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**WORKING GROUP ON TRANSPARENCY AND REPORTING  
INTRODUCTORY PAPER FOR MEETING OF 06 FEBRUARY 2020**

**Introduction and mandate for the WGTR CSP5-CSP6**

1. During the [Fifth Conference of States Parties \(CSP5\) of the Arms Trade Treaty \(ATT\)](#), held in Geneva on 26-30 August 2019, States Parties dealt with a number of recommendations of the Working Group on Transparency and Reporting (WGTR) that were the outcome of the WGTR's discussions during its meetings of 31 January and 04 April 2019, and they endorsed a number of standing agenda items and recurring and specific tasks for the WGTR for the period between CSP5 and CSP6.
2. Following the WGTR recommendations in the [WGTR Co-Chairs' report to CSP5](#), States Parties:
  - a. *Expressed their concern that for calendar year 2018, less than half of States Parties due to report had submitted an annual report to the Secretariat by the deadline of 31 May 2019, continuing a downward trend;*
  - b. *Recalled that submitting initial and annual reports is a legal obligation for all States Parties and that those States Parties that do not report are in breach of the Treaty;*
  - c. *Urged States Parties that are in arrears with their reporting to submit their reports to the Secretariat and requested the President to remind those States Parties of their obligations on a bilateral basis;*
  - d. *Called on all relevant stakeholders to advocate for reporting in line with the outreach strategy on reporting that was adopted at CSP4;*
  - e. *Supported the development of the system of practical bilateral assistance with reporting (peer-to-peer);*
  - f. *Welcomed the introduction of the online reporting tool as an additional means to submit initial and annual reports;*
  - g. *Endorsed the proposed amendments to the document "Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers" to reflect the introduction of the online reporting tool (Annex B of the Co-Chairs' report);*
  - h. *Mandated the ATT Secretariat to draft instructions on the use of the information exchange platform;*
  - i. *Endorsed the standing agenda-items and the recurring and specific tasks for the WGTR in the period between CSP5 and CSP6, as included in Annex C of the Co-Chairs' report;*
  - j. *Welcomed the first informal meeting to discuss concrete cases of detected or suspected diversion that States Parties are dealing or have dealt with as a solid basis for further exchanges.*

3. The standing agenda items that States Parties instructed the WGTR to deal with as a minimum are the following:

- a. *State of play of compliance with reporting obligations;*
- b. *Challenges concerning reporting;*
- c. *Substantive reporting and transparency issues;*
- d. *Organizational means for information exchange;*
- e. *Harnessing information generated by mandatory reporting;*
- f. *IT platform: reporting and transparency functionalities;*
- g. *WGTR mandate in the period between CSP6 and CSP7.*

4. Under each of these standing agenda items States Parties charged the WGTR with both recurrent tasks and specific tasks for the period between CSP5 and CSP6:

- a. As regard to the ***state of play of compliance with reporting obligations***, at every meeting the WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.
- b. As regard to ***challenges concerning reporting***, the WGTR will as a minimum:
  - i. *give participants the opportunity to discuss challenges to submitting timely and accurate initial and annual reports and to discuss means to support States Parties in addressing those challenges, with a view to providing recommendations to CSP6;*
  - ii. *give participants the opportunity to discuss submitted proposals for alterations or additional questions and answers for the 'FAQ'-type guidance document on the annual reporting obligation;*
  - iii. *discuss initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4;*
  - iv. *taking into account the inventory of comments and suggestions regarding the reporting templates and the online reporting tool (Annex A to the co-chairs' report to CSP5), and with respect for article 13 of the Treaty, consider adjustments to the reporting templates deemed necessary to address uncertainties and inconsistencies, or to ensure compatibility with the online reporting tool and the proposed public searchable database that allows for queries and extracting data;*
  - v. *discuss the further development of the document 'National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments'.*
- c. As regard to ***substantive reporting and transparency issues***, the WGTR will as a minimum:
  - i. *give participants the opportunity to raise and discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR;*
  - ii. *monitor and coordinate further work on the project to facilitate the identification of the conventional arms in Article 2 (1) of the Treaty in the "Harmonized System" (HS) of the World Customs Organisation (WCO);*
  - iii. *discuss the issue of the comparability of data in annual reports.*
- d. As regard to ***organizational means for information exchange***, the WGTR will as a minimum:

- i. give participants the opportunity to discuss structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level;*
  - ii. follow-up the implementation of the three-tier approach to sharing information on diversion, in particular the informal meeting among interested States Parties and signatory States to discuss concrete cases of detected or suspected diversion.*
- e. As regard to **harnessing information generated by mandatory reporting**, the WGTR will give participants the opportunity to present or propose projects to harness information from the initial and annual reports in a manner that allows follow-up on these reports, taking into account the functionalities on the IT platform that are under development.*
- f. As regard to the **reporting and transparency functionalities of the IT platform**, the WGTR will as a minimum:
  - i. monitor and assess the use of the online reporting tool and the information exchange platform on the ATT website, and assist the ATT Secretariat in the development of a functionality that makes the information generated, especially through the annual reports, available in a searchable database that allows for queries and extracting data. This will be done through the informal consultative group of WGTR participants established at CSP5, that will report back to the WGTR in order to feed its work;*
  - ii. give participants the opportunity to propose future changes and improvements to the IT platform to enhance transparency and facilitate the implementation of the reporting and information exchange obligations of the Treaty.**
- g. As regard to the **WGTR mandate in the period between CSP6 and CSP7**, the WGTR will prepare a proposal for consideration by CSP6, which will include as a minimum the standing agenda items and the recurrent tasks outlined above.*

