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**ATT Working Group on Transparency and Reporting  
Co-chairs' report of 31 May 2018 meeting**

**Introduction**

1. On 31 May 2018, the Working Group on Transparency and Reporting (WGTR) held its second and last meeting of the preparatory process towards the Fourth Conference of States Parties (CSP4) to the Arms Trade Treaty (ATT). This second meeting was attended by representatives of X States, X international organisations and X civil society organisations.

2. The WGTR adopted the draft report of the first WGTR meeting of 8 March 2018 and the [draft annotated agenda for the 31 May meeting](#).

The WGTR also considered the following documents submitted by and to the co-chairs:

- 1) [a paper by the co-chairs on "The need for an outreach strategy on reporting"](#);
- 2) [a questionnaire by the Netherlands on "Gathering information to compile annual reports"](#);
- 3) [a working paper by Japan on "Facilitating Information Exchange and Treaty Implementation via the ATT Website"](#); and
- 4) [a proposal by the co-chairs on a "Proposed WGTR Mandate for Period between CSP4 to CSP5"](#).

3. The purpose of the meeting was to follow-up on the discussions and outcomes of the 8 March 2018 WGTR meeting and to agree on recommendations to CSP4 under the different agenda-items.

4. In their report below, the co-chairs included a summary of the concrete outcomes of the meeting, followed by a detailed overview of the discussions. Together with the report of the 8 March meeting, this report will form the basis of the draft report of the WGTR co-chairs to CSP4 and the draft recommendations of the WGTR to CSP4.

**Concrete outcomes of the 31 May meeting leading up to CSP4**

5. As to the regular **presentation by the ATT Secretariat on the status of reporting**, the co-chairs will ask the ATT Secretariat to: 1) publish the **statistics on the** status of reporting on the public part of the ATT website and keep the information regularly updated; and 2) reflect in future presentations the progress that has been made in comparison to the previous presentation on the status.

6. As a **means to support States Parties in submitting timely and accurate initial and annual reports**, the co-chairs felt support for the WGTR to recommend that CSP4 adopts their **"Outreach strategy on reporting"**. The co-chairs will distribute a slightly amended version of the document to reflect the comments that were made during the discussion. The co-chairs will also propose that CP4 calls on relevant stakeholders, including international assistance providers, and interested States Parties to discuss the possible organization of regional information sessions on reporting.

7. Concerning a **possible "reporting assistance mandate" of the ATT Secretariat**, most participants and the co-chairs agreed that its current role is exactly what they would expect from the Secretariat (receiving, making available and distributing reports; basic analysis; answering basic

questions; raising challenges; and maintaining the overview of annual reports). There is no need to describe the role of the Secretariat in terms of a “mandate”.

8. Concerning a possible a roster of reporting experts that States Parties having reporting difficulties can turn to, participants noted the potential strain on the Secretariat in maintaining the roster, stressed the need for the voluntary nature of such a system and proposed to just highlight the reporting focal points of States Parties in the database of States Parties’ national points of contact. The co-chairs will work with the Secretariat to investigate the willingness of States Parties to offer basic support to other States Parties and consider options for announcing those willing to offer such support, including through an indication in the database of States Parties’ national points of contact, using the information exchange portal for this, or having a list of willing reporting focal points on the reporting webpage. The co-chairs will include this in their draft recommendations of the WGTR to CSP4.

9. Concerning a forum within the ATT IT platform for intersessional exchanges on reporting, participants emphasized the need for a holistic approach to the information exchange portal that is under development. The co-chairs will reflect this in a general recommendation on the information exchange portal of the WGTR to CSP4.

10. Concerning a possible list of existing guidance documents and tools there was no discussion except for a reference by the Control Arms Coalition to those that its members developed. Mindful to avoid recommending too many documents, and taking into account the two specific guidance documents that originated from the WGTR itself, the co-chairs consider it unnecessary to recommend a separate “WGTR list of guidance documents” to CSP4.

