
**ATT Working Group on Transparency and Reporting
Co-chairs' Draft Report to CSP3**

Introduction

1. This Draft Report to CSP3 is presented by the Co-chairs of the Working Group on Transparency and Reporting (WGTR) to reflect on the work carried out by the WGTR since its establishment and to put forward recommendations on how the Working Group and its work could be structured in the period beyond the Third Conference of States Parties to the Arms Trade Treaty (CSP3).

Background

2. The Working Group on Transparency and Reporting (WGTR) was established by the Second Conference of States Parties of the ATT (CSP2) in September 2016. According to its Terms of Reference (ToRs), the Group was to “undertake tasks defined by the Conference of States Parties in the general area indicated by its title”. Also, the ToRs indicate that “as a rule, the purpose of such work shall be to prepare materials and proposals for the Conference of States Parties”.

3. With a view to advance the purpose for which it was established, and in close consultation with the CSP3 President and its Bureau, the Working Group decided to hold three meetings in Geneva, on 8 February, 6 April and 30 June 2017.

4. The present report constitutes a factual summary of the Working Group’s work during the intersessional period. It has been prepared by the Co-chairs under their own responsibility.

5. However, additional to the factual summary, the Working Group also agreed to submit to CSP3, for its consideration, the following documents:

- An Annex containing a proposed Workplan for the WGTR for the period Sept 2017–Aug 2018;
- An Annex containing the Group’s recommendations;
- A revised Draft Working Paper on National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments; and
- A Draft Working Paper on Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers.

6. An Annex containing revised terms of reference for the WGTR is also attached to this report for submission to and consideration by CSP3.

First meeting of WGTR (Geneva, 8 February 2017)

7. The Working Group held its first meeting on 8 February 2017 in Geneva, at the premises of the ATT Secretariat. The meeting was attended by 73 participants, representing 34 States Parties, 8 Signatory States, 2 international organisations and 10 civil society organisations.

8. The primary purpose of the meeting was to identify priority topics for the Group's work on the basis of an issues paper provided by the Co-chairs which also incorporated prior input by interested parties. Additionally, an update on the current status of mandatory reporting was provided by the Secretariat, and a representative of the Stimson Center described the results of a survey on impediments to reporting in one region.

9. Participants at the Working Group identified their priority topics for work in the period leading up to CSP3. By presenting an order of priority, but not excluding any topics, the list of topics identified by the Group also serves as a reminder of topics for longer-term work, or that could be included in the WGTR's mandate for the period between CSP3 and CSP4.

10. At the same time, the WGTR considered that its mandate did not preclude initial work on priority topics given the unique situation - the need to start up the WGTR in order to generate proposed topics for the Group's work in the period between CSP3 and CSP4, without prior guidance from CSP2 as to topics for the period leading up to CSP3.

11. As a result of the discussions, and on the basis of a proposal by the Co-chairs, the WGTR decided to address the following topics and group them according to the level of priority:

Mandatory work and priority topics identified by the WGTR

12. In line with the Group's ToRs, prepare a proposal for consideration by CSP3 mandating work to be carried out by the Group in the period between CSP3 and CSP4.

13. Explore means of improving compliance with mandatory reporting obligations (Art 5.6 Points of Contact; Art 13.1 Initial Report; Art 13.3 Annual Report). Since the ATT is legally binding, this was assigned a high priority by many participants. Among the measures mentioned were active follow-up with POCs, web-based tutorials or written guides, and exchanges of lessons learned & good practices in fulfilling the ATT reporting obligations.

14. Develop proposals for broader measures to strengthen reporting capabilities, in the light of multiple reporting obligations in different international fora and the resulting 'reporting fatigue'. At the national level, organizational measures could be put in place that harness similarities or 'synergies' between different reporting requirements in order to improve reporting consistency, make reporting work more efficient, and minimise resource requirements. The alternative approach of encouraging different international bodies to align their reporting requirements to a greater extent was considered less promising. Document ATT/CSP2/2016/OP.2 was mentioned by the Co-chairs as a possible starting point for the Group's work on this topic.

15. Developing more structured means of exchanging information on treaty-related topics. Information exchange was considered at the heart of the Treaty, and exchanges related to diversion risks and combating diversion was specially emphasised by some. Both agenda-defined exchanges at Conferences of States Parties and intersessional exchanges were mentioned. The potential role of National Points of Contact (POCs) was emphasised in the latter case, as was the role of informal face-to-face exchanges between experts in the Working Group format.

IT-related issues prioritized by the WGTR, where the Secretariat has the primary responsibility

16. Follow the Secretariat's development of a new web-based format for reporting, with a view to ensuring consistency between this format and the paper-based templates, which will continue to be available as an alternative to web-based reporting.

17. Develop an on-line platform to coordinate technical assistance with regard to reporting obligations (in order to facilitate the matching of demand for- and supply of assistance in this field).

18. The important contribution that the ATT's IT platform can make to information exchange and transparency was stressed in several contexts. WGTR participants should have the possibility to suggest useful features or functionalities for the IT platform now being developed by the ATT Secretariat, drawing upon experience from the IT platforms of other international instruments. The Co-chairs underlined that the contribution of the WGTR could only be a starting point, since the Secretariat then needed to assess the feasibility and cost of including such a feature/functionality in the IT platform, and the CSP finally needed to allocate the necessary funds for implementing such new features/functionality.

Topics that were supported but not as highly prioritized by the WGTR

19. Addressing issues related to the quality and completeness of reports. Capacity building and assistance were emphasised by some as a means of assuring the quality and completeness of mandatory reports. At the same time other participants stressed that the Treaty allows for national interpretation of what is needed in a report, and that working on the quality and completeness of reports could have the undesirable side effect of limiting the flexibility inherent in the Treaty. In the view of the Co-chairs, these views are not necessarily incompatible but depend on the type of recommendations that could be generated by the WGTR.

20. Consider structured ways in which the information generated by mandatory reporting (or voluntary exchanges) could be used. Possible ways mentioned at the first meeting were trend analysis and analysis of the content of initial reports by means of a structured 'matrix' approach. It was judged by some that Treaty implementation could benefit from the output of such work, and that reporting obligations were meaningless unless the information gathered was put to some use. Others emphasised that it was important not to let the analysis of template-based information become a straightjacket for the definition of assistance needs.

Topics that were not actively discussed by the WGTR, or considered to be relevant mainly in the longer run

21. Examine possible further adjustments to the reporting templates endorsed by CSP2, on the basis of practical experience. One participant stressed the need to better adapt the templates to the different needs of different States Parties, and to better define certain terms. Another participant indicated a readiness to propose changes to both the initial and annual templates in order to highlight the importance of human rights as an assessment criterion. However, a large number of participants emphasised the need to leave the templates unchanged for a period of 3-4 years before revisiting them, in order to provide a measure of stability for reporting efforts.

22. Develop a template for the voluntary reporting tasks outlined in Art 13.2 of the Treaty, regarding "*measures taken that have been proven effective in addressing the diversion of transferred conventional arms covered under Article 2 (1)*". It was broadly accepted that information exchange in the area of diversion prevention was an important element of the Treaty. At the same time, most felt

that this area was too diverse for a template approach. The topic should instead be considered an integral part of B1.

23. Assess the utility of using the Working Group as a platform for generating information useful for Treaty work by means of separate intersessional events focusing on topics relevant to different aspects of the Treaty. This possible topic attracted no clear reactions at the first meeting of the Group.

Other possible topics

24. The listing above represented an attempt to focus the work of the Group, but did not exclude the possibility of participants introducing other topics **by means of a written contribution** before the second meeting. Having such suggestions in writing would help the WGTR to quickly make a collective assessment of their priority in relation to topics already on the table.

Second meeting of WGTR (Geneva, 6 April, 2017)

25. The second meeting was held on 6 April 2017 at the Geneva International Conference Center (CICG), in Geneva. The meeting was attended by 69 participants, representing 31 States Parties, 10 Signatory States, 1 non-signatory state, 2 international organisations and 3 civil society organisations (including Control Arms, which represents a large number of civil society organisations).

