



# Assessing ATT Implementation IN THE ASIA-PACIFIC REGION



# ASIA-PACIFIC



## INTRODUCTION

The Arms Trade Treaty (ATT) aims to promote cooperation, transparency, and responsibility in the international arms trade. Implementation and universalization of the ATT remain core objectives for States Parties and the ATT Secretariat. However, implementation of the ATT varies across regions.

There are 43 States in the Asia-Pacific region.<sup>1</sup> Many of these States are separated by vast oceans, with porous borders vulnerable to the illicit arms trade. This is of particular importance as arms imports are increasing in the region, with Asian States strengthening their national defense capacities and Pacific States strengthening their abilities to contribute to peacekeeping missions. The Pacific has largely preserved its peaceful environment, avoiding large flows of illicit arms into the sub-region. The Solomon Islands, a member of the G7+ fragile states, is seeking to rearm a small group of its security forces 14 years after tensions erupted on the islands. Thus, as the risk of arms flowing into the region looms, the need to engage the region on ATT ratification and implementation becomes ever more pressing.

Six States in the region are ATT States Parties: Australia, Japan, New Zealand, Samoa, South Korea, and Tuvalu. Most of these States were among the first to join the Treaty (see Table 1). Eleven States in the region are signatories of the Treaty (Bangladesh, Cambodia, Kiribati, Malaysia, Mongolia, Nauru, Palau, Philippines, Singapore, Thailand and Vanuatu). Other States in the region have signaled their intent to accede, including Fiji and the Solomon Islands.

Although the Asia-Pacific region has a small number of States Parties, the region is not necessarily behind on implementation of the ATT's obligations. Many States already have practices in place that meet ATT standards. However, the process of ratification is slow in the region, resulting in a low level of representation among the ATT States Parties. The pace of ratification for States in the region is slow for two main reasons: 1) it is not a priority issue and 2) there are capacity and resource challenges. States in the Asia-Pacific region place high value on having the appropriate resources and capacity to implement a treaty in full compliance prior to becoming a States Party. This is not to say other regions and countries do not place the same high value on fulfilling their ATT obligations before ratifying, but rather, in the Asia-Pacific region, officials must demonstrate their full compliance before generating the political will to join a treaty. Therefore, it can be a slow political process for Asia-Pacific States, hindered in some cases by human resource constraints, in other cases by a lack of political will.

One way to gauge implementation of the ATT in the Asia-Pacific region is to utilize data provided by States in the two types of reports that States Parties are required to produce in compliance with Article 13 of the ATT (Table 1):

- ▶ an initial report on measures undertaken to implement the ATT, which must be completed and submitted at least once (within the first year of entry into force for that State), and which must be updated as regulations and policies change; and
- ▶ an annual report containing information on authorizations or actual exports and imports of the eight categories of conventional arms contained in Article 2(1) of the Treaty that took place during the previous calendar year (i.e. annual reports submitted before 31 May 2016 provide information on international arms transfers and authorizations that took place between 1 January and 31 December 2015).

<sup>1</sup> This report defines the Asia-Pacific region based on the mandate of the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, which covers 43 countries: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Fiji, India, Indonesia, Japan, Kazakhstan, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Malaysia, Maldives, Marshall Islands, Federated States of Micronesia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Tajikistan, Thailand, Timor-Lest, Tonga, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu, Vietnam.

This ATT-Baseline Assessment Project (ATT-BAP) report analyzes the initial and annual reports that were received by the Secretariat by 15 May 2017 for the following countries in the Asia-Pacific region: Australia, Japan, New Zealand, and Samoa. Tuvalu missed its initial reporting deadline of 3 December 2016. During a regional meeting held in Samoa in September 2016, Tuvalu remarked that it would not be able to meet this reporting deadline due to capacity issues.

**Table 1. Asia-Pacific ATT State Party Ratification and Reporting**


<b>REGIONAL REPORTING DEADLINES</b>				
	<b>Ratification</b>	<b>Entry Into Force for State</b>	<b>Initial Reporting Deadline</b>	<b>First Annual Report Deadline</b>
Australia	3 June 2014	24 Dec 2014	23 Dec 2015	31 May 2016
Japan	9 May 2014	24 Dec 2014	23 Dec 2015	31 May 2016
New Zealand	2 Sept 2014	24 Dec 2014	23 Dec 2015	31 May 2016
Samoa	3 June 2014	24 Dec 2014	23 Dec 2015	31 May 2016
<b>Tuvalu</b>	<b>4 Sept 2015</b>	<b>03 Dec 2015</b>	<b>02 Dec 2016</b>	<b>31 May 2017</b>
<b>South Korea</b>	<b>28 Nov 2016</b>	<b>26 Feb 2017</b>	<b>25 Feb 2018</b>	<b>31 May 2019</b>



PHOTO: NEW ZEALAND DEFENCE FORCE

## IMPLEMENTATION REPORTS

Two of the four States Parties from the region that submitted their initial implementation reports to the ATT Secretariat had previously completed an ATT-BAP Survey, and used this as the basis for their initial report submissions (Australia and Japan). The two other States Parties used the ATT reporting template developed by the Working Group on Reporting (New Zealand and Samoa). All four States Parties indicated that their reports could be made publicly available.<sup>2</sup>

### NATIONAL CONTROL LIST

All four States in the region provided the following information in their initial reports:

- ▶ All provided reference to and/or explanation of domestic legislation and regulation that support their respective national control systems and lists;
- ▶ All national control lists cover the eight categories of weapons identified in Article 2(1) of the Treaty text;
- ▶ All indicated that their control lists cover ammunition/munitions and parts and components; and
- ▶ All indicated that they have identified a national point of contact for ATT implementation.

