

**Working Group on Transparency and Reporting
Introductory paper for meeting of 7 March 2018**

1. During the Third Conference of States Parties (CSP3) of the Arms Trade Treaty (ATT), held in Geneva on 11-15 September 2017, States Parties adopted Terms of Reference for a standing Working Group on Transparency and Reporting (WGTR), and endorsed a broad mandate to the WGTR for the period between CSP3 and CSP4.
2. The mandate has five parts:
 1. *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.*
 2. *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.*
 3. *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.*
 4. *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.*
 5. *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 CSP5.¹*
3. In order to allow WGTR participants to prepare efficiently for the first WGTR meeting in Geneva on 7 March 2018, and to ensure a structured and effective discussion, the co-chairs have prepared this introductory paper. It gives an overview of past proposals and discussions relating to each part of the mandate, sets out elements for discussion and puts a number of proposals for consideration to WGTR participants. The introductory paper is complemented by a list of guiding questions that WGTR participants are encouraged to use for potential interventions during the meeting and/or for written answers that they are invited to provide to the co-chairs ahead of the meeting.

¹ This mandate is included in paragraph 23 of the [Final Report of CSP3](#), endorsing the tasks for the WGTR in line with the proposal contained in Annex A of the [report of the WGTR co-chairs to CSP3](#).

Part 1: The WGTR shall conduct exchanges of lessons learned at the national level. 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.

4. This part of the mandate can build on the substantive output of CSP3 and its preparatory process, in particular the document [“National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments”](#) (recommended for consideration by CSP3), and the document [“Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers”](#) (endorsed by CSP3).
5. First, in part using these documents, the co-chairs have prepared a few guiding questions to allow for a structured and effective exchange of lessons learned on States Parties’ fulfilment of their reporting obligations and the organization of reporting tasks. As said above, States Parties are encouraged to use these questions for a potential intervention on their lessons learned during the first WGTR meeting, and/or to provide written answers to these questions to the co-chairs. Exchanging “lessons learned” can include sharing problems and difficulties as well as solutions and good practices. The co-chairs do strongly urge States Parties that have not yet (completely) complied with their reporting obligations to share the obstacles that have kept them from reporting. Particularly obstacles that concern implementation-related issues will be captured in the report of the co-chairs, with a recommendation for discussion in the Working Group on Effective Treaty Implementation (WGETI) and, if relevant, a recommendation for the States Parties in question to apply for implementation assistance to the Voluntary Trust Fund.
6. Second, the document [“Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers”](#) requires that proposals for alterations and additional questions and answers be considered in the WGTR. In this respect, the co-chairs will call on all WGTR participants to submit their intended proposals for alterations and additional questions to the co-chairs as early as possible, to allow reflection by WGTR participants.
7. Apart from the forthcoming exchange of lessons learned, the co-chairs point out that during the preparatory process of CSP3, a number of substantive issues concerning reporting were already raised. The co-chairs have identified three issues that merit consideration as potential deliverables for CSP4:
 - a. Record-keeping and retrieval for reporting purposes, on which a good practice document could be considered;
 - b. Categorization of items within the correct category of conventional arms covered under article 2 (1) of the Treaty (and sub-categories of SALW), on which questions could be added to the ‘FAQ’-type guidance document; and
 - c. The classification of conventional arms covered under article 2 (1) of the Treaty according to the "Harmonized System" (HS) of the World Customs Organisation (WCO), on which the WGTR could reach out to the WCO in order to jointly examine potential adjustments to facilitate identification of conventional arms for control and reporting purposes.²

² If such initiative is deemed desirable, Participating States in the Wassenaar Arrangement could consider launching a similar initiative concerning the items in the Wassenaar Arrangement Munitions List.

8. The aforementioned list of questions also contains a number of guiding questions for a possible discussion about these issues.

Part 2: 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.