5. The co-chairs have prepared this introductory paper to unpack the tasks of the WGTR for discussions in the period between CSP5 and CSP6, and to allow WGTR participants to prepare efficiently for the first WGTR meeting in Geneva on 06 February 2020. The paper explains the background of the given tasks, summarizes past proposals and discussions, sets out elements for discussion and puts a number of proposals for consideration to WGTR participants. This should ensure a structured and effective discussion during the meeting. As the paper also includes several calls to WGTR participants to submit their own proposals on certain topics, the co-chairs also encourage participants to use the paper to submit any proposals in writing to the co-chairs and the ATT Secretariat ahead of the meeting.

#### **Agenda item 1: State of play of compliance with reporting obligations**

***Recurring task: The WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.***

6. Reviewing the status of reporting traditionally happens through a presentation by the ATT Secretariat. **During the 06 February 2020 meeting, the ATT Secretariat will give a general overview of the reporting status and of the progress that has been made in comparison to the previous status update.**

## Agenda item 2: Challenges concerning reporting

**Recurring task 1: The WGTR will give participants the opportunity to discuss challenges to submitting timely and accurate initial and annual reports and to discuss means to support States Parties in addressing those challenges, with a view to providing recommendations to CSP6.**

7. This recurring task is traditionally included in the WGTR mandate to offer States Parties a continuous platform to share problems and difficulties as well as solutions and good practices, in the organization and fulfilment of their reporting obligations. In that respect, in previous meetings some States Parties shared their difficulties to install effective procedures for information gathering and reporting, whilst other States Parties presented how they dealt with such challenges in their control system.

8. **The co-chairs therefore invite all States Parties to share their experiences in reporting, and particularly urge States Parties that have not yet (completely) complied with their reporting obligations to share the obstacles that have kept them from reporting.** The co-chairs do point out, however that three relevant topics will be dealt with under subsequent agenda items, i.e. those on the 'FAQ'-type guidance document on the annual reporting obligation ([https://thearmstradetreaty.org/hyper-images/file/Reporting\\_Authorized\\_or\\_Actual\\_Exports\\_and\\_Imports\\_of\\_Conventional\\_Arms\\_under\\_the\\_ATT\\_EN\\_-\\_for\\_website/Reporting\\_Authorized\\_or\\_Actual\\_Exports\\_and\\_Imports\\_of\\_Conventional\\_Arms\\_under\\_the\\_ATT\\_EN\\_-\\_for\\_website.pdf?templateId=119459](https://thearmstradetreaty.org/hyper-images/file/Reporting_Authorized_or_Actual_Exports_and_Imports_of_Conventional_Arms_under_the_ATT_EN_-_for_website/Reporting_Authorized_or_Actual_Exports_and_Imports_of_Conventional_Arms_under_the_ATT_EN_-_for_website.pdf?templateId=119459)), the national measures document ("[National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments](#)"), and the "[Outreach strategy on reporting](#)" (under which all States and other ATT stakeholders will be asked to brief the WGTR about any initiative undertaken to promote and enhance compliance with the reporting duties of the Treaty).

9. **Also under this task the ATT Secretariat will brief participants about the steps it has taken to implement the system of voluntary practical bilateral and regional assistance with reporting (peer-to-peer), the development of which was explicitly supported by States Parties in the CSP5 Final Report.** This concerns the project that was first proposed in the 8 March 2018 WGTR meeting and that was referred to in earlier documents as "a roster of reporting experts" or "basic support to other States Parties on reporting", most notably in the [WGTR Co-Chairs' report to CSP4](#) and the [CSP4 Final Report](#). As explained in earlier WGTR meeting reports, the assistance would entail addressing questions of States Parties about their reporting obligations that are not covered by the 'FAQ'-type guidance document on the annual reporting obligation. Concretely, the intention would simply be that States Parties that have specific questions about how to do their reporting or about any element of reporting could email or call one of their peers to get an answer to that specific question. In that respect, this assistance is intended as an additional auxiliary instrument, next to, for example, 'FAQ'-type guidance document.

**Recurring task 2: The WGTR will give participants the opportunity to discuss submitted proposals for alterations or additional questions and answers for the 'FAQ'-type guidance document on the annual reporting obligation.**

10. The '[FAQ'-type guidance document on the annual reporting obligation](#) requires that proposals for alterations and additional questions and answers be considered in the WGTR. In that respect, such proposals need to be submitted well in advance of the WGTR meeting in order to allow adequate time for WGTR participants to examine the proposals. **The co-chairs therefore invite WGTR participants to submit any**

**proposals for alterations and additional questions to the co-chairs and the ATT Secretariat at the latest ten days before the WGTR meeting in which they want to have their proposals discussed.**

11. The co-chairs remind participants that the 'FAQ'-type guidance document on the annual reporting obligation was endorsed by States Parties at CSP3 and that at CSP5, States Parties endorsed a number of amendments that were necessary to reflect the introduction of the online reporting tool, and that were previously discussed at the 04 April 2019 WGTR meeting ([Annex B of the Co-Chairs' report to CSP5](#)).

