

### **ATT Working Group on Transparency and Reporting Co-chairs' report of 8 March 2018 meeting**

On 8 March 2018, the Working Group on Transparency and Reporting (WGTR) held its first of two meetings of the preparatory process towards the Fourth Conference of States Parties (CSP4) of the Arms Trade Treaty (ATT). The first meeting was attended by representatives of 62 States, 3 international organisations and 7 civil society organisations.

The WGTR adopted the [draft agenda for the meeting](#), and considered the [initial work plan](#) as well as additional documents submitted by the co-chairs in order to allow WGTR participants to prepare efficiently for this meeting, and to ensure a structured and effective discussion.

An [introductory paper](#) gave an overview of past proposals and discussions relating to each part of the mandate of the WGTR, set out elements for discussion and put a number of proposals for consideration to WGTR participants.

The introductory paper was complemented by a [list of guiding questions](#) that WGTR participants were encouraged to use for potential interventions during the meeting and/or for written answers that they wanted to provide to the co-chairs ahead of the meeting (no such answers were received).

The purpose of the first meeting was to have a focused exchange of experiences concerning reporting and to identify potential deliverables supporting or facilitating reporting and transparency, that could form the basis for one or more recommendations to the CSP and on which further work could be done throughout the preparatory process of CSP4.

In view of this purpose, the co-chairs found it important to include in their report both a detailed overview of the discussions during the meeting and a summary of the concrete outcomes of the first meeting and the work that the co-chairs, WGTR participants and the ATT Secretariat will need to undertake in the intersessional period leading up to the second WGTR meeting.

#### **Concrete outcomes of the 8 March meeting leading up to the second WGTR meeting**

1. As [means to support States Parties in submitting timely and accurate initial and annual reports](#), the following ideas were raised: 1) giving the ATT Secretariat a reporting assistance mandate; 2) listing existing guidance documents and tools; 3) drawing up a roster of reporting experts that States Parties having reporting difficulties can turn to for tailor-made assistance; 4) providing WGTR co-chairs with an outreach role on issues related to reporting; and 5) provide a forum within the ATT IT platform for intersessional exchanges on reporting.

For the intersessional period leading up to the second WGTR meeting, the co-chairs call on all participants to submit concrete proposals and to process the aforementioned ideas into working papers that could be recommended for consideration by CSP4. The co-chairs themselves will propose a short paper on outreach about the Treaty's reporting obligations. To enhance awareness

of the obligation to update the initial reports that States Parties submit, where necessary and appropriate, the co-chairs will ask the ATT Secretariat to include a reminder of this obligation in the reminders they send to States Parties about the annual reporting obligation.

2. Concerning substantive reporting issues, two concrete initiatives will be taken in the intersessional period leading up to the second WGTR meeting. On record-keeping, The Netherlands will draft a short questionnaire on how States Parties gather information to compile their annual reports. Depending on the response to the questionnaire, a good practice document could be drafted for consideration by the WGTR. On customs codes, the co-chairs will explore with the ATT Secretariat the possibility of inviting a WCO representative to the second meeting of the WGTR, with a view to give a presentation about the Harmonized System, its review process and the classification of conventional arms within the Harmonized System. On the issue of categorizing items in the correct categories of conventional arms co-chairs welcome any proposal. As for future meetings of the WGTR, the co-chairs will integrate this topic into the agenda-item about the 'FAQ'-type guidance document on the annual reporting obligation.
3. Concerning organizational means for information exchange, the co-chairs very much welcomed the proposal of Japan for the development of an information exchange portal and invited Japan to submit their proposal as soon as possible to have an in-depth discussion on this during the second meeting of the WGTR and potentially prepare the proposal as a deliverable for CSP4.

Specifically concerning exchanging information on diversion and anti-diversion measures, following the discussion, the co-chairs do not see merit in further discussing, for the time being, the Argentinian proposal of a template as a format for States Parties to report on their anti-diversion measures on the "policy level". However, given the importance of this topic, the co-chairs do urge participants to think about alternative proposals about how States Parties can efficiently and effectively communicate their effective anti-diversion measures and lessons learnt to other States Parties.