11. Concerning the FAQ’-type guidance document on the annual reporting obligation, in the absence of any proposals, the co-chairs decided that for future WGTR meetings the ‘FAQ’-type guidance document should no longer be a stand-alone agenda-item and be integrated in the standing agenda-item on “Challenges concerning reporting”.

12. Concerning substantive reporting issues, in view of the limited response to the Netherlands’ questionnaire on gathering information to compile annual reports, the co-chairs concluded that there currently is no need to further pursue this topic as a specific substantial reporting issue, nor as the subject of a WGTR good practice document. The co-chairs did call on States Parties that have difficulties with gathering information to compile their annual report to explain their problem during future WGTR meetings under the standing agenda-item on “Challenges concerning reporting”.

13. In view of the well-received presentation by a representative of the World Customs Organisation on the Harmonized System, its review process and the classification of conventional arms, the co-chairs indicated that further exploring the issue will be part of the proposed mandate for WGTR for the period between CSP4 and CSP5. The co-chairs also called on interested States Parties to discuss the issue with their national customs administrations and within the framework of (regional) organizations of which they are a member that deal with conventional arms control lists.

14. Concerning organizational means for information exchange, building on the Japanese proposal for the development of an information exchange portal and participants’ comments, and keeping in mind the discussions in the WGETI sub-group on diversion, the co-chairs proposed a three-tier approach to sharing information on diversion: 1) policy-level exchanges on diversion in the WGETI sub-group; 2) Intersessional exchange of policy-related and operational information via the information exchange portal that is under development; and 3) an informal meeting among interested States Parties (and possibly signatory States) to discuss concrete cases of detected or suspected diversion that they are dealing or have dealt with. The co-chairs will propose the three-tier approach in their draft recommendations of the WGTR to CSP4.

15. Concerning **harnessing information generated by mandatory reporting**, participants and the co-chairs agreed that “National Transfer Controls database” of the ATT Baseline Assessment Project (ATT-BAP) could be used to identify issues that are worthy of discussion in the WGETI. The co-chairs would propose to communicate this finding to the Chair of the WGETI.

16. Concerning the **ATT IT platform and the reporting functionality**, the co-chairs requested the ATT Secretariat to keep the WGTR and the CSP updated on the progress with the IT platform and decided to create an informal consultative group of WGTR participants to consider and propose future changes and improvements to the IT platform, including the web-based reporting functionality and the information exchange portal. The co-chairs will also include this in their draft recommendations of the WGTR to CSP4.

17. Concerning the **mandate of the WGTR**, the co-chairs will update their proposal with a view to reflecting the discussions during the meetings and will distribute an amended version in preparation for CSP4.

18. Participants agreed to a standing agenda of the WGTR with the following standing items: a) State of play of compliance with reporting obligations; b) Challenges concerning reporting; c) Substantive reporting and transparency issues; d) Organizational means for information exchange; e) Harnessing information generated by mandatory reporting; f) ATT IT platform: reporting and transparency functionalities; and g) WGTR mandate in the period between CSP4 and CSP5.

## **Overview of discussions during the 31 May meeting**

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

19. Under this agenda-item, the ATT Secretariat gave its regular [presentation on the status of reporting](#). The presentation again showed a worrying number of States Parties that have not complied with their initial and annual reporting obligations, and even a further drop in the annual reports that were submitted for 2017. In response, several States Parties explained their delay in reporting. The co-chairs again stressed the importance of reporting, of timely and accurate reports and called on all States Parties that have outstanding reports, to submit those as soon as possible, including initial reports and annual reports of the previous years. The co-chairs also reminded those States Parties that have undertaken any new measures to implement the Treaty since they submitted their initial report that they are required to report those measures to the Secretariat.