9. As a starting point for the discussion on this part of the mandate, the co-chairs re-submit the [co-chairs' food-for-thought paper "A more structured means of exchanging information on treaty-related topics?"](#). This paper puts forward that the CSP and the WGETI are the default platform for information exchange on implementation-related issues and that the outstanding question is *"whether States Parties feel that a more structured, or focused, approach is needed for one or more of the three areas - perhaps in the form of a specific agenda item or a mechanism of some kind to encourage the sharing of information of a particular type."*
10. The paper reflects the position of the co-chairs that the appropriate fora for States Parties to exchange information on implementation-related issues are the CSP and the WGETI, and that the WGTR should focus on providing States Parties with the tools to make that information exchange as meaningful and effective as possible, both during CSP and WGETI meetings as well as intersessionally.³
11. As the [food-for-thought paper](#) makes clear, this applies to the two levels of information exchange that the Treaty provides. First, there is the "operational level", where States Parties involved in one or more specific transfers exchange information on these. Second, there is the "policy level", where States Parties exchange information with all other States Parties in the form of reports on their policies, activities and/or their lessons learned.
12. As was also expressed in the [food-for-thought paper](#), suggestions on structured mechanisms for exchange of information should be proposed and could, if agreed, form the basis for one or more recommendations to the CSP.
13. The co-chairs indicate that the [proposed work plan \(priorities\) for the WGETI](#) (endorsed during CSP3) already provides that WGETI meeting agendas will be framed in a manner that encourages the exchange of information and national approaches to Treaty implementation. It also includes a list of guiding questions for discussions. This approach is in itself a process or format that the WGTR could more broadly recommend to CSP4.
14. One specific topic of focus under this part of the mandate could be exchanging information and reporting on diversion and anti-diversion measures, as the Treaty on this topic prescribes the exchange of information on an operational level (in article 11) and encourages reporting on effective measures on a policy level (in article 13).
15. This topic has been on the agenda of the CSP and the working group from the beginning and has been the subject of two formal proposals, one by Argentina and one by Mexico.

³ In that regard, the only implementation-related issues on which the *substantive information exchange* should take place in the WGTR itself are those that directly relate to the reporting obligations in article 13 of the Treaty or to the broader topic of transparency.

16. The [Argentinian proposal for a diversion reporting template](#) concerns a “policy level” report on policies, activities and lessons learned. Regarding this proposal, WGTR participants should first and foremost decide whether a template is indeed the most helpful and effective approach to encourage reporting and exchanging information on diversion and anti-diversion measures. In this respect, the co-chairs refer to the [report of the WGTR co-chairs to CSP3](#), where it was reported that during WGTR discussions “*most felt that this area was too diverse for a template approach*”. Yet, if the template proposal still has the support of WGTR participants, they should further the discussion on it and, if necessary, propose amendments, with a view to adopting the document in the WGTR and recommending it to the CSP. If WGTR participants do not support the template proposal, the co-chairs invite participants to come up with alternative proposals that could facilitate exchanging information and reporting on diversion and anti-diversion.
17. The [Mexican proposal for an information exchange mechanism to prevent diversion](#) is a combination of an “operational” information-exchange mechanism between States Parties involved in one or more specific transfers, and a subsequent “policy level” report to the full CSP. This proposal remains under consideration.
18. One element of the [Mexican proposal](#), that was eventually transformed in a separate proposal of Mexico and Japan, was already more broadly adopted by CSP3. The CSP “*mandated the Secretariat to establish and maintain a database of States Parties’ national 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*”.
19. In any case, the co-chairs consider that as part of the approach to encourage reporting and exchanging information on diversion and anti-diversion measures, it is important to explicitly include the topic of diversion on the agenda of CSP under the segment of treaty implementation (which should, if desired, be a joint decision of the WGTR and the WGETI). As for the WGETI, its [proposed work plan](#) already includes diversion as a priority topic and contains three guiding questions to which consideration could be given during discussions.
20. As for processes or formats facilitating information exchange on implementation-related issues, another specific topic for consideration could be follow-up mechanisms on the initial and annual reports that States Parties submit. One such mechanism could entail States Parties offering each other technical feedback on the reports they submit to the ATT Secretariat. This could, for example, be organized as an optional mechanism for interested States Parties, which operates on request of the State Party in question and where feedback is given by volunteer States Parties. Another such mechanism could entail States Parties using the information in initial and annual reports to identify general implementation-related trends and common issues, to help focus the discussions in the WGETI. This could complement the “lessons learned” exchange in the WGTR mentioned above, under the first part of the mandate.

21. The installation of such processes would obviously require a fundamental discussion on who takes the lead, who can participate, how information is handled, and the form and accessibility of the outcome.⁴ Also, such processes would be highly dependent on the availability of the information in the initial and annual reports in a form that allows for feedback and analysis, which the WGTR also needs to consider under the fourth part of the mandate.
22. A final suggestion concerning organizational means facilitating information exchange, which the co-chairs themselves wish to put forward, is that of a fixed agenda for WGTR meetings. Much work concerning transparency and reporting has already been done in the WGTR. It would therefore be useful (and transparent!) to have the existing mechanisms and documents, as well as the current general topics in the mandate, as standing agenda items, under which WGTR participants can be informed of progress, share their views or submit new proposals, as relevant. The proposed fixed agenda would be as follows:
- a. State of play of compliance with reporting obligations
 - b. Exchange of lessons learned concerning reporting
 - c. 'FAQ'-type guidance document on the annual reporting obligation
 - d. Discussion on pending reporting and transparency issues
 - e. Organizational means for information exchange
 - f. Harnessing information generated by mandatory reporting
 - g. IT platform: reporting and transparency functionalities
 - h. AOB

Part 3: 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.

