Introduction

On 31 January 2019, the Working Group on Transparency and Reporting (WGTR) held its first of two meetings of the preparatory process towards the Fifth Conference of States Parties (CSP5) of the Arms Trade Treaty (ATT).

The WGTR adopted the draft annotated agenda for the meeting, that was based on the standing agenda items and the recurring and specific tasks for the WGTR endorsed by States Parties at CSP4. The WGTR also considered the introductory paper of the co-chairs, that 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.

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 the second WGTR meeting on 4 April. For the sake of clarity, the co-chairs further included a detailed overview of the discussions per agenda item.

Concrete outcomes of the 31 January 2019 meeting

1. **The co-chairs urge States that have not filed their mandatory reports to live up to their legal commitment, and to share the obstacles that stop them from doing so. The co-chairs also call on the ATT Secretariat, the Bureau, civil society, regional organizations and other States Parties to do their share in ensuring that all States Parties comply with their reporting obligations.**

2. **The co-chairs shall ask the ATT Secretariat to make the national measures document available in the reporting requirements section of the ATT website. The co-chairs will also consider scheduling a discussion on the document for the 4 April WGTR meeting, or labelling this as a topic for the working group beyond CSP5.**

3. **The co-chairs encourage participants to express their interest in offering basic support to other States Parties on reporting. They also indicate that they will discuss further with the ATT Secretariat on how to announce those willing to offer such support.**

4. **The co-chairs will put the implementation of the outreach strategy on the agenda of the 4 April WGTR meeting.**

5. **The co-chairs call on participants to submit any comments and suggestions for the possible amendment of the templates by e-mail to the co-chairs or the ATT Secretariat. The co-chairs will then prepare a general document with all submitted proposals for a discussion during the 4 April**
WGTR meeting. In addition, the co-chairs will also consider scheduling a discussion on the comparability of data in annual reports for the 4 April WGTR meeting, or labelling this as a topic for the working group beyond CSP5.

6. On the topic of classification of conventional arms according to the “Harmonized System” (HS) of the World Customs Organisation (WCO), the co-chairs, with support from the ATT Secretariat, will go back to the WCO and to their own customs authorities to discuss this more concretely, and to attempt setting out some elements that can possibly be taken up during the 4 April WGTR meeting. In doing so, they will also review ongoing efforts in export control regimes in order to avoid duplication of work. The co-chairs encourage participants to offer their assistance in this work by notifying the Secretariat.

7. The co-chairs request all participants that have remarks and suggestions on the set-up of the informal meeting among interested States Parties and signatory States to discuss concrete cases of diversion to share those by e-mail to the co-chairs or the ATT Secretariat. The co-chairs will then prepare a general document with all submitted proposals for a discussion during the 4 April WGTR meeting.

8. On the topic of follow-up mechanisms to initial and annual reports, the co-chairs do not find it necessary to keep this issue on the agenda of the WGTR, while proposals on this matter might still be considered in the future.

9. On the ATT website, the co-chairs encourage States Parties and signatory states representatives to register online for access to the restricted area, and call on States Parties representatives to subsequently verify their information in the national points of contact and national control lists databases. The co-chairs also request the Secretariat to promote the participation of States on the restricted area, and to report on the progress during the 4 April WGTR meeting.

10. The co-chairs encourage participants to express their interest in participating in the informal consultative group on the ATT website by e-mail to the co-chairs or the ATT Secretariat. Concerning the information exchange platform, the co-chairs will propose to the group and to the Secretariat to discuss how to promote and streamline the use of the platform. The co-chairs will also consider using the platform for the planned consultation round on the annual reporting template after the 31 May reporting deadline.

11. On the topic of livestreaming ATT meetings, the co-chairs ask participants to prepare for a discussion during the 4 April WGTR meeting based on the input of the ATT Secretariat and the views that were expressed by participants. The co-chairs will also request the Secretariat to concretize possible options in terms of substance and budget, with a view to present these during the 4 April WGTR meeting.

