between participating States. The information exchanged between participating States is only shared between governments and is not made public. However, some States do make their information public on an ad hoc basis.

## SOUTH EASTERN AND EASTERN EUROPE CLEARINGHOUSE FOR THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS

### South Eastern and Eastern Europe for the Control of Small Arms and Light Weapons (SEESAC)

Date of establishment: 2009

Number of participating States: 8<sup>2</sup>

*Aim/objective: serve as a regional source of transparency on arms exports and demonstrate an ability and willingness to uphold the commitments associated with the EU Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment*

*Types of transfers: exports*

*Types of arms covered: small arms and light weapons*

Website: <http://www.seesac.org/Regional-reports/>

In 2009, the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) agreed to produce annual regional reports on arms exports with an aim to increase transparency and demonstrate States' commitment to the rules established in the European Union Council Common Position 2008/944/CFSP. SEESAC provides States with reporting software tools to help improve national reporting on arms exports and promote the use of a standardized reporting template.<sup>3</sup>

## NATIONAL REPORTS

In addition to these regional and multilateral initiatives, some States also provide national reports on arms exports, many of which are publicly available. These reports vary considerably in how much information States provide as well as in the level of substantive detail offered. According to analysis from the Stockholm International Peace Research Institute, national reports, at a minimum, tend to contain insights on States' national export control systems and authorized export licenses. Some States may also choose to provide descriptive information on the goods as well as the end-user(s).<sup>4</sup> In compiling these reports, States use a variety of sources of information, with some States using customs data from the United Nations Commodity Trade Statistics Database, also referred to as Comtrade.

### Annex 1: Wassenaar Arrangement Munitions List

ML1.	Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories
ML2.	Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories
ML3.	Ammunition and fuze setting devices
ML4.	Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories
ML5.	Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use
ML6.	Ground vehicles and components
ML7.	Chemical agents, "biological agents", "riot control agents", radioactive materials, related equipment, components and materials
ML8.	"Energetic materials" and related substances
ML9.	Vessels of war (surface or underwater), special naval equipment, accessories, components and other surface vessels
ML10.	"Aircraft", "lighter-than-air vehicles", "Unmanned Aerial Vehicles" ("UAVs"), aeroengines and "aircraft" equipment, related equipment, and components, as follows, specially designed or modified for military use
ML11.	Electronic equipment, "spacecraft" and components, not specified elsewhere on the Munitions List
ML12.	High velocity kinetic energy weapon systems and related equipment

ML13.	Armoured or protective equipment, constructions and components
ML14.	'Specialised equipment for military training' or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon specified by ML1. or ML2
ML15.	Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories
ML16.	Forgings, castings and other unfinished products, specially designed for items specified by ML1. to ML4., ML6., ML9., ML10., ML12. or ML19
ML17.	Miscellaneous equipment, materials and "libraries", as follows, and specially designed components
ML18.	'Production' equipment and components
ML19.	Directed Energy Weapon (DEW) systems, related or countermeasure equipment and test models, as follows, and specially designed components
ML20.	ryogenic and "superconductive" equipment, as follows, and specially designed components and accessories
ML21.	"Software"
ML22.	"Technology"

---

<sup>1</sup>The ATT also requires States to submit an initial report on measures undertaken to implement the Treaty and encourages States Parties to report on effective measures undertaken to address diversion.

<sup>2</sup>Includes Kosovo

<sup>3</sup>South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), "SEESAC Developed SALW Tools – Arms Exports Templates," <http://www.seesac.org/Software-Tools/SALW-Agreements--Reporting-System-Software/>

<sup>4</sup>SIPRI maintains a list of countries that maintain national reports on arms exports, which identifies the following States that have made such reports: Albania, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Montenegro, Netherlands, Norway, Poland, Romania, Serbia, Slovakia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, and the United States.

---

## MODULE 2 - SYNERGIES BETWEEN INTERNATIONAL REPORTING OBLIGATIONS

---

Module 2 examines the synergies in reporting under the Arms Trade Treaty (ATT) and the United Nations Register of Conventional Arms (UN Register).

The ATT represents a landmark achievement for bringing greater transparency to the international arms trade, and it shares many synergies with existing international reporting obligations to help strengthen this norm. In particular, within the Treaty text itself, the ATT is linked to the UN Register. Article 13 (3) of the ATT says that the annual report “submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the UN Register of Conventional Arms.”<sup>1</sup>

The module has three aims:

- To foster understanding of the relationship between the UN Register and the ATT
- To offer insights on the information required and the types of reports States must submit to fulfill their UN Register and ATT obligations
- To assist States in completing their UN Register and ATT annual reports

### OUTLINE OF THE MODULE

---

This module provides insight on synergies between the ATT and the UN Register. Specifically, the module offers a side-by-side comparison of reporting objectives for the ATT and the UN Register. This module consists of five sections. The first section discusses reporting objectives of the ATT and the UN Register as well as descriptions of the sections of the reporting templates. Section two provides details on the types of reports required and section three describes the types of information to report. Section four provides insights on the mechanics of the reports, including reporting deadlines and national points of contact. Section five provides information for what information is required in order to complete annual reports for the UN Register and the ATT.

### REPORTING OBJECTIVES

---

The ATT seeks to reduce human suffering and promote cooperation, transparency, and responsible action in the international arms trade by establishing common standards for regulating arms transfers. A key objective of the Treaty is to increase transparency in the global arms trade by requiring States to submit annual reports on arms exports and imports, in addition to an initial report on treaty implementation. In this aim, the ATT shares a number of similarities with the UN Register. The UN Register serves as an important point of reference for ATT annual reports, both in terms of its scope and in terms of the guidance it provides for reporting on international arms transfers.

## Reporting objectives compared

UN Register	ATT
Build confidence between countries and encourage restraint in arms transfers and procurement by increasing transparency in armaments and identifying destabilizing accumulations of conventional arms.	Reduce human suffering and promote cooperation, transparency, and responsible action in the international arms trade by establishing common standards for regulating arms transfers.

## “INTERNATIONAL TRANSFER” AND “EXCEPTIONS”

The ATT does not contain definitions. But the treaty text offers some clues as to what is meant by “transfer” and what kinds of activities are exceptions to the Treaty. In the ATT, “transfer” is described as: “the activities of the international trade comprise export, import, transit, trans-shipment and brokering.”

The UN Register does not provide a definition for “international transfers.” The 1992 report of the UN Panel of Governmental Technical Experts on the UN Register advised that “international arms transfers” involve, in addition to the physical movement of equipment into or from national territory, the transfer of title to and control over the equipment.”<sup>2</sup>

Therefore, the Panel noted that:

“an international arms transfer may also occur without the movement of equipment across State frontiers if a State, or its agent, is granted title and control over the equipment in the territory of the supplier State. Therefore, a transfer of arms to a State would occur when its forces stationed abroad are granted title and control of equipment by the host country or any third State, or when title and control of such equipment are transferred to the host country or any third State. Additionally, if title and control of equipment temporarily stored or prepositioned on the territory of another State are granted to the host country by the owner, then an international transfer has occurred.”<sup>3</sup>

The ATT and the UN Register also provide some guidance about possible exceptions to activities that are considered transfers. The ATT says that “this Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership.”<sup>4</sup> The 1992 Panel of Governmental Technical Experts provides more specificity, saying that:

“Since the supply of equipment by a State to units of its armed forces stationed abroad does not involve transfer of national title and control, such supply is not considered an international transfer. Equipment of a State can be temporarily stored or prepositioned on the territory of another State with no transfer of title and control of this equipment. This is not considered an international transfer.”<sup>5</sup>

## Definition of international transfers compared

UN Register	ATT
The physical movement of equipment into or from national territory, as well as the transfer of title to and control over the equipment	Article 2 (2): For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as "transfer."
Exception(s)	Exception(s)
Since the supply of equipment by a State to units of its armed forces stationed abroad does not involve transfer of national title and control, such supply is not considered an international transfer. Equipment of a State can be temporarily stored or repositioned on the territory of another State with no transfer of title and control of this equipment. This is not considered an international transfer.	Article 2 (3): This Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party's ownership.

## TYPES OF TRANSFERS TO REPORT

The ATT requires States Parties to report on their authorized or actual exports and imports of conventional arms covered under Article 2 (1). Similarly, United Nations General Assembly Resolution 46/36 L calls on UN Member States to provide annually information on the number of items in seven categories of conventional arms imported into or exported from their territory in the previous calendar year. The resolution also invites States to provide background information on their military holdings, procurement through national production, and other relevant policies. Since 2004, States have also been invited to provide information on international transfers of small arms and light weapons (SALW). Although the ATT regulates imports, export, transit/transshipment, and brokering of conventional arms, the Treaty only requires States Parties to submit annual reports on authorized or actual exports and imports of the eight categories of conventional arms covered by the treaty. The ATT allows States Parties to submit to the Secretariat the same information submitted to relevant United Nations frameworks, including the UN Register. ATT reports are also permitted to exclude commercially sensitive or national security information.

### Types of transfers reported compared

UN Register	ATT
<p>A/RES/46/36, paragraph 9: Calls upon all Member States to provide annually for the Register data on imports and exports of arms</p> <p>A/RES/46/36, paragraph 10: Invites Member States to provide to the Secretary-General, with their annual report on imports and exports of arms, available background information regarding their military holdings, procurement through national production and relevant policies</p>	Article 13 (3): Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

## AUTHORIZATION VS. ACTUAL IMPORTS AND EXPORTS

The ATT requires States Parties to report on authorized or actual exports and imports of the eight categories of conventional arms covered under Article 2 (1) of the Treaty. This allows States to provide information on 1) authorized transfers, whether they have been delivered or not, or 2) those transfers that have been delivered to their authorized destination. States Parties are requested in the annual reporting template to identify if they are reporting on authorized or actual exports and imports, or both.

The UN Register requests States to provide information on actual exports and imports. However, some States have been unable to provide information on actual exports and imports for all conventional arms, in particular for SALW transfers, and have therefore provided information on authorized exports and imports.<sup>6</sup>

## TYPES OF REPORTS

States can submit the following types of reports to fulfill their ATT and UN Register reporting commitments.

- Report on imports
- Report on exports
- Nil report on imports
- Nil report on exports

Whichever type of report they choose, States must report on both exports and imports.

## “NIL” REPORTS

In both the ATT and the UN Register, States have the opportunity to provide a “nil” report. A “nil” report refers to a calendar year when a State did not have any exports or imports of the conventional weapons that are included in the scope of the Treaty or UN Register. States provide a nil report for export and a separate nil report for imports. States may complete a nil report for exports and a full report for imports, or vice versa.