20. **For participants and the public at large to be able to monitor the progress in reporting more effectively, the co-chairs will request the ATT Secretariat to publish the statistics on the status of reporting on the public part of the ATT website and to keep the information regularly updated. The co-chairs will also request the ATT Secretariat to reflect in its future presentations the progress that has been made in comparison to the previous presentation on the status.**

### ***Challenges concerning reporting***

21. Under this agenda-item, the co-chairs repeated their regular call to States Parties to raise challenges they face in submitting timely and accurate initial and annual reports and to propose means to address those challenges. In doing so the co-chairs also re-raised awareness about the existing WGTR tools to support States Parties in complying with their reporting obligations, i.e. the document [“National-Level Measures to Facilitate Compliance with International Reporting Obligations and](#)

[Commitments](#)” and the document [“Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers”](#).

22. In order to kick-start the discussion, the co-chairs presented their [paper on outreach about the Treaty’s reporting obligations](#) that they announced during the 8 March meeting. The paper includes four specific elements:

- 1) an encouragement for the CSP President, members of the Bureau, co-chairs and the staff of the ATT Secretariat (“ATT function holders”) to participate in ATT-related events and raise the reporting issue;
- 2) a proposal to have regional information sessions (together with civil society and/or regional organizations);
- 3) an invitation to States Parties to promote the ATT and reporting; and
- 4) an invitation to the CSP President and/or the ATT Secretariat to proactively reach out to States Parties that have not fulfilled their reporting obligations.

23. Participants were generally supportive of the outreach document and especially of the focus on awareness-raising by “ATT function holders” and the importance attached to work at the regional level. The proposal to organize regional workshops did raise the question of funding, in which regard participants indicated that options under the VTF and other implementation support programmes such as the EU Outreach Programme should be looked at. On that subject, the EU suggested that a meeting of interested States Parties to discuss such assistance might be useful. Substantively, participants also stressed the need to have a clear idea what the required assistance would be and to integrate the existing guidance – the two aforementioned documents – into the assistance that is given.

**24. The co-chairs concluded that they feel support for the WGTR to recommend that CSP4 adopts the document “Outreach strategy on reporting”. In that respect, the co-chairs will distribute a slightly amended version of the document to reflect the comments that were made during the discussion. The co-chairs will also propose that CSP4 calls on relevant stakeholders, , including international assistance providers, and interested States Parties to discuss the possible organization of regional information sessions on reporting.**

25. Beyond outreach, the co-chairs invited participants to exchange views on other ideas that were raised during the 8 March WGTR meeting to support reporting: 1) giving the ATT Secretariat a reporting assistance mandate; 2) listing existing guidance documents and tools; 3) drawing up a roster of reporting experts that States Parties having reporting difficulties can turn to for tailor-made assistance; and 4) provide a forum within the ATT IT platform for intersessional exchanges on reporting.

26. Participants mostly raised questions about the “reporting assistance mandate” of the Secretariat and what it would entail, also in reference to the limited capacity of the Secretariat. In response to that, the Secretariat briefly outlined its current work concerning reporting. As mandated in article 18 of the Treaty, the Secretariat receives the reports, makes them available and distributes them to States Parties. The Secretariat also does basic analysis of the reports, answers basic questions, raises challenges and maintains the overview of annual reports. **Most participants and the co-chairs agreed that this is exactly what they would expect from the Secretariat. Consequently, the co-chairs indicated that they would reflect this as such in their report and not include the role of the**

Secretariat in terms of a “mandate”. Further in that regard, one proposal to have the Secretariat itself organize training sessions was not considered further.