Agenda item 1: State of play of compliance with reporting obligations

Recurring task: The WGTR will review the status of reporting, focusing on the 2018 and 2019 annual reporting exercise.

12. Under this recurring agenda item, the ATT Secretariat gave a general overview of the reporting status, and of the progress that has been made in comparison to the previous status update.

13. The co-chairs concluded that the alarmingly low reporting rate of compliance with the annual reporting obligation that was presented at CSP4 has not significantly improved. Since CSP4 seven additional
annual reports were filed, bringing the total to 61 out of the 89 that should have been filed. The numbers show more generally that while the overall number of States Parties has risen, the number of States Parties that comply with the annual reporting obligation has not.

14. These numbers are not a surprise and confirm the trend that led the co-chairs last year to adopt the outreach strategy on reporting. **The co-chairs urged the States that have not filed their mandatory reports to live up to their legal commitment, but also to share the obstacles that stop them from doing so.** The co-chairs also called on the ATT Secretariat, the Bureau, civil society, regional organizations and other States Parties to do their share in ensuring that **all States Parties comply with their reporting obligations.** The co-chairs finally congratulated the Dominican Republic for already filing their annual report about 2018.

**Agenda item 2: Challenges concerning reporting**

**Recurring task 1: The WGTR will discuss challenges to submitting timely and accurate initial and annual reports and discuss means to support States Parties in addressing those challenges, with a view to providing recommendations to CSP5.**

15. Under this recurring agenda item, WGTR participants have the opportunity to share any problems and difficulties, as well as solutions and good practices, in the organization and fulfilment of their reporting obligations.

16. The item was kicked-off with a presentation of the Serbian reporting system, where Serbia explained how it overcame the challenges of the annual reporting obligation. Serbia now submits a public annual report without any data withheld because of commercially sensitivity or national security reasons. The presentation was followed by a Q&A session and several other States Parties explaining their system.

17. The discussion led the co-chairs to emphasize the availability of the two support tools that were produced in the WGTR to facilitate States Parties’ work: “**National-Level Measures to Facilitate Compliance with International Reporting Obligations and Commitments**” and “Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers”. States Parties should use these documents to report efficiently and transparently, and all ATT stakeholders should promote these documents to States Parties that are struggling to comply with their reporting duties. The ‘FAQ’-type guidance document on the annual reporting obligation is available in [the reporting requirements section of the ATT website](http://www.theattwebsite.com), in English, French and Spanish. **The co-chairs shall ask the ATT Secretariat to also make the national measures document available in this section.**

18. One participant suggested that the national measures document could benefit from further discussion in the WGTR and input from all ATT stakeholders. **The co-chairs will consider scheduling a discussion on the document for the 4 April WGTR meeting, or labelling this as a topic for the working group beyond CSP5.**

19. Further under this item, States Parties were invited to express their interest in offering basic support to other States Parties on reporting. Two States Parties effectively expressed interest. **The co-chairs encouraged others to do so in the margins of the meeting by e-mail to the co-chairs or the ATT Secretariat.** The co-chairs also explained what the basic support would entail, i.e. addressing questions of States Parties about their reporting obligations, that are not covered by the ‘FAQ’-type guidance document on the annual reporting obligation. **They indicated that they will discuss further with the Secretariat on how to announce those willing to offer such support.**
Recurring task 2: The WGTR will discuss initiatives taken to implement the document entitled “Outreach strategy on reporting”, adopted at CSP4.

20. Under this new recurring agenda item, participants were asked to brief the WGTR about any informative sessions or promotion events on reporting that they have held in the past year, and about any other initiative focused on enhancing compliance with the reporting duties, such as the implementation of VTF projects.

21. The ATT Secretariat gave an overview of the measures it already takes to remind States Parties of their reporting obligations, its further outreach plans in that regard, and its attendance at a SEESAC regional meeting on reporting in November 2018. One participant announced a proposal for a regional workshop on, inter alia, reporting in Kazakhstan.