**Recurring task 3: The WGTR will discuss initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4.**

12. During CSP4, States Parties adopted an ["Outreach strategy on reporting"](#) to counter the alarmingly low rate of compliance with the reporting obligations of the Treaty. The outreach strategy includes several recommendations and calls on all ATT stakeholders to pay attention to reporting issues in their work on implementing and helping to implement the Treaty.

13. To effectively monitor the implementation of the outreach strategy and its impact, this was included in the mandate of the WGTR for the preparatory process towards CSP5. Subsequently the WGTR co-chairs asked all ATT stakeholders to brief WGTR participants on any initiative they had undertaken focused on enhancing compliance with the reporting duties of the Treaty.

14. During the 31 January 2019 WGTR meeting, next to the ATT Secretariat giving an overview of its measures to remind States Parties of their reporting obligations and its outreach plans in that regard, only one participant reported on a reporting-related outreach initiative. During the 04 April 2019 WGTR meeting, no interventions were made under this topic.

15. In light of this limited response, at CSP5, the co-chairs reiterated the importance of all ATT stakeholders putting transparency front and centre of their outreach activities. In their report they highlighted that in many non-reporting States, non-reporting is not only a question of a lack of expertise, procedures or capacity, but often also a question of a lack of awareness of the importance of reporting and a lack of political will to prioritise reporting. Therefore all ATT stakeholders need to consistently designate reporting as one of the cardinal obligations of the Treaty, and prioritize reporting in their ATT-related contacts with non-reporting States Parties.

16. In recognition of the urgency of the situation and the importance of outreach, States Parties at CSP5 requested the President specifically to remind those States Parties that are in arrears with their reporting of their obligations on a bilateral basis, and called on all relevant stakeholders to advocate for reporting in line with the outreach strategy on reporting.

17. **Following the request of States Parties, at the 06 February WGTR meeting, the President will brief participants on his efforts to remind States Parties that are in arrears with their reporting of their obligations. Subsequently, the ATT Secretariat will brief participants about their outreach on reporting and a number of States Parties will present their implementation of VTF projects that are focused on compliance with the reporting obligations.**

18. **The co-chairs also call on all other States Parties, civil society and regional organizations to brief WGTR participants about any informative sessions or promotion events on reporting that they have held since, and about any other initiative focused on enhancing compliance with the reporting duties.**

*Specific CSP5-6 task 1: The WGTR, taking into account the inventory of comments and suggestions regarding the reporting templates and the online reporting tool (Annex A to the Co-Chairs' report to CSP5), and with respect for article 13 of the Treaty, will consider adjustments to the reporting templates deemed necessary to address uncertainties and inconsistencies, or to ensure compatibility with the online reporting tool and the proposed public searchable database that allows for queries and extracting data.*

19. In order to facilitate reporting, at CSP2, States Parties endorsed and recommended for use templates to submit [initial reports](#) and [annual reports](#). These templates are available on the [ATT website](#). During the preparatory process leading up to CSP3, it was decided to leave these templates unchanged for a number of years to provide some stability for reporting efforts. Therefore, the templates were not discussed at CSP3 or CSP4. A review of the templates was included in the mandate for the WGTR for the period between CSP4 and CSP5, in light of: 1) growing indications by States Parties and other ATT stakeholders of the complexity of the templates; and 2) the introduction of the online reporting tool, for which the templates form the basis.

20. During the 31 January and the 04 April 2019 WGTR meetings, as well as intersessionally, participants shared a number of comments and suggestions on the templates. In April it was decided, however, that because of the inherent link between the templates and the online reporting tool a comprehensive discussion on the templates would only take place after States Parties have had an opportunity to use and submit their reports via the online reporting tool. For that purpose, the co-chairs would provide an inventory of all the comments and suggestions as a basis for renewed discussions on the templates beyond CSP5.<sup>1</sup>

21. The inventory was made available as [Annex A to the Co-Chairs' report to CSP5](#) and is also attached to this introductory paper (see Attachment 1). As indicated in the inventory itself, the comments and suggestions are categorized between comments and suggestions on the templates in general and specific comments and suggestions on the initial reporting template and the annual reporting template, respectively. A distinction is also made between formal comments and suggestions and substantive comments and suggestions.

22. At CSP5, as well as during the preparatory process, a number of States Parties were cautious to amend the templates at this stage, and some even advocated against any change. In response to their comments, the mandate for the WGTR was specified to clarify that the working group should consider those adjustments to the templates deemed necessary to address uncertainties and inconsistencies, or to ensure compatibility with the online reporting tool and the proposed public searchable database.

