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WORKING GROUP ON TRANSPARENCY AND REPORTING
INTRODUCTORY PAPER FOR MEETING OF 16 FEBRUARY 2023

Introduction and mandate for the WGTR CSP8-CSP9

1.   During the Eighth Conference of States Parties (CSP8) of the Arms Trade Treaty (ATT), States Parties dealt with a number of recommendations of the Co-Chairs of the Working Group on Transparency and Reporting (WGTR) that followed from the WGTR's discussions during its meetings of 17 February and 28 April 2022 and were included in the WGTR Co-Chairs' report to CSP8.

2.   Following these recommendations, States Parties:
a.   Recalled that transparency is a key purpose of the Treaty and as such, the WGTR must ensure that transparency is reflected in all its processes, discussions and proposals aimed at the fulfilment of the objectives of the Treaty;
b.   Reiterated that reporting is a fundamental obligation of the ATT, and submitting initial and annual reports is an indicator of the commitment of a State Party to the Treaty;
c.   Expressed its concern for the low rate of compliance with the reporting obligations;
d.   Urged States Parties that are not fully compliant with their reporting obligations to submit their reports or, in case of difficulty to do so, to make use of the available assistance mechanisms in order to achieve full compliance with the Treaty's reporting obligations;
e.   Encouraged all relevant stakeholders to continue to implement the Outreach Strategy on Reporting that was adopted at CSP4, and to use all available means to actively engage with States Parties that are not fully compliant with the reporting obligations, in order to raise awareness on the mandatory nature of reporting and to provide assistance upon request;
f.   Encouraged States Parties and signatory States to register online for access to the IT platform and make use of the Information Exchange Platform;
g.   Endorsed the revised 'FAQ'-type guidance document on the annual reporting obligation, as contained in Annex C of this Co-Chairs' report;
h.   Endorsed the WGTR mandate for the WGTR in the period between CSP8 and CSP9, as included in Annex A of this Co-Chair's report.
i.   Welcomed the first meeting of the Diversion Information Exchange Forum as a forum to discuss concrete cases of detected or suspected diversion that States Parties are dealing or have dealt with.

3.   The standing agenda items that States Parties instructed the WGTR to deal with in the period between CSP8 and CSP9 as a minimumare the following:

      a.   *State of play of compliance with reporting obligations and challenges concerning reporting;*
      b.   *Substantive issues concerning reporting under Article 13 of the ATT;*
      c.   *Transparency and information exchange; and*
      d.   *WGTR mandate in the period between CSP9 and CSP10.*

4.   Under each of these standing agenda items, States Parties charged the WGTR with the following specific tasks:

      a.   *With regard to the **state of play of compliance with reporting obligations and challenges concerning reporting**, the WGTR will:*

           i.   *review the status of reporting at every meeting, thereby focusing on the progress that has been made in comparison to the previous status updates;*

           ii.   *encourage participants of States Parties that are in non-compliance with their ATT reporting obligations to share their challenges to submitting timely and accurate initial and annual reports; and*

           iii.   *give participants the opportunity to propose and discuss means to support States Parties in addressing their reporting challenges, for example via initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4 or the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer).*

      b.   *With regard to **substantive issues concerning reporting under article 13 of the ATT**, the WGTR will:*

           i.   *give participants the opportunity to exchange practices, challenges and limitations concerning substantive issues about the reporting obligations that could benefit from consideration by the WGTR such as the public availability of annual and initial reports, gender considerations, synergies with other reporting obligations and the aggregation of data; and*

           ii.   *consider submitted proposals for alterations or additional questions and answers for the 'FAQ'-type guidance document on the annual reporting obligation, adopted at CSP3.*

      c.   *With regard to **transparency issues and information exchange**, the WGTR will:*

           i.   *give participants the opportunity to exchange practices, challenges and limitations concerning 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, adopted at CSP4;*

           iii.   *monitor and assess the use of the online reporting functionality and the Information Exchange Platform on the ATT website and give participants the opportunity to flag any problems using the systems and to propose possible improvements; and*

           iv.   *consider proposals to harness information from the initial and annual reports in a manner that allows follow-up on these reports, for example by working towards the consideration of a functionality that makes the information in annual reports available in a searchable database that allows for queries and extracting data.*

      d.   *With regard to the **WGTR mandate in the period between CSP9 and CSP10**, the WGTR will review the relevance of the aforementioned standing agenda items and recurrent tasks in the light*

of the state of play of ATT transparency and reporting, with a view to preparing a proposal for consideration by CSP9.