## CONVENTIONAL ARMS

The ATT requires States Parties to include their exports and imports of conventional arms in their annual reports. The categories of weapons included in the ATT mirror those categories included in the UN Register at the time of the ATT’s entry into force.<sup>7</sup> The seven categories of conventional arms included in both instruments are:

### Categories to report compared

UN Register	ATT
<ul style="list-style-type: none"> <li>• battle tanks</li> <li>• armoured combat vehicles</li> <li>• large-calibre artillery systems</li> <li>• combat aircraft<sup>8</sup></li> <li>• attack helicopters</li> <li>• warships</li> <li>• missiles and missile launchers</li> </ul>	<ul style="list-style-type: none"> <li>• battle tanks</li> <li>• armoured combat vehicles</li> <li>• large-calibre artillery systems</li> <li>• combat aircraft</li> <li>• attack helicopters</li> <li>• warships</li> <li>• missiles and missile launchers</li> <li>• small arms and light weapons</li> </ul>

## SMALL ARMS AND LIGHT WEAPONS

The ATT requires States to report their imports and exports of SALW. The UN Register did not include reporting on SALW until 2016, when the Group of Government Experts (GGE) recommended that States report on SALW transfers along-side the existing seven categories of conventional weapons covered by the UN Register.<sup>9</sup>

### Reporting SALW compared

UN Register	ATT
States can elect to provide information on transfers of small arms and light weapons alongside the existing 7 categories of weapons covered by the Register	Small arms and light weapons are included in the scope of the Treaty and their exports and imports are required to be reported.

Sub-categories of SALW include:

#### Small Arms

- Revolvers and self-loading pistols
- Rifles and carbines
- Sub-machine guns
- Assault rifles
- Light machine guns
- Other small arms

#### Light Weapons

- Heavy machine guns
- Hand-held under-barrel and mounted grenade launchers
- Portable anti-aircraft guns
- Portable anti-tank guns
- Recoilless rifles
- Portable launchers of anti-tank missile and rocket systems
- Portable launchers of anti-aircraft missile systems
- Mortars of a calibre of less than 100 millimetres
- Other light weapons

## PARTS AND COMPONENTS

The ATT requires that States Parties maintain national control systems to regulate the export of parts and components, where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1) of the Treaty. The ATT does not, however, require States to report on exports or imports of such parts and components. Similarly, the UN Register does not request the submission of recorded information on components of items associated with the seven categories of conventional weapons covered by the Register. However, the UN Register invites UN Member States to provide information on procurement from national production, which could cover the production of conventional arms that utilize imported parts and components.

### Reporting parts and components compared

UN Register	ATT
The Register does not request information on parts or components of items associated with the seven categories of conventional weapons covered by the Register in their annual reports.	Article 4 of the ATT requires States Parties to “establish and maintain a national control system to regulate the export of parts and components where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2(1) and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such parts and components.” The treaty does not require States to include imports or exports of parts and components in their annual reports.

## AMMUNITION

The ATT requires that States Parties maintain national control systems to regulate the export of ammunition/munitions associated with the conventional arms covered in Article 2 (1), but does not require States Parties to report on exports or imports of such ammunition/munitions. Similarly, the UN Register does not include ammunition within its scope and does not request that States provide information on imports or exports of ammunition.

## REPORTING DEADLINES

The deadline for submitting an ATT annual report and a submission for the UN Register is the same – 31 May each year.

### Reporting deadlines compared

UN Register	ATT
States are asked to submit information and data on imports and exports of conventional arms by 31 May	Article 13 (3): Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1)

## NATIONAL POINTS OF CONTACT

Article 5 (6) of the ATT requires States Parties to designate one or more national points of contact to exchange information on matters related to the implementation of the ATT and to notify the Secretariat of, and update the Secretariat on, these points of contact. The ATT annual report template allows States to provide information on a point or points of contact, including: name, organizational affiliation, and contact information – such as phone number and email. The standardized reporting form for the UN Register also provides an opportunity to provide information for a national contact point. The point of contact for the ATT may be the same as the national point of contact for the UN Register.

### National points of contact compared

UN Register	ATT
Invites States to provide information on national point of contact	Obliges States Parties to provide information on national point(s) of contact, to include name, organizational affiliation, and contact information

## COMPLETING THE REPORTS

The ATT annual report template includes several columns that are not included in the UN Register standardized reporting form.

### COMPARISON OF THE ATT REPORTING TEMPLATE AND UN REGISTER REPORTING FORM

#### ATT Reporting Template

Category of arms <sup>4</sup> [ I-VIII]	Authorised or actual imports <sup>5</sup>		Extent of exports <sup>6</sup> (choose one or both)		Exporting State <sup>9</sup>	State of origin (if not exporter) <sup>10</sup>	Remarks <sup>11</sup>	
	Auth.	Act.	Number of items <sup>7</sup>	Value <sup>8</sup>			Description of Item	Comments on the transfer
1	2	3	4	5	6	7	8	9
<b>A. I-VII UN Registry Categories<sup>12</sup> (national definitions shall not cover less than the definitions provided in Annex 1)<sup>13</sup></b>								
I.	Battle tanks	<input type="checkbox"/>	<input type="checkbox"/>					
II.	Armoured combat vehicles	<input type="checkbox"/>	<input type="checkbox"/>					

#### UN Register Reporting Form

A	B	C	D <sup>b</sup>	E <sup>b</sup>	REMARKS <sup>4</sup>	
Category (I-VII)	Exporter States (a)	Number of items	State of Origin (if not exporter)	Intermediate location (if any)	Description of item	Comments on the transfer
I. Battle tanks						
II. Armoured combat vehicles						

The ATT annual report template includes two columns not in the UN Register standardized reporting form. The first addition relates to authorizations for exports or imports or actual imports and exports. These additional columns are included to reflect the fact that Article 13(3) provides States Parties with the option of providing information on either authorizations or actual exports and imports – or to provide information on both.

The second addition to the ATT annual report template provides States Parties with the option of providing information on either the number of units or the financial value of conventional arms imports and exports – or to provide information on both. The UN Register standardized reporting form requests information only on the number of items imported or exported.

The ATT annual report template omits the column in the UN Register standardized reporting form for “intermediate location if any.” This column is used in the UN Register reporting form for cases where an item is integrated into a system and re-exported.<sup>10</sup>

The ATT annual report template has shaded columns for “remarks” to indicate that such information is voluntary. The UN Register standardized reporting form does not contain such shading.

The ATT annual report template has sub-headings for the categories of “combat aircraft” and “attack helicopters,” enabling States Parties to report separately on imports or exports of manned or unmanned aerial vehicles in these categories. The 2016 Group of Governmental Experts on the UN Register has recommended only the creation of two sub-categories for “combat aircraft and unmanned combat aerial vehicles.”

### Contents of reporting forms compared

ATT Annual Report Template	UN Register of Conventional Arms Reporting Form
Actual Export and Import	Actual Export and Import
Export and Import Authorization	—
Exporter / Importer State	Exporter / Importer State
Number of Items	Number of Items
Value	—
—	Intermediate Location if Any
State of Origin (if not exporter)	State of Origin (if not exporter)
<b>Remarks</b>	
Description of Items	Description of Items
Comments on Transfers	Comments on Transfers

---

<sup>1</sup>Arms Trade Treaty, New York, 24 December 2014, United Nations Treaty Collection, Chapter XXVI, No. 52373, available from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=_en)

<sup>2</sup>United Nations General Assembly, Report on the Register of Conventional Arms, 14 August 1992, A/47/342.

<sup>3</sup>Ibid., 10.

<sup>4</sup>Arms Trade Treaty, New York, 24 December 2014, United Nations Treaty Collection, Chapter XXVI, No. 52373, available from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=_en)

<sup>5</sup>United Nations General Assembly, Report on the Register of Conventional Arms, 14 August 1992, A/47/342.

<sup>6</sup>SIPRI, 2007; 2011; United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 15 July 2013, UN Document A/68/140.

<sup>7</sup>Article 5 (3) requires 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”, which was 24 December 2014. In 2016, the UN Register revised the combat aircraft category to also include unmanned combat aerial vehicles. The change to the UN Register category descriptions will be implemented in 2017.

<sup>8</sup>A more comprehensive description of the changes to combat aircraft category and the addition of unmanned combat aerial vehicles in the UN Register can be found in Module 4.

<sup>9</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 15 July 2013, UN Document A/68/140. However, Article 5 (3) requires that “national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty,” which would include the UN Register category description.

<sup>10</sup>States Parties also provide the financial value of their arms exports in national reports on arms exports or as part of information exchanges within regional organizations or multilateral export control regimes.

## MODULE 3 - DATA COLLECTION: SOURCES AND METHODS

### AIMS OF THE MODULE

Module Three provides guidance on sources and methods for data collection to enable States Parties to fulfill their obligation to provide an annual report on authorizations and/or actual arms exports and imports in accordance with Article 13 (3) of the Arms Trade Treaty (ATT).

The module has three aims:

- To understand the different types of data to be collected and reported
- To introduce and understand the different approaches for data collection, and
- To learn about the different challenges and solutions for reporting

### OUTLINE OF THE MODULE

This module provides examples of documents and records that can be utilized to prepare an ATT annual report. These materials can also be used to submit an annual report to the United Nations Register of Conventional Arms (the UN Register). The module notes some of the tools and processes that have been utilized by States to facilitate the completion of annual reports on arms exports and imports and overcome technical and administrative challenges for reporting.

The module consists of three sections. The first section outlines potential sources of guidance for the sources and methods useful for compiling an annual report on arms exports and imports. The second section reviews the types of documentation and records that can be utilized for compiling the ATT annual report. The third section considers the government ministries and agencies responsible for collecting and collating information for reporting.

### SOURCES OF GUIDANCE TO HELP PREPARE AN ANNUAL REPORT ON ARMS EXPORTS AND IMPORTS

This module draws upon several potential sources of guidance for helping States prepare an annual report on arms exports and imports. The first source is the ATT text itself. Article 12 on record-keeping and Article 13 on reporting provide some guidance for the preparation of annual reports.

- **Article 12 (1)** of the ATT obliges States Parties to “maintain national records, pursuant to its national laws and regulations, of export authorizations, of its issuance of export authorizations or its actual exports of the conventional arms covered under Article 2 (1).”<sup>1</sup>
- **Article 12 (2)** encourages States Parties to “maintain records of conventional arms covered under Article 2 (1)” that are imported or authorized to transit or transship “territory under its jurisdiction”.<sup>2</sup>

- **Article 12** also provides guidance on the potential contents of such records for authorizations and/or actual transfers, including:
  - Quantity
  - Value
  - Model and/or type
  - Details of exporting State(s), importing State(s), transit and transshipment State(s); and
  - End users
- **Article 13 (3)** of the ATT indicates that annual reports on imports and exports of conventional arms “may contain the same information submitted by the State Party to relevant United Nations frameworks, including the UN Register.”<sup>3</sup>

The second source of guidance for this module is the UN Register. Annex IV of the 2016 report of the Group of Governmental Experts on the continuing operation of the UN Register and its further development provides some key principles on points of contact that are relevant for the development of reporting processes. The Annex recommends “the creation of a national procedures document” to help ensure a stable and robust national process for preparing an annual report on arms exports and imports.<sup>4</sup> Such procedures could include the following elements:

- Identify the different arms transfer reports to be prepared
- A clear explanation of the contents and requirements for each report
- Assign reporting tasks to specific authorities and positions
- Establish deadlines in the process of preparing reports and a mechanism for reminding relevant information providers
- A clearly defined collection process for providing information periodically or on an ongoing basis, to the individual or individuals responsible for preparing and submitting the national reports
- A coordinated collection process that ensures that when the same information is needed for several reports, it is collected only once. This saves time and resources and ensures consistency between reports
- Indicate if the data submitted is based on authorizations or actual transfers<sup>5</sup>

The Annex draws upon the Wassenaar Arrangement’s “Elements for the Effective Fulfilment of National Reporting Requirements,” which was adopted at the December 2015 Plenary Meeting. The key recommendation of the Wassenaar Arrangement guidance is to “establish and maintain, if appropriate by national legislation or governmental decision, a procedures document” that contains the key elements outlined in the annex to the 2016 Group of Governmental Experts report.<sup>6</sup>

The Wassenaar Arrangement guidance also recommends that:

- Technical experts who can determine which goods or technology are to be included in the report are involved in its preparation,
- A mechanism is established for classifying applications for authorizations in such a way that information that is to be reported can be easily retrieved,

- A repository for data is established, and
- Sufficient staff are trained to ensure that reporting is not hindered by temporary absence or loss of personnel responsible for fulfilling reporting obligations.