23. The co-chairs do want to emphasize that an open discussion on adjustments for these purposes is important, for at least two reasons. First, as the co-chairs already indicated in the way forward section of their co-chairs' report to CSP5, *"the working group's focus on addressing the low reporting rate should not mean that important issues concerning the quality and transparency of reports are left untouched"*. In that respect, it is clear that uncertainties and inconsistencies in the reporting templates in particular affect the quality of reporting and need to be addressed. Second, regardless of the quality of reporting, adjustments to ensure compatibility with the online reporting tool and the proposed public searchable database are not optional if

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<sup>1</sup> The inventory would also include comments and suggestions about (the use of) the online reporting tool. At CSP5, the co-chairs made clear, however, that that they only received comments on the templates.

we want to ensure that the templates strictly correspond to (the reporting forms in) the online reporting tool and if we want to move forward with the development of the public searchable database.

24. **With that in mind, the co-chairs will present the inventory of all comments and suggestions as a basis for discussion the during 06 February 2020 WGTR meeting. The ATT Secretariat will in turn present a document identifying the adjustments that they deem necessary to address uncertainties and inconsistencies or to ensure compatibility with the online reporting tool and the proposed public searchable database. Additionally, the co-chairs invite WGTR participants to submit any drafting proposals to the ATT Secretariat.**

***Specific CSP5-6 task 2: The WGTR will discuss the further development of the document ‘National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments’.***

25. The “national measures document” ([“National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments”](#)) was recommended for consideration by States Parties at CSP3. The document was brought up by the co-chairs at the 31 January 2019 WGTR meeting as one of the support tools that were produced in the WGTR to facilitate States Parties’ work. Subsequently it was made available in [the reporting requirements section of the ATT website](#). The document contains measures to help governments meet the challenge of organizing reporting work in such a way that reporting obligations are fulfilled as effectively as possible.

26. Following a suggestion by one participant during the meeting that the national measures document could benefit from further discussion in the WGTR and input from all ATT stakeholders, the co-chairs included it in the agenda of the 04 April 2019 WGTR meeting in order to have an initial exchange of views on the desirability of further developing it. During that meeting there was no discussion on this topic, but in light of its importance as a support tool, the document was still included as a topic in the mandate for the WGTR beyond CSP5.

27. **In preparing for the 06 February 2020 WGTR meeting, the co-chairs invite States Parties and other stakeholders to reflect on the desirability of further developing this document. Participants that see merit in further development should consider taking ownership of this topic and, in consultation with the co-chairs and the ATT Secretariat, provide a working document in advance of the 06 February 2020 WGTR meeting.**

### **Agenda item 3: Substantive reporting and transparency issues**

***Recurring task 1: The WGTR will give participants the opportunity to raise and discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR.***

28. This is a recurring task to allow WGTR participants to raise any issue on the substance of any of the obligations in article 13 of the Treaty. **The co-chairs therefore invite all participants to raise any substantive issue they want to see discussed in the WGTR other than those already on the agenda, preferably in advance of the 06 February 2020 WGTR meeting.**

*Recurring task 2: The WGTR will monitor and coordinate further work on the project to facilitate the identification of the conventional arms in Article 2 (1) of the Treaty in the "Harmonized System" (HS) of the World Customs Organisation (WCO).*

29. This project dates back to the 31 May 2018 WGTR meeting, when a briefing by a representative of the World Customs Organisation (WCO) demonstrated that except for SALW, most of the conventional arms covered under Article 2 (1) of the ATT are not classified by specific customs codes that would allow identification of those conventional arms in the HS. As this was found regrettable from the perspective of not only reporting and record-keeping, but also enforcing arms transfer controls, participants unanimously agreed that, where absent, introducing specific customs codes for the conventional arms covered under Article 2 (1) of the ATT could be beneficial. The briefing demonstrated that amendments concerning conventional arms would not be controversial and that conventional arms would also lend themselves well to specific codes. It would be recommendable to work towards the 2027 review, which would require finalized amendments by 2024. These amendments should be submitted by Member States through their customs administrations, possibly in cooperation with the ATT Secretariat.

30. Since the briefing the project has been on the agenda of every WGTR meeting and got broad support, but despite the intention to do so, no concrete steps had been taken yet before CSP5.

31. As the co-chairs indicated at CSP5, proposals to amend the HS are first and foremost a national matter, hence why the WGTR mandate focuses on monitoring and coordinating the effort. **In that regard, the co-chairs strongly encourage States Parties to discuss this issue with their national customs administrations and to share their feedback with WGTR participants, as well as any past or present projects they have been involved in to amend the HS in the field of conventional arms.** In the end, it is only if national customs administrations will endorse and embrace this project, it will be worth pursuing it and undertaking coordinated efforts such as a concept paper.

32. **Meanwhile, also the ATT Secretariat will look into which support they can provide to the process. Such support could entail, *inter alia*, liaising with relevant (regional) organizations and control regimes that deal with conventional arms control lists, in order to find out whether in those fora similar efforts have been undertaken in the past.**

*Specific CSP5-6 task: The WGTR will discuss the issue of the comparability of data in annual reports.*

33. During the preparatory process towards CSP5, the issue of comparability of data in annual reports was raised in the 31 January 2019 WGTR meeting, during the discussion on the effectiveness and clarity of the templates to submit initial and annual reports. One participant specifically indicated that the possibility in article 13 (3) of the Treaty for States Parties to report either authorized exports and imports or actual exports and imports renders comparing and matching the export and import data in annual reports virtually impossible. It was suggested that the WGTR could have a discussion on how to address this issue, which could include a recommendation for States Parties to all report the same type of data, either authorized exports and imports or actual exports and imports. In response another participant indicated that because of practical reasons it cannot report actual exports.