5.   The Co-Chairs have prepared this introductory paper to unpack the tasks of the WGTR for discussions in the period between CSP8 and CSP9, and to allow WGTR participants to prepare efficiently for the first WGTR meeting, which will take place on 16 February 2023. 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.

6.   As the paper includes several calls to WGTR participants to submit their own proposals on certain topics, the Co-Chairs encourage participants to submit any proposals in writing, via e-mail to the Co-Chairs and the ATT Secretariat, or via the Information Exchange Platform, by 06 February 2023.

Agenda item 1: State of play of compliance with reporting obligations and challenges concerning reporting

Task 1: The WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.

7.   Reviewing the status of reporting is always done through a presentation by the ATT Secretariat. **During the 16 February 2023 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.**

Task 2: The WGTR will encourage participants of States Parties that are in non-compliance with their ATT reporting obligations to share their challenges to submitting timely and accurate initial and annual reports.

8.   This recurring task is always 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 in establishing effective procedures for information gathering and reporting, whilst other States Parties presented how they dealt with such challenges in their control system. **The Co-Chairs therefore invite States Parties that have not yet complied with all their reporting obligations to share their challenges to submitting timely and accurate initial and annual reports, during the 16 February 2023 meeting. The Co-Chairs also invite State Parties that have complied with their reporting obligations to share their experiences in compiling and submitting their reports.**

9.   The Co-Chairs remind States Parties about the comprehensive assistance tools that the CSP already endorsed and recommended for use, namely:

a.   The document "National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments" – offering guidance on the organization of reporting duties;

b.   The document "Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers" - providing guidance in the form of questions and answers to facilitate the preparation of the mandatory annual report; and

c.   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 reportingduties of the Treaty).

10.   The Co-Chairs also point out that States Parties that are experiencing challenges with respect to their reporting obligations can apply to the Voluntary Trust Fund for assistance.

Task 3: The WGTR will give participants the opportunity to propose and discuss means to support States Parties in addressing their reporting challenges, for example via initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4 or the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer).

Outreach strategy on reporting

11.   The "Outreach strategy on reporting" was adopted at CSP4, in response to the downward trend in reporting rates, which has continued since. The strategy includes several recommendations and calls to all ATT stakeholders to pay attention to reporting issues in their work on implementing and helping to implement the Treaty. Concretely the Conference: 1) encouraged the participation of the President, members of the Bureau, Co-Chairs and the ATT Secretariat in ATT-related events, and to reserve specific time to provide information on reporting; 2) called on States Parties to consider the possibility of organizing, together with civil society and/or regional organizations, informative sessions at the regional level, addressed to national authorities responsible for reporting; 3) invited States Parties to promote the ATT, through bilateral dialogue, with particular references to the importance of timely reporting (which could eventually, lead to the identification of challenges and technical assistance opportunities); and 4) requested the CSP President and/or ATT Secretariat to proactively reach out to States Parties that have not fulfilled their reporting obligations and identify, where possible, the reasons or difficulties to elaborate and submit the reports.

12.   The implementation of the outreach strategy was subsequently included in the mandate of the WGTR in order to monitor its impact. Consecutive WGTR Co-Chairs asked ATT stakeholders to brief WGTR participants on any initiative they had undertaken focused on enhancing compliance with the reporting duties of the Treaty. One type of activity that was reported on in previous cycles concerned the engagement of CSP Presidents with those States Parties that are in arrears with their reporting obligations on a bilateral basis and through individualized letters. WGTR Co-Chairs have also encouraged the beneficiaries of VTF funded projects related to improving reporting capacities to share their experience and lessons learned.