26. The primary purpose of the meeting was to start work on priority topics identified at the Group's first meeting and outlined in a revised issues paper provided by the Co-chairs shortly after that meeting. Additionally, an update on the current status of mandatory reporting was provided by the Head of Secretariat, who also provided an update on the efforts to upgrade the ATT's IT platform in order to better serve the needs of the Treaty (as described also in the Information Update on the IT Improvement Project issued by the Secretariat on 31 March 2017).

27. Discussions were held on the basis of a common view reached at the first meeting that the mandate of the WGTR did not preclude initial work on priority topics given the unique situation - the need to start up the Group without detailed guidance from CSP2, which created the Group but did not have the necessary time to develop a mandate for the Group's initial period.

28. On the topic of **improving compliance with mandatory reporting requirements** the Secretariat shared feedback received from non-compliant States Parties on the underlying issues. The Group identified the development of an 'FAQ'-type guidance document as a deliverable for CSP3, and Belgium undertook to produce a first draft in collaboration with other interested parties. The role of POC's in facilitating reporting was also touched upon, but here issues related to the activation of a POC system were identified and it was felt that there was considerable potential for overlap with the WGETI that needed to be addressed before substantive outputs could be considered. Other ideas discussed included exchanges of experiences/good practices regarding ATT reporting, and the need to tailor assistance to the specific needs of a State Party. There was broad support for the idea of recommending that compliance with reporting obligations be made a regular item on CSP agendas. This was tagged as a Group recommendation to CSP3 that appeared to require no further work.

29. On the topic of **broader measures to strengthen reporting capabilities**, the document ATT/CSP2/2016/OP.3 was considered generally adequate as a basis for a recommendation to CSP3, but participants were requested to consider whether there were specific administrative environments which the paper did not cover sufficiently, and to provide the Co-chairs with suggestions for improvements if this were the case. It was noted that the paper could contribute not only to better overall national reporting performance but simultaneously to improved compliance with ATT reporting requirements (the preceding topic).

30. On the topic of **developing more structured means of exchanging information on treaty-related matters**, Mexico introduced a paper dated 6 April proposing a more structured approach to collaboration and information exchange on diversion-related issues. A wide range of initial questions/reactions were obtained, but as the paper was a late submission participants were encouraged to provide more developed views to Mexico after consideration in capitals, in order to allow Mexico the opportunity to further refine its proposal. There were no contributions to the meeting on facilitating other types of information exchange. The Co-chairs therefore undertook to elaborate a new food for thought paper in this area in order to encourage additional input from participants for the next meeting of the Group.

31. Regarding **the ATT's IT platform** and its possible uses in the context of transparency and reporting area the Group noted, on the basis of the Head of Secretariat's update, that the delay necessitated by procedural and economic factors gave participants the opportunity to provide additional direct input to the Secretariat's plans. At the same time it was noted by the Group that this opportunity should be used to provide general guidance, not to micro-manage the Secretariat's IT-related work.

32. On the subject of **a mandate to the Group for the period between CSP3 and CSP4**, the 'rolling' character of the Group's work was noted, and the Co-chairs were requested to provide an initial draft of such a mandate, drawing upon both the first and second tier of priority issues and taking into account the expected deliverables for CSP3.

33. Under Any Other Business, **comments to the Revised Issues Paper** were received, concerning the potential for identifying commonalities between different international reporting regimes; the need to tackle overlaps between, primarily, the WGTR and the WGETI; and the need to safeguard the possibility of delivering reports in national format also when an on-line reporting format based on the endorsed templates has been put in place. The Co-chairs will consider drafting changes to the Revised Issues Paper to take these points into account.

34. There was also a proposal to **merge the WGTR with the WGETI**, or to turn the WGTR into a subsidiary body of the WGETI. The Co-chairs noted that this was a proposal more appropriately treated in the preparatory meeting, since that forum would be looking at the question of working group status and terms of reference.

35. In general, participants emphasised the desirability of harnessing also **the efforts of civil society** for the fulfilment of the Group's tasks, and during the course of the meeting civil society representatives provided several examples of ongoing analytical and empirical work that should provide results relevant to the WGTR's work.

Third meeting of WGTR (Geneva, 30 June 2017)

36. The ATT Working Group on Transparency and Reporting (WGTR) held its third meeting on 30 May 2017 in Geneva, at the WMO's conference centre. The meeting was attended by 43 States, 3 international / regional organisations and 10 civil society organisations.

37. The primary purpose of the meeting was to finalize work on priority topics identified at the Group's first meeting and outlined in a revised issues paper provided by the Co-chairs shortly after that meeting. To this end, the Co-chairs circulated the following documents in advance of the meeting:

- Draft Proposed Mandate for the WGTR for the period September 2017 - August 2018;
- Draft Annex to the Report of the WGTR to CSP3 (recommendations of the Group); and

- Food-for-thought paper: A more structured means of exchanging information on treaty-related topics?

38. Additionally, one paper remained on the table for comments after the Group's second meeting - a Swedish national proposal from CSP2 concerning National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments

39. Finally, national proposals were circulated by Belgium and Mexico:

- Draft Guidance for Reporting Authorized or Actual Exports and Imports of Conventional Arms (BE); and
- Information exchange mechanism to prevent diversion of conventional arms to the illicit market (MX).

40. Discussions were focused primarily on these papers, as described below.

Improving compliance with mandatory reporting requirements

41. As no significant changes had occurred in the status of reporting since the last meeting of the Group the Secretariat did not hold a separate presentation on this topic, instead referring participants to a presentation at the Third CSP3 Informal Preparatory Meeting to be held two days later.

42. The Belgian draft guidance document for annual reporting was discussed in some detail. Generally, it was welcomed as a useful contribution in a priority area and assessed as a good basis for a recommendation to CSP3, but there were also a number of drafting comments.

43. The Co-chairs also reminded participants of a potential recommendation to CSP3 that was treated already at the Group's second meeting, to make compliance with reporting obligations a regular item on CSP agendas. There were no objections to this being included in the Group's recommendations to CSP3.

Broader measures to strengthen reporting capabilities

44. Some comments and suggestions were received concerning the document 'National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments' which did not change the overall assessment at the Group's second meeting that this document too could form the basis for a recommendation to CSP3.

Developing more structured means of exchanging information on treaty-related matters

45. A Co-chair food-for-thought paper on this topic was introduced. The paper systematically identified transparency-related provisions in the Treaty and concluded that there were modalities in place that in principle allowed for information exchange with regard to all the Treaty provisions identified. Consequently, work on this topic could focus on areas where participants felt the need for a more structured or focused approach. No further action was required with regard to the paper.

46. The Mexican draft proposal, focused on diversion-related information exchange, was discussed. It was felt that many elements of this proposal merited further discussion. But one element - the creation of a database of National Points of Contact for information exchange - was identified by the Group as suitable for early harvest in the form of a recommendation to CSP3. Japan and Mexico undertook to draft a proposal in this regard.

A mandate to the Working Group for the period between CSP3 and CSP4

47. The Co-chairs' draft was discussed and various proposals for modification were made, including avoidance of the term 'mandate', which could be interpreted in different ways.

48. In this context, the Co-chairs informed the participants of the active coordination efforts that had been undertaken between the Co-chairs of WGTR and WGETI.

The Working Group's report to CSP3

49. The Co-chairs informed participants that a draft report would be circulated at a later stage. To a great extent, the report would be a factual summary of the Group's work, based on the Co-chairs' meeting reports. In those parts, the report would be issued under the Co-chairs' responsibility.