Other useful sources of information for establishing reporting processes include:

- Working Paper on National-Level Measures to Facilitate Compliance with International Reporting Obligations, submitted by Sweden at the Arms Trade Treaty Second Conference of States Parties, 13 August 2016, Document: ATT/CSP2/2016/OP.3
- The International Small Arms Control Standard (or ISACS) Module 3.20 on “National Controls over the International Transfer of Small Arms and Light Weapons”<sup>7</sup>
- The chapter on record-keeping in “Weapons and International Law: The Arms Trade Treaty,” edited by Clara da Silva and Brian Wood<sup>8</sup>

## WHAT ARE THE MAIN SOURCES OF INFORMATION THAT STATES CAN USE FOR THE COMPILATION OF THEIR ATT ANNUAL REPORT?

---

The ATT does not explicitly identify the types of documents that are to be used as sources of information for records and reporting. The International Small Arms Control Standard (ISACS) module for international transfers provides some guidance on the types of documents and information that could be useful for States Parties to maintain in order to fulfill their ATT obligations, optional provisions, and additional good practices on record-keeping and reporting.<sup>9</sup>

### DOCUMENTS CONTAINING INFORMATION ON EXPORT AUTHORIZATIONS

Three documents are identified as sources of information that States could collate to provide information on export authorizations for their ATT annual report:

- First, an export authorization (license or permit) issued by the relevant agency in the exporting State,
- Second, an import authorization received by the relevant agency in the exporting State as part of an export authorization application process, and
- Third, end user documentation (that is, an end-user certificate or end-user statement) received by the relevant agency in the exporting State as part of an export authorization application process.

If this documentation contains the recommended elements, then a State Party will have the required information for providing information on export authorizations in its ATT annual report.

## Examples of the Contents of Export Authorization Documentation

Document 1: Export authorization (license)	
1)	unique identifier for authorization (e.g. license number)
2)	issuing agency
3)	issue date
4)	expiry date
5)	recipient (name and contact details)
6)	country of import
7)	countries of transit and/or transshipment
8)	description, including:
a)	ATT category / ML category
b)	quantity
c)	value
d)	make, model, type
Document 2. Import authorization (license)	
1)	unique identifier for authorization (e.g. license number)
2)	issuing agency
3)	issue date
4)	expiry date
5)	recipient (name and contact details)
Document 3. End-user certificate (or certified end-user statement)	
1)	unique identifier for authorization (e.g. license number)
2)	issuing (or certifying) agency;
3)	end-user (name and contact details)
4)	end-use

## SOURCES CONTAINING INFORMATION ON ACTUAL EXPORTS

Three sources of information can be collated by States to provide information on actual exports for their ATT annual report:

- First, information provided by national customs on conventional arms that have passed through designated customs points of exit,

- Second, information provided by entities that have been authorized to export conventional arms on their actual exports, and
- Third, a delivery verification certificate or comparable document, provided by the relevant authority in the importing State to the relevant authority in the exporting State.

If this documentation contains the recommended elements, then a State Party will have the required information for providing information on actual exports in its ATT annual report.

### Examples of the Content of Actual Export Records

Source 1. Information provided by Customs	
1)	Harmonized System (HS) Category
2)	weight
3)	value
4)	number of items
5)	country of import
Source 2. Information provided the licensee / exporter	
1)	date(s) of export
2)	description, including :
a)	ATT category / ML category
b)	quantity
c)	value
d)	make, model, type
3)	serial numbers
4)	country of manufacture
5)	import markings (for SALW)
Source 3. Delivery Verification Certificate, if issued	

## DOCUMENTS CONTAINING INFORMATION ON IMPORT AUTHORIZATIONS

Two documents can be used as sources of information that a State could collate to provide information on import authorizations for its ATT annual report:

- First, an import authorization (license or permit) issued by the relevant agency in the importing State, and
- Second, end user documentation (that is, an end user certificate or end user statement) issued by the relevant agency in the importing State.

If this documentation contains the recommended elements, then a State Party will have the required information for providing information on import authorizations in its ATT annual report.

## Examples of the Contents of Import Authorization Documentation

Document 1. Import authorization (license)	
1)	unique identifier for authorization (e.g. license number)
2)	issuing agency
3)	issue date
4)	expiry date
5)	recipient (name and contact details)
6)	country of export
7)	description, including:
a)	ATT category / ML category
b)	quantity
c)	value
d)	make, model, type
Document 2. End-user certificate (or certified end-user statement)	
1)	unique identifier for authorization (e.g. license number)
2)	import markings (for SALW)
3)	issuing (or certifying) agency
4)	end-use

## SOURCES CONTAINING INFORMATION ON ACTUAL IMPORTS

Three sources of information could be collated by States to provide information on actual imports for their ATT annual report:

- First, information provided by national customs on conventional arms that have passed through designated customs points of entry,
- Second, information provided by entities that have been authorized to import conventional arms on their actual imports (commercial entities and also government end users), and
- Third, a delivery verification certificate or comparable document, provided by the relevant authority in the importing State to the relevant authority in the exporting State.

If this documentation contains the recommended elements, then a State Party will have the required information for providing information on actual imports in its ATT annual report.

## Examples of the Content of Actual Import Records

Source 1. Information provided by Customs	
1)	Harmonized System (HS) Category
2)	weight
3)	value
4)	number of items
5)	country of export
Source 2. Information provided the licensee / consignee / importer	
1)	date(s) of import
2)	description, including:
a)	ATT category / ML category
b)	quantity
c)	value
d)	make, model, type
3)	serial numbers
4)	country of manufacture
5)	import markings (for SALW)
Source 3. Delivery Verification Certificate, if issued	

## WHO IS RESPONSIBLE FOR COLLECTING AND COLLATING INFORMATION FOR REPORTING?

ATT-BAP research and analysis of completed ATT-BAP Surveys reveals that the top five ministries that lead processes for implementing arms transfer controls are:

- Ministry of Economy or Commerce
- Ministry of Defense
- Ministry of Interior
- Ministry of Foreign Affairs
- Ministry of Justice and/or National Police Service<sup>10</sup>

Other common government agencies include customs agencies under the Ministry of Finance, national security agencies, and specially created transfer control agencies in some States. These ministries and agencies also maintain relevant records for the preparation of an annual report on exports and imports.

Authorizations for exports and imports are an important source of information for completing annual reports. In some States, the national agency or ministry charged with issuing authorizations is responsible for maintaining the records of these decisions and actual exports and imports. In many cases, this responsibility falls on more than one agency or ministry – for example, the Ministry of Defense could be responsible for authorizations for exports and imports of military list items while the Ministry of the Interior could be responsible for authorizations for exports and imports of civilian firearms.

The same agency or ministry, or perhaps different ones, can also be responsible for maintaining the records on actual exports and imports. In such cases, commercial and other entities that have received an authorization to export or import conventional arms can be legally obliged to report on their actual exports and imports on a quarterly or annual basis, or even after each shipment. This information will then be entered into the agency or ministry's records.

Therefore, government agencies and ministries that are the end-users of conventional arms (for example, the armed forces or police), as well as commercial entities involved in the international trade of conventional weapons, will also be required to keep records of their actual exports and imports. These entities can also be legally obliged to maintain records on items that have been imported or exported.

A key mechanism for comprehensive record-keeping and reporting is to ensure that record-keeping requirements in national legislation and administrative regulations are applicable to ministries and agencies as well to commercial entities or persons engaged in the international arms trade. Entities that receive authorizations should not only be required to keep records of authorizations and actual transfers, but should also be obliged to report regularly to the relevant national authority or authorities. Such reporting should be regarded as a cornerstone of an effective and transparent transfer control system. Provisions should be included in national legislation or administrative regulations that require reporting by such entities to take place in advance of the deadline for the annual report on arms exports and imports to the ATT Secretariat.

Customs agencies can also maintain records on exports and imports of conventional arms. One of the main challenges in utilizing customs data for maintaining records on actual arms imports and exports is that customs data are classified according to the Harmonized Commodity Description and Coding Systems (or HS) or the Standard International Trade Classification (or SITC) codes and not the categories described in national control lists or the ATT categories of conventional arms.<sup>11</sup>

## WHICH METHODS AND TOOLS CAN BE USED FOR SHARING INFORMATION TO PUT A REPORT TOGETHER?

---

An ATT State Party may not necessarily have all records for authorizations and/or actual exports and imports located in a single ministry or agency. In many States, inter-ministry and/or inter-agency cooperation is necessary to gather all relevant information in order to compile an annual report on arms exports and imports.

The Wassenaar Arrangement and the 2016 Group of Governmental Experts on the UN Register provide some guidance on good practices for fulfilling reporting commitments. Three components can be identified for an effective process for enabling reporting on arms exports and imports:

- First, a database or single template that can be used as the basis for developing and maintaining a repository of information on authorizations and/or actual exports and imports
- Second, clear national guidelines for the division of competencies in record-keeping and reporting
- Third, a calendar to ensure that all relevant information can be extracted from records in preparation for the submission of an annual ATT report by 31 May each year.<sup>12</sup>

The development and maintenance of a central data repository may be the most effective means for data collection, collation, and reporting. The central collection point for the relevant data should also be responsible for the preparation of the annual report. Ensuring that ATT obligations are understood and that the central collection point has the authority to call upon different agencies and ministries to provide information in a timely manner is also critical. To assist in this effort, provisions on record-keeping and the collection of information for use in ATT annual reports can benefit from an explicit provision in national legislation or regulations.

The centralized approach can be challenging. An alternative approach is for States to develop a standardized template, under which relevant ministries or agencies are responsible for completing the appropriate sections. This process has the benefit of establishing clear national guidelines on the division of labor and responsibility with regard to record-keeping and data collection.

States could also consider the establishment of a national submission calendar in order to establish the timeframes for when participating ministries and agencies are to submit their part of the template to a national point of contact, who is ultimately responsible for sending the complete report to the ATT Secretariat. This allows for time-efficient aggregation of data for reporting purposes.

