
**WORKING GROUP ON TRANSPARENCY AND REPORTING
CO-CHAIR REPORT OF 06 FEBRUARY 2020 MEETING**

INTRODUCTION

1. On 06 February 2020, the Working Group on Transparency and Reporting (WGTR) held its first of two intended meetings of the preparatory process towards the Sixth Conference of States Parties (CSP6) of the Arms Trade Treaty (ATT).
2. The WGTR adopted the [draft annotated agenda for the meeting](#), which was based on the standing agenda items and the recurring and specific tasks for the WGTR endorsed by States Parties at CSP5. The WGTR also considered the [introductory paper of the co-chairs](#), which provided the background of the given tasks, summarized past proposals and discussions, set out elements for discussion and put a number of proposals for consideration by WGTR participants.
3. In their report below, the co-chairs included a summary of the concrete outcomes of the meeting and of the work that the co-chairs, WGTR participants and the ATT Secretariat will need to undertake in the intersessional period leading up to CSP6. For the sake of clarity, the co-chairs further included a detailed overview of the discussions per agenda item. Many of the outcomes of the 06 February meeting related to elements to be delivered or discussed at the second WGTR meeting originally scheduled for 16 April 2020. In light of the cancellation of the 16 April meeting due to COVID-19, those outcomes have been adapted.
4. In those adapted outcomes, reference is made to the draft mandate for the WGTR beyond CSP6. This draft mandate was not yet available during the 06 February meeting, but will be circulated together with this report and the other WGTR documents for CSP6.
5. In line with the decision to consult with ATT stakeholders remotely on the documents to be submitted to CSP6, the co-chairs invite all participants to submit their comments on WGTR documents and the proposals in this report by e-mail to the ATT Secretariat at info@thearmstradetreaty.org, no later than 21 May 2020. States Parties and signatory States that are able to do so, are encouraged to submit their comments via the information exchange platform in the restricted area of the ATT website, on which the co-chairs will post “announcements” for that purpose.

CONCRETE OUTCOMES OF THE 06 FEBRUARY 2020 MEETING

6. **The co-chairs will include a discussion on the issue of public availability of annual and initial reports in the draft mandate for the WGTR beyond CSP6.**
7. **The follow-up of the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer) remains in the hands of the ATT Secretariat.**
8. **During CSP6, there will be a briefing on the outcome of the efforts of the President to carry out consultations with non-reporting States in the intersessional period.**

9. The co-chairs will include the implementation of the outreach strategy in the draft mandate for the WGTR beyond CSP6.
10. The co-chairs and the ATT Secretariat will prepare draft amended templates with a view to holding consultations on the draft remotely (via email or the information exchange platform). The co-chairs invite all participants to submit their comments no later than 21 May 2020. Subsequently, informal face-to-face consultations may be held in July or August, or during CSP6, pending developments regarding COVID-19 and/or progress made during remote consultations.
11. The co-chairs will no longer specifically include the specific task to discuss the further development of the document 'National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments' in the agenda of WGTR meetings.
12. On the topic of classification of conventional arms according to the "Harmonized System" (HS) of the World Customs Organisation (WCO), the Belgian co-chair will further discuss a short concept note on the topic and, if available, will share this ahead of the CSP6 with those States Parties that have shown interest in the matter.
13. The co-chairs still invite participants to reflect on the issue of the comparability of data in annual reports and to submit via email to the ATT Secretariat or the information exchange platform by 21 May 2020 any concrete proposal for a recommendation that they want to discuss during the next WGTR meeting. The co-chairs will also include a discussion on the issue of aggregation of data in annual reports in the draft mandate for the WGTR beyond CSP6.
14. The co-chairs will discuss the use of the information exchange platform in the restricted area of the ATT website for the proposed substantive purposes with the ATT Secretariat, the Chair of the WGETI and the facilitators that he appointed.
15. The co-chairs will circulate revised Terms of Reference and a cost estimate and impact assessment to States Parties and signatory States, and invite them to submit their comments on these documents no later than 21 May 2020 (via email or the information exchange platform). Subsequently, informal face-to-face consultations may be held in July or August, or during CSP6, pending developments regarding COVID-19 and/or progress made during remote consultations.
16. The co-chairs will invite participants who disagree with merging agenda item 5 into agenda item 6 to share their views by e-mail to the ATT Secretariat, no later than 21 May 2020.
17. The co-chairs will encourage States Parties' and signatory States' representatives to: 1) [register online](#) for access to the restricted area of the ATT website; 2) consider using the online reporting tool for submitting their annual reports; and 3) engage in the discussions on the announcements that will be posted on the information exchange platform.