13.   Also during the WGTR meetings in this CSP9 cycle **the Co-Chairs will call on States Parties, civil society and regional organizations to brief WGTR participants about any information sessions or promotional events on reporting that they have held, and about any other initiative focused on enhancing compliance with the reporting duties. The Co-Chairs also keep on encouraging beneficiaries of VTF funded projects related to reporting to share their experience and achievements in this area.**

Project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer)

14.   The project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer)

was first discussed during the CSP4 cycle and received explicit support from States Parties at CSP5. The initial intention of this project was simply that States Parties with specific questions about how to do their reporting or about any element of reporting could contact their peers to get an answer or practical advice. In that respect, this assistance was intended as an additional auxiliary instrument, next to, for example, the abovementioned 'FAQ'-type guidance document on the annual reporting obligation. The regional aspect related to the focus on bringing regional peers together, because a shared language, regional situation and/or common challenges could facilitate the peer-to-peer exchanges. In that regard, the project also had links to the outreach strategy on reporting and the Voluntary Trust Fund.

15.   The first step in the project was a meet & greet event, which took place in the margins of the first CSP6 WGTR meeting, among delegates of States that expressed interest either in offering or in receiving assistance on reporting issues. The reactions of WGTR participants in this event were positive and revealed their willingness to continue these peer-to-peer exchanges. During the subsequent WGTR meeting, it was decided that the follow-up of this project would remain in the hands of the ATT Secretariat. Due to the COVID-19 pandemic, however, no further meetings or meaningful follow-up could be organized and also the idea of a new meet & greet event in a virtual setting was eventually deemed not feasible.

16.   The Co-Chairs now propose to have a discussion on how to take the project forward. In that respect, the Co-Chairs want to highlight the element of regional assistance again and propose that the ATT Secretariat identifies regional champions on reporting and inquires after their ability and willingness to engage with States Parties in their region that struggle with their reporting duties. This engagement could be both active and passive. Regional champions could undertake active steps to encourage States to submit their reports and/or share their national good practices in bilateral exchanges, or simply inform struggling States in their region, possibly via the ATT Secretariat, that they are available to provide advice on how to gather and process relevant information and how to submit reports. In this process also regional organisations could play a leading or supportive role, which several already do in the context of VTF projects. **During the 16 February meeting, the Co-Chairs will seek WGTR participants' views on this proposed way forward.**

Other means

17.   **ATT stakeholders also have a standing invitation to submit proposals for other means to support States Parties in addressing their reporting challenges. They are invited to do so orally, during the 16 February 2023 meeting. in writing, via e-mail to the Co-Chairs and the ATT Secretariat or via the Information Exchange Platform by 06 February 2023.** In that regard, the Co-Chairs refer to some suggestions included in the WGTR Co-Chairs' report to CSP8, such as convening a workshop on how to fill in reports and establishing a group of friends to the chair to promote the fulfilment of the reporting obligations under the ATT.

Agenda item 2: Substantive reporting and transparency issues under article 13 of the ATT

Task 1: The WGTR will give participants the opportunity to exchange practices, challenges and limitations concerning substantive issues about the reporting obligations that could benefit from consideration by the WGTR such as the public availability of annual and initial reports, gender considerations, synergies with other reporting obligations and the aggregation of data

18.   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. **All WGTR participants are invited to raise any substantive issue they want to see discussed in the WGTR in writing, via e-mail to the Co-Chairs and the ATT Secretariat or via the Information Exchange Platform by 06 February 2023.**

19.   Concerning the examples given in the task description, the Co-Chairs emphasize that these do not concern explicit Treaty obligations and are also not included in the WGTR mandate to discuss their (legal) status. They are instead issues which have been raised in the WGTR previously and remain a point of attention for many States Parties and stakeholders.

20.   In that respect, the Co-Chairs indicate that many States Parties and other stakeholders have continued to express their concern about the persisting downward trend in the number of States Parties that make their reports publicly available, which the Co-Chairs find a legitimate concern in light of the Treaty's purpose in Article 1 of promoting transparency (which is also referred to in question 41 of the 'FAQ'-type guidance document on the annual reporting obligation). In that regard, **the Co-Chairs see merit in further discussions on this subject, to help all ATT stakeholders to understand the challenges, limitations and/or preferences of States Parties that choose not to make their reports public, without questioning their right to do so**.

21.   Concerning gender considerations, **the Co-Chairs continue to invite States Parties to report how they take into account gender considerations in their Treaty implementation**, in accordance with the decision at CSP5 encouraging Working Group Chairs to Chairs and facilitators to consider gender aspects in their sessions, in order to increase understanding of the gendered impact of armed violence in the context of the ATT.