States could also consider regular training to build capacity amongst their officials and staff. Moreover, States should identify the equipment necessary to help with record-keeping and facilitate information sharing between relevant ministries and agencies. States should also identify potential resources to provide such equipment in order to address deficiencies in States that currently lack capacity and infrastructure.

---

<sup>1</sup>Arms Trade Treaty, New York, 24 December 2014, United Nations Treaty Collection, Chapter XXVI, No. 52373, available from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=_en)

<sup>2</sup>*Ibid.*, 7.

<sup>3</sup>*Ibid.*, 8

<sup>4</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 29 July 2016, UN Document A/71/259, Annex IV, para. 3.

<sup>5</sup>*Ibid.*

<sup>6</sup>Wassenaar Arrangement, Elements for the Effective Fulfilment of National Reporting Requirements, December 2015.

<sup>7</sup>International Small Arms Control Standards (ISACS), National Controls Over the International Transfer of Small Arms and Light Weapons, 17 June 2014, <http://www.smallarmsstandards.org/isacs/0320-en.pdf>.

<sup>8</sup>Griebel, Bjorn and Holtom, Paul, "Record-keeping," Da Silva, Clare and Wood, Brian (eds.), Weapons and International Law: The Arms Trade Treaty. Brussels: Larcier, 2015, pp. 202-13.

<sup>9</sup>ISACS, National Controls Over the International Transfer of Small Arms and Light Weapons.

<sup>10</sup>Arms Trade Treaty – Baseline Assessment Project. 2015. The ATT Baseline Assessment Project. Identifying Good Practice and Implementation Measures. Geneva: Media Frontier, August, p. 12.

<sup>11</sup>The Harmonized Commodity Description and Coding System category for "arms and ammunition" is HS 93. The website of the United Nations Commodity Trade Statistics Database (UN Comtrade), <https://comtrade.un.org/db/mr/rfCommoditiesList.aspx?px=H2&cc=93>, last accessed 23 February 2017.

<sup>12</sup>Wassenaar Arrangement, Elements for the Effective Fulfilment of National Reporting Requirements, December 2015; United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 29 July 2016, UN Document A/71/259, Annex IV.

---

## MODULE 4 - CONVENTIONAL ARMS IDENTIFICATION AND CATEGORIZATION

---

### AIMS OF THE MODULE

---

Module Four provides potential definitions for the types of conventional arms contained in the first seven categories of Article 2 (1) of the Arms Trade Treaty (ATT), based upon the category descriptions for the United Nations Register on Conventional Arms (the UN Register), at the time of entry into force of the ATT. Module Five provides guidance on definitions and categorization for small arms and light weapons.

The module has three aims:

- To foster understanding of the types of conventional arms to be reported to the ATT
- To help identify the synergies in the types of items covered by the UN Register and the ATT
- To provide information on sources that can be utilized to support conventional arms identification and categorization

### OUTLINE OF THE MODULE

---

Module Four consists of two sections. The first section introduces several sources that could be utilized to provide definitions of conventional arms covered by Article 2 (1) of the ATT. This section covers relevant international and regional instruments and reports, as well as definitions utilized by States, and definitions and categorization tools developed by non-governmental experts. The second section provides definitions for the first seven categories of conventional arms contained in Article 2 (1) of the ATT, drawing upon the descriptions for the seven categories of conventional arms contained in the UN Register. It also notes some of the most challenging categories using the UN Register category descriptions.

### SOURCES OF INFORMATION FOR DEFINITIONS OF CONVENTIONAL ARMS COVERED BY ARTICLE 2 (1) A-G OF THE ATT

---

This module draws upon several potential sources of guidance for the definitions for the types of conventional arms contained in Article 2 (1) a-g of the ATT and for identification and categorization of these conventional arms. It utilizes these sources to provide some guidance for a minimum definition for conventional arms and some indications for broader scope. This section introduces the definitions and guidance contained in the following international instruments and expert reports:

- UN Register and reports of the UN Groups of Governmental Experts (GGE) on the Continuing Operation of the United Nations Register of Conventional Arms and its Further Development

This section also highlights definitions and guidance contained in the following regional and multilateral instruments:

- Conventional Forces in Europe Treaty (CFE Treaty)
- Wassenaar Arrangement specific information exchange on arms
- The Wassenaar Arrangement's Munitions List
- European Union's Common List of Military Equipment
- South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (or SEESAC) Weapons Categorization Tool

This section also draws upon the work of non-governmental experts, namely:

- *The Arms Trade Treaty: A Commentary*, authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker.<sup>1</sup>

## INTERNATIONAL INSTRUMENTS: CONVENTIONAL ARMS DEFINITIONS AND GUIDANCE

**Article 5 (3)** of the ATT encourages States Parties to apply the provisions of the ATT to the “broadest range of conventional arms.”<sup>2</sup> The Treaty instructs that, at a minimum, the national definitions for the conventional arms contained in Article 2(1) a-g of the Arms Trade Treaty “shall not cover less than the descriptions used in the UN Register at the time of entry into force of this Treaty.”<sup>3</sup> The ATT entered into force on 24 December 2014.

**Article 13 (3)** of the ATT indicates that ATT States Parties annual report on imports and exports of conventional arms “may contain the same information submitted by the State Party to relevant United Nations frameworks, including the UN Register.”<sup>4</sup> Therefore, the first source of guidance for this module is the UN Register. The UN Register is available online and accessible at <https://unroca.org/>. The “About” tab on the UN Register website provides the current descriptions for the categories of the UN Register.

The reports of the Groups of Governmental Experts on the continuing operation of the UN Register and its further development are also useful resources for understanding the scope of the Register.<sup>5</sup> The UN Office for Disarmament Affairs also produced in 2007 “Guidelines for Reporting International Transfers’ to the UN Register.”<sup>6</sup> The Guidelines remain a useful resource.

## REGIONAL AND MULTILATERAL INSTRUMENTS: CONVENTIONAL ARMS DEFINITIONS AND GUIDANCE

Module One introduced several regional and multilateral instruments that could be useful for defining, categorizing, and identifying conventional arms that could be included in ATT annual reports.

For example, the descriptions for the categories of the UN Register drew upon the definitions of the five categories of weapons listed in the Conventional Forces in Europe Treaty (CFE Treaty) and in accompanying protocols.<sup>7</sup> The protocols also provide an indicative list of models of conventional arms covered by the Treaty. These resources have been used for this training module. The descriptions provided in the Wassenaar Arrangement specific information exchange on arms are also largely comparable to the UN Register category descriptions. Table 1 shows the similarities in the title categories for the ATT, UN Register, CFE Treaty and Wassenaar Arrangement information exchange.

**Table 1. Sources for Definitions of Conventional Arms Covered by Article 2 (1) a-g of the ATT**

Categories	ATT	UN Register	CFE Treaty	Wassenaar Arrangement information exchange on arms
Battle tanks	x	x	x	x
Armoured combat vehicles	x	x	x	x
Large-calibre artillery systems	x	x	x	x
Combat aircraft	x	x	x	x
Attack helicopters	x	x	x	x
Warships	x	x		x
Missiles and missile launchers	x	x		x

In addition to potential sources for definitions that are directly connected to the UN Register and use the same or similar category headings, Module Four provides insight on several other sources for descriptions and guidance.

This module also utilizes information provided by States in their submissions to the UN Register and their first ATT annual reports to indicate the types of conventional arms that are contained in each category. Where applicable, it also notes the inclusion of conventional arms that go beyond the descriptions provided by the UN Register.

For example, Sweden's first ATT annual report included information on export authorizations for items covered by definitions contained in the 22 categories of the Wassenaar Arrangement Munitions List and European Union Common Military List. EU Member States report annually on authorizations, actual exports, denials, and authorizations for brokering activities using these categories.

This module does not describe the contents of the Wassenaar Arrangement's Munitions List and the European Union's Common List of Military Equipment in detail.<sup>8</sup> It notes that these lists are sources for States' descriptions for a wide range of conventional arms and military equipment, beyond the scope of the categories contained in the ATT. These lists are also regularly subject to technical reviews and updates.

Work has been undertaken at the sub-regional level to develop tools to help identify and categorize conventional arms for reporting purposes. For example, the South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC) has developed several tools to support reporting on arms transfers by Western Balkan States. The "Arms Export Control Report Template" has been developed to support states in South-Eastern Europe to fulfil their reporting commitments.<sup>9</sup> In addition, SEESAC provides a "Weapons Categorization Tool" to help identify and categorize weapons, including conventional arms. For this module, the "Weapons Categorization Tool" is particularly useful.

## NON-GOVERNMENTAL WORK ON CONVENTIONAL ARMS CATEGORIZATION

The legal commentary on the Arms Trade Treaty, authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker, has also been used in the development of this module.<sup>10</sup>

### BATTLE TANKS



The description of battle tanks contained in the UN Register at the time of entry into force of the ATT is as follows:

“Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.”<sup>11</sup>

The Wassenaar Arrangement definition for the information exchange is identical and the CFE Treaty description is comparable.

### ARMoured COMBAT VEHICLES



The description of armoured combat vehicles contained in the UN Register at the time of entry into force of the ATT is as follows:

“Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and capability, either:

- (a) designed and equipped to transport a squad of four or more infantrymen, or
- (b) armed with an integral or organic weapon of at least 12.5 millimetres calibre or a missile launcher.”

The CFE Treaty definition for an armoured combat vehicle is more detailed than the UN Register description for armoured combat vehicles and explains that “Armoured combat vehicles include armoured personnel carriers, armoured infantry fighting vehicles and heavy armament combat vehicles.”<sup>12</sup> The CFE Treaty provides definitions for these three types of armoured combat vehicle:

The CFE Treaty defines an **“armoured personnel carrier”** (APC) as an “armoured combat vehicle which is designed and equipped to transport a combat infantry squad and which, as a rule, is armed with an integral or organic weapon of less than 20 millimetres caliber.”

An **“armoured infantry fighting vehicle”** (AIFV) is “an armoured combat vehicle which is designed and equipped primarily to transport a combat infantry squad, which normally provides the capability for the troops to deliver fire from inside the vehicle under armoured protection, and which is armed with an integral or organic cannon of at least 20 millimetres calibre and sometimes an antitank missile launcher.”

A **“heavy armament combat vehicle”** is “an armoured combat vehicle with an integral or organic direct fire gun of at least 75 millimetres calibre, weighing at least 6.0 metric tonnes unladen weight, which does not fall within the definitions of an armoured personnel carrier, or an armoured infantry fighting vehicle or a battle tank.”

The 2013 UN Register Group of Governmental Experts (GGE) considered a proposal to make significant adjustments to the category description for armoured combat vehicles, which would have matched the UN Register with the category in the Wassenaar Arrangement specific information exchange on arms:

#### **Armoured combat vehicles: Wassenaar Arrangement specific information exchange on arms**

1. Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability designed, or modified and equipped:
  - 1.1. to transport a squad of four or more infantry men, or
  - 1.2. with an integral or organic weapon of at least 12.5 mm calibre, or
  - 1.3. with a missile launcher.
2. Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability specially designed, or modified and equipped:
  - 2.1. with organic technical means for observation, reconnaissance, target indication, and designed to perform reconnaissance missions, or
  - 2.2. with integral organic technical means for command of troops, or
  - 2.3. with integral organic electronic and technical means designed for electronic warfare.
3. Armoured bridge-launching vehicles.<sup>13</sup>

The proposed adjustments did not secure consensus among the experts that participated in the 2013 GGE. Therefore, the second and third sub-categories contained in the armoured combat vehicles category in the Wassenaar Arrangement specific information exchange on arms are not included in the UN Register description for this category. Nevertheless, participating states of the Wassenaar Arrangement, and ATT States Parties and signatories, could use this description for the collection and reporting of information on international transfers of armoured combat vehicles.