As to structured mechanisms to exchange diversion information on the operational level a significant number of participants regard the database of national points of contact that the ATT Secretariat is currently developing as the only formal mechanism within the ATT framework that is required at this point (also more guidance is deemed unnecessary). Other participants, do see merit in developing structured mechanisms and therefore the co-chairs will keep this topic on the agenda. Ideas could include exploring whether the ATT IT platform can be used to have operational exchanges or whether some guidance can be included in the guidance document for national points of contact that the ATT Secretariat is mandated to prepare. On this matter, as well as the on the matter how States Parties could efficiently and effectively communicate their effective anti-diversion measures and lessons learnt to other States Parties, the co-chairs will coordinate with the facilitator of the sub-group on article 11 of the WGETI.

Concerning follow-up mechanisms on the initial and annual reports that States Parties submit, very few comments were made, but participants are invited to submit concrete proposals on any type of effective and efficient follow-up mechanism. If no proposals are received before the second meeting of the WGTR, the co-chairs suggest pushing this topic to 2019.

4. Concerning harnessing information generated by mandatory reporting, there was an overwhelming consensus among participants that the information generated in, especially, the annual reports, should be available in a searchable database that allows for queries and extracting data, and that the reporting functionality in the ATT IT platform should be developed with this purpose in mind. A consolidated annual report with all the import and export data was mostly found not necessary, nor desirable. As to how the work of civil society on harnessing information included in, especially, initial reports should feed into the discussions in the WGETI, the co-chairs welcome any proposal.
5. Concerning the ATT IT platform and the reporting functionality, it was agreed that to allow sufficient time for testing the functionality the 2018 annual reporting exercise will still happen according to the 2017 procedure, i.e. States Parties providing their reports to the ATT-Secretariat via e-mail. It was also agreed that to support the ATT Secretariat in developing the IT platform, a consultative group of WGTR participants will be established, coordinated by the co-chairs in cooperation with the ATT Secretariat. Interested participants are invited to make their interest known to the co-chairs. As to livestreaming open ATT meetings on the ATT website, the co-chairs suggested to the Japanese presidency to consider the proposal for CSP4 itself.
6. Concerning the mandate of the WGTR, the co-chairs will provide a first draft of a mandate with tasks to be carried out by the WGTR in the period between CSP4 and CSP5 for the second meeting.

#### **Overview of discussions during the 8 March meeting**

##### **State of play of compliance with reporting obligations.**

7. Under this agenda-item, the ATT Secretariat gave a [presentation on the status of reporting](#). The presentation showed a worrying amount of States Parties that have not complied with their initial and annual reporting obligations. This was further discussed during the exchange of lessons learned concerning reporting.

##### **Exchange of lessons learned concerning reporting (with reference to 'FAQ'-type guidance document on the annual reporting obligation).**

8. Under these agenda-items, the co-chairs asked participants to share their experiences concerning reporting, with a focus on States Parties that have not yet (completely) complied with their reporting obligations. To those States Parties, the co-chairs asked to share the obstacles that have kept them from reporting. In doing so, the co-chairs also referred explicitly to the two documents that were considered by CSP3 as valuable tools to support States Parties in complying with their reporting obligations, i.e. the document "[National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments](#)" and the document "[Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers](#)".
9. Participants presented good practices, but mostly raised number of challenges to submitting timely and accurate reports. A few States Parties that are yet to submit their required reports shared the reasons why not having done so.