AGENDA ITEM 1: STATE OF PLAY OF COMPLIANCE WITH REPORTING OBLIGATIONS

Recurring task: The WGTR will review the status of reporting, thereby focusing on the progress that has been made in comparison to the previous status updates.

18. Under this recurring agenda item, the ATT Secretariat gave a [general overview of the status of reporting](#), and of the progress made in comparison to the previous status update.

19. The presentation demonstrated the continuing low rate of annual reports that are submitted. About 1/3 of States Parties are in breach of one of the most fundamental obligations of the Treaty. The co-chairs, as well as a number of participants, shared their concern and called on non-reporting States to demonstrate their commitment to the Treaty by submitting annual reports.

20. A number of non-reporting States shared the challenges that they face to comply with their obligations, which led the co-chairs and a number of participants to highlight once more the effective tools that are available to support States Parties in their reporting efforts. These include, in particular, the [‘FAQ’-type guidance document on the annual reporting obligation](#) and the [National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments](#)” (both available on the [reporting requirements page of the ATT website](#)).

21. The presentation also demonstrated a significant increase in States Parties that request to have their annual report only available to other States Parties and therefore not be published on the public part of the ATT website. A number of participants expressed concern about this trend. One participant indicated that there is no use in more States Parties submitting their annual report if more and more States Parties decided to not have their report public, as this is fundamental for transparency.

22. In that regard, the co-chairs reminded States Parties that article 13 of the Treaty already allows States Parties to exclude commercially sensitive and national security information and called on States Parties that opted to keep their reports only available to other States Parties to share their considerations for doing so. As no participants responded to this call during the meeting, the co-chairs indicated that they would include this call in the invitation and agenda for the next WGTR meeting. **In light of the cancellation of the 16 April 2020 WGTR meeting due to COVID-19, the co-chairs decided to include a discussion on the issue of public availability of annual and initial reports in the draft mandate for the WGTR beyond CSP6.** They also invite States Parties to consult the [‘FAQ’-type guidance document on the annual reporting obligation](#) that deals with this issue in question 41.

AGENDA ITEM 2: CHALLENGES CONCERNING REPORTING

[Recurring task 1: The WGTR will give participants the opportunity to discuss challenges to submitting timely and accurate initial and annual reports and to discuss means to support States Parties in addressing those challenges, with a view to providing recommendations to CSP6.](#)

23. Concerning this recurring task, no general interventions were made as the co-chairs indicated that a number of relevant topics would be dealt with under the following sub-items.

24. Under this task the ATT Secretariat briefed participants about the first step in the project of voluntary practical bilateral and regional assistance with reporting (peer-to-peer) that was explicitly supported by States Parties at CSP5. The project aims at support with a very low burden for all involved. The intention would simply be that States Parties that have specific questions about how to do their reporting or about any element of reporting could email or call one of their peers to get an answer to that specific question.

25. The first step in the project was a meet & greet event between delegates that expressed interest in receiving assistance on reporting issues and delegates that have consistently been involved with reporting in their State and offered their support to the project. The reactions of participants in the event were very enthusiastic and were considered to be a good basis to continue these peer-to-peer exchanges. **The follow-up of this project will remain in the hands of the ATT Secretariat.**

Recurring task 2: The WGTR will give participants the opportunity to discuss submitted proposals for alterations or additional questions and answers for the 'FAQ'-type guidance document on the annual reporting obligation.

26. No proposals for alterations or additional questions and answers were submitted prior to the meeting. There were also no responses to the question of the co-chairs whether any participant was considering to submit a proposal for discussion during the scheduled 16 April WGTR meeting.

Recurring task 3: The WGTR will discuss initiatives taken to implement the document entitled "Outreach strategy on reporting", adopted at CSP4.

