

Arms Trade Treaty
Second Conference of States Parties
Geneva, 22 – 26 August 2016

Report of the ATT Working Group on Reporting Templates to the Second Conference of States Parties

At the Extraordinary Conference of States Parties held in Geneva on 29 February 2016, the Conference agreed on Terms of Reference for the informal working group established during CSP1. These are contained in ATT/CSP2/2016/EM/WP.2/Rev.1 and reproduced here.

Mandate

1. *The Informal Working Group on Reporting shall continue the work of developing reporting templates for mandatory reporting obligations under Articles 13.1 and 13.3 of the Arms Trade Treaty, with the aim of proposing templates at CSP2. Work may also be undertaken on templates for voluntary reporting according to Article 13.2 of the Treaty.*

Membership and composition

2. *The Informal Working Group on Reporting shall be open to participation by States Parties, signatory States, and observers to the Extraordinary Meeting of the Second Conference of States Parties. At the request of a State Party, and in accordance with Rule 43, a particular session of the Group may be limited to government representatives only. Experts may be invited to attend such a session, pursuant to Rule 42.3 of the Rules of Procedure.*

Working methods

3. *The Working Group shall be chaired by the facilitator(s) for reporting templates appointed by the Conference.*
4. *The Working Group shall primarily hold its meetings in Geneva, where the meetings can be supported by the Secretariat of the Treaty.*
5. *The working language of the Group shall be English.*
6. *Meetings shall be complemented by intersessional work conducted by posting proposals and comments on the website of the Treaty. If a closed session has been agreed, communications pertaining to the confidential aspects of that session may be posted in the secure area of the website.*

Budgetary implications

7. *Direct meeting costs, such as for technical support and documentation, will be covered by the resources allocated for the conduct of meetings in the budget of the Second Session of the Conference of States Parties. Indirect meeting costs, such as for travel and accommodation, will be borne by the participants.*

Facilitation

Sweden was asked to continue to facilitate the work on reporting templates, and Ambassador Paul Beijer has fulfilled this role in the period leading up to the Second Conference of States Parties.

Activities of the Group

The Working Group has held 3 meetings in Geneva at the seat of the Secretariat, on April 29, June 3 and July 8. One meeting was also held in New York on May 13. Intersessionally, input has been provided by both States Parties and civil society organisations.

The purpose and design of reporting templates

Article 13 of the Arms Trade Treaty contains two mandatory reporting requirements for States Parties: (1) an initial report detailing measures taken to implement the Treaty, and (2) an annual report detailing authorized or actual exports and imports of conventional arms covered under Article 2 (1) of the Treaty.

The discussions regarding reporting obligations both during the negotiating phase and afterwards has shown that reporting can fulfil a number of important purposes:

- an initial report serves to demonstrate a State Party's commitment to the Treaty and ability to fulfil the obligations undertaken. It also provides examples of different approaches to implementing Treaty obligations at the national level, thereby serving as food for thought input to national implementation work and in the longer term perhaps to the development of guidance for acceding States.
- an annual report serves to demonstrate a State Party's adherence to Treaty obligations regarding the responsible regulation of the international transfer of controlled items. It also allows States Parties to enhance their awareness of arms flows in their own regions and globally. Such transparency has a confidence-building effect, acts as an early warning signal of potential conflict risks and can serve to strengthen conflict-prevention efforts. The information generated by annual reports also represents valuable input to the risk assessment processes of national licensing systems.

Without prejudice to the right of States Parties to submit their reports according to Article 13 in any form they deem appropriate, reporting in a standardized format may help to achieve all these positive effects by making different national reports more comparable and easier to use for analytical purposes at the national level. Use of a template also provides assurance that reporting obligations are being fulfilled in a manner that will not be challenged.

A carefully constructed template for the initial report, one that adequately reflects the different obligations contained in the Treaty, also provides individual States Parties with a diagnostic tool for assessing the compliance of their national control systems at any given point in time.

At the same time, a balance needs to be struck between the utility of information gathered through a template and the effort required at the national level to produce a report. The need to limit the demands on national resources has been addressed in several different ways:

- A template in itself simplifies reporting work at the national level: individual States Parties are saved the effort of devising a format of their own.
- Requirements for an excessive level of detail have been avoided, since further detail can also be provided as the need arises in work under the Treaty.
- A tick-box approach has been employed in the initial report, allowing a State Party to complete its report quickly and simply, providing the minimum of information necessary to demonstrate national compliance with obligations under the Treaty. At the same time, ample scope exists in the template for the voluntary provision of further information on different aspects of a national system.
- Use of the initial reporting template also for the provision of updates reflecting new measures undertaken at the national level has been foreseen, through the incorporation of the necessary 'flags'.