22. The co-chairs concluded the item with a reminder to all participants that under the outreach strategy all ATT stakeholders have their part to play, and encouraged every initiative to assist States Parties to comply with its reporting duties. The co-chairs will also put the implementation of the outreach strategy on the agenda of the 4 April WGTR meeting.

Recurring task 3: The WGTR will discuss submitted proposals for alterations or additional questions and answers for the ‘FAQ’-type guidance document on the annual reporting obligation, including on the issue of categorizing items in the correct categories of conventional arms.

23. Under this recurring agenda item, participants have the opportunity to submit and discuss potential proposals for alterations or additional questions and answers for the ‘FAQ’-type guidance document on the annual reporting obligation, including on the issue of categorizing items in the correct categories of conventional arms.

24. No proposals for alterations or additional questions and answers were submitted. The co-chairs did remind participants that for the 4 April WGTR meeting, the ATT Secretariat will draft a proposal to amend the document to include instructions on the use of the online reporting functionality on the ATT website.

Specific CSP4-5 task 1: The WGTR will review the effectiveness and clarity of the templates to submit initial and annual reports.

25. Under this agenda item, WGTR participants got a first opportunity to share their lessons learned in using the reporting templates and their suggestions on how the templates could substantively better support efficient, effective and transparent reporting.

26. Few participants intervened with substantive comments on the templates, while some advocated against amendments at this stage.

27. One participant highlighted the complexity of filling out the initial report template when the State Party does not yet have a control system in place, as the template raises detailed questions that presuppose an established control system. It was suggested to include more general questions, taking into account that a significant number of States Parties is in the early stage of development of their control system.

28. One participant indicated that the online version of the annual reporting template is as cumbersome to fill out as the paper version.
29. Another participant is generally happy with the template, but raises the more fundamental question of comparability of data in the annual reports. In line with the treaty text in article 13 (3), the annual reporting template allows States Parties to report either authorized exports and imports or actual exports and imports. This renders comparing and matching the export and import data in annual reports virtually impossible. In that regard, it was suggested that the working group could have a discussion on how to address this issue, which could include a recommendation for States Parties to all report the same type of data, either authorized exports and imports or actual exports and imports. Another participant replied to this suggestion that because of practical reasons it cannot report actual exports.

30. The co-chairs called on participants to submit any comments and suggestions for the possible amendment of the templates by e-mail to the co-chairs or the ATT Secretariat. The co-chairs will then prepare a general document with all submitted proposals for a discussion during the 4 April WGTR meeting, keeping in mind that there will be another consultation round on the annual reporting template after the 31 May reporting deadline, via e-mail or the information exchange platform (see agenda item 6). In addition, the co-chairs will also consider scheduling a discussion on the comparability of data in annual reports for the 4 April WGTR meeting, or labelling this as a topic for the working group beyond CSP5.

Specific CSP4-5 task 2: The WGTR will consider the role of industry in supporting States Parties to comply with their reporting obligations.

31. Under this agenda item, a panel discussion with representatives from industry and civil society was scheduled, but ultimately the co-chairs postponed the discussion to the 4 April WGTR meeting.

Agenda item 3: Substantive reporting and transparency issues

Recurring task: The WGTR will discuss substantive issues about the reporting obligations that could benefit from consideration by the WGTR.

32. Under this recurring agenda item, WGTR participants have the opportunity to raise substantive issues concerning the Treaty’s reporting obligations that could benefit from consideration by the WGTR. No new issues, other than those pending in the working group, were raised.

Specific CSP4-5 task: The WGTR will further explore the issue of classification of conventional arms according to the “Harmonized System” (HS) of the World Customs Organisation (WCO).

33. Under this agenda item participants were asked to share any past or present projects they have been involved in to amend the Harmonized System (HS) in the field of conventional arms. States Parties were also invited to express their interest in working with the co-chairs and the ATT Secretariat to prepare a concept note setting out the parameters for a possible proposal to amend the Harmonized System in 2027.