10. Some States Parties have consciously not yet submitted their reports because they first want to ensure the correct implementation of the Treaty. This draws the reaction that reporting itself is also part of implementation, but that that we maybe also need to wait a few years more with a proper assessment of reporting compliance.
11. One familiar challenge concerns staff capacity and staff turn-over, as well in States Parties that are in the beginning stages of setting up their control system, as in States Parties with well-established control systems. The importance of good schedule management and written down instructions is highlighted, in reference to the aforementioned “national measures” document.
12. A challenge that is specific to reporting annual imports concerns gathering the required data without having an import licensing system for all the arms within the scope of the Treaty.
13. The big issue that arises is that more assistance is needed to States Parties that are in the beginning stages to set up their control system to help them drawing up their mandatory reports. In that regard, the Q&A guidance document on annual reporting is commended, as well as the role of civil society, the VTF and other assistance providers is commended, but it is pointed out that more is needed, both on outreach about the importance of reporting as on assistance.
14. Ideas were launched, such as: 1) giving the ATT Secretariat a reporting assistance mandate; 2) listing existing guidance documents and tools; 3) drawing up a roster of reporting experts that States Parties having reporting difficulties can turn to for tailor-made assistance; and 4) providing WGTR co-chairs with an outreach task. Some participants also pointed out that the WGTR itself can assist on reporting through exchanges as we are having now; an idea could be to supplement these exchanges in the WGTR with a forum within the ATT IT platform, where these exchanges can take place intersessionally.
15. As to the timeliness of reporting, questions were asked about the reminders that the ATT Secretariat issues. This is done once before and once after the reporting deadline.
16. Some participants also raised issues concerning the quality of reporting. Work still needs to be done on the accuracy of the submitted data to avoid discrepancies. There are also some inconsistencies as to the extent that some States Parties allow their reports to be published on the public part of the ATT website; in that regard participants indicated that making reports publicly available is often a question of political will and that more outreach is needed.
17. A last issue concerns the update of the initial reports that States Parties submit, where necessary and appropriate. Despite the update being a legal obligation, it is felt that updates are lacking. **To enhance awareness of this obligation, the co-chairs will request the ATT Secretariat to include a reminder of this obligation in the reminders they send to States Parties about the annual reporting obligation.**
18. **For the intersessional period leading up to the second WGTR meeting, the co-chairs call on all participants to submit concrete proposals to support States Parties in submitting timely and accurate initial and annual reports. In that respect, the co-chairs refer to the ideas that were**

launched during the meeting and calls on participants to process these ideas into working papers that could be recommended for consideration by CSP4.

19. **The co-chairs themselves will propose a short paper on outreach about the Treaty's reporting obligations.**

#### Discussion on pending reporting and transparency issues.

20. For the discussion on this agenda-item the co-chairs included three substantive issues in their introductory paper for consideration with a view to develop concrete deliverables for CSP4:

- 1) the role of record-keeping, both by States Parties themselves, as by importers and exporters, as a means to support the compilation of the annual report;
- 2) the (potential) difficulty of categorizing items in the correct categories of conventional arms covered under Article 2 (1);
- 3) the impact of the customs classification of conventional arms in compliance with the control and reporting obligations of the ATT.

21. **There was little discussion on these issues, but two initiatives will be taken in the intersessional period leading up to the second WGTR meeting:**

- 1) **concerning record-keeping, The Netherlands will draft a short questionnaire on how States Parties gather information to compile their annual reports; and**
- 2) **concerning customs codes, the co-chairs will explore with the ATT Secretariat the possibility of inviting a WCO representative to the second meeting of the WGTR, with a view to give a presentation about the Harmonized System, its review process and the classification of conventional arms within the Harmonized System.**

22. **On these initiatives, there was mostly silent consent. As to the record-keeping questionnaire, the co-chairs will work with the Netherlands and the ATT Secretariat to present it to participants in the most effective and efficient manner and to gather as much input as possible with a view to a possible discussion on this topic during the second WGTR meeting. Depending on the response to the questionnaire, a draft good practice document could also be considered.**

23. **The issue of categorizing items in the correct categories of conventional arms was not discussed at all, which does not mean that the co-chairs would not welcome any proposals on this topic. As to future meetings of the WGTR, the co-chairs will integrate this topic into the agenda-item about the 'FAQ'-type guidance document on the annual reporting obligation.**

#### Organizational means for information exchange.

24. Under this agenda-item, the co-chairs had raised several issues in their introductory paper.

25. As to information exchange in general, the question was raised to what extent participants considered exchanges within the WGETI and existing information exchange mechanism outside the ATT framework sufficient to effectively implement their treaty obligations, or whether participants saw the need to develop specific processes or formats for exchanging information. This applied both to information exchange on the "policy level" – this is where States Parties

exchange information with all other States Parties in the form of report on their policies, activities and/or their lessons learned – as to see exchanging information on the “operational level” – this is where States Parties involved in one or more specific transfers, exchange information on those specific transfers.