27. Concerning this recurring task, the co-chairs first informed participants about the intention of the President of CSP6, Ambassador Carlos Foradori, to carry out consultations with non-reporting States in the intersessional period, and that he had requested the members of the Bureau for assistance in carrying out this task in their respective regions. Following the 06 February WGTR meeting, with the assistance of the ATT Secretariat, the President issued individualized letters to 37 States Parties on 06 March 2020, reminding them of their reporting obligations under the ATT. **The ATT Secretariat is monitoring responses to those letters and there will be a briefing on the outcome of these efforts during CSP6.**

28. Subsequently, the ATT Secretariat briefed participants about their outreach on reporting. The Head of the ATT Secretariat provided a comprehensive presentation of the Secretariat's recurring reminders to States Parties about their reporting obligations and of the activities that the Secretariat carried out in recent months, in particular addressing the issue of reporting during regional workshops funded by the VTF. The Head of the ATT Secretariat shared some observations on the challenges that were raised during these workshops, such as capacity issues, understanding of the reporting obligations and the issue of national security and commercial confidentiality.

29. On the request of the co-chairs, Zambia gave a presentation on its implementation of a VTF project that focused on compliance with the reporting obligations and that addressed the challenges involved. Zambia also prepared a lessons learnt document that it offered to share with interested States Parties.

30. The co-chairs concluded this session with the observation that it showed that challenges can be overcome if there is a willingness to do so. In that respect, non-reporting States should give greater consideration to the benefits of the VTF to improve their reporting capabilities. There is still also a great need for more awareness-raising about the importance and the mandatory nature of reporting. **The co-chairs will therefore also include the implementation of the outreach strategy in the draft mandate for the WGTR beyond CSP6.**

Specific CSP5-6 task 1: The WGTR, taking into account the inventory of comments and suggestions regarding the reporting templates and the online reporting tool (Annex A to the Co-Chairs' report to CSP5), and with respect for article 13 of the Treaty, will consider adjustments to the reporting templates deemed necessary to address uncertainties and inconsistencies, or to ensure compatibility with the online reporting tool and the proposed public searchable database that allows for queries and extracting data.

31. The discussion concerning this task was informed by three presentations. During a preceding [side event](#), the Stimson Arms Trade Treaty-Baseline Assessment project (ATT-BAP) presented their report "[The ATT Reporting Templates: Challenges and Recommendations](#)". In order to link the discussion on this issue with the work that was done in last year's WGTR meetings the co-chairs kicked-off this session with a presentation on the [inventory of comments and suggestions](#) that was included in their co-chair report to CSP5 (Annex A) and their introductory paper for this meeting. In light of the specific focus of the review of the templates, on request by the co-chairs, the ATT Secretariat subsequently presented a [preliminary document identifying areas of the reporting templates to be considered for adjustment](#).

32. The co-chairs also linked the discussion on the templates with a topic that was included under agenda item 3 on substantive reporting and transparency issues, namely the comparability of data in annual reports.

33. Following the presentations by the co-chairs and the Secretariat, very few participants intervened. Those that intervened, however, expressed support for adjustments that take away ambiguous language and enhance the user friendliness of the templates. Potentially also some further explanations could be included. Concerning the initial report, participants also seem open to look at the format of the template, which is currently quite rigid with mostly "yes or no" questions and little space for open explanations. As for the annual report, it seems that no consensus will be possible on any proposal that would affect the flexibility that the template currently provides as to the data to be reported, regardless of any comparability issues.¹

34. With all of this in mind, **the co-chairs and the ATT Secretariat will now prepare draft amended templates with a view to holding consultations on the amended templates remotely during the intersessional period leading up to CSP6. The co-chairs invite all participants to submit any specific changes or comments no later than 21 May 2020. States Parties and signatory States are encouraged to do so via the information exchange platform in the restricted area of the ATT website, on which the co-chairs have posted an "announcement" for that purpose. All States and other participants are invited to provide their inputs by e-mail to the ATT Secretariat at info@thearmstradetreaty.org.**

Specific CSP5-6 task 2: The WGTR will discuss the further development of the document 'National-level Measures to Facilitate Compliance with International Reporting Obligations & Commitments'.