34. In the 04 April 2019 WGTR, the co-chairs pointed out that this topic was included in the draft mandate for the WGTR beyond CSP5, which was subsequently endorsed at CSP5.

35. The issue of comparability was also dealt with in the [WGTR co-chairs' report to CSP5 and its Annex A](#) with the inventory of all comments and suggestions of WGTR participants regarding the reporting templates and the online reporting tool.

36. In the inventory, the co-chairs reflected comments of participants that one of the obstacles concerning comparability of information in annual reports is the voluntary nature of the use of the reporting templates. According to participants, while the Treaty does not expressly list the information that States Parties are legally required to include in their annual report, the templates represent a common understanding of what information States Parties should include as a minimum when they report. According to participants, this ensures a minimal degree of comparability, although there are other comparability issues with the annual reporting template in particular.

37. In the WGTR co-chairs' report to CSP5 itself, the co-chairs also mentioned the issue of comparability of data in annual reports, as an example of what was mentioned already above concerning the reporting templates, namely that *"the working group's focus on addressing the low reporting rate should not mean that important issues concerning the quality and transparency of reports are left untouched"*.

38. **In respect of this the co-chairs propose to have an open discussion on the of comparability of data in annual reports, with a focus on both what States Parties want to achieve in this domain and which measures could be taken towards these goals. Participants who intend to propose specific measures should consider taking ownership of this topic project and, in consultation with the co-chairs and the ATT Secretariat, provide a working document in advance of the 06 February 2020 WGTR meeting.**

39. The co-chairs do already want to highlight three elements.

40. First, concerning the possibility to report either authorized exports and imports or actual exports and imports, it needs to be clear that this flexibility is enshrined in article 13 (3) of the Treaty. For that reason, it is also reflected in the annual reporting template and the 'FAQ'-type guidance document on the annual reporting obligation. Any agreement for all States Parties to either report one or the other would take, at most, the form of a recommendation by the CSP and/or an adjustment of the voluntary reporting templates.

41. Second, the focus in earlier discussions on the topic of "authorizations versus actuals" does not mean that participants cannot raise other comparability issues. For example, in discussions concerning the reporting templates during the 31 January and 04 April WGTR meetings, participants also identified the possibility in the annual reporting template to report either the quantity or the value of the imported and exported weapons as a comparability issue.

42. Third, these two elements, as well as the explanation above shows that there is a link between the comparability of data in annual reports and the annual reporting template. Since all States Parties endorsed the WGTR task to discuss the issue of the comparability of data in annual reports, participants should not be hindered to propose adjustments to the annual reporting template to address the comparability issue. Participants should be mindful however, that concerning adjustments to the reporting templates, at CSP5 States Parties specifically mandated the WGTR consider adjustments *"to address uncertainties and inconsistencies, or to ensure compatibility with the online reporting tool and the proposed public searchable database that allows for queries and extracting data"* (see nr. 19).

**Agenda item 4: Organizational means for information exchange**

**Recurring task: The WGTR will give participants the opportunity to discuss structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level.**

43. This is a recurring task to allow WGTR participants to propose any instrument that could strengthen, promote or expedite the information exchanges that the Treaty requires or encourages States Parties to undertake in articles 7 (6), 8 (1), 11 (3), 11 (5), 13 (2), 15 (2-4) and 15 (7). **In that respect, the co-chairs welcome any written proposals, preferably before the 06 February 2020 WGTR meeting, as well as oral proposals during the meeting itself.**

44. During the preparatory to CSP6, the co-chairs themselves want to focus on to two mechanisms that have been developed already, namely the information exchange platform in the restricted area on the ATT website and the Diversion Information Exchange Meeting among States Parties and signatory States.

45. The information exchange platform in the restricted area of the ATT website was developed with the goal that it would be able to facilitate all the aforementioned information exchanges, where feasible. In addition, the platform could also facilitate the work of the ATT working groups, allowing for more interactive intersessional exchanges.

46. The platform was presented by the ATT Secretariat at the 31 January 2019 WGTR meeting. During that meeting and the subsequent 04 April 2019 WGTR meeting, the co-chairs encouraged States Parties' and signatory States' representatives to [register online](#) for access to the restricted area, and also requested the Secretariat to promote the participation of States on the restricted area. Despite these efforts, to date only 20 States have requested access to the restricted area, and no information has been uploaded in the platform. Consequently, also remained information exchange platform also remains unused to date.

47. Although the co-chairs themselves initially intended to use the information exchange platform for intersessional discussions on the reporting templates and the online reporting tool, it became clear that some form of regulation would be necessary before States could be guided towards using the platform. For that reason, the WGTR recommended that at CSP5, States Parties would mandate the ATT Secretariat to draft the instructions on the use of the information exchange platform. **These instructions will be presented by the Secretariat and subsequently discussed at the 06 February 2020 WGTR meeting under agenda item 6, as part of their broader presentation on several topics concerning the IT platform.** In that regard, it should be very clear that the current lack of participation or use does not reflect a lack of value of the platform or a lack of interest.