50. However, participants' views were requested on the Draft Annex that was circulated before the meeting. The Annex contains the Group's recommendations to CSP3, which represent the 'deliverables' from the work of the Group. Participants' views were therefore central to their final shape. The content of the Draft Annex reflected the work accomplished in different areas. One recommendation related to the improvement of compliance with mandatory reporting obligations had not previously been discussed as such by the Group: the suggestion that CSP3 task the ATT Secretariat to prepare a guidance document for national POCs. A placeholder was also included in the draft, for a future result of Mexico's and Japan's joint efforts regarding a database of National Points of Contact for information exchange.

The continued process

51. In line with the Co-chairs' conclusions at the end of the meeting, the following revised drafts were circulated for consideration of the Working Group participants:

- A revised Draft Proposed Workplan for the WGTR for the period Sept 2017 – Aug 2018;
- A revised Draft Annex to the Report of the WGTR to CSP3 (containing the Group's recommendations);
- A revised Draft Working Paper on National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments;
- A revised Draft Working Paper on Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions & Answers; and
- A draft recommendation to CSP3 on mandating the ATT Secretariat to establish and maintain a database of States Parties' points of contact (to be integrated into the Annex of the Working Group's report to CSP3).

52. In addition, the Co-chairs prepared revised terms of reference for the WGTR, aligned with those prepared for the Working Group on Effective Treaty Implementation and the Working Group on Treaty Universalization.

53. In the Co-chairs' assessment, no further meeting of the Group should be necessary in order to finalize these drafts. A written procedure will be followed.

WGTR Recommendations

54. On the basis of WGTR mandate issued by CSP2 and on the strength of the exchange of views and discussions during the three meetings held, the Co-chairs recommend that CSP3 adopts the following recommendations of the WGTR:

- a. The WGTR proposes that the topic of Compliance with Mandatory Reporting Obligations be added to the agenda of Conferences of States Parties in order to allow for regular review.
- b. The WGTR recommends that CSP3 defines tasks for the Working Group in the period between CSP3 and CSP4, in line with the attached proposal (Annex A).
- c. The WGTR proposes that CSP3 recommends the document “National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments” to States Parties for consideration (Annex B).
- d. The WGTR recommends that CSP3 adopts the revised Terms of Reference for the WGTR (Annex C).
- e. The WGTR submits the Working Group Document “Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers” under the ATT to CSP3 for consideration, and recommends that the document be made available to States Parties for reference when preparing their mandatory annual report (Annex D).
- f. The WGTR recommends that CSP3 mandates the ATT Secretariat to establish and maintain a database of States Parties’ points of contact, referred to in Article 5.6 of the Treaty, for the purpose of information exchange on matters related to the implementation of the Treaty and to make it available to States Parties on the restricted section of the ATT website, as a first step to facilitate such information exchange, including to address the prevention of diversion of conventional arms covered under Article 2.1 of the Treaty to the illicit market.
- g. The WGTR proposes that CSP3 mandates the ATT Secretariat to prepare a guidance document for national Points of Contact describing the role and possible tasks for that function, including that of ensuring that mandatory ATT reporting is prepared and submitted in a timely and complete fashion.

ANNEX A**PROPOSED MANDATE FOR THE ATT WORKING GROUP ON TRANSPARENCY AND REPORTING (WGTR) FOR THE PERIOD SEPTEMBER 2017-AUGUST 2018**

The Working Group on Transparency and Reporting was established by the Second Conference of States Parties of the ATT (CSP2) in September 2016. According to the adopted Terms of Reference of the Group, it shall “undertake tasks defined by the Conference of States Parties in the general area indicated by its title”. In accordance with its Terms of Reference and Rule 42(2) of the ATT Rules of Procedure, the Working Group would like to propose for consideration by CSP3, the following tasks for further work in the period between CSP3 and CSP4.

- The WGTR shall conduct exchanges of lessons learned at the national level concerning the fulfilment of ATT reporting obligations and the organisation of reporting tasks. In this context the Group should seek to identify common areas of difficulty, and communicate these to the Working Group on Effective Treaty Implementation (WGETI) as suitable elements for inclusion in implementation assistance efforts.
- The WGTR shall assess the possibility of facilitating information exchange under the Treaty’s provisions through organizational means, such as specific processes or formats, with a view to providing recommendations to CSP4. In this context, account needs to be taken of the WGETI’s consideration of priority topics for information exchange.
- The WGTR shall continue to follow the development of the Treaty’s IT Platform in order to identify possibilities for enhancing transparency in line with Article 1 of the Treaty, and to contribute to the development of effective web-based support for mandatory ATT reporting while retaining the possibility to report in a national format.
- The WGTR shall further consider the possibility of harnessing information generated by mandatory reporting in order to support States Parties in the implementation of the Treaty, or Treaty universalization efforts. In this task the WGTR should be guided by the priorities identified in the Working Groups responsible for these two areas. Any recommendations to CSP4 should be accompanied by a clear indication of who should be responsible for the recommended work, and an estimate of possible budgetary implications.
- The WGTR shall prepare a proposal for consideration by CSP4, suggesting tasks to be carried out by the Group in the period between CSP4 and CSP5

The above mentioned tasks shall remain subject to review, if deemed necessary, to avoid duplication of effort and ensure efficient organization of work.

ANNEX B**WORKING PAPER ON NATIONAL-LEVEL MEASURES TO FACILITATE COMPLIANCE WITH INTERNATIONAL REPORTING OBLIGATIONS AND COMMITMENTS**

In the Final Report of the Working Group on Reporting Templates (ATT/CSP2/2016/WP.6) mention was made of the possibility of ATT States Parties developing generic advice on measures that could be taken at national level to facilitate compliance with different international reporting obligations and commitments.

The following elements are proposed for States Parties' consideration.

NATIONAL-LEVEL MEASURES TO FACILITATE COMPLIANCE WITH INTERNATIONAL REPORTING OBLIGATIONS AND COMMITMENTS - ADVICE BASED ON EXISTING NATIONAL PRACTICES

There are a growing number of international and regional reporting instruments in the area of international arms transfers and their regulation. National governments are faced with the challenge of organizing reporting work in such a way that reporting obligations and commitments are fulfilled as effectively as possible.

The measures described below are ones that have been found useful in helping to meet this challenge. The list below consists of elements from different national systems. It does not represent an indivisible whole, but rather a menu of suggestions that could prove useful and relevant in a specific national setting. The content, in whole or in part, is not binding upon any State Party.

1. The creation of a national procedures document, established by secondary legislation or by other means appropriate to national administrative practices, could contribute to stability and continuity in national reporting work, helping governments produce accurate reports within required deadlines while at the same time economizing on the resources required for the task. Such a document could also support more effective collaboration between the different actors involved, and help governments avoid the efficiency losses that take place when experienced personnel familiar with reporting practices are replaced by new staff.

A national procedures document could *inter alia* include:

- A list of the different national reports to be submitted, and their respective deadlines.
- The information required for each report, including for instance which types of transfers and which types of goods are covered, and how they should be reported (Authorized or actual? Volume or value? Only permanent transfers or temporary as well? Accounting unit - national currency or other?). In some cases, national choices are possible, which further underlines the need for a national document.
- Clear assignment of specific reporting tasks and responsibilities to specific authorities and positions.
- A clearly defined step-by-step collection process through which information is gathered by designated officers or entities and provided (periodically or on an ongoing basis) to the individuals or entities responsible for preparing and submitting the national reports.

- A coordinated collection process that ensures that when the same information is needed for several different reports, it is collected only once. This saves time and resources and ensures consistency between reports.
 - Critical deadlines in the process of preparing reports and a system for providing alerts or reminders to relevant information providers.
2. Creating a regularly updated list of contact points covering the functions/persons involved in the process of generating reports.
 3. Appointing a single contact point responsible for coordinating the efforts of the different functions involved in the reporting process and communicating with the relevant international or regional reporting instruments. Such a function has in some national systems proved effective in facilitating timely and consistent national reporting.
 4. Creation and maintenance of a repository, electronic or otherwise, for all reporting data.
 5. The provision of training for officers involved in the collection and compilation of reporting data, to ensure a good understanding of established procedures and smooth collaboration over institutional boundaries.
 6. Where possible, the provision of training for additional staff to ensure some level of redundancy and allow for the continued fulfilment of reporting obligations and commitments in the event of the temporary absence or permanent departure of key staff.