22.   Concerning synergies with other reporting obligations, the Co-Chairs refer in particular to the revised Annual Reporting Template, endorsed at CSP7, which includes a tick-box allowing a States Party to indicate that the United Nations Office for Disarmament Affairs (UNODA) may use the relevant information in its Annual Report as a basis for the reporting State's report to the United Register on Conventional Arms (UNROCA). The presentation by the ATT Secretariat about the status of reporting at CSP8 indicated that at that point 18 of 63 reporting States Parties had done so. **All WGTR participants are invited to share their comments on this new practice**.

23.   The issue of aggregation of data in annual reports remains included as an example to encourage States to share their practices and challenges on this particular topic. In that regard, the Co-Chairs point out that the 'FAQ'-type guidance document on the annual reporting obligation, in questions 22 and 23, indicate expressly that States Parties should consider disaggregating their information by category of conventional arms on which they are reporting, as well as by country of origin or destination, and then strongly encourages States Parties to do so per country.

Task 2: The WGTR will consider submitted proposals for alterations or additional questions and answers for the `FAQ`-type guidance document on the annual reporting obligation, adopted at CSP3

24.   The 'FAQ'-type guidance document on the annual reporting obligation was endorsed by States Parties at CSP3. It was then updated at CSP5 and CSP8, when States Parties endorsed a number of

amendments that were necessary to reflect: 1) the introduction of the online reporting tool; and 2) the revised Annual reporting template that was endorsed and recommended for use at CSP7.

25.   The guidance document is by nature an open-ended document, allowing all WGTR participants to suggest proposals for alterations or additional questions and answers. The document itself requires that such proposals be considered in the WGTR (before they can be presented to the Conference). **The Co-Chairs therefor invite WGTR participants to submit proposals for alternations or additional questions and answers to the Co-Chairs and the ATT Secretariat by e-mail, or via the Information Exchange Platform, by 06 February 2023. The Co-Chairs will then invite proponents to present their proposals to the Working Group.**

Agenda item 3: Transparency and information exchange

Task 1: The WGTR will give participants the opportunity to exchange practices, challenges and limitations concerning information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level

26.   This is a recurring task to allow WGTR participants to propose and discuss 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).

27.   The two mechanisms that have already been established for this purpose, following discussions in the WGTR, are the Information Exchange Platform in the Restricted Area of the ATTwebsite and the Diversion Information Exchange Forum (DIEF), both available to all States Parties and signatory States. These are addressed under the next tasks of this agenda item.

28.   **Beyond these two mechanisms, the Co-Chairs will invite WGTR participants to propose and discuss any other 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. The Co-Chairs welcome any written proposals, via e-mail to the Co-Chairs and the ATT Secretariat or via the Information Exchange Platform, as well as oral proposals during the 16 February 2023 meeting.**

Task 2: The WGTR will follow up the implementation of the three-tier approach to sharing information on diversion, adopted at CSP4

29.   For reference, the three-tier approach to sharing information on diversion concerned: 1) policy-level exchanges on diversion in the WGETI sub-group; 2) intersessional exchange of policy-related and 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 latter tier was developed into the Diversion Information Exchange Forum (DIEF), which was established at CSP6 as a *sui generis* body for informal voluntary exchanges between States Parties and signatory States concerning concrete cases of detected or suspected diversion and for sharing concrete, operational diversion-related information (governed by its own Terms of Reference). The first meeting of the DIEF took place at CSP8, after which the DIEF Chair provided an oral briefing to the Conference. Further DIEF meetings will be organized by the CSP9 President in accordance with the DIEF Terms of Reference, and its usefulness will be reviewed at the first CSP

following two cycles of DIEF meetings (which will be at CSP10, as the second cycle of DIEF meetings will include CSP9).

Task 3: The WGTR will monitor and assess the use of the online reporting functionality and the Information Exchange Platform on the ATT website and give participants the opportunity to flag any problems using the systems and to propose possible improvements

30.   The online reporting tool and the Information Exchange Platform on the ATT website have been operational since the CSP4 cycle in 2018. During the CSP6 cycle, the ATT Secretariat presented guidance on the use of the Information Exchange Platform, which is available in the Restricted Area of the ATT website. Despite the WGTR Co-Chairs' continuous encouragement of States Parties and signatory States to consider using the online reporting tool for submitting their annual reports and to engage in information exchanges via the Information Exchange Platform, the use of both instruments remains very limited. More generally, the number of users that have requested access to the Restricted Area of the ATT is also limited.