26. Specifically concerning exchanging information on diversion and anti-diversion measures, reference was made to the two proposals that are still pending: 1) the [Argentinian proposal for a diversion reporting template](#); and 2) the [Mexican proposal for an information exchange mechanism to prevent diversion](#). Participants were asked for their views on these proposals, as well as for alternative proposals that could facilitate exchanging information and reporting on diversion and anti-diversion measures.
27. A last, concrete issue that was raised was the issue of follow-up mechanisms on the initial and annual reports that States Parties submit. On this issue, participants were asked questions on the desirability and feasibility of mechanisms that allow States Parties to give each other feedback on their reports or identify general trends in their reports.
28. From participants, most attention went to information exchange on diversion, which is also a topic in the sub-group on article 11 of the WGETI, where it was discussed two days before the WGTR meeting.
29. One general feeling from earlier WGTR meetings that was confirmed again was that the issue of diversion is too complicated to be captured within a template format. **In that respect, the co-chairs do not see merit in further discussing, for the time being, the Argentinian proposal of a template as a format for States Parties to report on their anti-diversion measures on the “policy level”. The co-chairs do urge participants to think about alternative proposals about how States Parties can efficiently and effectively communicate their effective anti-diversion measures and lessons learnt to other States Parties. In that regard, the co-chairs fully support the proposals for thematic exchanges and exchanges with civil society and industry in the WGETI, included in the paper [“Preventing and fighting the diversion of legally transferred weapons”](#) that was introduced by France *et al.* in the WGETI, but do point out that States Parties should also be encouraged to share their efforts intersessionally and not just during the WGETI meetings.**
30. As to information exchange on the “operational level”, many participants emphasize the importance of the points of contacts. If States Parties have established their control system and have functioning competent national authorities, they should be able to share the information that is required in article 11 and elsewhere through their Points of Contacts. In that respect, these participants regard the database of national points of contact that the ATT Secretariat is currently developing as the only formal mechanism within the ATT framework that is required at this point to facilitate operational information exchange concerning diversion. This also appears to apply to discussing any checklist on which types of information is essential or useful to share with other States involved in a specific transfer, or discussing a format through which to do so. More generally these participants feel that more in-depth discussions about diversion on the policy level necessary are necessary States Parties could think about discussing structured mechanisms to exchange diversion information.

31. Other participants do see merit in developing structured mechanisms to exchange diversion information on the operational level. For these participants, it would offer an aid to those States Parties that are not yet completely familiar with all issues concerning diversion and its prevention and addressing. Some guidance or fixed format could clarify what kind of information States Parties find appropriate to share with each other and could take away reluctance in doing so, i.e. guidance as a trust building instrument. A structured mechanism could also produce information that could feed into discussions on the policy level, for example in the WGETI, and would drive these discussions forward. **In that regard, especially Mexico made clear that it remains ready to work further on the proposal that it submitted for a structured format for information exchange concerning diversion. In that respect, the possibility could be explored to use the ATT IT platform as a means to have operational exchanges. It could also be an idea to include some guidance in the guidance document for national points of contact that the ATT Secretariat is mandated to prepare. On this matter, as well as the on the matter how States Parties could efficiently and effectively communicate their effective anti-diversion measures and lessons learnt to other States Parties, the co-chairs will coordinate with the facilitator of the sub-group on article 11 of the WGETI.**
32. As to information exchange in general, **the co-chairs very much welcomed the proposal of Japan for the development of an information exchange portal. To have an in-depth discussion on this during the second meeting of the WGTR and potentially prepare the proposal as a deliverable for CSP4, the co-chairs, urge Japan to submit their proposal as soon as possible.**
33. Concerning follow-up mechanisms on the initial and annual reports that States Parties submit, very few comments were made, although some participants pointed out that feedback sessions would be useful to ensure effective implementation and would be a kind of retribution for the reporting efforts that States Parties make. **As for the second meeting of the WGTR, participants are invited to submit concrete proposals on any type of effective and efficient follow-up mechanism. If no proposals are received before the second meeting, the co-chairs suggest pushing this topic to 2019.**