ANNEX C

TERMS OF REFERENCE FOR THE WORKING GROUP ON TRANSPARENCY AND REPORTING

Mandate

1. The Working Group on Transparency and Reporting shall undertake tasks defined by the Conference of States Parties in the general area indicated by its title. As a rule, the purpose of such work shall be to prepare materials and proposals for the Conference of States Parties.

Composition and Membership

2. The Chair(s) of the Working Group shall be appointed by the President of the CSP for a period until the conclusion of the following CSP.

3. Meetings of the Working Group shall be public.

4. At the request of one or more States Parties, on an exceptional basis, and in accordance with Rule 43, a particular session or part of a session of the Working Group may be limited to States Parties and Signatory States only. Experts may be invited to attend such a session or part of a session, pursuant to Rule 42.2 of the Rules of Procedure.

Working method

5. The standing Working Group shall operate in accordance with the ATT Rules of Procedures with particular reference to Rule 42 and 43.

6. The Working Group shall as a rule hold its meetings in Geneva, where the meetings can be supported by the Secretariat of the Treaty. When possible, the Working Group shall hold its meetings back to back with other ATT meetings for cost saving purposes and to ensure maximum participation.

7. Consultation on any documentation submitted to or under consideration/development by the Working Group shall be conducted by its Chair(s) by posting it on the ATT website and circulation by email, in addition to any consultation held during the Group's meetings, to ensure maximum participation in the work of the Working Group. Material that is related to a topic that is treated by the Working Group in closed session should be posted to the website's restricted area and circulated among States Parties only.

Budgetary implications

8. Direct meeting costs, such as for technical support, documentation, and any translation and/or interpretation services, shall be covered by the resources allocated for the conduct of meetings in the budget of the Conference of States Parties as well as any voluntary contributions that are made available for this purpose. Indirect meeting costs, such as travel and accommodation, shall be borne by the participants except to the extent that sponsorship funding is available.

ANNEX D

**REPORTING AUTHORIZED OR ACTUAL EXPORTS AND IMPORTS OF CONVENTIONAL ARMS
UNDER THE ATT: QUESTIONS & ANSWERS**

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I. Introduction

This document provides guidance in the form of questions and answers to facilitate the preparation of the mandatory annual report, concerning authorized or actual exports and imports of conventional arms, that States Parties to the Arms Trade Treaty are required to submit to the ATT Secretariat in accordance with Article 13 (3) of the Treaty.

This 'FAQ'-type guidance document was proposed by Belgium during the meeting of the Working Group on Transparency and Reporting of 6 April 2017 and was recognized by States Parties as a valuable tool to improve compliance with the mandatory annual reporting obligation of the Treaty. It was consequently identified by the Working Group as a potential deliverable for the Third Conference of States Parties.

The document was initially drafted by Belgium in consultation with interested States Parties, civil society, and the ATT Secretariat.

The questions in this document are predominantly based on input received by the drafters from States Parties themselves, UN Regional Centres for Peace, Disarmament and Development, international assistance providers, and civil society.

The answers draw on several sources, most notably the Treaty itself.

Some guidance is also taken from the "Explanatory notes" included in the reporting template for the annual report, which was endorsed and recommended for use by States Parties during the Second Conference of States Parties (also referred to as ATT reporting template).

By nature this is an open-ended document. Proposals for alterations and additional questions and answers may be made at any time, but should be considered in the Working Group on Transparency and Reporting.

II. Treaty obligation and other relevant ATT provisions

A. Article 13 (3) – annual reporting obligation

Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

B. Article 2 (1) – scope

This Treaty shall apply to all conventional arms within the following categories:

- (a) Battle tanks;
- (b) Armoured combat vehicles;
- (c) Large-calibre artillery systems;
- (d) Combat aircraft;
- (e) Attack helicopters;
- (f) Warships;
- (g) Missiles and missile launchers; and
- (h) Small arms and light weapons.

C. Article 5 (3) – implementation

Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered in Article 2 (1) (a-g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered in Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.

D. Article 12 (3) – content of national records

Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.

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IV. Questions and answers

A. Basic requirements of the annual reporting obligation

1. What information should the ATT annual report contain?

The Treaty requires States Parties to report “*authorized or actual exports and imports*” (see [questions 9 and following](#)) of “*conventional arms covered under Article 2 (1)*” (see [questions 12 and following](#)). It does not expressly list the information that States Parties need to include in their annual report.

The Treaty does indicate that the annual report may contain the same information submitted to relevant United Nations frameworks, including the United Nations Register of Conventional Arms (hereinafter referred to as UNROCA). The UNROCA standardized reporting forms require States to enter, *as a minimum*:

- 1) the final importer or exporter State of the arms;
- 2) the number of items;
- 3) the State of origin of the arms (if not the exporter State); and
- 4) the intermediate location of the arms (if any).

In the optional “Remarks” column of the UNROCA standardized reporting forms, States *can* include a description of the arms and comments on the exports or imports.

States Parties using their UNROCA report to comply with the Treaty’s annual reporting obligation should make sure that its content complies with this obligation (see [question 36](#)).

The Treaty provides a list of information that States Parties are encouraged to include in their national *records* of authorized or actual exports (and, possibly, of imports and authorized transits and transshipments) It should be clear, however, that this list does NOT apply to the annual reporting obligation; it does indicate the importance of certain basic information that is also included in the UNROCA standardized reporting forms.

As explained in the answer to [question 2](#), the Second Conference of States Parties, recommended that States Parties use the template for reporting authorized or actual exports and imports. This reporting template is based on the UNROCA standardized reporting forms, but differs on certain elements (see [question 32](#)).

The reporting template provides for States Parties to report, *as a minimum*, the following information about their authorized or actual exports and imports:

- 1) whether the State Party in question is reporting authorised or actual exports and imports;
- 2) the number of items and/or the financial value of the exported and imported conventional arms; and
- 3) the final importing or exporting States of the conventional arms.

As in the UNROCA standardized reporting forms, the ATT reporting template provides States Parties with the option to include additional information: in particular, (1) a description of the conventional arms and (2) comments on the exports or imports.

The forms in the reporting template each also have a title page on which States Parties are requested to include general information concerning their report, namely the details of the national point of contact (see [question 38](#)), the date of submission, the content of the report, and whether information

has been omitted from the report because it is ‘commercially sensitive’ or for ‘national security’ reasons ([questions 29 to 31](#)).

For further guidance on which information to enter in the report, see [questions 22 and following](#).

2. How should the ATT annual report be submitted to the Secretariat?

The treaty itself does not instruct States Parties how to submit their reports to the Secretariat.

Currently, the Secretariat is in the process of developing a web-based reporting functionality – i.e. an online platform for the submission of both initial and annual reports. This tool is expected to be fully operational for State Parties for the 2018 annual reporting cycle.

For the 2017 annual reporting cycle, States Parties need to submit their report to the Secretariat by e-mail to info@thearmstradetreaty.org, or, if a higher degree of confidentiality is required, by hand through their Missions in Geneva (see further [questions 37 and following](#)). This method will also remain available to States Parties after the introduction of the web-based reporting functionality.

To facilitate compliance with the annual reporting obligation, during the Second Conference of States Parties, States Parties endorsed and recommended a reporting template that States Parties can use to prepare and submit their report. This reporting template is available on the ATT website in English, French, and Spanish. It will be integrated into the web-based reporting functionality. For further guidance on the reporting template, see [question 34](#) and other questions throughout this document.

Alternatively, as the Treaty provides that the report may contain the same information submitted by the State Party to the UNROCA, States Parties can submit their UNROCA report to the Secretariat *if* its content complies with the annual reporting obligation of the Treaty. For further guidance on this, see questions [1](#), [32](#) and [36](#), notably as regards small arms and light weapons.