The Initial Reporting Template

Article 13.1 of the Treaty (in full) specifies that:

“Each State Party shall, within the first year after entry into force of this Treaty for that State Party, in accordance with Article 22, provide an initial report to the Secretariat of measures undertaken in order to implement this Treaty, including national laws, national control lists and other regulations and administrative measures. Each State Party shall report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate. Reports shall be made available, and distributed to States Parties by the Secretariat.”

The provisional initial reporting template presented at CSP1 has undergone four revisions on the basis of input from participants in the Working Group process. It is attached to this report as Annex 1. The Working Group recommends that the Conference of States Parties approves this template. The following wording is proposed for consideration at CSP2:

Noting that a template may facilitate their reporting task as well as subsequent use of the information contained therein in Treaty work, States Parties endorse the initial reporting template contained in Annex 1 of (document of reference) and recommend its use by States Parties in compiling their initial reports in accordance with Article 13.1 of the Treaty.

The initial reporting template, as well as the associated procedures for making it available and for receiving reports, will be kept under review by the States Parties in order to benefit from the practical experiences gained from its use.

The Annual Reporting Template

Article 13.3 of the Treaty (in full) specifies that:

“Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.”

The provisional annual reporting template presented at CSP1 has undergone three revisions on the basis of input from participants in the Working Group process. It is attached to this report as Annex 2. The Working Group recommends that the Conference of States Parties approves this template. The following wording is proposed for consideration at CSP2:

Noting that a template may facilitate their reporting task as well as subsequent use of the information contained therein in Treaty work, States Parties endorse the annual reporting template contained in Annex 2 of (document of reference) and recommend its use by States Parties in compiling their annual reports in accordance with Article 13.3 of the Treaty.

The annual reporting template, as well as the associated procedures for making it available and for receiving reports, will be kept under review by the States Parties in order to benefit from the practical experiences gained from its use.

Issues related to initial reporting deadlines for new States Parties

At the request of the Chair of CSP2, the Working Group also considered two issues related to initial reporting deadlines for new States Parties.

The first concerns the initial report deadline and a group of 8 States Parties that ratified the Treaty in the period between the attainment of 50 ratifications according to Article 22(1) and the entry into force of the Treaty. Due to the wording of the entry into force provisions, this group of States Parties did not get as much time to prepare their initial reports as other States Parties ratifying the Treaty before or after this point in time. The group concluded that a decision by the States Parties to correct this oversight would not have any practical impact. It therefore proposes that States Parties at CSP2 go no further than to take note of the issue as described in the working paper presented to the Working Group (ATT/CSP2/2016/WP.5).

The second concerns the first annual report of a States Party. The wording of the relevant Treaty provision (Article 13.3) mandates that reporting should cover a calendar year, but provides no guidance as to whether (depending on when in a calendar year the treaty entered into force for a given States Party) a first annual report should cover also a period before treaty obligations entered in force for that State Party, or alternatively cover only a part of that first calendar year. In the template work leading up to CSP1 an informal agreement was reached that a States Party's first annual report should cover the first complete calendar year after entry into force for that State Party. This agreement was never formalized since the annual template was not adopted at CSP1. At the same time, the Working Group notes the utility of providing clear guidance to forthcoming States Parties on

the timing of their first annual report. The following wording is therefore proposed for consideration at CSP2:

“Regarding Article 13.3 of the Treaty, States Parties recommend that a new State Party’s first annual report should cover the first full calendar year after entry into force of the Treaty for that State Party, and be submitted by 31 May the following year.

In the spirit of Article 5.3 of the Treaty, nothing prevents a new State Party wishing to contribute further to transparency and accountability from reporting the time period from entry into force of the Treaty and up to the start of the first full calendar year, as long as that additional period is reported separately.”

Other means of facilitating reporting work

The Working Group also considered other proposals for facilitating reporting work at the national level. As a result, the Conference of States Parties is recommended to consider the following measures:

- Translation of the reporting templates into the official languages of the Treaty (as a result of efforts by one State Party, a translation into Spanish already exists).
- Reminders from the Secretariat to national points of contact as reporting deadlines grow close.
- Development of secure, web-based versions of the reporting templates, to avoid the technical and security limitations of the document formats used so far. The option to complete a template in document format and forward it to the Secretariat via e-mail should at the same time be retained, to accommodate local differences in the availability and cost of high-speed internet services.

A further suggestion which was not explored in depth by the Working Group due to time constraints was for States Parties of the ATT to develop generic advice on measures that could be taken at national level to facilitate compliance with different international reporting obligations.

Further work

The Working Group recommends that the Conference of States Parties continues to pay attention to issues related to reporting and transparency as these are central to the object and purpose of the Arms Trade Treaty. To this end, the Conference may wish to consider establishing a Working Group with the mandate to consider issues in the area of reporting and transparency at the behest of States Parties.

Budgetary impact of the Working Group

Meetings in Geneva have been arranged by the ATT Secretariat. Participation costs have been borne by the participants themselves. The meeting in New York was convened and funded by Sweden in the role of facilitator.