Information Exchange Platform

31.   With its limited use in mind, the Co-Chairs intend to have a substantive discussion on the Information Exchange Platform. In light thereof, WGTR participants are reminded that the platform was created to facilitate exchanges between States Parties and signatory States for two purposes.

32.   The first purpose concerned exchanges on pending issues within the ATT process. In that regard working group chairs and facilitators were encouraged to use the platform to communicate and receive input ahead of and in between meetings of their working groups. This was considered useful, because unlike exchanges via e-mail, exchanges via the platform would be accessible for all registered State Party and signatory State delegates, which could advance ongoing discussions intersessionally. For that purpose, during the CSP6 and CSP7 cycles, the WGTR Co-Chairs posted several announcements on the platform requesting input and comments on several working documents ahead of WGTR meetings. Only a couple of StatesParties responded to this request by uploading their feedback in the platform. In the ensuing discussion, some States Parties pointed out the need of support from the ATT Secretariat to make States Parties and signatory States aware of announcements on the platform, while others questioned the security of the IT system.

33.   The second purpose concerned the information-sharing and exchanges that are required or encouraged in the Treaty itself (see paragraph 26 for a list). This role of the platform was acknowledged in the three-tier approach to sharinginformation on diversion, which included the platform as one of the three channels which could facilitate the information exchanges about diversion that are encouraged in paragraphs 3, 4 and particularly 5 of article 11 of the Treaty. Also the Terms of Reference of the Diversion Information Exchange Forum encourage States Parties and Signatory States to use the platform to share operational diversion-related information. Up to this point, no State Party or signatory State has used the Information Exchange Platform for this purpose, nor for any other information-sharing.

34.   The Co-Chairs request WGTR participants to reflect on the role of the Information Exchange Platform for both purposes on the basis of the following questions:

- Do WGTR participants see a continuing role for an Information Exchange Platform in the operation of the ATT process and/or for exchanges that are required or encouraged by the Treaty?
- Is its current set-up sufficient to allow meaningful exchanges and information-sharing?
- Could a simple step like the ATT Secretariat notifying States Parties and Signatories of announcements on the platform enhance its use?
- Are there other improvements to the platform itself that could enhance its use?
- Should the access to the platform be extended to all registered ATT stakeholders, or have public part to allow broader and more inclusive exchanges, as suggested by one State Party during the CSP7 cycle?

35.   **During the 16 February 2023 meeting, the Co-Chairs will invite all WGTR participants to discuss these questions, but also welcome any written input, via e-mail to the Co-Chairs and the ATT Secretariat or via the Information Exchange Platform by 06 February 2023.**

Online reporting tool

36.   The online reporting tool is in essence a fully digital version of the Initial and Annual Reporting Templates (which are also available in Word and PDF format). Additionally, it allows States Parties to upload their reports. According to the Status of Reporting presentation of the ATT Secretariat during CSP8, only 11 out of 63 Annual Reports, 17 %, for the calendar year 2021 were submitted via the online reporting too, while an additional five were uploaded via the tool.

37.   **On this topic the Co-Chairs will invite those States Parties that have used the online reporting tool to share their experience, and those that have not, to share why they prefer another reporting format.** The Co-Chairs aim to establish whether any steps can be taken to increase the use of the tool, also in light of the discussion about the potential development of a searchable database that includes the information in publicly available annual reports (see the next task).

Task 4: The WGTR will consider proposals to harness information from the initial and annual reports in a manner that allows follow-up on these reports, for example by working towards the consideration of a functionality that makes the information in annual reports available in a searchable database that allows for queries and extracting data

38.   The topic of a searchable database has been on the WGTR agenda since the CSP4 cycle, when there was an overwhelming consensus among WGTR participants that the information generated through the annual reports should be available in a searchable database. It was subsequently not extensively discussed in the CSP5 and CSP6 cycles, when the focus was put on the development of the online reporting tool and the adjustment of the reporting templates, which were both deemed necessary in view of a possible database. In the CSP7 cycle, the discussion was resumed on the basis of a background paper of the ATT Secretariat.[1] This paper intended to facilitate a discussion to identify WGTR participants'

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[1] The background paper 'Considerations for a Searchable Online Database' was included as an annex in the introductory paper of the WGTR Co-Chairs for the WGTR meeting of 28-29 April 2021 (ATT/CSP7.WGTR/2021/CHAIR/657/M.IntroPaper).

expectations and preferences for a possible searchable online database, with a view to determining draft parameters and features of such a database, which could then be used to obtain a cost estimate for the development of such a database. This could then allow for a cost-benefit assessment and a decision whether or not to proceed with the project. During the discussions in the CSP8 cycle, several WGTR participants again offered support to the idea of a searchable database as a way of enhancing transparency in the ATT and provided some feedback concerning the questions in the background paper, but it was made clear that further discussions were needed.