35. This topic was included in the WGTR CSP6 mandate following a suggestion by one participant last year that the national measures document could benefit from further discussion in the WGTR and

¹ For the purpose of clarity, this does not concern the flexibility that the Treaty text itself provides for States Parties to either report authorized exports and imports or actual exports and imports. This is reflected in the template and clearly beyond discussion.

input from all ATT stakeholders. However, as was the case during the 04 April 2019 WGTR meeting, during the 06 February 2020 meeting no interventions were made on this topic. **The co-chairs will therefore no longer include the specific task to discuss the further development of this document in the agenda of WGTR meetings.** This obviously does not take away the value of this document as a support tool for those States Participants that still need to set up national procedures in order to comply with the reporting obligations. The document remains available in its current form on the on the [reporting requirements page of the ATT website](#). Participants are also still free to pick up the topic beyond CSP6.

AGENDA ITEM 3: SUBSTANTIVE REPORTING AND TRANSPARENCY ISSUES

Recurring task 1: The WGTR will give participants the opportunity to raise and discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR.

36. Concerning this recurring task, the co-chairs did not receive any new proposals ahead of the meeting. During the meeting, one participant referred to annual reports as a tool to determine compliance with the Treaty and indicated that an approach to discuss these should be adopted. The co-chairs indicated that a discussion on the merit of follow-up mechanisms on the initial and annual reports was included in the WGTR mandate for CSP4 and CSP5, but that it was eventually taken off the agenda because States Parties opted not to pursue such mechanism.

Recurring task 2: The WGTR will monitor and coordinate further work on the project to facilitate the identification of the conventional arms in Article 2 (1) of the Treaty in the "Harmonized System" (HS) of the World Customs Organisation (WCO).

37. Concerning this recurring task, the Belgian co-chair informed participants about an exploratory meeting that he had with his own customs authorities. **He will further discuss a short concept note on the topic and, if available, will share this ahead of the CSP6 with those States Parties that have shown interest in the matter.**

Specific CSP5-6 task: The WGTR will discuss the issue of the comparability of data in annual reports.

38. This topic was mostly addressed during the discussion on the reporting templates. Participants acknowledged that it is difficult to compare the data that States Parties include in their annual reports, but this is a consequence of the flexibility that the Treaty provides. A number of States Parties made it clear that this flexibility needs to be fully retained (also in the reporting templates). While some participants pointed out that the issue of comparability hampers transparency, others indicated that comparability is not the purpose of the reporting obligations of the Treaty. In that regard it appears unclear whether any recommendation of the working group on the issue would be feasible. The co-chairs do point out that, for example, a high level of aggregation of data is not merely an issue of comparability, but of transparency as such, which requires meaningful reporting. **With this all in mind, the co-chairs still invite participants to reflect on this issue and to submit to the Secretariat by 21 May 2020 any concrete proposal for a recommendation that they want to have discussed during the next WGTR meeting. The co-chairs will also include a discussion on the issue of aggregation of data in annual reports in the draft mandate for the WGTR beyond CSP6.**

AGENDA ITEM 4: ORGANIZATIONAL MEANS FOR INFORMATION EXCHANGE

Recurring task: The WGTR will give participants the opportunity to discuss structured mechanisms, processes or formats facilitating the information exchanges that are required or encouraged by the Treaty, both on the policy level, as well as on the operational level.

39. The co-chairs addressed the substantive use of the information exchange platform in the Restricted Area of the ATT website, giving a short presentation on the proposed substantive purposes of the platform. No new proposals were provided ahead of the meeting.

40. The co-chairs proposed to use the platform for two main purposes. First, the platform could be used as a tool in the preparation for meetings of the ATT working groups and for intersessional work. For example, working group chairs could request input on pending issues from States Parties and signatory States by posting “announcements” on the platform. Second, the platform could also be used for any exchanging or sharing of information that is required or encouraged by the Treaty and that (potentially) involves or could be useful for all States Parties and signatory States. In that respect, the co-chairs pointed out that at CSP4, States Parties already designated the platform as one of the three “tiers” in the three-tier approach to sharing information on diversion and referred to the ongoing discussions on this in the informal meeting between States Parties and signatory States on diversion information exchange. The platform, however, could also be used for other exchanges included in the Treaty, such as in article 15 concerning international cooperation.

41. The proposals of the co-chairs were well received by participants. Some participants did point out that the use of the platform would require some support from the ATT Secretariat to make States Parties and signatory States aware of announcements on the platform. Others had questions about the security of the IT system.