27. The idea to have a roster of experts also raised questions in terms of implications. **Participants noted the potential strain on the Secretariat in maintaining the roster, stressed the need for the voluntary nature of such system and proposed to just highlight the reporting focal points of States Parties in the database of States Parties’ national points of contact. Upon reflection the co-chairs would propose to work indeed with the database of States Parties’ national points of contact. Within that framework the Secretariat could ask States Parties whether their entity responsible for reporting would be willing to assist other States Parties seeking basic support on compiling their report and subsequently indicate this willingness in the national points of contact database or by some other means, such as using the information exchange portal for this, or having a list of willing reporting focal points on the reporting webpage. The co-chairs will work on this with the Secretariat and include this in their draft recommendations of the WGTR to CSP4.**

28. As to the idea of providing a forum within the ATT IT platform for intersessional exchanges on reporting, this will depend on the development ATT IT platform and its information exchange portal. **Participants also emphasized the need for a holistic approach to the information exchange portal and not consider this topic-by-topic. The co-chairs will reflect this in a general recommendation on the information exchange portal of the WGTR to CSP4.**

29. On the idea of listing existing guidance documents and tools, there was no discussion except for a reference by the Control Arms Coalition to those that its members developed. **In view of the limited discussion, and mindful to avoid recommending too many documents, the co-chairs consider it unnecessary to recommend a separate “WGTR list of guidance documents” to CSP4. In that regard the co-chairs note that the CSP3 already endorsed and recommended two specific guidance documents that originated from the WGTR itself.**

***‘FAQ’-type guidance document on the annual reporting obligation***

30. Under this agenda-item the co-chairs asked participants whether there were any proposals for alterations or additional questions and answers, including on the issue of categorizing items in the correct categories of conventional arms (as the document requires a discussion on such proposals in the WGTR).

31. As during the 8 March WGTR meeting, no proposals were made. **In that respect the co-chairs decided that for future WGTR meetings the ‘FAQ’-type guidance document should no longer be a stand-alone agenda-item and be integrated in the standing agenda-item on “Challenges concerning reporting”.**

***Discussion on pending reporting and transparency issues***

32. Under this agenda-item, follow-up was given to two initiatives that came out of the 8 March WGTR meeting, namely [the Netherlands' questionnaire on gathering information to compile annual reports](#) and the proposal of the co-chairs for a [presentation by a representative of the World Customs Organisation \(WCO\) on the Harmonized System](#) (concerning the customs classification of goods; HS), its review process and the classification of conventional arms within the Harmonized System.

33. The Netherlands' questionnaire on gathering information to compile annual reports was introduced not only as a critical issue, but also as trial for a questionnaire as a means to exchange information. In that regard, the questionnaire received only two written and two additional oral responses from States Parties.

34. **In view of the limited response, the co-chairs concluded that there currently is no need to further pursue this topic as a specific substantial reporting issue, nor as the subject of a WGTR good practice document. The co-chairs did call on States Parties that have difficulties with gathering information to compile their annual report to explain their problem during future WGTR meetings under the standing agenda-item on "Challenges concerning reporting"**. In connection to the topic at hand, the co-chairs also invited the Centre for Armed Violence Reduction to present their National Conventional Arms Register project, offering a low-cost, technologically undemanding registry database that allows governments to keep records of international and national conventional arms transfers. This could help smaller States Parties on the technical level to comply with their record-keeping and reporting obligations.

35. **The presentation by Ms Gael Grooby, Deputy Director of the World Customs Organization Tariff and Trade Affairs Directorate was very well received by the co-chairs and participants.** The presentation demonstrated that most of the conventional arms covered under Article 2 (1) of the ATT fall of within larger groups of goods in the HS and are not identified by *specific* customs codes, which would allow to single out the different categories conventional arms in the HS. The only category of conventional arms that clearly has specific customs codes in the HS is "Small Arms and Light Weapons" (Chapter 93 of the HS), with some others. The absence of specific customs codes for most conventional arms entails that concerning conventional arms, the HS is not usable for some of its yet most powerful functions, namely allowing visibility of their trade, compile statistical information and develop targeted responses to emerging issues, which is also vital from the perspective of enforcing arms transfer controls. Specifically, from the perspective of reporting and record-keeping, the absence of specific customs codes makes the efficient gathering of information difficult.