39.   The Co-Chairs intend to move this discussion forward, so that at CSP9, the Conference can either mandate the Secretariat to obtain concrete cost estimates or conclude that States Parties have established that the development of a searchable database is not feasible at this point. For that purpose, the Co-Chairs have analysed the discussions on this topic in light of the considerations and questions in the aforementioned background paper of the ATT Secretariat. The considerations in that background paper are effectively two-fold. A number relate to the usefulness of such database, followed by a number relating to the practical feasibility.

40.   In terms of usefulness, previous introductory papers and WGTR reports summarizing discussions on this topic affirm wide support for the searchable database. The reasons of its usefulness, related to transparency and accountability, were already explored in the introductory paper for the CSP8 WGTR meetings. The Co-Chairs reiterate that the annual reporting obligation in the ATT is the only legal obligation of its kind with a (potential) global reach, which would set a dedicated ATT database apart from all other existing databases on exports and imports of conventional arms, including small arms and light weapons.

41.   In terms of practical feasibility, the Co-Chairs have established States Parties have raised a number difficulties relating to the substantive topics included in the Secretariat's background paper.[2]

42.   One substantive topic addressed in the background paper concerns the information to be reported. The Treaty itself provides that States Parties can choose between reporting *authorized* or *actual* exports and imports, while the Annual Reporting template also gives States Parties the option to report on the number of items transferred, the value of items transferred, or both. In that regard, the Co-Chairs have established on the basis of previous discussions that the potential development of a searchable database should not affect this flexibility and that the possible database should therefore accommodate this. The Co-Chairs submit that this is a settled parameter in case States Parties would agree to move forward with this project.

43.   The same applies partially to the second substantive topic, namely the format that is used to submit the information to the Secretariat. While the efficient operation of a searchable database would benefit from all States Parties using a unique reporting format in the form of an online reporting tool, the Co-Chairs have established that also on this topic States Parties want to maintain the flexibility to submit their annual reports in one of the four ways listed in the answer to question 2 of the 'FAQ'-type guidance document on the annual reporting obligation: 1) via the online reporting tool on the ATT website; 2) via an email to [the ATT Secretariat]; 3) via post or courier; or 4) by hand-delivery to the ATT Secretariat

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[2] The considerations and questions relating to practical feasibility in the background paper have been reproduced in the Annex of this introductory paper.

offices.[3] With regard to the operation of the database, the question which then still needs a conclusive answer is whether the searchable should then also include the information from all the reports that are submitted, regardless of the method, or only the information submitted via the online reporting tool. There are two elements to consider in that regard. One element is the comprehensiveness of the database. If the database is to enhance transparency about all the basic information that States Parties have provided in their Annual Reports, it appears logical that the information of all States Parties that submitted annual reports needs to be included, regardless of their method of submission. The second element is that this will likely have an impact on the cost-benefit analysis of a possible database in terms of the capacity of the ATT Secretariat, because all information that is not provided via the online reporting tool will most likely need to be included manually in the database by the ATT Secretariat. If States would agree to move forward, this needs to be factored in as parameter to take into account, especially also in light of the limited use of the online reporting tool so far.

44.   The last substantive topic concerns <u>public availability</u>. Because States Parties have the option to make their reports only available to States Parties, the information from such reports cannot be included in a public searchable database. As such this does not affect the operation of the database, but the Co-Chairs seek confirmation from States Parties that if further steps are taken, it is with this understanding, that the scope of the database only concerns annual reports that have been made publicly available.

