

Ideas and suggestions for the ATT Working Group on Transparency and Reporting

Reporting on diversion

Under Article 13.2 “States Parties are encouraged to report to other States Parties, through the Secretariat, information on measures taken that have proven effective in addressing diversion of transferred conventional arms...”.

In July 2015 Argentina shared a [proposal regarding Article 13.2 of the ATT](#) on ‘Information on measures taken that have been proven effective in addressing the diversion of transferred conventional arms covered under art 2.1¹ for consideration in advance of CSP1. There was, however, little discussion of this at the Conference with States instead very much focused on developing the templates for the Initial and Annual Reports. Since then, the issue of sharing information on diversion has largely lain dormant. It would be useful if the WG could consider issues such as: what information could/should be shared; how this could/should be shared; what tool(s) could/should be developed to facilitate this; how this information could be utilised by States Parties.

Further to this, one issue that is worth bearing in mind is the overlap between the provisions of Article 13.2 and the requirement that State Parties report “on measures taken in addressing the diversion of transferred conventional arms” under Article 11.6. This in turn builds upon the provisions of Article 11.5 requiring States Parties to “share relevant information with one another on effective measures to address diversion” and includes a list of types of information that could be shared.

Overall these Articles point towards a potential for interest in reporting/sharing information on measures to address diversion among both the WGTR and the WGETI. The forthcoming Working Group meetings could explore whether different types of information may be relevant to each Working Group—for example, measures which could lead to the collation of material for guidance (useful for arms transfer decision-making) might be more relevant to the WGETI, whereas the sharing information on operational/enforcement issues may be of greater concern to the WGTR.

Annual Reporting

The quality and type of information provided by States Parties in their Annual Reports varies considerably. Article 13.3 of the Treaty provides for States Parties to report on either authorisations or actual exports. In practice this means that it will be difficult to map trends in arms transfers across all States Parties thereby frustrating the aims of transparency, accountability and

¹ Reporting Templates draft 3, Submitted by Facilitator on Reporting, ATT First Conference of States Parties Final Preparatory Meeting, 6 July 2015, ATT/CSP1/2015/PM.2/WP.4/Rev.1, pp. 32-33, https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwj4scuwzM7RAhWEORoKHXovBE8QFggpMAI&url=http%3A%2F%2Fwww.thearmstradetreaty.org%2Fimages%2FATT_CSP1_2015_PM.2_WP.4_Rev.1.pdf&usg=AFQjCNFmsrf6onuRiehp6V7SX7z6Biiycg&sig2=ZRSN3Xv-oguGDojBnYxv5A&cad=rja.

comparability; the WGTR could explore the issues that contribute to this bifurcation in reporting practices.

The WGTR could examine issues or problems that States Parties have encountered in filling out the annual reporting template. Such issues may include record-keeping, definitions of items (particularly of SALW) as well as customs classifications. In addition to consulting States Parties on these issues, one idea could be for the WGTR to reach out to the WCO to learn about customs classifications and if/how they could be adjusted to facilitate ATT reporting. The WGTR could also explore whether there might be a place for some kind of peer-review mechanism in helping States to explore these issues.

States Parties have also taken different approaches to the provision of information that is designated as “voluntary” in the reporting templates. Almost a third of reports contain little or no “voluntary” information (beyond specifying destinations for their SALW exports). In addition, some countries have provided additional information/comments on transfers in their 2015 UN ROCA report but have not included this in their ATT annual report for the same year. This raises concerns regarding the extent to which ATT reporting is actually promoting greater transparency in the arms trade. Control Arms urges all States Parties to report on all items included in their national control lists, including those that are not covered by Article 2(1) of the Treaty. We believe this to be consistent with the principle that the Treaty should operate as a floor, rather than a ceiling, and with Article 5(3), which encourages “[e]ach State Party ... to apply the provisions of this Treaty to the broadest range of conventional arms.”

At the same time, a small number of States Parties have not fulfilled the entirety of their obligations under Article 13.3—either by failing to report or by providing insufficient information.

The WGTR—or a subcommittee thereof—could usefully undertake a review of the annual reports that have been submitted (potentially using the Baseline Assessment Project August 2016 report [ATT Annual Reports on Arms Exports and Imports](#) as a starting point) in order to build up a picture of the issues that are emerging with regard to the production of consistent, comparable and informative reports. The WGTR as a whole could then deliberate these issues and consider developing guidance based on good practices that would help address them.

Initial Reports

Concerns exist that Initial Reports that have been submitted vary in respect of the level of detailed information provided with some not as comprehensive or as accurate as might be expected. It might be worth considering whether there is a role for the WGTR—or a sub-committee thereof—in reviewing Initial Reports to ascertain to what extent the reports that have been submitted are satisfying the requirements for transparency under the ATT. While it is not considered that there are any deliberate attempts to mislead or misinform, the reasons for poor quality reporting ought to be explored. For example, it is possible that difficulties were encountered in providing nuanced or partial responses, particularly in respect of questions requiring a Yes/No answer.

States that have submitted their Initial Report could be asked about their experience in filling out the reporting template and any issues or problems that they encountered. They could also be asked whether external assistance or advice could have been helpful. This could enable assistance to be provided to States Parties that have yet to complete their Initial Reports as well as to States that have reported but which need to provide supplementary information or updates to their existing report. Once again, the WGTR could explore whether there might be a role for a peer-review or peer-support mechanism in this regard.

The WGTR might also consider the question of how to follow-up States Parties which have not yet reported to ascertain the reasons behind their non-reporting. For example, there may be issues relating to internal co-ordination at national level where those responsible for providing the relevant information do not necessarily have access to it; in such cases, further outreach/follow-up beyond the designated national point-of-contact could be considered. Roles and responsibilities should be established in respect of following up States Parties on reporting issues along with an administrative system (e.g. a matrix) for recording relevant details. Finally, consideration might be given to the WGTR becoming a forum in which updates and *ad hoc* exchanges of additional information are shared by States Parties.

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