## **LARGE-CALIBRE ARTILLERY SYSTEMS**



The description of large-calibre artillery systems contained in the UN Register at the time of entry into force of the ATT is:

“Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 millimetres and above.”

There are “artillery systems” that have a calibre below 75 millimetres – in particular, mortars and multiple-launch rocket systems (or MLRS). Some of these systems fall within the parameters of the “small arms and light weapons” category of the ATT.

The issue of direct fire artillery, for example anti-tank and anti-aircraft guns, is also not clearly elaborated in the UN Register category description. Some States have reported transfers of anti-tank and anti-aircraft guns as “large calibre artillery”. Some anti-tank and anti-aircraft guns could also be reported as small arms and light weapons, and are discussed in Module 5.

# COMBAT AIRCRAFT

---



The UN Register description of combat aircraft at the time of entry into force of the ATT was:

“Fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions. The term “combat aircraft” does not include primary trainer aircraft, unless designed, equipped or modified as described above”

## WHICH TRAINER AIRCRAFT ARE NOT COVERED?

Trainer aircraft that can perform a combat role are covered by the UN Register description. For example, the South Korean-produced T-50 Golden Eagle trainer aircraft also has a “light combat aircraft” variant, the TA-50, which can be equipped to engage targets by employing rockets, air-to-air missiles, air-to-surface missiles and bombs.

The UN Register description for combat aircraft does not include a description for “primary trainer aircraft”. The term “primary trainer aircraft” is not formally defined in the CFE Treaty, but the chapeau of Section 11 (3) of the Protocol on Existing Types indicates that primary trainer aircraft “are designed and constructed for primary flying training and which may possess only limited armament capability necessary for basic training in weapon delivery techniques”.<sup>14</sup>

The Czechoslovak-produced L-39 trainer aircraft was listed by the CFE Treaty Protocol on Existing Types as an example of a “primary trainer aircraft”. However, States have provided information on international transfers of L-39 Albatros aircraft in their UN Register submissions.

## DOES “COMBAT AIRCRAFT” INCLUDE UNMANNED AERIAL VEHICLES (UAV)?

The UN Register “combat aircraft” category implicitly covers “those unmanned platforms that were versions of combat aircraft or that otherwise fell within the existing definition but not specially designed UAVs,” according to the opinion of the 2006 UN Register GGE.<sup>15</sup>

The 2009 UN Register GGE considered a proposal for adding a new category to the Register for “armed unmanned aerial vehicles.”<sup>16</sup> The 2013 UN Register GGE also considered this proposal, but expressed a preference for dividing the combat aircraft category into two sub-categories, with one sub-category for manned combat aircraft and another sub-category for unmanned combat aircraft. The 2013 UN Register GGE could not agree on changing the description for the category. However, the 2013 UN Register GGE recommended that States that transfer unmanned combat aerial vehicles (UCAV) and armed UAVs report such transfers using a sub-category for “unmanned combat aircraft.”<sup>17</sup> Therefore, the combat aircraft category description at the time of the entry into force of the ATT did not explicitly refer to unmanned (combat) aerial vehicles.

The 2016 UN Register GGE recommended that the UN Register category title and description for combat aircraft be adjusted to include an explicit reference to unmanned combat aerial vehicles (UCAV).<sup>18</sup> Therefore, States will be requested to utilize the following description for reporting to the UN Register from 2017 onwards:

# COMBAT AIRCRAFT AND UNMANNED COMBAT AERIAL VEHICLES



Includes fixed-wing or variable-geometry wing aerial vehicles as defined below:

**(a)** Manned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions.

**(b)** Unmanned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction.

The terms “combat aircraft” and “unmanned combat aerial vehicles (UCAV)” do not include primary trainer aircraft, unless designed, equipped or modified as described above.

## MILITARY AIRCRAFT



The 1992 Panel of Governmental Technical Experts for the UN Register considered several categories of military aircraft that are not covered by a narrow application of the description for category IV. Combat aircraft, such as:

- Aerial refuelling aircraft;
- Reconnaissance aircraft (fixed and rotary wing);
- Airborne electronic warfare equipment (fixed and rotary wing); and
- Airborne early warning and command and control systems (fixed and rotary wing).<sup>20</sup>

These types of aircraft are subject to export controls in States that utilize either the Wassenaar Arrangement Munitions List or EU Common Military list. Some States report transfers of such aircraft to the UN Register.

## ATTACK HELICOPTERS



The UN Register description of attack helicopters at the time of entry into force of the ATT was:

“Rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.”

The CFE Treaty has a category for “combat helicopters,” which includes “attack helicopters” and “combat support helicopters.” It excludes unarmed transport helicopters.

The CFE Treaty definition for “attack helicopters” includes two sub-categories

- A specialized attack helicopter is “an attack helicopter that is designed primarily to employ guided weapons.”
- And a multi-purpose attack helicopter is an “attack helicopter designed to perform multiple military functions and equipped to employ guided weapons.”

A combat support helicopter is a “combat helicopter which does not fulfill the requirements to qualify as an attack helicopter and which may be equipped with a variety of self-defence and area suppression weapons, such as guns, cannons and unguided rockets, bombs or cluster bombs, or which may be equipped to perform other military functions.”

## UNMANNED ROTARY-WING AERIAL VEHICLES



As with combat aircraft, there have been discussions within the UN Register GGE about expanding the scope of the attack helicopter category description to include rotary-wing unmanned aerial vehicles.

Neither the 2013 nor the 2016 GGE recommended adjusting the description for the “attack helicopters” category. Both GGEs recommended that States that transfer unmanned armed rotary-wing aerial vehicles report such transfers. The 2016 UN Register GGE considered a potential description for an amended category with two sub-categories as follows:

“(a) Manned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

“(b) Unmanned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons.”<sup>21</sup>

## WARSHIPS



The UN Register description of warships at the time of entry into force of the ATT was:

“Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.”

The original tonnage threshold for this category was a standard displacement of 750 metric tons. The threshold was lowered following a recommendation made by the 2006 GGE to lower the threshold for both surface vessels and submarines.<sup>22</sup> Therefore, all aircraft carriers and destroyers currently in service or being produced are captured by the warship definition.

UN Register GGEs have discussed lowering the tonnage of vessels to be included in the Register, recognizing the fact that lighter vessels were increasingly combat-capable. There are examples of vessels that are below the tonnage threshold but the transfer of which should be reported to the UN Register due to the fact that they are equipped for launching missiles with a range of at least 25 kilometres. For example, the Chinese-produced Type 22 missile boat has a standard displacement of 224 tons, which is below the 500-ton threshold of the UN Register warships category. However, international transfers of the Type 22 missile boat should be reported to the UN Register because it is equipped for launching anti-ship missiles with a range of at least 120m kilometres

The Wassenaar Arrangement information exchange on arms uses a standard displacement threshold of 150 tonnes.

## MISSILES AND MISSILE LAUNCHERS



The UN Register description of missiles and missile launchers at the time of entry into force of the ATT was:

“(a) Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. For the purpose of the Register, this subcategory includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles.

(b) Man-Portable Air-Defence Systems (MANPADS).”

The missile and missile launchers category therefore consists of two sub-categories. The UN Office for Disarmament Affairs “Guidelines” addresses several issues related to reporting transfers of missiles and missile launchers.<sup>23</sup>

The 1992 Panel of Governmental Technical Experts considered that missiles “associated with launchers covered under categories I to IV” and “launched from equipment in categories I to VI” are covered by the category description.<sup>24</sup> The “Guidelines” states that “Missile launchers integral to equipment in categories I to VI are considered components of that equipment and are not to be reported in category VII.”<sup>25</sup>

Therefore, a missile launcher that is integral to a combat aircraft would not be covered by this category. But air-to-air missiles launched from a combat aircraft would be covered by category VII if the missiles have a range of at least 25 kilometres.

Multiple-launch rocket systems (or MLRS) fall within the parameters of large-calibre artillery, and should be reported as such. If the rockets have a range of 25 kilometres or more, then the transfer of such rockets is covered by the missiles and missile launchers category.

UN Register GGEs have discussed removing the range threshold for reporting transfers of missiles.<sup>26</sup> The proposal has not secured consensus and therefore the 25 kilometre threshold remains. The 25 kilometres range excludes older generations of missiles and rockets and new generations of short-range air-to-air missiles and air-to-surface guided and unguided rockets. Some States report transfers of missiles that fall below the 25 kilometre threshold to the UN Register.

The UN Register description explicitly excludes ground-to-air missiles and launchers. However, surface-to-air missiles mounted on ships with a range of 25 kilometres are included in the scope of this category. If the same missiles are for fixed land or wheeled or tracked mobile launchers, the missiles are considered “ground-to-air” systems and are excluded from this category. Such considerations do not have to apply to the ATT.

The UN Register description for missiles and missile launchers includes “remotely piloted vehicles with the characteristics for missiles”. The inclusion of remotely piloted vehicles in the description coincided with the decision of the Missile Technology Control Regime (MTCR) in 1992 to include UAVs in Category I of the “Equipment, Software and Technology Annex” (Control List) if the UAV is capable of “delivering at least a 500kg payload to a range of at least 300km” and category II for UAVs that are capable of a range “equal to or greater than 200km” but which do not have a 500kg payload.<sup>27</sup>

The second sub-category for missiles and missile launchers covers man portable air defense systems, or MANPADS. MANPADS are an exception to the rule for not reporting transfers of ground-to-air missiles to the UN Register. MANPADS have also been classed as small arms and light weapons.

The UN Register does not provide a description of MANPADS. The UN Office for Disarmament Affairs “Guidelines” states that:

“For reporting purposes MANPADS are broadly defined as surface-to-air missile systems designed to be man-portable and carried and fired by a single individual and; other surface to air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.”<sup>28</sup>

The Guidelines call for reporting transfers of a complete MANPADS unit – that is, the missile and launcher or Grip Stock – as well as individual launching mechanisms or grip-stocks. The Guidance indicates that individual missiles do not have to be reported to the UN Register if not supplied with a launching mechanism or grip stock.

---

<sup>1</sup>Casey-Maslen, Stuart et al, *The Arms Trade Treaty: A Commentary*, Oxford: Oxford University Press, 2016.

<sup>2</sup>Arms Trade Treaty, New York, 24 December 2014, United Nations Treaty Collection, Chapter XXVI, No. 52373, available from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=_en)

<sup>3</sup>Ibid., 4.

<sup>4</sup>Ibid., 8.