45.   **During the 16 February 2023 meeting, the Co-Chairs will seek the views of WGTR participants on the different elements in the paragraphs above and whether they want to: a) move the project forward and mandate the Secretariat to obtain cost estimates of a searchable database according these set parameters; or b) take the topic off the WGTR agenda for the CSP10 cycle.**

46.   **Beyond the searchable database, the Co-Chairs will invite WGTR participants to propose and discuss other proposals to harness information from the initial and annual reports in a manner that allows follow-up on these reports. The Co-Chairs welcome any written proposals, via e-mail to the Co-Chairs and the ATT Secretariat or via the Information Exchange Platform, as well as oral proposals during the 16 February 2023 meeting.**

Agenda item 4: WGTR mandate in the period between CSP9 and CSP10

Task: the WGTR will review the relevance of the aforementioned standing agenda items and recurrent tasks in the light of the state of play of ATT transparency and reporting, with a view to preparing a proposal for consideration by CSP9.

47.   **The Co-Chairs intend to address this agenda item during the next WGTR meeting in May. The Co-Chairs nevertheless welcome any written input on the continued relevance of the WGTR agenda, via e-mail to the Co-Chairs and the ATT Secretariat or via the Information Exchange Platform, as well as oral proposals during the 16 February 2023 meeting.**

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[3] Except when States Parties put in their information directly in the online reporting tool, they can also choose to submit their information using ATT Annual Reporting Template, the UNROCA Template or an own template.

Annex A: Considerations and questions relating to the practical feasibility of a searchable online database (Excerpts from the ATT Secretariat's CSP7 background paper 'considerations for a searchable online database')

Considerations and questions concerning the format of Annual Reports

A total of 285 Annual Reports have been submitted by States Parties to the ATT since the ATT entered into force in December 2014 and the obligation to submit Annual Reports under Article 13(3) came into effect. An online reporting tool was made available in 2018, allowing States Parties to submit their Annual Reports by entering the data directly into an electronic form. Since online reporting was made available, a total of [19] States Parties have submitted their Annual Reports by filling in the online, electronic form.

The remaining 266 Annual Reports were submitted in Word or PDF format. This means that just over 6% of the data contained in ATT Annual Reports has been entered into the system in electronic format.

If a searchable database is established, the information or data contained in the 266 Annual Reports that were submitted in Word and PDF (as well as any future reports submitted in Word or PDF) would need to be manually entered into the electronic database that will form the data source for the searchable database. The costs associated with this manual data entry would need to be factored into a cost estimate.

Alternatively, participants could consider/decide that a searchable online database will only analyse or search data that is entered into the system using the online reporting tool. This would mean that data provided in Annual Reports that are not submitted using the online reporting tool would not be in the database and would not be searchable, leading to an incomplete data source. This will also have implications for States that do not use the reporting template at all.

Considerations and questions concerning the possibility to report *authorized* or *actual* exports and imports

Under Article 13(3) of the ATT, States Parties are required to submit Annual Reports concerning exports and imports of conventional arms covered under Article 2(1), and the Annual Reporting template gives States Parties the option to report on actual or authorized imports and exports. Accordingly, some States Parties submit information on authorized transfers for a given calendar year (i.e. how many/what value of arms were granted a licence or permit for export or import) and others submit information on actual transfers (how many/what value of arms were physically exported or imported).

   a. *What are the implications of having both types of data in the searchable database?*
   b. *Is it necessary for States Parties to all report the same information to optimize the usefulness of the searchable database, and what are the implications for previous ATT decisions on reporting format?*

Considerations and questions concerning the possibility to report the number of items transferred, the value of items transferred, or both

The Annual Reporting template gives States Parties the option to report on the number of items transferred, the value of the arms transferred, or both. Accordingly, some States Parties submit information on the number of arms transferred and others submit information on the value of arms transferred (or both).

   a. *What are the implications of having both types of data in the searchable database?*
   b. *Is it necessary for States Parties to all report the same information to optimize the usefulness of the searchable database, and what are the implications for previous ATT decisions on reporting format?*

Considerations and questions concerning the possibility to make annual reports publicly available or to States Parties only

The Annual Reporting template gives States Parties the option to make their reports publicly available or to make them available to States Parties only. Accordingly, some States Parties make their reports publicly available and others make them available to States Parties only, on the restricted area of the ATT website.

a. *What are the implications of excluding restricted information from the searchable database?*
b. *Is it necessary for States Parties to make their reports publicly available to optimize the usefulness of the searchable database, and what are the implications for previous ATT decisions on reporting format?*

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