Lastly, States Parties can opt to submit a custom-made national report, or a report on conventional arms exports and imports that they submit to a regional organization. Its content will however need to comply with the annual reporting obligation of the Treaty.

3. When should the ATT annual report be submitted to the Secretariat?

The Treaty provides that each State Party shall submit its report to the Secretariat on an annual basis by 31 May. The report should include information on the authorized or actual exports and imports during the previous calendar year (e.g. the report submitted to the Secretariat by 31 May 2017 will contain information on authorized or actual exports and imports that took place during the period 1 January to 31 December 2016).

For further guidance on the procedure and the formalities of the annual reporting obligation, see [questions 37 and following](#).

B. Scope of the annual reporting obligation

i. “authorized or actual exports and imports”

4. Article 13 (3) mentions exports and imports. Should States Parties also report on other transfers covered under Article 2 (2)?

No. The annual reporting obligation only applies to exports and imports. So States Parties do not need to include information about transit, trans-shipment and brokering in their annual report.

5. What is the definition of an export / import?

The treaty does not include a definition of “export” or import”. States Parties that use the ATT reporting template for their annual report are asked to indicate their definition of the term “export” and “import” via a series of checkbox options, which include:

- 1) “physical transfer of items across a national border”;
- 2) “transfer of title” and “transfer of control”; and
- 3) “other”.

The three concrete options reflect the UNROCA practice that *“international arms transfers involve, in addition to the physical movement of equipment into or from national territory, the transfer of title to and control over the equipment”* (which is also included in Protocol II, as amended, of the Convention on Certain Conventional Weapons).

States Parties may naturally apply their general definitions of exports and imports in accordance with their customs legislation. The Glossary of International Customs Terms of the World Customs Organization (WCO), for example, defines exportation as *“the act of taking out or causing to be taken out any goods from the Customs territory”* and importation as *“the act of bringing or causing any goods to be brought into a Customs territory”*.

6. Must gifts, loans and leases and other non-monetary transactions be reported?

If gifts, loans and leases, and other non-monetary transactions are covered by a State Party’s definition of export or import, they should be reported. In particular, transactions such as gifts and financial leases should be considered for reporting, as these transactions normally involve both a physical transfer and a transfer of title or control (see also [question 5](#)).

More generally, the Treaty text could be read to cover some movements without transfer of title and control and even those free of charge. The Treaty explicitly exempts from its application *“the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership”*. If such movements did not fall within the intended scope of “exports”, there would have been no need to include an explicit exemption.

Liechtenstein, New Zealand and Switzerland attached an interpretative declaration to their ratifications of the Treaty, which reads as follows:

“It is [our] understanding [...] that the terms “export”, “import”, “transit”, “transshipment” and “brokering” in Article 2, paragraph 2, include, in the light of the object and purpose of this Treaty and

in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall within the scope of this Treaty.”

7. Must temporary exports and imports be reported?

Temporary exports and imports imply that items are only exported or imported for a certain amount of time and intended to be subsequently returned to the same owner. The Treaty itself does not exclude such exports and imports from its scope, but States Parties need to make their own determination depending on their definitions of export and import (see [question 5](#)).

8. Must exports and imports by private persons and companies and/or exports and imports by State actors be reported?

The Treaty does not include a general exemption for certain categories of recipients or end-users. States Parties therefore need to report exports and imports regardless of the nature of the exporter or the importer, i.e. whether it is a private actor or a State actor such as the armed forces. This also includes government-to-government transfers.

Article 2 (3) of the Treaty does exempt one specific type of movement by (or on behalf of) a State Party from its definition of transfer, i.e. when conventional arms are moved by (or on behalf of) a State Party for its own use, provided that the conventional arms remain under that State Party's ownership. This concerns movements of conventional arms already owned by the State Party.

Concerning potential commercial sensitivity or national security issues, see [questions 29 to 31](#).

9. What are authorized exports and imports?

Authorized exports and imports imply that (the competent authorities of) the State Party in question in some way permitted the export or import to take place. This generally happens in the form of an export or import licence.

An authorization or licence does not *oblige* the importer or exporter to actually conduct the export or import in question, the conventional arms which are the object of the authorization might subsequently not (all) be physically moved from or into the national territory of the State Party during the same reporting period, and this might even never take place. Likewise, the title to and control over the conventional arms might not be transferred during the same reporting period, or might never be transferred.

It should be noted that as a consequence, if State Party A (the exporting State Party) reports authorized exports and State Party B (the importing State Party) reports actual imports, their respective reports on exports and imports in a given reporting period might not (fully) correspond (see also [question 11](#)).

10. What are actual exports and imports?

Actual exports and imports are those that have effectively taken place. Depending on the definitions of export and import of the State Party in question, this entails that the arms have been actually

physically transferred across the national border and/or the title and control over the arms has been actually transferred.

11. Do States Parties need to report both authorized exports/imports and actual exports/imports?

The Treaty requires States Parties to report authorized OR actual exports and imports. States Parties can therefore choose to report either authorized exports and imports or actual exports and imports. As indicated in the “Explanatory notes” of the ATT reporting template, they can make this choice for their report as a whole or per category of conventional arms. For reasons of transparency, it is advisable that States Parties clearly indicate in their report which approach they are using. For reasons of consistency and continuity, it is of course desirable that States Parties’ choices in this respect, once made, remain stable over time.

A State Party wishing to report both authorized and actual exports and imports may of course do so. Both sets of information are useful, as the information about authorized exports and imports demonstrates what a State Party has *permitted* to take place, while information about actual exports and imports demonstrates what has *actually* taken place. For States Parties that use the ATT reporting template for their annual report, this would entail submitting two tables, one for authorised exports and imports and another for actual exports and imports.

In certain cases, a State Party might have to report *actual* exports and imports because it does not have information about authorized exports and imports of all conventional arms or of certain categories of conventional arms. Concerning imports, this could be the case if the State Party in question does not require an import authorization for (certain categories of) conventional arms. Concerning both exports and imports, this might also be the case if the State Party in question applies a system of open or general licences, where at the time of authorization the number of items and the financial value are undetermined.

ii. “conventional arms covered under Article 2 (1)”

12. Article 13 (3) mentions conventional arms covered under Article 2 (1). What should be reported under categories (a-g)?

The conventional arms listed in categories (a-g) are the following:

- (a) Battle tanks;
- (b) Armoured combat vehicles;
- (c) Large-calibre artillery systems;
- (d) Combat aircraft;
- (e) Attack helicopters;
- (f) Warships;
- (g) Missiles and missile launchers.

The treaty does not provide definitions for these categories. It does require in Article 5 (3), however, that national definitions shall not cover less than the descriptions used in the UNROCA at the time of entry into force of the Treaty (i.e. 24 December 2014). The descriptions used in the UNODA Standardized Reporting Forms for the UNROCA are included in [Annex 1 of this document](#).

Therefore, States Parties have two choices. First, a State Party can use the UNROCA category descriptions. Second, a State Party can use national definitions that at least cover all elements contained in the UNROCA category descriptions. This means that States Parties can use broader national definitions, but not narrower definitions.

For States Parties that use the ATT reporting template for their annual report, the template contains an Annex 2 that allows States Parties to include more specific information about specific (diverging or more detailed) national definitions of these categories (a-g). These specific national definitions included in Annex 2 should reflect those included in the State Party's national control list for these categories (a-g).

Many relevant sources are available for use when formulating such national definitions, but also to establish whether certain items fall within one of these categories and within which exact category an item would need to be reported. A non-exhaustive list of such sources is included in [Annex 2 of this document](#).

13. Category (h) of Article 2 (1) deals with small arms and light weapons. What should be reported under this category?

The treaty does not provide a definition of small arms and light weapons (also referred to as SALW). It does require in Article 5 (3) that national definitions of small arms and light weapons should not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of the Treaty (i.e. 24 December 2014). The relevant instruments are not listed in the Treaty. Relevant UN instruments could be:

- 1) the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (hereinafter referred to as International Tracing Instrument); and
- 2) UNROCA's 2014 reporting template for SALW as additional information.