36. As to amending the HS, Ms Grooby referred to two important drivers that might be relevant for ATT purposes, namely new technological developments and security concerns, in particular if they are backed by a treaty. In that respect, proposing amendments to have more specific codes for conventional arms would not be exceptional or controversial. Also, technically conventional arms would lend themselves well for specific codes, as they are fairly easy to describe and identify. Concerning the amendment process, amendments are submitted by Member States through their customs administrations, sometimes in cooperation with treaty secretariats. As amendment proposals that are not already under consideration will unlikely meet the deadlines for the 2022 review of the

HS, Ms Grooby advised interested States Parties to work towards the 2027 review, which would require finalized amendments by 2024.

**37. In wrapping up the discussion the co-chairs emphasized the importance of the issue and indicated that further exploring the issue will be part of the proposed mandate for WGTR for the period between CSP4 and CSP5. The co-chairs also called on interested States Parties to discuss the issue with their national customs administrations and within the framework of (regional) organizations of which they are a member that deal with conventional arms control lists.**

***Organizational means for information exchange***

38. Under this agenda-item, the co-chairs first asked Japan to introduce its [proposal for the development of an information exchange portal](#) that it had announced during the 8 March WGTR meeting, and invited participants to subsequently exchange views on the following ideas raised during the 8 March WGTR meeting concerning structured mechanisms to exchange diversion information on the operational level: 1) exploring whether the ATT IT platform can be used to have operational exchanges between States Parties; and 2) exploring whether some guidance can be included in the guidance document for national points of contact that the ATT Secretariat is mandated to prepare.

39. The Japanese proposal for the development of an information exchange portal builds further on CSP3's decision to establish a database of States Parties' national points of contact for the purpose of information exchange. Japan proposes to establish this as a true information exchange portal that facilitates contact between NPoCs. Specifically concerning diversion, Japan also proposes to include in the portal a number of elements that are included in its [working paper "Addressing Diversion of Conventional Arms"](#), that it submitted to the WGETI and links to relevant websites.

40. Participants saw a lot of merit in the Japanese proposal and emphasized the need to be able to not only discuss diversion as a policy issue, but to also exchange concrete, operational information on diversion among States Parties and discuss concrete cases. Participants did point to the sensitivity and confidentiality of such information; this also counts for notifications of granted authorizations and denials of arms transfers (even on the restricted section of the website), which would also entail a significant administrative burden.

41. Building on participants' comments and keeping in mind the discussions in the WGETI sub-group on diversion, the co-chairs proposed a three-tier approach to sharing information on diversion. The first tier would be the WGETI sub-group on diversion itself, which is the dedicated forum to have policy-level exchanges on diversion, as was demonstrated in the two meetings it had. The second tier would be the information exchange portal that is under development, which would allow States Parties (and possibly signatory States) to exchange both policy-related and operational information on diversion intersessionally, along the lines proposed in the Japanese paper. This would clearly depend on the progress and outcome of the development of the ATT IT platform. The third tier would be 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, and on which they want the views or concrete input from other involved or non-involved States Parties (and possibly signatory States). Such meeting would then complement bilateral exchanges between States involved

in a specific case (which could be considered as a “separate tier”). The meeting, in that regard, would basically implement paragraphs 3, 4 and particularly 5 of article 11 the Treaty, that encourages State Parties to share relevant information with one another on effective measures to address diversion. The intended outcome of the meeting would be to clarify specific cases and identify and agree appropriate responses, for which sharing concrete and operational information would be indispensable. In that regard, in light of the sensitivity and confidentiality issues mentioned above, the informal nature of the meeting – thus disconnected from regular WGETI and WGTR meetings – would be essential. However, general patterns and lessons learnt that come out of such meeting could subsequently be raised in the WGETI sub-group on diversion, if that is thought useful and acceptable. The co-chairs presented this three-tier approach as the way forward for information exchange on diversion both from the WGTR and WGETI perspective, and also in line with the [paper on “preventing and fighting the diversion of legally transferred weapons”](#) that Argentina, Belgium, Colombia, Finland, France, Germany, Netherlands, Mexico, Republic of Korea and Sweden submitted to the WGETI sub-group on diversion’s 6 March meeting.