23. During the preparatory process of CSP3, the role of the IT platform in reporting and transparency was already discussed in general in the WGTR. The [report of the WGTR co-chairs to CSP3](#) contains the following in this regard:

“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.”

24. The WGTR already provided one concrete deliverable in this area, i.e. the abovementioned database of States Parties' national points of contact, which will be available to States Parties on the restricted section of the ATT website.
25. Furthermore, the WGTR was briefed by the ATT Secretariat on the development of the IT platform and, more concretely, the development of the web-based reporting functionality which should allow States Parties to comply with their annual reporting obligation in article 13 (3) of the Treaty.⁵ According to the co-chairs, this functionality should be the main focus of both the ATT Secretariat

⁴ To the extent that WGTR participants envisage a role as facilitator for the ATT Secretariat in such processes, also the capacity of the Secretariat should be discussed.

⁵ As is clear from the current mandate of the WGTR, “while retaining the possibility to report in a national format”.

and the WGTR in the preparatory process of CSP4. This is not only because this functionality will enhance the user-friendliness of reporting and the transparency of reports, but also because this functionality should be developed in such a way that the information that States Parties submit can be harnessed in order to allow for subsequent analysis and follow-up (see part 2 and 4 of the mandate). Concretely, the ATT Secretariat will give an update on the state of play concerning the IT platform during the first WGTR meeting, following which the co-chairs will request all WGTR participants to share their remarks, proposals and issues, either with the Group or intersessionally with the co-chairs in writing. Of course, WGTR participants are also welcome to share their remarks, proposals and issues with the co-chairs prior to the meeting. In that respect, States Parties could already share their views on the desirability and feasibility of the following aspects: a) having an additional web-based reporting functionality to comply with the initial reporting obligation in article 13 (1) of the Treaty; b) appointing a consultative group of WGTR participants to support the ATT Secretariat in the development of the IT platform; c) inviting UNODA and/or OSCE officials to a WGTR meeting to share their experiences with online reporting (which could also lead to identifying synergies). In their remarks and proposals, WGTR participants should take into account that the discussion concerns the first launch of the web-based reporting tool and it might not be possible to already include advanced functionalities in the tool. Yet, the tool will obviously be further developed and refined over time and WGTR participants will retain the opportunity to give feedback on the use of the tool in future WGTR meetings.

26. Beyond these ongoing projects, WGTR participants are of course welcome to submit any other proposal concerning the IT platform to the co-chairs.
27. One IT-related issue that the co-chairs themselves want to raise concerns not only transparency, but also inclusion and universalisation. The co-chairs propose, if feasible, to livestream the open sessions of all working group meetings and the CSP itself on the ATT website. This would guarantee that all stakeholders in the ATT community – States, civil society, industry and international organisations – have the opportunity to follow the discussions of the CSP and its working groups at all times, regardless of budgetary or travel constraints. Equally so, it will give all interested in the ATT a window into the work being done.

Part 4: 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.

28. Harnessing information generated by mandatory reporting in a user-friendly manner is a necessity if any follow-up is given to the initial and annual reports that States Parties submit to the ATT Secretariat. Regardless of the type and depth of follow-up to which States Parties want to commit, if any (see part 2 of the mandate), some kind of a baseline of data is needed that allows stakeholders to analyse and compare. It is also a necessity in order to guarantee true transparency.
29. As for the annual reports, it is logical for the co-chairs that the harnessing issue is intrinsically linked to the above-mentioned IT platform. WGTR participants – together with the ATT Secretariat – should share their views on the most effective manner to harness the info in the IT platform, if desirable and if feasible. From previous discussions in the WGTR, the co-chairs have deduced that

it would be useful and desirable for the data in States Parties' annual reports to be consolidated in one general report, possibly via the the web-based reporting functionality, and for imports and exports ("arms flows") to be mapped in order to support risk assessments. Consideration could be given to exploring the feasibility and cost implications of including such a function in the IT platform.

30. This intrinsic link should not restrict the discussion of harnessing information to the IT platform, however. In the specific area of harnessing information from ATT reports, civil society has already contributed a great deal of work. In that respect, the co-chairs encourage civil society and States to reflect together how this work could be integrated in the activities of the WGTR and the WGETI.
31. The latter also applies to the initial reports, especially if no web-based reporting functionality would be available for those. In any case, the [report of the WGTR co-chairs to CSP3](#) explicitly mention a structured matrix approach as a possible method of harnessing the content of initial reports.

Part 5: 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.

32. This part of the mandate should only be discussed during the second WGTR meeting, in Geneva on 30 May 2018.