The descriptions of small arms and light weapons in these instruments are included in [Annex 3 of this document](#).

For States Parties that use the ATT reporting template for their annual report, the template contains the subcategories of small arms and light weapons that are included in the UNROCA standardized reporting form for the reporting on transfers of small arms and light weapons. The ATT reporting template also provides the option for States Parties to report on small arms and light weapons as aggregate categories. The template makes clear that other UN descriptions can be used.

14. Should small arms and light weapons that are not made or modified to military specifications be reported?

Nor Article 2 (1) (h) itself, nor the relevant UN instruments mentioned in the answer to question 13, the International Tracing Instrument in particular, explicitly differentiate between conventional arms that are made or modified to military specifications and arms that are made or modified to civilian specification in its definition of small arms and light weapons. Therefore States Parties must make their own determination.

15. Should States Parties report on conventional arms other than those covered under Article 2 (1)?

The annual reporting *obligation* in Article 13 (3) clearly applies only to conventional arms covered under Article 2 (1).

However, in Article 5 (3) of the Treaty, States Parties are *encouraged* to apply the provisions of the Treaty to the broadest range of conventional arms. This also applies to the provision on annual reporting. States Parties are thus *encouraged* to include in their annual report information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1). In that sense, States Parties could consider including information concerning *all conventional arms in their national control list*, but are not required to do so.

For States Parties that use the ATT reporting template for their annual report, the template contains a section on “Voluntary National Categories” that allows States Parties to report information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1).

16. Article 13 (3) does not refer to ammunition/munitions and parts and components, mentioned in Articles 3 and 4 of the Treaty respectively. Should authorized or actual exports and imports of these items be reported?

As explained in the answer to [question 15](#), the reporting *obligation* in Article 13 (3) only applies to conventional arms covered under Article 2 (1), but States Parties are *encouraged* to include in their annual report information about authorized or actual exports and imports of other conventional arms. In that sense, States Parties could also consider including information concerning ammunition/munitions and parts and components, but are not required to do so.

In this respect, it should also be clear that ammunition/munitions and parts and components are not included in the category of small arms and light weapons.

17. Conventional arms are sometimes exported/imported complete but in disassembled parts and components (known as “kits”). Should authorized or actual exports and imports of these items be reported?

As explained in the answer to [question 15](#), the Treaty provides no *obligation* and only an *encouragement* to include information concerning parts and components in the annual report. States Parties must therefore make their own determination.

Bearing in mind the object and purpose of the Treaty, States Parties could nonetheless consider reporting exports and imports of *complete* conventional arms covered under Article 2 (1) that are exported/imported in disassembled parts and components.

States Parties that use the ATT reporting template for their annual report can indicate in the column “Comments on the transfer” (under the heading “Remarks”) that they are reporting complete, but disassembled conventional arms. Of course, this is voluntary information.

18. Should exports and imports of second-hand arms and surplus arms be reported?

Yes. As the Treaty does not distinguish between new, second-hand or surplus arms, States Parties should report authorized or actual exports and imports regardless of whether the arms in question are new, second-hand, or surplus.

19. How should items exported by a State other than the State of origin be reported?

States Parties should report such exports as normal exports, but clarify that the arms originate from another State. Both the UNROCA standardized reporting form and the ATT reporting template endorsed and recommended for use during the Second Conference of States Parties contain a dedicated column to report this information.

20. How should the transfers of items to an intermediate location be reported?

If, for example, a State Party exports air-to-air missiles to State A for installation on combat aircraft to be exported to State B, the State Party in question should report the export of missiles to State B and clarify in its report that State A is the intermediate location. Both the UNROCA standardized reporting form and the ATT reporting template contain a dedicated column to report this information.

21. Which State should report the export of a conventional arm which was co-produced by two or more countries?

The export should be reported by the final exporting State of the complete conventional arm. States Parties that use ATT the reporting template for their annual report can indicate in the column "Comments on the transfer" (under the heading "Remarks") that they are reporting co-produced conventional arms. Of course, this is voluntary information.

C. Information to be reported

22. Which information about their authorized or actual exports and imports do States Parties need to include in their report *as a minimum*?

As explained in the answer to [question 1](#), the Treaty does not expressly list the information that States Parties need to include in their annual report, but some guidance is given by the Treaty's reference to "information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms".

In that respect, the ATT reporting template takes as its starting point the information contained in the UNROCA standardized reporting forms, and includes as core information the following data:

- 1) the number of items or the financial value of the exported and imported conventional arms¹; and
- 2) the final importing or exporting States of the conventional arms.

This represents a common understanding – not a Treaty obligation – of what information States Parties should include *as a minimum* when they report their authorized or actual exports and imports (or both, see [question 11](#)).

States Parties should consider providing this information broken down by category of conventional arms on which they are reporting, as well as by country of origin or destination (see [question 23](#)).

It should be noted that the option of reporting financial value is not included in the UNROCA standardized reporting forms (see questions [24](#) and [32](#)). It was introduced in the ATT reporting template in light of the more binding nature of the ATT's reporting requirement, in order to provide States Parties with an alternative means of protecting sensitive information, as opposed to simply withholding it.

23. Do States Parties need to break down the information about exports and imports per country?

The Treaty does not specify this, but in line with the UNROCA practice and taking into account the Treaty's purpose in Article 1 of promoting transparency, States Parties are strongly encouraged to break down the relevant data per country to or from which exports and imports were authorized or effected.

24. Do States Parties need to report both the number of items and the financial value of the authorized or actual exports and imports?

As the Treaty does not specify this, it is for States Parties to decide whether to include the number of items or the financial value.

The ATT reporting template, gives States Parties the option to provide information the volume of exports and imports expressed either as the number of items or as a financial value. This differs from the approach in the UNROCA, which only requests UN Member States to provide information on the number of items of conventional arms that were exported and imported (see [question 32](#)). The option

¹ If a State Party opts to report the financial value of the authorized or actual exports and imports, it should indicate which currency is used.

of reporting financial value was introduced in order to provide States Parties with an alternative means of protecting sensitive information, as opposed to simply withholding it.

As indicated in the “Explanatory notes” of the ATT reporting template, States Parties can choose to provide information on either the number of items or the financial value for every category in their report as a whole or use number of items for some categories and financial value for others. For reasons of consistency and continuity, it is desirable that States Parties’ choices in this respect, once made, remain stable over time.

A State Party may report on both the number of items and the financial value if it wishes to do so.

25. Do States Parties need to include details on the designation, model or type of the arms?

The Treaty does not require States Parties to include details on the designation, model or type of the arms.

In line with the UNROCA practice, the ATT reporting template contains a column titled “Description of item”, under the heading “Remarks”. States Parties may use this column to describe the conventional arms that are exported or imported by entering the designation, type, model or any other information considered relevant. This information is voluntary.

26. Do States Parties need to include details on the consignees and end-users of the arms?

The Treaty does not require States Parties to include details on the consignees and end-users of the arms.

In line with UNROCA practice, the ATT reporting template contains a column titled “Comments on the transfer”, under the heading “Remarks”. States Parties may use this column to explain or clarify the nature of the consignee(s) and end-user(s) of the arms. This information is voluntary.

27. Concerning small arms and light weapons, do States Parties need to report data such as calibres and serial numbers?

The Treaty does not require States Parties to include data on individual conventional arms in their report, including small arms and light weapons.

In some cases, it could be relevant to exchange such information among the importing, transit, trans-shipment and exporting States Parties involved in a certain transfer, particularly to mitigate the risk of diversion. However, this goes beyond the annual reporting obligation contained in Article 13 (3) of the Treaty.

28. Do States Parties need to include the nature of export and imports in their report?

The Treaty does not require States Parties to include details on the nature of exports and imports.