48. As to its actual use, it is firstly the clear intention of the co-chairs to start using the platform as a tool in their own preparation for WGTR meetings and for intersessional work, for example to ask participants' input on specific questions or on draft documents that are under consideration in the working group. The co-chairs will also encourage the chairs and facilitators in the other ATT working groups to do so.

49. Secondly the co-chairs recall and emphasize that exchanges via the information exchange portal constituted already one of the predefined tiers in the three-tier approach to sharing information on diversion that was endorsed by States Parties at CSP4, next to discussions in the WGETI and the above-mentioned

Diversion Information Exchange Meeting among States Parties and signatory States (see also below). This use will be discussed in the said meeting.

50. Thirdly, States Parties and signatory States should also use the platform for any other exchanging or sharing of information that is dealt with in the Treaty, obviously if such fits the format of the portal. This could, for example, include information on matters of mutual interest regarding the implementation and application of the Treaty (cf. article 15).

51. **With a view to all being on the same page regarding the substantive purpose of the information exchange platform, during the 06 February 2020 WGTR meeting, the co-chairs will invite participants to share their views on the proposed topics for exchange through the platform, taking into account that the diversion information exchange will be covered in the dedicated meeting among States Parties and signatory States. In that regard, the co-chairs also ask that participants to reflect Parties whether any further rules are necessary about what substantive content can be shared on the platform.**

*Specific CSP5-6 task: The WGTR will follow-up the implementation of the three-tier approach to sharing information on diversion, in particular the informal meeting among interested States Parties and signatory States to discuss concrete cases of detected or suspected diversion.*

52. The three-tier approach to sharing information on diversion was launched by the WGTR co-chairs during the 31 May 2018 WGTR meeting and endorsed by States Parties at CSP4. The three “tiers” are as follows: 1) policy-level exchanges on diversion in the sub-working group on Article 11 of the WGETI; 2) intersessional exchange of policy-related and relevant operational information via the information exchange platform; and 3) an informal meeting among interested States Parties (and possibly signatory States) to discuss concrete cases of detected or suspected diversion that they are dealing or have dealt with. The approach was a response to States expressing the need to supplement discussions on diversion as a policy issue with a forum to share concrete, operational information on diversion among States and to discuss concrete cases, whilst taking into account the sensitivity and confidentiality of such information.

53. After discussing its set-up during the 31 January and 04 April 2019 WGTR meetings, at CSP5 the WGTR co-chairs hosted a kick-off meeting of the Diversion Information Exchange Meeting among States Parties and signatory States, to lay the groundwork for further meetings. That meeting demonstrated that there is broad support for such forum, but also demonstrated the need to develop an adequate framework for the exchanges in it. With that in mind a second meeting among States Parties and signatory States will be organized during the February 2020 round of ATT meetings.

54. As the co-chairs indicated during CSP5, now the three-tier approach is established and work under the three tiers has started, the role of the WGTR should be limited to monitoring the implementation of the approach and Diversion Information Exchange Meeting among States Parties and signatory States in particular. In that respect, the use of the information exchange platform is covered above (see nr. 45 et seq) and under agenda item 6 on the IT platform.

**Agenda item 5: Harnessing information generated by mandatory reporting**

***Recurring task: The WGTR will give participants the opportunity to present or propose projects to harness information from the initial and annual reports in a manner that allows follow-up on these reports, taking into account the functionalities on the IT platform that are under development.***

55. This is a recurring task to allow WGTR participants to present or propose projects to harness information from the initial and annual reports in a manner that allows follow-up to these reports, for example in the WGETI. **In that respect, the co-chairs welcome any proposal in writing before the 06 February 2020 WGTR meeting, and oral proposals during the meeting itself.**

56. In any case, the focus of the co-chairs under this agenda-item will be the project concerning the ATT IT platform that already received an overwhelming consensus among participants at the 8 March 2018 WGTR meeting, namely the development of a functionality that makes the information generated, especially through the annual reports, available in a searchable database that allows for queries and extracting data.

57. This project is important, because the purpose of transparency in the international arms trade, one of the prime purposes of the Treaty, can only be obtained by transparent reporting and the transparent, accessible provision of reported data to the public. Such transparent, accessible provision of reported data could also incentivize States Parties to devote sufficient capacity to correct reporting. In that respect it should be clear to all WGTR participants that any progress in the development of the searchable database also requires decisions on other WGTR issues, such as the reporting templates, and on more general issues, such as the IT budget.

58. **A discussion on the development of the searchable database will be held under agenda item 6, following a presentation by the ATT Secretariat on a number of topics relating to the IT platform.**

**Agenda item 6: IT platform: reporting and transparency functionalities**

***Recurring task 1: The WGTR will monitor and assess the use of the online reporting tool and the information exchange platform on the ATT website, and assist the ATT Secretariat in the development of a functionality that makes the information generated, especially through the annual reports, available in a searchable database that allows for queries and extracting data. This will be done through the informal consultative group of WGTR participants established at CSP5, that will report back to the WGTR in order to feed its work.***

59. The ATT IT platform was an especially important topic for the WGTR during the preparatory process towards CSP5. During the 31 January and 04 April 2019 WGTR meetings, the ATT Secretariat introduced participants to the new ATT website and its Restricted Area, that include the online reporting tool, the information exchange platform and national points of contact and national control lists databases. The online reporting tool was also available for the first time for States Parties to submit their annual reports.

