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## BACKGROUND PAPER ON THE VOLUNTARY REPORTING TEMPLATES

### Introduction

1. This paper was prepared by the ATT Secretariat at the request of the Co-chairs of the Working Group on Transparency and Reporting (WGTR), who asked the ATT Secretariat to prepare a preliminary document identifying areas of the reporting templates to be considered for adjustment in order to address uncertainties and inconsistencies or to ensure compatibility with the online reporting tool and the proposed public searchable database.

2. The ATT Secretariat is mandated to receive, make available and distribute reports mandated by the ATT under Article 18 of the Treaty. As the repository/depository for ATT reports, the ATT Secretariat has several years of experience reviewing States Parties' reports and liaising with States Parties regarding their reports, including training States' representatives on report completion and submission, answering queries relating to how to complete reports and seeking clarification from States Parties on the content of submitted reports. Through this experience, the ATT Secretariat has gained insight into some of the challenges States Parties face in completing and submitting their reports, including challenges specific to the use of the voluntary reporting templates as endorsed and recommended for use by the Second Conference of States Parties to the ATT (CSP2) (see paragraph 25 of [CSP2 Final Report](#) (ATT/CSP2/2016/5)).

3. The paper is designed to provide a kick-off/starting point for discussions that will take place under agenda item 2 (*Challenges concerning reporting*) of the first meeting of the WGTR on 06 February 2020. The first part of this paper sets out some of the ATT Secretariat's insights and observations with respect to challenges States Parties seem to face in relation to or as a result of the current versions of the reporting templates, including issues relating to :

- Language and phrasing
- Format
- Omissions

4. The second part of the paper outlines some of the issues that have arisen or may arise as a consequence of the reporting templates being used as the basis for the online reporting tool. Throughout the paper, the ATT Secretariat offers suggested solutions or alternative approaches to alleviate the challenges and issues observed.

### Observations regarding the existing ATT reporting templates

#### *Language*

5. There is some language in the reporting templates that is ambiguous or could be clearer and some phrasing that has led to some misunderstandings among some reporting States Parties. For

example, the phrase this report ‘is available only to States Parties’<sup>1</sup> appears in both the Initial Report template and the Annual Report template. It is followed by a single tick box, whereas the majority of other ‘yes/no’ questions are followed by two tick-boxes: a tick-box for ‘Yes’ and a tick-box for ‘No’. The phrasing of the question and the absence of a ‘Yes’ tick-box *and* a ‘No’ tick-box has caused some confusion. For example, one State has explained that it assumed that – in the absence of a ‘Yes’ tick-box and a ‘No’ tick-box - if it inserted a cross (‘X’) outside the box, this would indicate that the report is *not* only available to States Parties. Suggested alternative: it would be simpler and clearer for States Parties completing the template if the question simply asked: ‘Do you want this report to be publicly available on the ATT website?’ followed by a ‘Yes’ tick-box and a ‘No’ tick-box.

6. In addition, many sections of the Initial Report template are phrased as statements that States Parties are to respond yes or not to, but they are not questions per se. Unpacking some of these into questions might help States Parties answer them more clearly or make it clearer what information is being sought. For example, Section 6 of the Initial Report template on the definition of brokering states: ‘The definition of brokering used in national legislation’ then leaves a space for a response. Suggested alternative: Perhaps the section should ask ‘Does your national legislation include a definition of brokering?’ followed by: ‘If so, what is it?’ Or ‘Does it include the following activities...’ and include a list of suggestions.

#### *Format*

7. In many instances, it might help States Parties if there were checklists of possible answers. For example, the statement in Section 2.B. of the Initial Report template: ‘International agreements to which the country is a Party, and which are considered relevant for the application of Article 6(2)’ might be better formulated as a question such as: ‘Which of the following international agreements are you a party to and do you consider relevant to Article 6(2)?’, followed by a list of possible agreements as well as an ‘other’ category. Similarly, sections that request States Parties to identify ‘ministries or government authorities may be involved in the decision-making process’ could include a checklist of options to make it easier for States Parties to complete.

8. At the same time, there are areas where some open-ended questions might be useful. For example, in the context of Article 11 (Diversion) – and other areas of the Treaty where information exchange is contemplated – it could be useful to ask ‘how do you exchange information with other States to help mitigate the risk of diversion of a transfer (give examples)?’ While closed questions (e.g. ‘do you have a national control list?’ yes/no) makes the information provided by States Parties in their reports easily comparable and quantifiable, open questions can generate a broader range of information on different approaches and State practice.