42. **Considering the positive reactions to their proposals and taking into account the comments made, the co-chairs will discuss the use of the platform for the proposed substantive purposes with the ATT Secretariat, the Chair of the WGETI and the facilitators that he appointed.**

Specific CSP5-6 task: The WGTR will follow-up the implementation of the three-tier approach to sharing information on diversion, in particular the informal meeting among interested States Parties and signatory States to discuss concrete cases of detected or suspected diversion.

43. Concerning this task, the co-chairs reported in general terms about the outcomes of the second informal meeting held on 5 February 2020. Participants in the meeting, as well as the President of the CSP6 and the WGETI Chair, expressed broad support for this forum. States Parties and signatory States agreed to work further on the establishment of the forum, its Terms of Reference and the types of information that States could share within the forum (and through the information exchange platform). **For that purpose, the co-chairs will circulate revised Terms of Reference and a cost estimate and impact assessment to States Parties and signatory States, and invite them to submit their comments on these documents no later than 21 May 2020 (via email or the information exchange platform). Subsequently, informal face-to-face consultations may be held in July or August, or during CSP6, pending developments regarding COVID-19 and/or progress made during remote consultations.**

44. The co-chairs pointed out that the ultimate success of the forum (and the information exchange platform) will depend on the genuine willingness of States Parties and signatory States to actually share the types of concrete information that we are discussing. That is a shared responsibility between all States Parties and signatory States, but it is also for that purpose that the co-chairs focused their efforts in putting forward a framework in which States can feel comfortable to do so.

AGENDA ITEM 5: HARNESSING INFORMATION GENERATED BY MANDATORY REPORTING

Recurring task: The WGTR will give participants the opportunity to present or propose projects to harness information from the initial and annual reports in a manner that allows follow-up on these reports, taking into account the functionalities on the IT platform that are under development.

45. This recurring task was again not addressed separately from the tasks under agenda item 6 on the IT system because of the intrinsic links between them. **In this regard, and in order to ensure coherence in the discussions, the co-chairs propose to integrate this agenda item into agenda item 6. They invite participants who disagree with this integration to share their views by e-mail to the ATT Secretariat, no later than 21 May 2020.**

AGENDA ITEM 6: IT PLATFORM: REPORTING AND TRANSPARENCY FUNCTIONALITIES

Recurring task 1: The WGTR will monitor and assess the use of the online reporting tool and the information exchange platform on the ATT website, and assist the ATT Secretariat in the development of a functionality that makes the information generated, especially through the annual reports, available in a searchable database that allows for queries and extracting data. This will be done through the informal consultative group of WGTR participants established at CSP5, that will report back to the WGTR in order to feed its work.

46. Concerning this recurring task, the ATT Secretariat gave an update about the following topics concerning the ATT website: a) the use of the online reporting tool; b) the instructions on the use of the information exchange platform; c) the informal consultative group of WGTR participants; and d) the searchable database.

47. Regarding the online reporting tool, the Secretariat reported the limited use so far; only 12 States Parties used the tool to submit their annual report. The Secretariat also reported on their work to make the tool more user-friendly. Concerning the information exchange platform, the Secretariat introduced their very comprehensive and clear [instructions on the use of the platform](#). Concerning the searchable database and the informal consultative group, the Secretariat indicated that it is not necessary at this stage to constitute another consultative group, as work on the database is not ongoing yet (because it requires a new IT project).

48. **Following the presentation the co-chairs encouraged States Parties' and signatory States' representatives to: 1) register online for access to the restricted area of the ATT website; 2) consider using the online reporting tool for submitting the annual reports; and 3) engage in the discussions on the announcements that will be posted are on the information exchange platform.**

Recurring task 2: The WGTR give participants the opportunity to propose future changes and improvements to the IT platform to enhance transparency and facilitate the implementation of the reporting and information exchange obligations of the Treaty.

49. Considering ongoing developments (the development of the online reporting tool, the information exchange platform and the prospect of the searchable database), and the fact that no new proposals on this recurring task have been submitted, **the co-chairs will only keep this task on the agenda as an opportunity for users of the ATT IT platform to flag any problems or inconveniences.**