60. **As a follow-up to this, during the 06 February 2020 WGTR meeting, the ATT Secretariat will brief participants on a number of topics, some of which were already addressed earlier in this introductory paper:**

**a) (the use of) the online reporting tool; b) instructions on the use of the information exchange platform (see nr. 42 et seq); c) the informal consultative group of WGTR participants; and d) the searchable database with the information generated, especially through the annual reports, that allows for queries and extracting data ((see nr. 53 et seq).**

61. Concerning the online reporting tool, the Secretariat will, *inter alia*, address the suggestion that was made during the 04 April 2019 WGTR meeting that the online reporting tool should include three options on its opening page: 1) submitting data in the digital format of the reporting template; 2) uploading the completed reporting template in a Word or PDF format; or 3) uploading a national report.

62. Concerning the information exchange platform, the Secretariat will focus on how to use platform, adding to the above-mentioned scheduled discussion about what to use it for.

63. Concerning the informal consultative group of WGTR participants, the co-chairs reported at CSP5 that this would be done in the same manner as was done with the development of the online reporting tool, and that the focus would be on persons that are nominated as the 'Point of contact' on Annual Reports. This was left in the hands of the ATT Secretariat, who will brief participants on their progress and on future steps.

64. Concerning the searchable database, the Secretariat will focus on the technical, political and financial considerations.

***Recurring task 2: The WGTR give participants the opportunity to propose future changes and improvements to the IT platform to enhance transparency and facilitate the implementation of the reporting and information exchange obligations of the Treaty.***

65. This is a recurring task to allow WGTR participants to suggest any changes or improvements to the IT platform in general – other than the online reporting tool and the information exchange platform – based on their use. **In that respect, participants are invited to flag any issue regarding the IT platform during the 06 February 2020 WGTR meeting, or previous to that, via e-mail to the ATT Secretariat.**

**Agenda item 7: WGTR mandate in the period between CSP6 and CSP7**

***Recurring task: the WGTR will prepare a proposal for consideration by CSP6, which will include as a minimum the standing agenda items and the recurrent tasks outlined above.***

66. **The co-chairs will present a draft proposal for the mandate of the WGTR in the period between CSP6 and CSP7 during the April 2020 WGTR meeting.**

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**ATTACHMENT 1****INVENTORY OF ALL COMMENTS AND SUGGESTIONS OF WGTR PARTICIPANTS REGARDING THE REPORTING TEMPLATES AND THE ONLINE REPORTING TOOL****(ANNEX A to the WGTR CO-CHAIRS' DRAFT REPORT TO CSP5 (ATT/CSP5.WGTR/2019/CHAIR/533/Conf.Rep))****Introduction**

1. In order to facilitate reporting, CSP2 endorsed and recommended for use templates to submit initial reports and actual reports; these are available on the ATT website. During the preparatory process leading up to CSP3, it was decided to leave these templates unchanged for a number of years to provide some stability for reporting efforts. Therefore, the templates were not discussed at CSP3 or CSP4. However, considering the growing indications by States Parties and other ATT stakeholders of the complexity of the templates and considering the upcoming introduction of online reporting, a review of the effectiveness and clarity of the templates was included as a specific task in the mandate for the WGTR for the period between CSP4 and CSP5 (that States Parties endorsed at CSP4).

2. The task was addressed during the 31 January and 4 April WGTR meetings. During the 4 April WGTR meeting, the co-chairs indicated that they would make an inventory of all comments and suggestions that they have received and will receive regarding the reporting templates and the online reporting tool, and would attach this inventory to their report to CSP5. In their report of the 4 April WGTR meeting, the co-chairs also indicated that to facilitate further exchanges on the templates and the online reporting tool, the co-chairs, in cooperation with the ATT Secretariat, would open a discussion on the information exchange platform in the restricted area of the ATT website, whilst also welcoming comments and suggestions submitted by e-mail to the ATT Secretariat at [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org).

3. In line with their commitment, below the Chair has summarized all the comments and suggestions that they received by the end of June 2019. The comments and suggestions are categorized between comments and suggestions on the templates in general and specific comments and suggestions on the initial reporting template and the annual reporting template, respectively. A distinction is also made between formal comments and suggestions and substantive comments and suggestions.

**Comments and suggestions on the templates in general**

4. The most important formal issue that was raised is the status of the templates. At CSP2 States Parties endorsed the templates, but only recommended their use. States Parties are therefore not obliged to use the templates to fulfil their reporting requirements. This is considered problematic for at least two reasons:

- 1) The first reason concerns two interlinked elements that should be considered in this debate, i.e. the introduction of the online reporting tool and the intention to have a public searchable database that allows for queries and extracting data. First, the templates have been integrated in the online reporting tool, so States Parties that want to fill-out or complete the online reporting tool to submit their reports will have to use the templates (although they do have the option to upload their reports via the online reporting tool in other formats). Second, a public searchable database would, in principle, require that

States Parties submit the same types of data in the same format, in order to allow for consolidation of the data. Concerning the database that means that the only alternative to obliging States Parties to enter their data using the online reporting tool (and consequently the templates) would be for the ATT Secretariat to manually enter the data received in formats into the database manually.