<sup>5</sup>United Nations Office for Disarmament Affairs, "UN Register of Conventional Arms," <https://www.un.org/disarmament/convarms/register/>

<sup>6</sup>UNODA, *Guidelines for Reporting International Transfers to the UN Register*, New York: UNODA, 2007. The 2007 version of the Guidelines are no longer available online. The Guidelines are currently being updated by UNODA.

<sup>7</sup>Treaty on Conventional Armed Forces (CFE Treaty), 19 November 1990, Organization for Security Co-operation in Europe, <http://www.osce.org/library/14087>

<sup>8</sup>EU, "Common Military List of the European Union adopted by the Council on 14 March 2016", Official Journal of the European Union, C 122, 6 April 2016, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XG0406\(01\)&from=EN; Wassenaar Arrangement, Munitions List, approved by the 6-8 December 2016 Plenary Meeting, http://www.wassenaar.org/control-lists/.](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XG0406(01)&from=EN; Wassenaar Arrangement, Munitions List, approved by the 6-8 December 2016 Plenary Meeting, http://www.wassenaar.org/control-lists/)

<sup>9</sup>South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, "Resources: SEESAC Developed SALW Tools," <http://www.seesac.org/Software-Tools/Arms-Exports-Control-Report-Template/>

<sup>10</sup>Casey-Maslen, Stuart et al. 2016. *Arms Trade Treaty: A Commentary*. Oxford: Oxford University Press, pp. 104-21.

<sup>11</sup>All UN Register category descriptions can be found via: United Nations Office for Disarmament Affairs, "UN Register of Conventional Arms," <https://www.un.org/disarmament/convarms/register/>

<sup>12</sup>CFE Treaty, 3.

<sup>13</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 15 July 2013, UN Document A/68/140; Wassenaar Arrangement, "Specific Information Exchange on Arms. Content by Category", Guidelines & Procedures, including the Initial Elements, Appendix 3, December 2016, p. 9, <http://www.wassenaar.org/wp-content/uploads/2016/12/Guidelines-and-procedures-including-the-Initial-Elements-2016.pdf>.

<sup>14</sup>CFE Treaty, 5.

<sup>15</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 15 August 2006, UN Document A/61/261

<sup>16</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 14 August 2009, UN Document A/64/296

<sup>17</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 15 July 2013, UN Document A/68/140.

<sup>18</sup>The term UCAV is generally used for a high-performance aerial vehicle, capable of high speed, long range, and heavy-weapon load — more or less the equivalent of a manned ground-attack or bomber aircraft." See: European Union, UAVs and UCAVs: Developments in the European Union, 2 October 2007, [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2007/381405/EXPO-SEDE\\_ET%282007%29381405\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2007/381405/EXPO-SEDE_ET%282007%29381405_EN.pdf).

<sup>19</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 29 July 2016, UN Document A/71/259.

<sup>20</sup>United Nations General Assembly, Report on the Register of Conventional Arms, 14 August 1992, A/47/342.

<sup>21</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 29 July 2016, UN Document A/71/259.

<sup>22</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 15 August 2006, UN Document A/61/261

<sup>23</sup>UNODA, *Guidelines for Reporting*, 2007.

<sup>24</sup>UN, 1992.

<sup>25</sup>UNODA, *Guidelines for Reporting*, 2007.

<sup>26</sup>UN GGE.

<sup>27</sup>Missile Technology Control Regime, "Guidelines for Sensitive Missile-Relevant Transfers," <http://www.mtcr.info/english/guidetext.html>

<sup>28</sup>UNODA, *Guidelines for Reporting*, 2007.

## MODULE 5 - SMALL ARMS AND LIGHT WEAPONS (SALW) IDENTIFICATION AND CATEGORIZATION

### AIMS OF THE MODULE

Module Five provides potential definitions for the types of conventional arms contained in Article 2 (1) h of the Arms Trade Treaty (ATT), namely small arms and light weapons (SALW). Module Four provides potential definitions for the types of conventional arms contained in the first seven categories of Article 2 (1) of the Arms Trade Treaty (ATT),

The module has three aims:

- To foster understanding of the types of small arms and light weapons to be reported to the ATT
- To help identify the synergies in the types of small arms and light weapons covered by the UN Register and ATT
- To provide information on the sources that can be utilized to support small arms and light weapons identification and categorization

### OUTLINE OF THE MODULE

Module Five consists of two sections. The first section introduces several sources that could be utilized to provide definitions of SALW covered by Article 2 (1) h of the ATT. This section covers relevant international and regional instruments and reports, as well as definitions utilized by States, and definitions and categorization tools developed by non-governmental experts. The second section provides definitions for sub-categories of SALW.

### SOURCES OF INFORMATION FOR DEFINITIONS OF SMALL ARMS AND LIGHT WEAPONS COVERED BY ARTICLE 2 (1) H OF THE ATT

This module draws upon several potential sources of guidance for the definitions of SALW and for identification and categorization. It utilizes these sources to provide some guidance for a minimum definition for SALW and some indications for broader scope for this category. This section introduces the definitions and guidance contained in the following international instruments and expert reports:

- ATT
- Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI)
- United Nations (UN) Panel of Governmental Experts on Small Arms, 1997
- United Nations Register of Conventional Arms (UN Register)

This section also highlights definitions and guidance contained in the following regional and multilateral instruments:

- Economic Community of West African States (ECOWAS) Convention on Small Arms, Light Weapons, Their Ammunition and Other Associated Material (2006)
- Organization for Security and Co-operation in Europe (OSCE) Document on small arms and light weapons (2000)
- Wassenaar Arrangement Information Exchange on Conventional Arms Transfers
- South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (or SEESAC) Weapons Categorization Tool

States have also provided definitions that might be of interest for other States via:

- Information on SALW provided by States in their submissions to the UN Register
- Information on SALW provided by ATT States Parties in their ATT annual reports on arms exports and imports

This section also draws upon the work of non-governmental experts, namely:

- Bonn International Conversion Centre (BICC) Interactive Guide on Small Arms and Light Weapons
- The Arms Trade Treaty: A Commentary, by authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker.<sup>1</sup>

## INTERNATIONAL INSTRUMENTS: SALW DEFINITIONS AND GUIDANCE

**Article 5 (3)** of the ATT provides instruction that, at a minimum, the national definitions for the conventional arms contained in Article 2 (1) h of the Arms Trade Treaty “shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.”<sup>2</sup> The ATT entered into force on 24 December 2014.

The most relevant UN instrument that provides a description for SALW at the time of entry into force of the ATT is the “Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons” (ITI), which was adopted by UN Member States in 2005. The ITI defines “small arms and light weapons” as:

“any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

**(a)** ‘Small arms’ are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

**(b)** ‘Light weapons’ are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.”<sup>3</sup>

The definition of SALW included in the ITI and the examples of weapons types listed were derived from the 1997 Report of the UN Panel of Governmental Experts on Small Arms. The report focused on SALW that “are manufactured to military specifications for use as lethal instruments of war.” The panel reported that “broadly speaking (...) small arms are those weapons designed for personal use” and “light weapons are those designed for use by several persons serving as a crew.”<sup>4</sup> The types of arms classified as SALW are the same as the indicative list in the ITI (See Tables 1 and 2).

Article 13 (3) of the ATT indicates that ATT States Parties’ annual reports on imports and exports of conventional arms “may contain the same information submitted by the State Party to relevant United Nations frameworks, including the UN Register.”<sup>5</sup> The inclusion of SALW in the UN Register has been considered at length since 1997 by UN Groups of Governmental Experts (GGE) on the Continuing Operation of the United Nations Register of Conventional Arms and its Further Development. The 2003 GGE made three key recommendations to include SALW in the UN Register:

- Lower the threshold for large-calibre artillery category to include light weapons;
- Include MANPADS in the missiles and missile launchers category;
- Invite the provision of “background information” on international small arms transfers.<sup>6</sup>

Therefore, since 2004, States have been invited to provide information on international transfers of small arms and light weapons to the UN Register. The UN Register does not provide a definition for SALW. The UN Office for Disarmament Affairs provides some guidance in “Guidelines for Reporting International Transfers” to the UN Register. The latest version of the Guidelines was produced in 2007. It advises those States seeking to provide information on international transfers of SALW to “report according to their own situation,” but to bear in mind the focus of UN Register on “military weapons, man-portable weapons made or modified to military specification for use as lethal instruments of war.”<sup>7</sup>

As noted in Module Two, a reporting form has been available since 2006 to assist those States that provide information on international transfers of SALW. The form provides no definition of SALW, but provides states with the option of disaggregating information on SALW using most of the sub-categories of SALW outlined in the ITI definition. The UN Register reporting form also provides the option for States to provide information on international transfers of SALW that do not neatly fit into the sub-categories using the heading of “other.”

The sub-category headings for small arms are identical in the ITI definition and the UN Register reporting form (See Table 1). The UN Register reporting form also provides the option for States to provide information on international transfers of small arms that do not neatly fit into the sub-categories using the heading of “other.”

**Table 1. Comparing the Small Arms Sub-Categories in the ITI and the UN Register**

ITI	UN Register
Revolvers and self-loading pistols	Revolvers and self-loading pistols
Rifles and carbines	Rifles and carbines
Sub-machine guns	Sub-machine guns
Assault rifles	Assault rifles
Light machine guns	Light machine guns
	Other small arms

There is broad overlap between the ITI definition and UN Register form for light weapons - although the UN Register form does not include “portable anti-aircraft guns” or “portable launchers of anti-aircraft missile systems” (See Table 2). The latter, portable launchers of anti-aircraft missile systems, also known as man-portable air defense systems (MANPADS), are covered by category 7 of the UN Register. States have been invited to provide information on transfers of mortars of calibres less than 75mm, as larger calibre mortars are covered by category 3 of the UN Register. The UN Register also provides the option for States to provide information on international transfers of light weapons that do not neatly fit into the sub-categories using the heading of “other.”

**Table 2. Comparing the Light Weapons Sub-Categories in the ITI and the UN Register**

ITI	UN Register
Heavy machine guns	Heavy machine guns
Hand-held under-barrel and mounted grenade launchers	Hand-held under-barrel and mounted grenade launchers
<b>Portable anti-aircraft guns</b>	
Portable anti-tank guns	Portable anti-tank guns
Recoilless rifles	Recoilless rifles
Portable launchers of anti-tank missile and rocket systems	Portable launchers of anti-tank missile and rocket systems
Portable launchers of anti-aircraft missile systems	<b>(Category 7b of the UN Register, MANPADS)</b>
Mortars of calibres less than <b>100 mm</b>	Mortars of calibres less than <b>75 mm</b>
Other light weapons	

The 2016 GGE on the UN Register recommended that “the UN Secretary General appeal to Member States, in a position to do so, to provide information on international transfers of small arms and light weapons using the standardized reporting form for international transfers of small arms and light weapons.”<sup>8</sup> The recommendation subtly called for a change in the status of reporting on international transfers of SALW, based upon a “7 +1 formula.” The 2016 GGE explained that the “7 + 1 formula” means that the standardized reporting form for international transfers of SALW is upgraded from background information as UN Member States report on such transfers “in parallel with the seven categories of the Register [but] would not be represented as an eighth category on the standardized reporting form used for the seven existing categories.”<sup>9</sup> The Group considered this approach to be undertaken for a trial period for examination by the next GGE. Therefore, the UN Register reporting form now largely mirrors the ATT reporting form.

