

Working Group on Transparency & Reporting - Issues Paper for meeting of 8 Feb 2017

On 6 Dec 2016, the Co-chairs of the Working Group issued a request for inputs to the WGTR's first meeting. Annexed to this request was an overview of possible topics which was intended to stimulate thinking on possible deliverables from the Working Group to CSP3. The response to the Co-chairs' request was very limited, with only three responses received. Two from States Parties and one from Civil Society. Although these were valuable in themselves, they were not sufficient to give the Co-chairs a sense of what the focus of the WGTR's work should be.

Consequently, this issues paper represents an amalgamation of the possible topics contained in the annex of the Request for Inputs, and in the written suggestions received. As time and resources will not permit us to move forward on all these topics in parallel, Delegations should come prepared to, as a first step in the Group's work, engage in a prioritisation exercise that will allow us to collectively identify the outputs to be developed for CSP3. The discussion will of course not be limited to the contents of this paper. Participants are free to make other suggestions as well.

A. Possible tasks in support of mandatory reporting

1. Examine possible further adjustments to the reporting templates endorsed by CSP2, on the basis of practical experience and proposals from participants. Here, a balance needs to be struck between the desirability of improving the templates and the need to maintain a degree of stability in the reporting framework.
2. 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 held available as an alternative to web-based reporting.
3. Explore means of improving compliance with mandatory reporting obligations, not just the initial and annual reports but also for instance the obligation to provide the Secretariat with information on their national POCs (Art 5.6 of the Treaty) which not all States Parties have so far complied with. This could for example involve the development of web tutorials or some form of centralized support service provided by the Secretariat. One example of the latter is the information booklet produced to support reporting to the UN Register of Conventional Arms (UNROCA).
4. Develop proposals for broader measures to strengthen reporting capabilities. This could involve assessing synergies between ATT reporting obligations and other relevant reporting instruments, in order to support and enhance effective national reporting processes (see also doc ATT/CSP2/2016/OP.3).

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5. 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).

NB: For items 3-5, coordination would be required with the Working Group on Implementation to avoid duplication of efforts. Existing tutorials and other support tools developed outside the ATT by civil society and academia would also need to be taken into account.

6. Address issues related to the quality and completeness of reports, such as the discrepancy between transfer control definitions and the equivalent customs classifications which often form the basis for national statistics.

B. Possible tasks in the area of promoting transparency

1. Explore the possibility of developing more structured means of exchanging, on a voluntary basis, information on treaty-related topics. Such structured means could involve information exchange either at the Conference of States Parties or, for more time-sensitive information, intersessionally.

Background:

The Treaty contains several mandatory requirements for States Parties to provide information to each other (see Art 5.6, 13.1 & 13.3). There are also numerous examples of articles encouraging States Parties to exchange information and cooperate on a voluntary basis. Some provisions clearly refer to information exchange involving all States Parties (see Art 5.4, 11.6, 13.2 & 15.2). Others could be read as indicating information exchange either with all States Parties or in a bilateral setting (see Art 11.3, 11.5, 15.1, 15.3, 15.4, 15.6 & 15.7). Finally, and for sake of completeness, some provisions clearly refer to bilateral exchanges of information and are therefore not relevant in the current context (see Art 7.6, 7.7, 8.1, 8.3, 11.2 & 15.4).

2. 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)”, as proposed by Argentina in July 2015 (see doc ATT/CSP1/2015/PM).
3. Consider structured ways in which the information generated by mandatory reporting (or voluntary exchanges) could be used. For example, the different national approaches to fulfilling a particular Treaty requirement could be extracted from available initial reports, and provided to States Parties as an implementation resource (close cooperation with the Implementation Working Group would be necessary, to avoid duplication of effort). States Parties could also be interested in an analysis of trends in reporting or in annual transfers. Using the information contained in both initial and annual reports, account would need to be taken of the varying quality and completeness of the information provided in these reports.
4. Assess the utility of using the Working Group as a platform to generate information useful for treaty work, by means of intersessional hearings or seminars on topics relevant to transparency or to other aspects of the Treaty.

C. Generating a mandate for the WGTR for the period between CSP3 and CSP4

The Terms of Reference for the WGTR state clearly that the Group will “undertake tasks defined by the Conference of States Parties in the general area indicated by its title” (see the final Report of CSP2, doc ATT/CSP2/2016/5, para 26). The Working Group therefore needs to prepare a proposal for consideration by CSP3 mandating work to be carried out by the Group in the period between CSP3 and CSP4.