In line with UNROCA practice, the ATT reporting template contains a column titled “Comments on the transfer”, under the heading “Remarks”. States Parties may use this column to explain or clarify the nature of the transfer - for instance, if it is temporary (e.g. for exhibitions or repairs), or if it is industrial in nature (e.g. intended for integration into a larger system). This information is voluntary .

29. Can States Parties exclude commercially sensitive or national security information from their report?

Yes, Article 13 (3) expressly allows States Parties to exclude commercially sensitive or national security information from their report. However, this exception should be read in line with the Treaty purpose in Article 1 of promoting transparency. In this light, blanket omissions would not seem appropriate.

For States Parties that use the ATT reporting template for their annual report, the choice is available between providing the number of items or financial value of the exported/imported items. This is in order to alleviate concerns regarding commercial sensitivities and national security.

30. Do States Parties need to indicate that commercially sensitive or national security information is excluded from their report?

The Treaty does not provide guidance regarding the omission of information on the grounds that it is commercially sensitive or has national security implications. However, States Parties that use the ATT reporting template for their annual report are asked to indicate voluntarily whether any commercially sensitive and/or national security information has been withheld.

This disclosure is useful to avoid unnecessary questions regarding discrepancies between national reports.

31. Are there criteria to determine whether information is commercially sensitive or concerns national security?

No, The Treaty does not provide any criteria. It is at the discretion of States Parties to determine whether certain information is commercially sensitive or may affect national security. However, in exercising their discretion, States Parties should take into account the Treaty's purpose in Article 1 of promoting transparency. States Parties should therefore assess on a case-by-case basis whether or not an omission is in the public interest.

32. Do the UNROCA standardized reporting forms and the ATT reporting template request States to provide the same information?

No. While the ATT reporting template is based on the UNROCA standardized reporting forms, it differs on certain elements:

- 1) in accordance with the Treaty, the ATT reporting template allows States Parties to report either authorized or actual exports and imports. The UNROCA requests States to report on actual exports and imports only (see [questions 9 and following](#));
- 2) in accordance with the Treaty, the ATT reporting template includes small arms and light weapons as a mandatory category. At the time of entry into force of the ATT, the UNROCA only invited States to provide information about exports and imports of small arms and light weapons in their report as part of additional background information, on the basis of a separate reporting form (see also [question 36](#));
- 3) unlike the UNROCA, and in accordance with the Treaty, the ATT reporting template contains a section on "Voluntary National Categories". This is to permit States Parties to include

information about authorized or actual exports and imports of conventional arms other than those covered under Article 2 (1), as encouraged under Article 5 (3) of the Treaty (see [questions 15 and 16](#)).

- 4) the ATT reporting template allows States Parties to choose to report the volume of exports and imports as either the number of items or as a the financial value. Under the UNROCA, States are requested to report the number of items (see [question 24](#)).

The ATT reporting template also includes a number of general questions that are not included in the UNROCA standardized reporting forms, i.e.:

- 1) the voluntary question on whether commercially sensitive or national security information is omitted from the report (see [questions 29 to 31](#)); and
- 2) the mandatory question on whether the export/import reports should be restricted to States Parties or can also be made publicly available (see [question 41](#)).

33. Do States Parties that have not authorised any exports and/or imports or that have not had any actual exports and/or imports have to report to the ATT Secretariat?

Yes. States Parties that do not have any authorized or actual exports and/or imports to report should submit a “nil report” to the ATT Secretariat, clearly stating that no exports and/or imports have taken place in any of the categories during the reporting period. Nil reporting is important, because it enables States Parties to demonstrate their compliance with the Treaty’s annual reporting obligation even if they have no transfers to report in a given year.

For States Parties that use the ATT reporting template for their annual report, the template contains forms for nil reports for both exports and imports (as does the UNROCA).

If States Parties do not have any exports and/or imports to report in only *certain categories* of conventional arms, they should indicate this by entering the word “nil” in the appropriate columns of their report.

D. Form of the report and utilization of reporting templates

34. Does the Treaty itself prescribe a standardized reporting form or reporting template?

The Treaty itself does not prescribe a standardized reporting form or reporting template. However, during the Second Conference of States Parties, States Parties endorsed and recommended a reporting template that States Parties can use to prepare and submit their annual report. This reporting template is available on the ATT website in English, French, and Spanish.

The ATT reporting template contains the following four reporting forms:

- 1) annual report on exports of conventional arms;
- 2) annual report on imports of conventional arms;
- 3) nil report on exports of conventional arms; and
- 4) nil report on imports of conventional arms.

It also includes a title page, explanatory notes, and annexes with the 2014 UNROCA descriptions of seven categories of conventional arms, as well as a table that allows States Parties to include more information about specific (diverging or more detailed) national definitions of these categories.

Further information about the reporting template is included in answers to a number of questions throughout this document.

35. Is it compulsory to use the reporting template that was endorsed during the Second Conference of States Parties ?

It is not compulsory to use the ATT reporting template, but its use was recommended by the Second Conference of States Parties.

36. Can States Parties use their submission to the UNROCA to comply with the annual reporting obligation?

States Parties can use their submission to the UNROCA to comply with the annual reporting obligation, as the Treaty itself provides that the ATT annual report may contain the same information submitted by the State Party to the UNROCA.

States Parties using their UNROCA report should make sure, however, that its content complies with the annual reporting obligation of the Treaty. This concerns in particular the reporting on exports and imports of small arms and light weapons, as the Treaty places a legal obligation on States Parties to report on these. Under the 2014 UNROCA, States were only invited to include additional voluntary information about exports and imports of small arms and light weapons in their report (see also [question 32](#)).

E. Procedures and formalities of the annual reporting obligation

37. What is the procedure that is followed annually to request States Parties to report to the ATT Secretariat?

Each year, the ATT Secretariat issues a letter to all States Parties approximately two months before the deadline for the submission of annual reports (31 May), providing an initial reminder that annual reports are due to be submitted to the Secretariat on or before 31 May. One month before the annual reports are due, the ATT Secretariat issues a letter providing a final reminder that annual reports are due on or before 31 May. Both the initial reminder letter and the final reminder letter – which are sent via email to all States Parties – attach the reporting template endorsed by the Second Conference of States Parties and provide links to the online versions of the reporting template, to enable States Parties to access the reporting template in English, French or Spanish.

Copies of the initial reminder letter and final reminder letter, as well as the ATT reporting template, can also be obtained directly from the ATT Secretariat (see [question 44](#) for contact information).

38. Which authority should submit the report to the ATT Secretariat?

States Parties should designate competent national authorities responsible for compliance with Treaty obligations, and notify the Secretariat of the details in accordance with Article 5 (5) of the Treaty. This could include a specially designated authority directly responsible for compliance with the annual reporting obligation.

States Parties that use the ATT reporting template for their annual report are requested to enter the details of their responsible national point of contact on the title page.

39. What happens to the annual reports once they are submitted to the ATT Secretariat?

The ATT Secretariat takes the following steps with respect to each annual report submitted by a State Party:

1. The Secretariat acknowledges receipt of the annual report by sending an email to the person(s) that submitted the report, and confirms the instructions provided by the State Party as to whether it wishes its annual report to be made available on the public area *and* the restricted area of the website (available to States Parties only), or on the restricted area of the website only (see [question 41](#));
2. The Secretariat keeps a copy of the Annual Report in printed form as well as in electronic form on a secure database; and
3. The Secretariat then uploads the Annual Report onto the ATT website on the public and/or restricted area of the website, depending on the submitting State's instructions.

40. Does the technical infrastructure of the ATT Secretariat (email address, ATT website) provide a high standard of protection against hacker attacks?

The answer to this question will still be provided by the ATT Secretariat.

41. Will the annual reports of States Parties be made publicly available?

The Treaty provides that “reports shall be made available, and distributed to States Parties by the Secretariat”.