### PROHIBITIONS

Article 6 of the ATT (Box 1) contains three sets of circumstances under which a State Party is obliged to prohibit arms transfers. All four reporting States Parties indicated that they prohibit arms transfers in the circumstances identified in Articles 6(1), 6(2), and 6(3) of the ATT. However, since paragraphs 2 and 3 of Article 6 do not provide a full list of the relevant international agreements to utilize, this aspect of Article 6 is open to State interpretation.

#### Box 1. ATT Article 6 (Prohibitions)

##### ARTICLE 6. PROHIBITIONS

1. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.
2. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.
3. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.

<sup>2</sup> ATT-BAP has also collected information on the other Asia-Pacific States' arms transfer control systems through its ATT-Baseline Assessment Survey. Although these States have not yet joined the ATT and do not have reporting requirements, their surveys shed more light on current transfer controls in the region and can help identify good practices as well as gaps and potential assistance needs (see Appendix A).

ATT-BAP analysis identified differences between the four States Parties in terms of the international agreements that were reported as relevant for Article 6(2):

<p><b>AUSTRALIA</b></p> <ul style="list-style-type: none"> <li>▶ Arms Trade Treaty</li> <li>▶ Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies</li> <li>▶ UN Register of Conventional Arms</li> <li>▶ UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects</li> <li>▶ The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol)</li> </ul>	<p><b>JAPAN</b></p> <ul style="list-style-type: none"> <li>▶ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty)</li> <li>▶ Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons)</li> <li>▶ Convention on Cluster Munitions</li> </ul>
<p><b>NEW ZEALAND</b></p> <ul style="list-style-type: none"> <li>▶ Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons)</li> <li>▶ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty)</li> <li>▶ Convention on Cluster Munitions</li> </ul>	<p><b>SAMOA</b></p> <ul style="list-style-type: none"> <li>▶ Hague Code of Conduct Against Ballistic Missile Proliferation</li> <li>▶ Convention on Cluster Munitions</li> </ul>

The States also provided different responses for Article 6(3):

<p><b>AUSTRALIA</b></p> <ul style="list-style-type: none"> <li>▶ No response provided</li> </ul>	<p><b>JAPAN</b></p> <ul style="list-style-type: none"> <li>▶ Geneva Conventions and their additional protocols</li> <li>▶ The Rome Statute</li> </ul>	<p><b>NEW ZEALAND</b></p> <ul style="list-style-type: none"> <li>▶ Geneva Conventions and their additional protocols</li> <li>▶ The Rome Statute</li> <li>▶ Convention on the Prevention and Punishment of the Crime of Genocide</li> <li>▶ Convention on the Rights of the Child</li> <li>▶ Convention for Protection of Cultural Property in the Event of Armed Conflict</li> <li>▶ Convention and Protocol Relating to the Status of Refugees</li> </ul>	<p><b>SAMOA</b></p> <ul style="list-style-type: none"> <li>▶ Geneva Conventions and their additional protocols</li> </ul>
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## EXPORTS

Three of the four States Parties in the Asia-Pacific region indicated that their national control systems cover arms exports. The exception, Samoa, noted that arms exports are prohibited “except for the purposes of transshipment.” Therefore, Samoa does not maintain a system for authorization or licensing of arms exports. All four States Parties indicated that they take measures to ensure all authorizations are detailed and issued prior to export and that their risk assessment procedures include all criteria described in Article 7(1)(a) and (b), and Article 7(4).

These States Parties identified different responsible ministry(-ies) and/or agency(-ies) for implementing arms export controls (Box 2).

### LEAD MINISTRY(-IES) AND/OR AGENCY(-IES)

#### AUSTRALIA

**Defence Export Control Office (DECO)**, which sits within the Department of Defence

#### JAPAN

**Ministry of Economy, Trade and Industry (METI)**

#### NEW ZEALAND

**Ministry of Foreign Affairs and Trade**

*Other ministries/agencies involved:*

- ▶ Ministry of Defence
- ▶ Customs Services
- ▶ Police

#### SAMOA

**Ministry of Foreign Affairs and Trade**

*Other ministries/agencies involved:*

- ▶ Customs Services
- ▶ Airport Authority
- ▶ Port Authority
- ▶ Ministry of Police
- ▶ Ministry of Works Transport and Infrastructure
- ▶ Ministry of the Prime Minister and Cabinet