## REGIONAL AND MULTILATERAL INSTRUMENTS: SALW DEFINITIONS AND GUIDANCE

Module One introduced several regional and multilateral instruments that could be useful for defining, categorizing, and identifying SALW that could be included in ATT annual reports. There is considerable overlap between the definitions for SALW provided in these instruments and those contained in the international instruments discussed above.

The ECOWAS Convention on Small Arms, Light Weapons, Their Ammunition and Other Associated Material provides definitions for small arms and light weapons that are broadly comparable with those in UN instruments:

“Small arms” are “Arms used by one person and which include notably:

- firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine;
- revolvers and pistols with automatic loading;
- rifles and carbines;
- machine guns;
- assault rifles;
- light machine guns.”

“Light weapons” are “Portable arms designed to be used by several persons working together in a team and which include notably:

- heavy machine guns;
- portable grenade launchers, mobile or mounted;
- portable anti-aircraft cannons;
- portable anti-tank cannons, non-recoil guns;
- portable anti-tank missile launchers or rocket launchers;
- portable anti-aircraft missile launchers;
- mortars with a calibre of less than 100 millimetres.”<sup>10</sup>

The OSCE Document on small arms and light weapons of November 2000 defined SALW for the purpose of the document as “man-portable weapons made or modified to military specifications for use as lethal instruments of war.” The sub-categories are the same as for the 1997 report and ITI:

“Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.

Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100mm.”<sup>11</sup>

The description for SALW provided in the Wassenaar Arrangement specific information exchange on arms are also largely comparable to the descriptions in UN instruments.

“8. Small Arms and Light Weapons – Man-Portable Weapons made or modified to military specification for use as lethal instruments of war

8.1 Small Arms – broadly categorised for reporting purposes as: those weapons intended for use by individual members of armed forces or security forces, including revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.

8.2 Light Weapons – broadly categorised for reporting purposes as: those weapons intended for use by individual or several members of armed or security forces serving as a crew and delivering primarily direct fire. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; and mortars of calibre less than 75 mm.

8.3 Man-Portable Air-Defence Systems – broadly categorised for reporting purposes as: surface-to-air missile systems intended for use by an individual or several members of armed forces serving as a crew.”<sup>12</sup>

Table 3 shows the similarities in the sub-categories for SALW in the ITI, the UN Register, and regional and multilateral instruments.

**Table 3. A Comparison of the Sub-Categories Contained in SALW Definitions in International, Regional and Other Multilateral Instruments and Documents**

Small arms	1997 Expert Report	ITI	UN Register	WA information exchange	OSCE SALW Document	ECOWAS Convention
revolvers and self-loading pistols	X	X	X	X	X	X
rifles and carbines	X	X	X	X	X	X
sub-machine guns	X	X	X	X	X	X
assault rifles	X	X	X	X	X	X
light machine guns	X	X	X	X	X	X
Light weapons	1997 Expert Report	ITI	UN Register	WA information exchange	OSCE SALW Document	ECOWAS Convention
heavy machine guns	X	X	X	X	X	X
hand-held under-barrel and mounted grenade launchers	X	X	X	X	X	X
portable anti-aircraft guns	X	X		X	X	X
portable anti-tank guns	X	X	X	X	X	X
recoilless rifles	X	X	X	X	X	X
portable launchers of anti-tank missile and rocket systems	X	X	X	X	X	X
portable launchers of anti-aircraft missile systems	X	X	X *	X	X	X
mortars of a calibre of less than 100 millimetres	X	X	X ~	X	X	X

\* The UN Register category 7 covers portable launchers of anti-aircraft missile systems

~ The UN Register category 3 covers mortars of calibre between 75 and 99 millimetres

In addition to SALW definitions, work has been undertaken at the sub-regional level to develop tools to help identify and categorize SALW for reporting purposes. For example, the South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC) has developed several tools to support reporting on arms transfers by Western Balkan States. The “SALW Agreements – Reporting Tool” and “Arms Export Control Report Template” have been developed to support states in South-Eastern Europe to fulfil their reporting commitments.<sup>13</sup> In addition, SEESAC provides a “Weapons Categorization Tool” to help identify and categorize weapons, including SALW. For this module, the “Weapons Categorization Tool” is particularly useful.

## ATT ANNUAL REPORTS: NATIONAL DEFINITIONS OF SALW

This section also utilizes information provided by States in their submissions to the UN Register and their first ATT annual reports to indicate the types of conventional arms that are contained in each category. Where applicable, it also notes the inclusion of conventional arms that go beyond the descriptions provided by the UN Register. Five States Parties provided a national definition for SALW in their ATT annual report.

**Belgium** utilized the definition provided by category 1 of the Wassenaar Arrangement Munitions List and EU Common Military List: smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories and specially designed components. Sweden also included information on all categories of the Wassenaar Arrangement Munitions List and EU Common Military List, including those categories that cover SALW and ammunition. The Wassenaar Arrangement’s Munitions List and the European Union’s Common List of Military Equipment provide descriptions for a wide range of conventional arms and military equipment, beyond the scope of the categories contained in the ATT. Austria, Belgium, and Sweden provided information on exports of ML1 category items to fulfil their commitment to report on small arms exports. A short definition for ML1. Is copied below.

**ML. 1 Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12,7 mm (calibre 0,50 inches) or less and accessories, as follows, and specially designed components therefor:**

- a. Rifles and combination guns, handguns, machine, sub-machine and volley guns;
- b. Smooth-bore weapons as follows: 1. Smooth-bore weapons specially designed for military use; 2. Other smooth-bore weapons as follows: a. Fully automatic type weapons; b. Semi-automatic or pump-action type weapons;
- c. Weapons using caseless ammunition;
- d. Detachable cartridge magazines, sound suppressors or moderators, special gun-mountings, optical weapons sights and flash suppressors, for arms specified by ML1.a., ML1.b. or ML1.c. [Exceptions include small arms that were manufactured before 1890, reproductions, deactivated arms] Therefore, the description does not only apply to arms, but to components.<sup>14</sup>

**New Zealand** also utilized a national small arms category based on WAML 1 and also several other national sub-categories of small arms:

- **Military-Style Semi-Automatic (MSSA):** a self-loading rifle or shotgun, which “could be classed as (or upgraded to) Assault Rifles”, with one or more of the following features:
  - Folding or telescopic butt;
  - Magazine that holds, or is detachable and has the appearance of holding, more than 15 cartridges for .22 rimfire;
  - Magazine that holds more than 7 cartridges, or is detachable and has the appearance of holding more than 10 cartridges for other than .22 rimfire;
  - Bayonet lug;
  - Pistol grip as defined by Order in Council;
  - Flash suppressor.
- **Machine guns:** 7.62mm medium machine guns (MMG) or general purpose machine guns (GPMG) that are considered light machine guns and any machine gun over 0.5" calibre that would be considered a heavy machine gun and likely mounted.
- **Shotguns:** New Zealand has a strong hunting and target shooting tradition, making shotguns a significant percentage of New Zealand’s total small arms imports. A report conveying a full picture of New Zealand firearms would therefore be incomplete without this type of weapon, which is also used by the New Zealand Defence Force.
- **Restricted Airguns:** New Zealand requires that permits be obtained to import air-guns which have the appearance of genuine firearms, including those designed for games such as paintball and airsoft. A Restricted Airgun is defined as an airgun that:
  - (With or without any of its attachments) has the appearance of being a pistol, a restricted weapon or a MSSA; or
  - Is designed for use in airsoft or paintball sports and (with or without any of its attachments) has the appearance of being a firearm capable of full automatic fire.
- **Replica machine guns:** In reporting the replica machine gun, New Zealand has followed the same reasoning as the above reporting of Restricted Air-guns: both have the appearance of a genuine firearm and could therefore be used in the commission of criminal or other destabilizing activity.
- **Humane killers:** A purpose-made, single-shot weapon which has a chamfered muzzle and vented barrel to facilitate its use with the muzzle end of the barrel in full contact with the target. This resembles a traditional pistol and is used to slaughter livestock humanely. New Zealand is reporting it in the spirit of full transparency.

**Germany** provided the following definition of SALW: for the purpose of this report:

- a) Small arms and accessories specially designed for military use:
- machine guns (including heavy machine guns),
  - sub-machine guns, including machine pistols,
  - fully automatic rifles,
  - semi-automatic rifles, if developed and/or introduced as a model for an armed force,
  - moderators (silencers).
- b) Man or crew-portable light weapons:
- cannon (including light cannon), howitzers and mortars of less than 100 mm calibre.
  - grenade launchers,
  - anti-tank weapons, recoilless guns (shoulder-fired rockets),
  - anti-tank missiles and launchers,
  - anti-aircraft missiles/man-portable air defence systems (MANPADS).<sup>15</sup>

**Japan** attached a list for the export and import of small arms using customs codes 93.01 (military weapons, other than revolvers, pistols and the arms of heading 93.07), 93.02 (revolvers and pistols, other than those of heading 93.03 or 93.04), 93.03 (other firearms and similar devices which operate by the firing of an explosive charge [for example, sporting shotguns and rifles, muzzle-loading firearms]).

**Switzerland** included the following information in its national definition for SALW: Small Arms and Light Weapons do not include arms for recreational, cultural, historical, and sporting purposes. In contrast to Switzerland's report to UNROCA, this report includes exports to private entities.

## NON-GOVERNMENTAL EXPERTS: SALW DEFINITIONS AND TOOLS

UN and regional instruments do not provide descriptions or definitions for the sub-categories of SALW contained in the ATT reporting form. To some extent, several non-governmental expert sources have sought to address this gap by providing descriptions and guidance that could be of use for SALW reporting.

For example, the Bonn International Conversion Centre has developed an Interactive Guide on Small Arms and Light Weapons to help with identification and categorization of SALW.<sup>16</sup> The rest of this module introduces descriptions for the sub-categories of SALW contained in the ITI definition and the ATT reporting form, drawn from the legal commentary on the Arms Trade Treaty, authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker.<sup>17</sup> These can provide potential definitions for small arms and light weapons covered by the ATT and provides guidance for expanding the scope beyond these minimum definitions.

# SMALL ARMS

---

## REVOLVERS AND SELF-LOADING PISTOLS



Revolvers and self-loading pistols are both types of handguns, meaning they can be held and operated with one hand.

**Revolvers** are handguns with multiple parallel chambers within a cylinder that rotates to place each chamber in turn in line with the barrel.

**Self-loading pistols** are handguns that extract and eject the fired cartridge case immediately after firing, and chamber a new round from the gun's magazine.

## RIFLES AND CARBINES



Rifles and carbines are both types of long arms that typically have longer barrels and, in contrast to handguns, are designed to be fired braced against the shoulder.

**Rifles** are long rifled firearms primarily intended to be fired braced against the shoulder, with a barrel length which is typically of 400 millimetres or longer and can be either a manual or semi-automatic mechanism.