**42. Participants responded very positively to the three-tier approach and were convinced of the added value of the informal meeting to concretely prevent and address diversion. It was concluded that this should be the way forward and that the WGTR should propose the three-tier approach in its draft recommendations to CSP4. Based on comments concerning the tier of the information exchange portal that is under development, the recommendation will include that this portal should be approached holistically and not be considered topic-by-topic.**

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

43. Under this agenda-item, following up on the 8 March WGTR meeting, the co-chairs invited participants to exchange views on how the work of civil society on harnessing information included in initial reports could be used and structured to feed into the discussions in the WGETI.

44. To illustrate and substantiate the discussion, the co-chairs asked the ATT Baseline Assessment Project (ATT-BAP) to present their [“National Transfer Controls database”](#) that gives an overview of States’ national arms transfer control systems using their ATT initial reports, ATT-BAP surveys and UN PoA national reports.

**45. In a short exchange of view afterwards participants and the co-chairs agreed that this database could be used to identify issues that are worthy of discussion in the WGETI. The co-chairs would propose to communicate this finding to the Chair of the WGETI.**

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

46. Under this agenda-item, the ATT Secretariat gave a presentation on the status of the development and enhancement of the ATT IT platform. The focus of the WGTR concerns the web-based reporting functionality and the information exchange portal.

47. A trial version of the web-based reporting functionality was delivered and tested by some members of the consultative group of WGTR participants to support the Secretariat on the IT platform.



48. The ATT Secretariat reminded the WGTR that the first version of the information exchange portal is being prepared in accordance with the Statement of Work for the IT project adopted by States Parties, and will be delivered and available by the end of July 2018. Any changes to the information exchange portal will need to be the subject of *future* upgrading and improvement of the IT platform and should be developed in stages in response to the nature and scope of the use that States make of the information exchange platform in practice in the coming months and years, including the volume of traffic.

49. **The co-chairs requested the Secretariat to keep the WGTR and the CSP updated on the progress with the IT platform and decided to create an informal consultative group of WGTR participants to review the information exchange platform with a view to making recommendations for future developments and improvements to the ATT IT platform. The co-chairs will also include this in their draft recommendations of the WGTR to CSP4.**

***WGTR mandate in the period between CSP4 and CSP5***

50. Under this agenda-item, the co-chairs presented an [initial draft of the mandate that the WGTR could propose for consideration by CSP4 for further work of the WGTR in the period between CSP4 and CSP5](#). In this proposal the co-chairs included an agenda with items for which they seek approval as standing agenda items for WGTR meetings. Under each of these standing agenda-items the co-chairs first included the recurrent tasks that the WGTR should undertake each time, supplemented with specific tasks concerning issues that are identified as priorities for the period between CSP4 and CSP5.

51. **Earlier in the meeting it was already agreed to integrate the agenda-item on the ‘FAQ’-type guidance document in the agenda-item on “Challenges concerning reporting”. Participants then agreed to a standing agenda of the WGTR with the following standing items: a) State of play of compliance with reporting obligations; b) Challenges concerning reporting; c) Substantive reporting and transparency issues; d) Organizational means for information exchange; e) Harnessing information generated by mandatory reporting; f) ATT IT platform: reporting and transparency functionalities; and g) WGTR mandate in the period between CSP4 and CSP5.**

52. **As to the recurrent and specific tasks to undertake there was a call to simplify the mandate. The co-chairs indicated they would update the mandate with a view to reflect the discussions during the meetings and would distribute an amended version in preparation for CSP4.**

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