## Box 2. Government Agencies Responsible for Export and Import Controls in Australia and New Zealand

AUSTRALIA	NEW ZEALAND
<ul style="list-style-type: none"> <li>▶ <b>EXPORT:</b> Department of Defence, Defence Export Control Office (DECO)</li> <li>▶ <b>IMPORT:</b> Attorney-General's Department for firearms, Department of Immigration and Border Protection for administration of regulations</li> </ul>	<ul style="list-style-type: none"> <li>▶ <b>EXPORT:</b> Ministry of Foreign Affairs and Trade</li> <li>▶ <b>IMPORT:</b> New Zealand Police</li> </ul>

### IMPORTS

All four States Parties reported that their national control systems cover imports. Three of the four States Parties have systems in place to ensure that appropriate and relevant information is available to exporting States. Samoa is the one State Party that indicated it does not currently have such a system in place, although it noted that there is room for this provision to be included in its national control system. It is also worth noting how small Samoa's imports are – as compared to Australia and New Zealand – and thus their system will logically differ from those of larger importing States. Moreover, all four States Parties reported that they maintain records of arms imports. Australia reported that it keeps records for at least seven years and Japan keeps its import records for ten years.

### TRANSIT/TRANSSHIPMENT

Transit/transshipment of conventional weapons is an issue of significance for the Asia-Pacific region, particularly for island States, as they must manage porous maritime borders that are often difficult to monitor and have regular and sometimes heavy traffic. All four States Parties reported that their national control systems cover transit and/or transshipment, and that their transit/transshipment control measures apply to transit/transshipment through land, water, and air. Moreover, all four States Parties maintain records of conventional arms that are authorized to transit and/or transship territory under their jurisdictions.

All four States Parties also provided specific information regarding measures taken to regulate transit and/or transshipment in their territories.

<b>AUSTRALIA</b>	Authorization of transshipment items and a capacity to intervene in transit goods
<b>JAPAN</b>	Transshipment requires re-export authorization while transit control is conducted in accordance with relevant national law
<b>NEW ZEALAND</b>	Any transshipments including items on the national control list are required to comply with all import requirements and to hold the appropriate export permits in order to comply with New Zealand Law
<b>SAMOA</b>	Control measures include imposing restrictions on granting of permits that are subject to conditions (i.e. for transit – the items must remain on board the vessel for the entire period that they pass through the international waters of Samoa)





States Parties also provided specific information regarding the measures taken to regulate transit and/or transshipment in their territories.

The four States Parties reported various ministry(-ies) and/or agency(-ies) responsible for transit/transshipment controls (Box 3).

**Box 3: Government Agencies Responsible for Transit/Transshipment Controls**

**AUSTRALIA**

- ▶ Attorney-General’s Department for Firearms
- ▶ Department of Immigration and Border Protection for administration of regulations

**JAPAN**

- ▶ METI
- ▶ Customs

**NEW ZEALAND**

- ▶ Ministry of Foreign Affairs and Trade
- ▶ Police

**SAMOA**

- ▶ Ministry for Revenue (Customs Division)
- ▶ Airport Authority
- ▶ Samoa Ports Authority
- ▶ Ministry of Works Transport and Infrastructure
- ▶ Ministry of Police
- ▶ Ministry of the Prime Minister and Cabinet

## BROKERING

Brokering controls are regulated differently by States in the region. National control systems for three of the four States Parties cover brokering activities. Samoa does not control brokering because the Samoan government has not passed the Conventional Weapons Bill, which covers ATT implementation. When Samoa ratified the ATT, the government did not realize that it needed to maintain brokering controls. Samoa is now working to develop its national system.

Australia, Japan, and New Zealand provided details on measures in place to regulate brokering taking place under their jurisdictions:

<b>AUSTRALIA</b>	The broker must apply to be registered as a broker and once registered, the broker must apply for a permit for each brokering activity.
<b>JAPAN</b>	Authorization of brokering in accordance with the Foreign Exchange and Foreign Trade Act.
<b>NEW ZEALAND</b>	<p>Voluntary registration regime for New Zealand-based brokers. In addition, the government is developing a comprehensive legislative brokering control regime covering all New Zealand citizens and entities.</p> <p>The voluntary brokering registration requires:</p> <ul style="list-style-type: none"><li>▶ Comprehensive contact information details from the broker</li><li>▶ Identification and address details of the seller and purchaser</li><li>▶ A detailed description of the goods to be brokered, including brand or make, country of origin, model (&amp; caliber, type &amp; year of manufacture if a firearm) &amp; serial number (if applicable)</li><li>▶ The end use</li><li>▶ Final destination of the goods</li><li>▶ Total value of the goods</li></ul>

## DIVERSION

Three of the four States Parties noted that they assess the risk of diversion prior to authorizing a transfer. Samoa was the only exception to this rule, which is related to its position on arms export controls. This is unsurprising. Non-exporting States are rarely required to conduct risk assessments. All four States Parties participate in cooperation efforts and exchange information to mitigate the risk of diversion:

<b>AUSTRALIA</b>	Risk is mitigated through the assessment process, by requiring the exporter to provide end-user statements (verifying what the end-user will do with the products), and ensuring that additional information like firearms licenses, and import certification is provided. In addition, export analysts check every destination, and consignee/end-user against Wassenaar denial lists, and entities of concern lists; and if in the end we consider the risk of diversion too high, we deny the export.
<b>JAPAN</b>	Robust export control system, import licensing system.
<b>NEW ZEALAND</b>	Mitigation measures, provision of end-use/end-user documentation to the exporting State, requirement for end use/end user assurances from an importing State (or industry), examination (where appropriate) of parties involved in transfer, requirement (where appropriate) for additional documentation, certificates, assurances for a transfer.
<b>SAMOA</b>	Mitigation measures, provision of end-use/end-user documentation to the exporting State, requirement for end use/end user assurances from an importing State (or industry), examination (where appropriate) of parties involved in transfer, requirement (where appropriate) for additional documentation, certificates, assurances for a transfer.

Moreover, three of the four States Parties include measures to be taken when a diversion is detected in their national control systems, although only two of these States Parties provided information on such measures:

<b>AUSTRALIA</b>	<b>NEW ZEALAND</b>
Commence formal enforcement action subject to the legislative controls.	Alerting potentially affected SPs, investigative and law enforcement measures at the national level, using international tracing mechanisms to identify points of diversion.

All four States Parties indicated that they are willing to share information on effective measures to address diversion.

## ENFORCEMENT

All four States Parties indicated that they have measures in place to enforce the Treaty. Three of the four States Parties indicated that their national legislation permits them to participate in and/or assist with investigations, prosecutions, and judicial proceedings. Only Australia marked “don’t know” for the relevant question in their initial report.

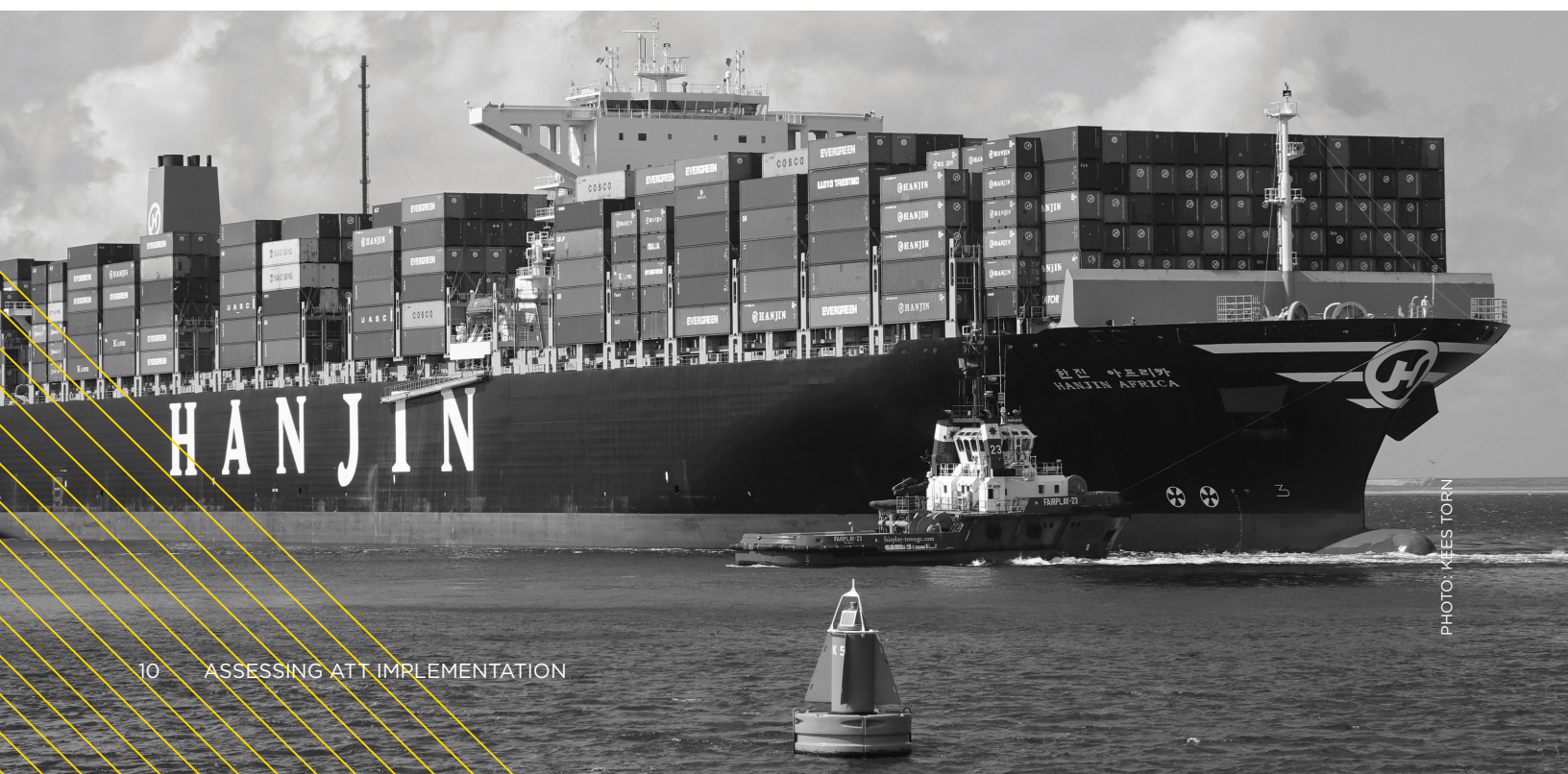
## COOPERATION

The four States Parties cooperate regionally and internationally with other States on issues pertaining to arms transfer activities and the international arms trade, including through other multilateral agreements and/or frameworks (such as the Wassenaar Arrangement, the World Customs Organization, OECD, and the UN Convention Against Transnational Organized Crime).