- 2) A second reason concerns comparability of information. As explained in the answers to questions 1 and 22 in the 'FAQ'-type guidance document on the annual reporting obligation, the Treaty does not expressly list the information that States Parties need to include in their annual report, but the templates represent a common understanding – not a Treaty obligation – of what information States Parties should include *as a minimum* when they report. This ensures a minimal degree of comparability, although there are other comparability issues with the annual reporting template in particular.

5. An important substantive comment that was made is that the distinction between mandatory and voluntary obligations and questions has the wrong premise. The templates make it appear that on those elements of the Treaty where the treaty text does not oblige States Parties to take measures, but only encourages them to do so, States Parties could also choose whether or not to report. Yet, States Parties are required to report on all measures that they have taken, regardless of whether they concern hard Treaty obligations or not.

6. Another general substantive point that was raised concerning the two templates was that it should be considered whether the work in the working groups should be reflected in the templates, with references to endorsed documents.

7. A final general substantive point that was raised concerns the ambiguous language on some elements, e.g. on the question whether or not a report can be public, and the formulation of some elements as statements rather than questions, e.g. on brokering in the initial reporting template.

#### **Comments and suggestions on the initial reporting template**

8. The most important mixed formal-substantive point that was raised concerning the initial reporting template concerned its length and the assumption of full compliance at its core. The template should be more practical and include a cover page with general questions and include columns with explanations. Others commented that the length is not an issue and that the template needs to be comprehensive in asking questions, so that States Parties can identify and address gaps in their control system. In that respect, it can also serve as a basis for an application to the VTF.

9. An important formal point raised concerning the initial reporting template was the use of open versus closed questions. Some WGTR participants pointed out that closed questions usually get a higher response, but do not always allow for nuanced and comprehensive answers. Also States might be reluctant to submit an initial report if the closed questions format requires them to answer “no” to most questions, while implementation efforts are ongoing. A more open questions-focused format could allow States to better explain their implementation processes. In that sense it might already be useful to include an indication in the template that a “no” answer can (and should be) updated later, when the appropriate measures are adopted.

10. The latter also exposes another formal point concerning the initial reporting template, namely that there is not a single indication of the update requirement, nor a process or template to do so.

11. A substantive suggestion that was made was to use elements of the basic implementation guide that is under discussion in the WGETI in the initial reporting template.

12. A substantive problem that was raised was the lack of specificity in questions, with a suggestion to disaggregate existing questions.

13. Also a number of specific substantive omissions in the initial reporting template were flagged, such as questions on the interpretation of the concept of “overriding risk”, on measures concerning brokering (register? authorizations?) and questions relating to international assistance.

#### **Comments and suggestions on the annual reporting template**

14. The most important substantive issue that was raised about the annual reporting template concerns the possibility in the template to report either the quantity or the value of the weapons that were imported and exported. Just like the treaty-based possibility to report either authorized exports and imports or actual exports and imports, this renders comparing and matching the export and import data in annual reports virtually impossible. In that regard, it was suggested that the WGTR could have a discussion on how to address this issue, which could include a recommendation for States Parties to all report the same type of data, either authorized exports and imports or actual exports and imports.

15. Another specific substantive issue that was raised about the annual reporting template concerns the categorization of weapons within the categories as provided in the template. It was suggested that more or new guidance might be required.

#### **Other reporting templates?**

16. Next to comments on the existing templates, references were also made to a previous proposal to adopt a template for States Parties to report on effective measures they taken to address diversion, as they are encouraged to do in article 13 (2) of the Treaty. Such a proposal was submitted by Argentina during CSP1. It should be noted, however, that during the WGTR meeting of 08 March 2018, States Parties concluded that the issue of diversion is too complicated to be captured within a template format and that the co-chairs therefore decided to no longer include this proposal in the mandate and the agenda of the WGTR. It should also be noted that during CSP4, States Parties endorsed the three-tier approach to sharing information on diversion, subject to each State’s national laws, practices or policies: 1) policy-level exchanges on diversion in the sub-working group on Article 11 of the WGETI; 2) intersessional exchange of policy-related and relevant operational information via the information exchange portal that is under development; and 3) an informal meeting among interested States Parties (and possibly signatory States) to discuss concrete cases of detected or suspected diversion that they are dealing or have dealt with. In light of this three-tier approach, the additional development of a reporting template might be unneeded.

#### **Way forward**

17. As indicated in their report of the 4 April 2019 WGTR meeting, this inventory is intended as a basis for a potential discussion on the templates and the online reporting tool in the WGTR meetings after CSP5. For

that potential discussion, the Chair also calls upon WGTR participants, including civil society, to continue sharing their comments and suggestions concerning the templates and the online reporting tool via the information exchange platform in the restricted area of the ATT website, or by e-mail to the ATT Secretariat at [info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org).

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