#### *Omissions*

9. There are some direct questions that could be asked that have been omitted from the reporting template. For example, Section 1.C of the Initial Report template states: ‘The national point(s) of contact has (have) been notified to the Secretariat of the Treaty [Article 5(6)]’ followed by ‘Yes’ or ‘No’ tick-boxes. Many States Parties tick ‘Yes’, but in fact have not provided the ATT Secretariat with the identity and contact details of their national point(s) of contact. While the information regarding whether or not a State Party has notified the ATT Secretariat of its national point(s) of contact should be retained (in accordance with the obligation to notify in Article 5(6)), the reporting template could also usefully ask each State Party to: ‘Please provide the name and contact details of your national point(s) of contact’ and include space for the name, job position, relevant Government

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<sup>1</sup> In the Initial Report, this question reads: ‘This Initial Report is available only to States Parties’. In the Annual Report template, the question appears twice: ‘This Annual Report on exports is available only to States Parties’ and ‘This Annual Report on imports is available only to States Parties’.

Ministry or Department, email address and telephone number(s). Inclusion of this information would, effectively, constitute notification of a State Party's national point(s) of contact to the ATT Secretariat.

10. There are also some areas of the reporting templates where the questions could go further – based on Treaty text – but do not. For example, Section 6 on brokering in the Initial Report template includes the statement: 'The national control system includes measures that allow the regulation, pursuant to national laws, of brokering of conventional arms', but it does not unpack this any further to ask specifically if brokering controls include registration or written authorization, even under voluntary information, even though the Treaty specifically lists these as possible measures to regulate brokering.<sup>2</sup>

11. It could also be useful if the templates included questions on what types of assistance States would like to request (or offer) in the context of ATT implementation. This would certainly help the ATT Secretariat fulfil its mandated role to facilitate the matching of offers of and requests for assistance for Treaty implementation (Article 18(c)), and could help the work and deliberations of the Voluntary Trust Fund Selection Committee.

### **Observations regarding the online reporting tool**

12. The annexation of so many elements of the Annual Report template makes it quite cumbersome for users to find their way around the document in an online version. The ATT Secretariat has tested some creative IT solutions to this – such as a series of tabs that would serve as a table of contents that the user can use to navigate around the document. Nevertheless, a simplification of the Annual Report template to redistribute annexed information to remove the need for so many annexes could prove useful.

13. The ATT Secretariat has integrated the 'Explanatory notes' into the reporting tool so there are information bubbles that contain the information from the relevant explanatory note in the places where the explanatory note is referenced. However, the long list of explanatory notes still appears at the end of the document; the ATT Secretariat did not feel it had the flexibility to remove the annex of 'Explanatory notes' altogether since the templates have been 'adopted' in their entirety and can only be adapted for online purposes to a limited extent.

14. Similarly, it would be useful to include the UN Register definitions that appear in Annex 1 in information bubbles or hyperlinks where the terms appear in the report. However, we would still need to include the Annex (presumably) in order to accurately represent the template, as adopted.

15. In summary, there are some elements of the templates – particularly the Annual Report – that are cumbersome and not 'user-friendly' in the context of an online report. The templates may benefit from being clearer and simpler, and a more user-friendly version is possible.

### **Conclusion**

16. This paper is intended as a preliminary overview of some of the challenges the ATT Secretariat has observed with respect to the current versions of the voluntary reporting templates. If States Parties are interested in taking this issue further, the ATT Secretariat would suggest that it presents a detailed list of proposed amendments to the second series of ATT meetings taking place in April 2020.

17. The following points are raised as food-for-thought for States Parties to consider in their discussions of the reporting templates:

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<sup>2</sup> Article 10 stipulates: 'Such measures may include requiring brokers to register or obtain written authorization before engaging in brokering'.

- a. If (and when) the reporting templates are amended, what does this mean for those States Parties that have already submitted their Initial Reports (in particular)?
- b. A further consideration in the context of discussions on the possibility of a searchable database or generating statistical summaries from ATT reports in the future is that States Parties would need to be entering compatible data to enable this function. The current system allows States Parties to report on authorized or actual exports and imports (in accordance with Article 13(3)) and to report the number of items or value (as per the Annual Report template). It will be difficult to analyse trends and automatically quantify annual transfers reported if States Parties are not submitting the same type of information through their Annual Reports.
- c. Is there scope for amending the reporting templates to take into account some of the progress that has been made in the various Working Groups? For example, States have now had extensive discussions on EUCs in the context of the Sub-working Group on Article 11 (Diversion). States Parties agreed to a list of essential and optional elements to include in EUCs as part of the WGETI Chair's report to CSP4. States Parties could consider amending and expanding the Initial Report template to ask (as voluntary information) whether States Parties are adhering to the list of elements in their EUCs. There are also some additional questions that could be posed, the responses to which would help inform the work of the ATT Working Groups. This could include, for example, questions such as 'what interpretation do you give to the phrase 'overriding risk' in Article 7?'

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