## ASSISTANCE

All four States Parties indicated that national regulations and policies allow for the provision of implementation assistance and/or that their governments were in a position to provide assistance to other States to enable implementation. Australia and Japan offered information on specific types of assistance that are available, while New Zealand provided information on legislative drafting assistance for Pacific Island States, which could be used to support ATT ratification if requested. New Zealand also noted that it provides border-control capacity-building assistance through its Customs Service.

If States Parties use the reporting template endorsed by the CSP, they miss the opportunity to report on their provision of, or need for, international assistance. The reporting template asks if States Parties’ regulations allow for the provision of implementation assistance, but does not inquire as to what type(s) of assistance a given State Party would be willing and able to provide. The reporting template does mention the provision of financial resources available for the Voluntary Trust Fund (VTF) established under Article 16(3). Moreover, the reporting template does not contain a section concerning the type(s) of assistance required by States Parties to implement the Treaty. ATT-BAP, therefore, has conducted a survey and provided a report on the region’s assistance needs.



## ANNUAL REPORTS

The ATT annual reports mark the first time the reporting of conventional arms imports and exports has been globally legally mandated on an annual basis.<sup>3</sup> We can use the 2016 annual reports to identify a baseline of reporting on annual exports and imports.

The final report of the informal working group on reporting templates noted that an annual report on arms exports and imports can:

- ▶ Demonstrate a State Party's adherence to Treaty obligations regarding the responsible regulation of the international transfer of controlled items;
- ▶ Enhance awareness of regional and global arms flows;
- ▶ Promote confidence-building among States Parties;
- ▶ Contribute towards early warning signals for potential conflicts;
- ▶ Support conflict prevention efforts; and
- ▶ Represent valuable input to risk assessment processes of national licensing systems.<sup>4</sup>

Article 13(3) notes that States Parties can provide the same information on their arms exports and imports in their annual reports as provided to UN Register of Conventional Arms. The use of a standardized reporting form is intended to address the concerns of reporting burdens and fatigue.

### GENERAL INSIGHTS ON CATEGORIES A-G OF ARTICLE 2(1)

Analyzing the first round of annual reports we can draw some general insights about the State of annual reporting in the region.

- ▶ Of the 4 countries examined, only Australia stated that it omitted data due to national security or commercial sensitivity reasons
- ▶ Australia and New Zealand were the only two countries to report any exports or imports under Categories a-g of Article 2(1) and though both countries reported the quantity of items exported or imported, they did not report on the value of the items.
- ▶ Australia, Japan, and New Zealand used the “voluntary” remarks column to provide additional information about certain exports and/or imports.
- ▶ Only Samoa submitted a nil report.

<sup>3</sup> Some regional organizations oblige Member States to annually report on arms exports (e.g. European Union).

<sup>4</sup> Arms Trade Treaty, Second Conference of States Parties, Working Group on Reporting Templates, Draft 9 July 2016 – Rev 1. Draft Report of the ATT Working Group on Reporting Templates to the Second Conference of States Parties, p. 2.

## AUTHORIZATION AND/OR ACTUAL EXPORTS AND IMPORTS

When we begin to examine the annual reports in greater detail, we can draw some additional conclusions. States have the opportunity to declare whether they are reporting on actual or authorized exports and imports. There was differentiation within the region. Australia reported on authorized exports and actual imports. Japan, by comparison, reported on actual exports and imports. New Zealand reported on authorized exports and imports.

### EXPORTS

Although the ATT does not contain any definitions, Japan, New Zealand, and Australia all used the same definition of export in their annual reports: *physical transfer of items across a national border*. Moreover, of the four States Parties that submitted annual reports, Australia is the only country to report on exports of categories a-g of Article 2(1) systems (which are listed as UN Register Category I-VII systems in the annual report template) in 2015.<sup>5</sup> Japan noted zero actual exports and New Zealand noted zero export authorizations.

### IMPORTS

Australia, Japan, and New Zealand used the same definition of import: physical transfer of items across a national border. Japan reported zero actual imports of categories a-g of Article 2(1) (which are listed as UN Register Category I-VII systems in the annual report template), while Australia and New Zealand provided information on their imports.

Australia reported the quantity and not the value of its imports, and also provided information on the exporting State. According to its annual report, Australia imported:

- ▶ Ten attack helicopters from the United States;
- ▶ One warship from Spain; and
- ▶ An undisclosed number of missiles from the United States (it “withheld” information on the number of items imported).