#### **Harnessing information generated by mandatory reporting.**

34. Under this agenda-item the co-chairs asked participants for their views on whether it desirable and feasible to: 1) harness information generated in the initial and annual reports (and, if so, how); 2) consolidate the information in annual reports into one general report; and 3) consolidate the content of initial reports in a structured matrix. In addition, the co-chairs asked how the work of civil society on harnessing information from ATT initial and annual reports could be integrated in the activities of the WGTR and the WGETI.
35. **There was an overwhelming consensus among participants that the information generated in, especially, the annual reports should be available in a searchable database that allows for queries and extracting data. Participants emphasized that is necessary to give meaning to the reporting requirements and to be able to analyse the submitted data. Participants also emphasized that the reporting functionality in the ATT IT platform should be developed with this purpose in mind.**

36. Especially as to the information included in initial reports, some participants pointed to the substantial work that civil society has done, thereby referring to, *inter alia*, ATT Monitor, the Small Arms Survey's Transparency Barometer and the ATT Baseline Assessment Project. The question remains however how this work should feed into the discussions in the WGETI.
37. **A consolidated annual report with all the import and export data was mostly found not necessary, nor desirable.**

#### IT platform: reporting and transparency functionalities.

38. Under this agenda-item, the co-chairs had asked participants to share any suggestions or priorities concerning the web-based reporting functionality and to share views on appointing a consultative group of WGTR participants to support the ATT Secretariat and on inviting UNODA and/or OSCE officials to a WGTR meeting to share their experiences with online reporting. Concerning transparency, the co-chairs had asked participants about their views on the proposal to livestream the open sessions of all working group meetings and the CSP itself on the ATT website.
39. The discussion was kicked-off with a presentation of the ATT Secretariat about the progress in the development of the ATT IT platform. The ATT Secretariat explained that The IT platform has several functionalities which require development or enhancement: the Information database, the website and conference services support; the development and enhanced was described in the [ATT Secretariat statement of work](#). Thereafter the ATT Secretariat described the administrative process on contracting an IT-provider. As to the reporting functionality, a commitment was made to provide this by mid-April. As its input for the annual reporting functionality, the ATT Secretariat handed the reporting template to the IT-provider and a list of 122 pieces of information that should be extractable from the functionality. This exercise also still needs to happen concerning the initial report. In doing so, the ATT Secretariat welcomes the support of States Parties. The ATT Secretariat also explained that the option to report by other means than the reporting functionality must remain open and that because that extracting accurate data from the functionality will be difficult; data from reports submitted by other means will have to be entered in the functionality manually. Lastly the ATT Secretariat indicated that also the points of contact database will be available on the website.
40. A number of States Parties stated that in view of the 31 May deadline for submitting annual reports, the delivery date for the annual reporting functionality is quite late, as the functionality will still need testing. **Because of that there was a general consensus that the 2018 annual reporting exercise should still happen according to the 2017 procedure, i.e. States Parties providing their reports to the ATT-Secretariat via e-mail.**
41. As to testing the functionality, some participants expressed their interest to assist. **The idea to have a consultative group of WGTR participants to support the ATT Secretariat on the development of the IT platform was generally well received, also by the ATT Secretariat. The co-chairs, in cooperation with the ATT Secretariat will coordinate the group and invite interested participants to make their interest known to them.**



42. Concerning the proposal to livestream open ATT meetings on the ATT website, some participants supported the idea, but also budgetary constraints were raised. **For CSP4 itself, the co-chairs suggested to the Japanese presidency to consider the proposal. AOB.**
  
43. Under AOB, the co-chairs mentioned that, in line with the mandate of the WGTR, **for the second WGTR meeting, they will already provide a first draft of a mandate with tasks to be carried out by the WGTR in the period between CSP4 and CSP5.**