States Parties must decide on the degree of availability of their annual reports, and whether this entails making them available to the public, as most States Parties have done. In making this choice, States Parties should take into account the Treaty’s purpose in Article 1 of promoting transparency and carefully consider the balance between legitimate concerns regarding public availability and the public interest of transparency. States Parties should also consider that the Treaty already allows States Parties to exclude commercially sensitive or national security information from their ATT annual report (see [questions 29 to 31](#)).

In practice, upon receipt of the report, the ATT Secretariat will publish the report on the public part of the ATT website, unless the State Party indicates explicitly that the report should only be available to States Parties. In the latter case, the report will be published on the restricted part of the website. Making the report available to other States Parties is in itself a clear treaty obligation.

For States Parties that use the ATT reporting template for their ATT annual report, every form of the template contains a tick-box that allows States Parties to indicate that their report is available only to other States Parties. This is included in the forms on exports and imports separately. This would permit a State Party to decide, for example, to allow public availability of its report on exports, but not its report on imports, or *vice versa*.

42. Does a State Party need the consent of the importing or exporting States before it: a) reports its exports and imports; and b) makes this information publicly available?

No, the Treaty *obliges* States Parties to report their authorized or actual exports and imports, and does not make this conditional on the consent of the importing and exporting States.

Concerning transparency, reporting States Parties also do not have to seek consent of the importing and exporting States. They should make their own determination whether to make their reports publicly available (see [question 41](#)).

Concerning potential commercial sensitivity or national security issues, see [questions 29 to 31](#).

43. What should a State Party do if, after submitting information for a certain calendar year, it determines that the information was incomplete or contained a technical error?

If a State Party determines that an annual report that it has submitted contains incomplete or incorrect information, it should contact the Secretariat by email. The State Party should indicate that the report previously submitted is no longer valid, and attach a revised, updated report. The State Party should instruct the Secretariat to upload the revised report on the ATT website, and retain the revised report in its records to replace the previously submitted report (see [question 44](#)). There is no cut-off date for such corrections, although they should be submitted as early as possible to ensure that information made available to the public and/or States Parties is as accurate and up-to-date as possible.

44. If a State Party has a question on the annual reporting obligation and its implementation, how can it contact the ATT Secretariat?

A State Party can contact the ATT Secretariat with questions regarding the annual reporting obligation, or any ATT-related matter, by sending an email to: info@thearmstradetreaty.org.

F. Enforcement of the annual reporting obligation

45. Does the Treaty provide for sanctions or other measures in case of non-compliance with the annual reporting obligation?

The Treaty does not provide for any specific sanctions or other measures in a case of non-compliance with the annual reporting obligation.

The Conference of States Parties is a forum to discuss compliance with the annual reporting obligation in general, as the Conference has a mandate to review the implementation of the Treaty, to consider and adopt recommendations on implementation and operation of the Treaty, and to perform any other function consistent with the Treaty which is conferred on it by States Parties.

In addition, it is in principle possible for individual States Parties to make use of the Treaty's article on dispute settlement (Article 19), which provides that States Parties shall consult and, by mutual consent, cooperate to pursue settlement of any dispute that may arise between them on the interpretation or application of the Treaty. It is, however, to be hoped that such an option represents a last resort only.

Ultimately, the Treaty relies on national implementation of its obligations.

46. Are there any consequences if incorrect information is submitted? (accidentally or knowingly)?

If incorrect information was submitted accidentally, a State Party is encouraged to follow the procedure described in the answer to [question 43](#).

If incorrect information was submitted knowingly, see the answer to [question 45](#).

V. Annex 1: UNROCA categories a-g

December 2014 UNODA Standardized Reporting Forms for the UNROCA²

I. Battle tanks (*category a*) in Article 2 (1) of the Treaty)

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

II. Armoured combat vehicles (*category b*) in Article 2 (1) of the Treaty)

Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either: (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 12.5 millimetres calibre or a missile launcher.

III. Large-calibre artillery systems (*category c*) in Article 2 (1) of the Treaty)

Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 millimetres and above.

IV. Combat aircraft (*category d*) in Article 2 (1) of the Treaty)³

- a) Manned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions;
- b) Unmanned fixed-wing or variable-geometry wing aircraft, designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction.

² These descriptions can be consulted in the report of the 2013 Group of Governmental Experts on the continuing operation and further development of the UNROCA (A/68/140), available at <http://undocs.org/A/68/140>. The current UNROCA descriptions of categories (a-g) can be consulted at <https://www.unroca.org/categories>.

³ The ATT reporting template reflects the December 2014 UNROCA standardized reporting forms. There was at that time a lack of clarity as to the question of separate reporting of the two types of unmanned aerial vehicles (sub-categories IV.b) and V.b) in the ATT reporting template). This was not resolved until the 2016 Group of Governmental Experts reviewed the operation of the UNROCA. Even then, only the category unmanned fixed wing or variable-geometry wing aircraft was agreed as suitable for separate reporting. States Parties must therefore make their own determination whether to report the two types of unmanned aerial vehicles included in the template separately, or together with their manned equivalents.

The term “combat aircraft” does not include primary trainer aircraft, unless designed, equipped or modified as described above.

V. Attack helicopters (*category e*) in Article 2 (1) of the Treaty)

- a) Manned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions;
- b) Unmanned rotary-wing aircraft, designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons.

VI. Warships (*category f*) in Article 2 (1) of the Treaty)

Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

VII. Missiles and missile launchers⁴ (*category g*) in Article 2 (1) of the Treaty)

- a) Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. For the purpose of the Register, this sub-category includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles.
- b) Man-Portable Air-Defence Systems (MANPADS)⁵.

⁴ Multiple-launch rocket systems are covered by the definition of category III.

⁵ MANPADS should be reported if the MANPAD system is supplied as a complete unit, i.e. the missile and launcher/Grip Stock form an integral unit. In addition, individual launching mechanisms or grip-stocks should also be reported. Individual missiles, not supplied with a launching mechanism or grip stock need not be reported.

VI. Annex 2: Relevant sources concerning definitions and categorization of conventional arms

The following non-exhaustive list of sources concerning definitions and categorization of conventional arms is taken from module 4 of the ATT-BAP Annual Report Guidance Booklet – “Conventional Arms Identification and Categorization”:

- [UNROCA and reports of the UN Groups of Governmental Experts \(GGE\) on the Continuing Operation of the UNROCA and its Further Development](#)
- [Conventional Forces in Europe Treaty \(CFE Treaty\)](#)
- [The Wassenaar Arrangement’s Munitions List](#)
- [Wassenaar Arrangement specific information exchange on arms](#)
- [Common Military List of the European Union](#)
- [South Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons \(SEESAC\) Weapons Categorization Tool](#)

The module also refers to the comprehensive discussion of definitions and categorization of conventional arms in *The Arms Trade Treaty: A Commentary*, authored by Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, and Sarah Parker.

VII. Annex 3: UN descriptions of SALW

A. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons

For the purposes of this instrument, “small arms and light weapons” will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

(a) “Small arms” are, broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(b) “Light weapons” are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

B. United Nations Register of Conventional Arms

The UNROCA does not contain definitions of small arms and light weapons, but the following categories of small arms and light weapons are provided in the standardized reporting forms:⁶

Small arms:

- 1) revolvers and self-loading pistols;
- 2) rifles and carbines;
- 3) sub-machine guns;
- 4) assault rifles;
- 5) light machine guns;
- 6) other.

Light weapons:

- 1) heavy machine guns;
- 2) hand-held under-barrel and mounted grenade launchers;
- 3) portable anti-tank guns;
- 4) recoilless rifles;
- 5) portable launchers of anti-tank missile and rocket systems;
- 6) mortars of calibres less than 75mm;

⁶ These categories can be consulted in the report of the 2016 Group of Governmental Experts on the continuing operation and further development of the UNROCA (A/71/259), available at <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2016/10/A-71-259-GGE-Register.pdf> and at <https://www.unroca.org/about>.

7) other.