New Zealand reported on authorized imports, providing information on the quantity and not the value of its imports. Similar to Australia, New Zealand also provided information on the exporting State, as follows:

- ▶ One armored combat vehicle from Czech Republic;
- ▶ Eight manned combat aircraft from US;
- ▶ “Less than 10” missiles from Australia<sup>6</sup> (though State of origin was Norway); and
- ▶ “Less than 10” missiles from the United Kingdom.

<sup>5</sup> Australia exported 2 battle tanks to the United Kingdom and Canada for private collector, Canadian War Museum.

<sup>6</sup> Australia did not report on the “less than 10” missiles exported to New Zealand. No explanation for this discrepancy was identified, but it could be because the State of origin was Norway or that the export authorization took place prior to 2015.

## GENERAL INSIGHTS ON SMALL ARMS AND LIGHT WEAPONS

The control of transfers of small arms and light weapons (SALW) is a priority issue for the region. Australia and Japan provided information on SALW transfers in their report annexes. New Zealand provided information on SALW imports using the voluntary national category section of the reporting template as well. New Zealand also provided a definition of small arms in its annual report, as well as definitions of voluntary national categories within its national report (Box 4).

### Box 4. New Zealand Small Arms Definition

#### UN REGISTER DEFINITION WITH ADDITIONAL DETAILS:

1. All of the small arms listed in the export section fall under category ML1 or ML901 on New Zealand's Strategic Goods List, which is available online at: [https://www.mfat.govt.nz/assets/\\_securedfiles/Uploads/NZSGL-2013.pdf](https://www.mfat.govt.nz/assets/_securedfiles/Uploads/NZSGL-2013.pdf) Please refer to pages 31 and 56 respectively. Export permits do not differentiate between subsets of these categories.
2. Under New Zealand law, Military-Style Semi-Automatic (MSSA) describes a self-loading rifle or shotgun 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.

MSSA was introduced as a firearm descriptor after the 1990 Aramoana mass shooting. The term includes weapons that, outside New Zealand, could be classed as (or upgraded to) Assault rifles. New Zealand is therefore reporting all MSSAs under the Assault rifle category, although most would usually be described as rifles with the potential to be upgraded to Assault rifles.
3. Medium and General purpose machine guns: The New Zealand Defence Force considers a 7.62mm MMG or GPMG to fit within the parameters of the Light machine gun section. Any machine gun over 0.5" calibre would be a Heavy machine gun and likely mounted.

As with the first seven categories of conventional arms covered by Article 2(1) of the ATT, Australia reported on authorized exports and actual imports, Japan reported on actual exports and imports, and New Zealand reported on authorized exports and imports. Japan used Comtrade categories to provide information on SALW imports and exports.

Although Samoa submitted a nil report, New Zealand reported export authorizations for 50 small arms to Samoa and an import authorization for one small arm from Samoa. The difference could be attributed to the fact that Samoa's records are handwritten and the report submitter had to use notes from customs and police records that were in different systems. Alternatively, the difference could be explained by a temporary export authorization for a New Zealand citizen.

## EXPORTS

Australia provided information on the quantity, rather than the value, of SALW exported. Moreover, it did not indicate sub-categories of SALW exported. In aggregate, Australia authorized the export of 4,030 small arms to 28 States. The top recipient (by quantity) was New Zealand, accounting for 2,377 small arms exports, which totaled more than half of all Australian small arms exports in 2015.

Japan provided information on the quantity and value of its SALW exports and indicated sub-categories for its exports. In aggregate, Japan exported over 115,000 SALW in 2015 to 15 States. The top recipients for SALW exports (by quantity) were the United States, Belgium, and Australia, with the United States as the primary recipient.

New Zealand provided information on the quantity and not the value of its SALW exports. In aggregate, New Zealand authorized the export of 1,430 small arms to more than 30 States. New Zealand provided information on sub-categories of SALW. The top recipient (by quantity) was Australia, followed by Papua New Guinea and Oman.

## IMPORTS

The three States Parties reported their SALW imports differently.

Australia reported actual imports and provided information on the quantity of SALW imports, but did not provide information on the exporting State.

Japan provided information on the quantity and value of its SALW imports and the exporting States. The United States, Germany, and Italy were the top exporting States to Japan.

New Zealand reported on the quantity of its authorized SALW imports. In aggregate, New Zealand reported authorizations for the import of 44,632 SALW, primarily rifles and carbines. The United States, Finland, and Denmark were the top exporting States to New Zealand.

## CONCLUSION

An investment in the ATT by the Asia-Pacific region is vital to prevent loopholes in the global legal arms trade system. The Asia-Pacific region is vast and diverse, and is home to several of the world's largest arms importers as well as small island States that are not largely engaged in the international arms trade. Thus, assessing how Australia, for example, implements the ATT – at what scale and with what capacity – is vastly different to neighboring Pacific Islands such as Samoa. Therefore, it can be difficult for States across the region to share good practices and experiences that can be adopted by neighbors. However, there is clearly value in addressing ATT implementation via a sub-regional approach as evidenced by the common challenges and experiences of States within the region.