The term "**carbine**" is an elastic one that may describe everything from a semi-automatic variant of a sub-machine gun, to a full-power rifle with a relatively short barrel. Generally, a carbine may be considered any type of short and compact rifle – be it semi-automatic, manually operated or single shot. Carbines can be defined as either:

- 1) a short-barreled variant of a rifle; or
- 2) a short, semi-automatic rifle that is chambered for a handgun calibre cartridge.

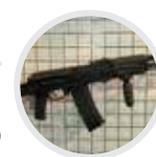
## SUB-MACHINE GUNS



Sub-machine guns are rifled firearms chambered for a handgun calibre cartridge, capable of firing multiple shots with each trigger pull, and typically fitted with a shoulder stock. The defining features of a sub-machine gun are the capability for automatic fire and the use of a pistol calibre cartridge.

The term also includes firearms described as "Personal Defence Weapons" (PDW). This term is primarily a description of a weapon's intended role, although it may also imply a use of high-velocity ammunition intended to penetrate body armour, such as the 4.6 x 30mm HK and 5.7 x 28mm FN rounds.

## ASSAULT RIFLES



Assault rifles are rifles capable of firing multiple shots with each trigger pull, primarily intended to be fired from the shoulder, and chambered for a rifle calibre cartridge. Assault rifles are "variously described by some sources as 'automatic rifles,' 'battle rifles,' or, in the case of short-barreled types, 'carbines'."

## LIGHT MACHINE GUNS



Light machine guns are “rifled firearms capable of firing multiple shots with each trigger pull, intended to be fired from a bipod or mount, and capable of being carried and operated by an individual.”

UN Member States have reported international transfers of general purpose machine guns (or GPMGs) in the “light machine gun” sub-category.

## OTHER SMALL ARMS



The ATT reporting form and the UN Register form for reporting international transfers of SALW also provide a sub-category for “other small arms.”

Several ATT States Parties reported on the international transfer of **shotguns** in their first ATT annual reports, filing such information in the “other small arms” sub-category.

A shotgun is a “manportable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive.”

## LIGHT WEAPONS

### HEAVY MACHINE GUNS



Heavy machine guns are crew-served rifled firearms typically firing multiple shots with each trigger pull, intended for sustained fire at medium (that is, 300 metres) to long (or 1,000 metres or more) ranges. The calibre of most contemporary heavy machine guns is in the range of 12.7 millimetres and 15 millimetres. The calibre of such weapons could be up to that of the 20 millimetres of automatic cannon.

### HAND-HELD UNDER-BARREL AND MOUNTED GRENADE LAUNCHERS



**Handheld grenade launchers** are shoulder-fired weapons designed for use by an individual operator and firing subsonic, self-contained cartridge or caseless ammunition of 20 millimetres to 40 millimetre calibre or more at typical maximum ranges of 400–1,000 metres. These weapons can be manually loaded single-shot or multi-shot, which can be operated manually or via pump-action, bolt-action, or revolver-type mechanisms or from a fixed or removable magazine.

**Under-barrel grenade launchers** are designed to be attached below the barrel of another weapon - typically an infantry rifle or carbine – and can fire similar ammunition to that used for hand-held grenade launchers.

**Mounted grenade launchers** are crew-served weapons operated from a ground or vehicle mount. They are usually belt-fed and automatic in operation, giving rise to the terms “Automatic Grenade Launcher” (or AGL) and “Grenade Machine Gun” (or GMG).

## PORTABLE ANTI-AIRCRAFT GUNS



Portable anti-aircraft guns are those machine guns or light cannon of no greater than 20mm in calibre that are distinguished from other types of machine guns by their mounts and sights. Such guns are fitted to mechanical mounts which allow them to rotate in a full 360-degree arc and elevate up to vertical (or nearly vertical).

The UN Register reporting form does not include a sub-category for portable anti-aircraft guns, but several UN Member States have reported the transfer of 14.5 millimetre anti-aircraft guns in the sub-category “other light weapons.” For example, the table below is an extract from Slovakia’s 2014 submission to the UN Register, which includes information on the export of portable anti-aircraft guns to the Czech Republic.

<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>Remarks</i>	
<i>Category (1-6)</i>	<i>Final importer State</i>	<i>Number of items</i>	<i>State of origin (if not exporter)</i>	<i>Intermediate location(s) (if any)</i>	<i>Description of item</i>	<i>Comments on transfer</i>
<b>Light weapons</b>						
3. Portable anti-tank guns	Czech Republic	14			12.7 mm anti-aircraft machine gun NSV	
5. Portable anti-tank missile launchers and rocket systems	Czech Republic	48			82 mm anti-tank recoilless gun	
7. Others	Czech Republic	14			Cannon 2A46	
	Equatorial Guinea	100			Anti-aircraft cannon 14.5mm ZU-2 with accessories	

## PORTABLE ANTI-TANK GUNS



Portable anti-tank guns fire high-velocity, primarily kinetic ammunition designed to penetrate vehicle armour. The concept of an anti-tank gun is dated, as portable anti-tank guns are from the second world war era.

Some UN Member States have used this sub-category to provide information on international transfers of anti-materiel rifles (or AMRs). Anti-materiel rifles are portable rifles of calibre 12.7 millimetres to 20 millimetres, which have a range of up to 2000 metres for use against light armoured vehicles. International transfers of AMR have also been reported by UN Member States as “other small arms”.

## RECOILLESS RIFLES



Recoilless rifles are direct-fire support weapons, defined by their rifled barrels and a system of operation in which propellant gases or another counter-mass such as a powder or liquid are expelled from the rear of the launch tube/barrel. These weapons typically range between 57 millimetres to 90 millimetres in caliber.

## PORTABLE LAUNCHERS OF ANTI-TANK MISSILE AND ROCKET SYSTEMS



Portable launchers of anti-tank missile and rocket systems are weapons that fire a rocket-propelled munition with an explosive warhead designed to defeat tank armour. These have also been referred to as “man-portable anti-tank systems” (or MANPATS or MPATS).

An “anti-tank missile” system (often called an “anti-tank guided missile,” or ATGM) is a type of anti-tank guided weapon (or ATGW) which launches munitions that are then directed towards their intended target using one or more guidance principles, such as line of sight, semi-automatic guidance or laser, or electro-optical imager seeker (that is, “fire and forget”).

Rocket launchers are unguided and must be manually aimed.

## PORTABLE LAUNCHERS OF ANTI-AIRCRAFT MISSILE SYSTEMS



Portable launchers of anti-aircraft missile systems are included in module 4, which discusses Man-Portable Air-Defense Systems or MANPADS in the context of the “missiles and missile launcher” category.

## MORTARS OF A CALIBRE OF LESS THAN 100 MILLIMETRES



Module 4 noted that the UN Register description for “large-calibre artillery” covers mortars of at least 75 millimeters calibre. The established definition for light weapons includes mortars up to 100mm calibre. Mortars are a form of light artillery consisting of a simple launch tube and a large stabilizing base-plate, which fire a caseless explosive projectile and are typically employed in an indirect fire role. Mortars are usually loaded from the muzzle with a projectile that is dropped down the tube and ignited on impact with the bottom of the tube.

## OTHER LIGHT WEAPONS



The ATT reporting form and the UN Register form for reporting international transfers of small arms and light weapons also provide a sub-category for “other light weapons.” States mainly have used this sub-category to provide information on international transfers of portable anti-aircraft guns.

However, one could argue that this sub-category could also be used to cover weapons that are entirely omitted or excluded by definition from the ITI, such as:

- Flamethrowers, which function by projecting a stream of ignited flammable liquid
- Directed energy weapons (including lasers), or
- Electromagnetic projectile accelerators such as railguns and coilguns.

<sup>1</sup>Casey-Maslen, Stuart et al, *The Arms Trade Treaty: A Commentary*, Oxford: Oxford University Press, 2016, pp. 104-123.

<sup>2</sup>Arms Trade Treaty (ATT), New York, 24 December 2014, United Nations Treaty Collection, Chapter XXVI, No. 52373, available from [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=_en)

<sup>3</sup>International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, United Nations, 8 December 2005, [http://www.poa-iss.org/InternationalTracing/ITI\\_English.pdf](http://www.poa-iss.org/InternationalTracing/ITI_English.pdf)

<sup>4</sup>United Nations General Assembly, Report of the Panel of Governmental Experts on Small Arms, 27 August 1997, A/52/298.

<sup>5</sup>ATT, 8.

<sup>6</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 13 August 2003, UN Document A/58/274, , paras. 112–13

<sup>7</sup>UNODA, 2007

<sup>8</sup>United Nations General Assembly, Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development, 29 July 2016, UN Document A/71/259, para. 83.

<sup>9</sup>Ibid, para. 76

<sup>10</sup>Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition, and Other Related Materials, 14 June 2006, <http://www.poa-iss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf>

<sup>11</sup>Organization for Security and Co-operation in Europe (OSCE) Document on Small Arms and Light Weapons, 24 November 2000, <http://www.osce.org/fsc/20783>

<sup>12</sup>Wassenaar Arrangement, Basic Document of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Compiled by the Wassenaar Arrangement Secretariat, January 2015, Appendix 3, p. 17.

<sup>13</sup>South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), "SALW Agreements – Reporting System Software," <http://www.seesac.org/Software-Tools/SALW-Agreements--Reporting-System-Software/>

<sup>14</sup>EU, "Common Military List of the European Union adopted by the Council on 14 March 2016", Official Journal of the European Union, C 122, 6 April 2016, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XG0406\(01\)&from=EN; Wassenaar Arrangement, Munitions List, approved by the 6-8 December 2016 Plenary Meeting, http://www.wassenaar.org/control-lists/.](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XG0406(01)&from=EN; Wassenaar Arrangement, Munitions List, approved by the 6-8 December 2016 Plenary Meeting, http://www.wassenaar.org/control-lists/)

<sup>15</sup>Based on the EU definition as per the Annex of Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation of small arms and light weapons (2002/589/CFSP).

<sup>16</sup>Bonn International Center for Conversion, "Interactive Guide on Small Arms and Light Weapons (SALW)," <http://salw-guide.bicc.de/>

<sup>17</sup>Casey-Maslen, Stuart et al. 2016. *Arms Trade Treaty: A Commentary*. Oxford: Oxford University Press, pp. 104-21.

---

ATT-BAP has benefited from the generous support of a variety of partners and has received funding from the Governments of Australia, the Netherlands, Norway, Switzerland and the United Kingdom, as well as from UNSCAR (United Nations Trust Facility Supporting Cooperation on Arms Regulation). In addition, the project has benefited from its partnerships with States, the UN Office of Disarmament Affairs and its regional centers, regional organizations (including CARICOM and the European Union), Control Arms, and several other civil society organizations.

For more information, visit the Arms Trade Treaty-Baseline Assessment Project Portal at [www.armstrade.info](http://www.armstrade.info) or contact us at [ATT@stimson.org](mailto:ATT@stimson.org)

Rachel Stohl: [rstohl@stimson.org](mailto:rstohl@stimson.org)  
Paul Holtom: [pholtom@stimson.org](mailto:pholtom@stimson.org)