Analysis of implementation by the region's States Parties demonstrates that these States Parties are not necessarily behind on their ATT obligations. This may reflect a regional trend to ensure capacity to implement and comply with most, if not all, Treaty obligations before becoming a State Party. Information collected by ATT-BAP of arms transfer control systems of Asia-Pacific non-State Parties' through the ATT-Baseline Assessment Survey reveals a similar pattern of good practices within the region. Yet, the same data sheds light on legislative (outdated legislation, no brokering laws) and procedural (low capacity/poor or non-existent reporting systems) gaps that States may need to fill before ratifying or acceding to the Treaty.



## APPENDIX 1

Appendix 1 contains a snapshot of ATT implementation by the eleven States for which ATT-BAP Surveys and initial implementation reports have been received. The data included in the appendix is derived from these sources, as well as from the ATT-BAP international assistance questionnaire.

### NATIONAL CONTROL SYSTEM & LIST

	Includes national control list	Is publicly available	Covers 8 categories covered in Article 2(1)	Covers ammunition	Covers parts and component
Australia	✓	✓	✓	✓	✓
Fiji	X*	X	X	X	X
Kiribati	X	X	X	X	X
Japan	✓	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓	✓
Palau	✓	X	X	✓	✓
Philippines	🔒	🔒	🔒	🔒	🔒
Samoa	✓	✓	✓	✓	✓
Solomon Islands	✓	✓	X	X	X
Vanuatu	✓	✓	X	✓	X

🔒 Report is private  
 — No response provided

\* Fiji does not have a control list in legislation, but the Arms and Ammunition Act (2003) and the Customs Act (amended 2010) has regulations of what items to control

### PROHIBITIONS

	Prohibits arms transfers in all circumstances specified in Article 6
Australia	✓
Fiji	✓
Kiribati	X
Japan	✓
New Zealand	✓
Palau	X
Philippines	🔒
Samoa	✓
Solomon Islands	X
Vanuatu	X

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 — No response provided

## EXPORTS

	National control system covers exports	Has measures to ensure authorizations are detailed and issued prior to export	Authorizations can be reassessed if new and relevant information becomes available	Conducts risk assessment prior to authorization	Export assessment includes consideration of risk of diversion	Export assessment includes consideration of acts of gender-based violence
Australia	✓	✓	✓	✓	✓	✓
Fiji	✓	✓	✓	✓	X	✓
Kiribati	✓	✓	✓	X	—	—
Japan	✓	✓	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓	✓	✓
Palau	✓	X	X	X	X	X
Philippines	🔒	🔒	🔒	🔒	🔒	🔒
Samoa	X	✓	✓	X	✓	✓
Solomon Islands	✓	✓	✓	✓	✓	✓
Vanuatu	X	(don't know)	✓	X	X	X

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 — No response provided

## IMPORTS

	National control system covers imports	Has measures to ensure appropriate and relevant information is available to exporting State in order to assist an export assessment
Australia	✓	✓
Fiji	✓	✓
Kiribati	✓	✓
Japan	✓	✓
New Zealand	✓	✓
Palau	✓	X
Philippines	🔒	🔒
Samoa	✓	X
Solomon Islands	✓	✓
Vanuatu	✓	✓

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 — No response provided

## TRANSIT/TRANSSHIPMENT

	Control measures cover transit/transshipment via air	Control measures cover transit/transshipment via land	Control measures cover transit/transshipment via sea	Provides definition of transit/transshipment
Australia	✓	✓	✓	X
Fiji	✓	✓	✓	X
Kiribati	✓	✓	✓	X
Japan	✓	✓	✓	X
New Zealand	✓	✓	✓	X
Palau	✓	✓	✓	X
Philippines	🔒	🔒	🔒	🔒
Samoa	✓	✓	✓	X
Solomon Islands	✓	X	X	✓
Vanuatu	✓	✓	✓	X

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## BROKERING

	National control system covers brokering	Provides definition of brokering	Regulates brokering taking place under States' jurisdiction	Brokering controls contain exemptions
Australia	✓	(not defined, but explained)	✓	X
Fiji	X	X	X	X
Kiribati	✓	✓	✓	X
Japan	✓	X	✓	X
New Zealand	✓	✓ (draft definition)	✓	X
Palau	✓	X	X	X
Philippines	🔒	🔒	🔒	🔒
Samoa	X	X	X	X
Solomon Islands	X	X	X	X
Vanuatu	X	✓	✓	X

🔒 Report is private  
 – No response provided

## DIVERSION

	Cooperates and exchanges information to mitigate the risk of diversion	Willing to share information on effective measures to address diversion	Exchanges relevant information with other States Parties	Measures in place to be taken when diversion has been detected
Australia	✓	✓	✓	✓
Fiji	✓	✓	✓	✓
Kiribati	(don't know)	(don't know)	(don't know)	(don't know)
Japan	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓
Palau	X	(don't know)	(don't know)	X
Philippines	🔒	🔒	🔒	🔒
Samoa	✓	✓	✓	X
Solomon Islands	✓	✓	✓	✓
Vanuatu	✓	✓	✓	✓

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 — No response provided

## RECORD KEEPING & REPORTING

	RECORD KEEPING				REPORTING
	Contains provisions for maintaining records on export authorizations	Contains provisions for maintaining records on actual exports	Contains provisions for maintaining records on imports	Contains provisions for maintaining records on transit/transshipment	National control system allows for annual reports on arms transfers
Australia	✓	✓	✓	✓	✓
Fiji	✓	✓	✓	✓	✓
Kiribati	✓	✓	✓	X	X
Japan	✓	✓	✓	✓	✓
New Zealand	✓	✓	✓	✓	✓
Palau	X	X	X	X	X
Philippines	🔒	🔒	🔒	🔒	🔒
Samoa	✓	✓	✓	✓	✓
Solomon Islands	✓	✓	✓	✓	X
Vanuatu	✓	✓	✓	✓	✓

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 — No response provided

## ENFORCEMENT

	Measures in place to enforce national laws and regulations that implement the ATT	National legislation allows for the provision of joint assistance in investigations, prosecutions, and judicial proceedings
Australia	✓	(don't know)
Fiji	✓	✓
Kiribati	✓	(don't know)
Japan	✓	✓
New Zealand	✓	✓
Palau	✓	(don't know)
Philippines	🔒	🔒
Samoa	✓	✓
Solomon Islands	✓	✓
Vanuatu	✓	(don't know)

- 🔒 Report is private
- No response provided

## INTERNATIONAL COOPERATION

	Can cooperate with other States to support effective implementation	Exchanges information on conventional arms transfers	Undertakes cooperative measures to prevent diversion	Undertakes cooperative measures to prevent corruption	Participates in the development of best practices and lessons learned
Australia	✓	✓	✓	✓	✓
Fiji	✓	✓	✓	✓	✓
Kiribati	✓	(don't know)	(don't know)	(don't know)	(don't know)
Japan	✓	X	X	✓	✓
New Zealand	✓	✓	✓	✓	X
Palau	(don't know)	(don't know)	(don't know)	(don't know)	(don't know)
Philippines	🔒	🔒	🔒	🔒	🔒
Samoa	✓	X	✓	✓	X
Solomon Islands	✓	-	✓	✓	✓
Vanuatu	✓	✓	(don't know)	(don't know)	(don't know)

- 🔒 Report is private
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# INTERNATIONAL ASSISTANCE

	LEGAL ASSISTANCE		LEGISLATIVE ASSISTANCE, INCLUDING MODEL LEGISLATION		ASSISTANCE FOR INSTITUTION BUILDING		TECHNICAL ASSISTANCE	
	REQUIRED	AVAILABLE	REQUIRED	AVAILABLE	REQUIRED	AVAILABLE	REQUIRED	AVAILABLE
Australia	X	(provides funding to UNSCAR)	X	✓	X	(provides funding to UNSCAR)	X	(provides funding to UNSCAR)
Fiji	✓	✓	✓	✓	✓	✓	✓	✓
Kiribati	X	X	✓	X	✓	X	✓	X
Japan	X	✓	X	✓	X	✓	X	✓
New Zealand	–	–	–	✓	–	–	–	–
Palau	✓	X	✓	X	✓	X	✓	X
Papua New Guinea	✓	X	✓	X	✓	X	✓	X
Philippines	🔒	🔒	🔒	🔒	🔒	🔒	🔒	🔒
Samoa	–	–	–	–	–	–	–	–
Solomon Islands	✓	✓	✓	X	✓	–	✓	–
Vanuatu	X	(don't know)	X	(don't know)	✓	(don't know)	✓	(don't know)

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FINANCIAL ASSISTANCE		MATERIAL ASSISTANCE		STOCKPILE MANAGEMENT ASSISTANCE		DISARMAMENT, DEMOBILIZATION, OR REINTEGRATION ASSISTANCE		ASSISTANCE WITH EFFECTIVE PRACTICES FOR IMPLEMENTATION	
REQUIRED	AVAILABLE	REQUIRED	AVAILABLE	REQUIRED	AVAILABLE	REQUIRED	AVAILABLE	REQUIRED	AVAILABLE
X	(provides funding to UNSCAR)	X	(provides funding to UNSCAR)	X	(provides funding to UNSCAR)	X	(provides funding to UNSCAR)	X	(provides funding to UNSCAR)
✓	X	✓	X	X	✓	X	✓	✓	✓
✓	X	✓	X	X	X	✓	X	✓	X
X	✓	X	✓	X	✓	X	✓	X	✓
–	–	–	–	–	–	–	–	–	–
✓	X	✓	X	✓	X	✓	X	✓	X
✓	X	✓	X	✓	X	✓	X	✓	X
🔒	🔒	🔒	🔒	🔒	🔒	🔒	🔒	🔒	🔒
–	–	–	–	–	–	–	–	–	–
✓	–	✓	–	✓	–	✓	–	✓	–
✓	(don't know)	X	(don't know)	✓	(don't know)	X	(don't know)	✓	(don't know)

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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)

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