34. The co-chairs started the discussion with a recap of the presentation by the WCO during the 31 May 2018 WGTR meeting and the subsequent discussion in the working group. The most important finding from the WCO presentation was that most of the conventional arms in Article 2 (1) of the ATT, except small arms and light weapons (SALW), are not classified by specific customs codes that allow identification of those conventional arms in the HS. This entails that the HS is not usable to ensure visibility of the trade in conventional arms, to compile statistical information, and to develop targeted responses to emerging issues. The other important finding was that addressing this issue for the conventional arms covered under Article 2 (1) would not be an insurmountable challenge. As security
concerns are an important driver for amending the HS, proposing to have more specific codes for conventional arms would not be exceptional, nor controversial. The conventional arms in Article 2 (1) would also lend themselves well to specific codes, as they are fairly easy to describe and identify.

35. Based on this recap, a number of participants were reasonably positive that a concrete proposal could lead somewhere. Participants acknowledged the potential merit of the project, as it could be a game changer for reporting and enforcement purposes. One participant signaled the merit beyond ATT implementation, as all States, also non-ATT States, apply the HS and would therefor benefit from the work that would support the fight against illicit trade in conventional weapons. Some participants reported in that regard that they have already attempted to classify conventional weapons within the correct (more general) customs codes, but never proposed to establish specific codes. Other participants pointed to ongoing efforts in export control regimes, such as the Wassenaar Arrangement, that have proven to be difficult. Yet, the scope of goods controlled by those regimes is obviously significantly broader than the limited list of conventional arms in Article 2 (1) of the Treaty.

36. Overall the co-chairs felt a strong interest of participants in the issue and a robust mandate to pursue the project further, with the obvious caveat that the project would have to remain on the working group’s and States Parties’ agenda until at least 2024. The co-chairs, with support from the ATT Secretariat, will now go back to the WCO and to their own customs authorities to discuss this more concretely, and to attempt setting out some elements that can possibly be taken up during the 4 April WGTR meeting. In doing so, they will also review ongoing efforts in export control regimes in order to avoid duplication of work. The co-chairs encourage participants to offer their assistance in this work by notifying the Secretariat.

**Agenda item 4: Organizational means for information exchange**

*Recurring task: The WGTR will 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.*

37. Under this recurring agenda item, participants have the opportunity to propose and discuss 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 (see also agenda item 6).

38. No new proposals made were made, so the co-chairs turned to the important decisions that CSP4 took on the issue of information exchange. These concern: 1) the development of the information exchange platform on the ATT website; and 2) the three-tier approach to sharing information on diversion that was endorsed by States Parties.

39. The subsequent discussion focussed on the informal meeting among interested States Parties and signatory States to discuss concrete cases of detected or suspected diversion, that is part of the three-tier approach. The co-chairs started the discussion by describing once more the intended set-up of the meeting. The meeting is designed to offer a platform to States Parties where they can sit together and go through real cases where there are dealing with potential or confirmed diversion, so that they can actually prevent it from happening, or address it properly when it already has occurred. Such meeting could involve sensitive information that States Parties cannot share beyond their peers, and for that reason it was decided at CSP4 that this meeting would be held outside the scope of the working group meetings, as an informal forum for States. The meeting is not meant to substitute the discussions in the WGETI, but rather to complement those; while the WGETI is a forum for policy-related discussions, the informal meeting would be one for operational discussions. For the concrete organisation of the
meeting the co-chairs coordinated with the Chair of the WGETI, who was in full agreement of the importance of this meeting and it being held on the margins of the working groups. In consultation with the WGETI Chair and considering the CSP4 decision, the co-chairs put it to States Parties to show their interest in the meeting and to set out the necessary parameters for it to be held.

40. A number of participants subsequently expressed interest in the meeting, which could potentially also include enforcement officials. Effectively organizing such meeting would however require clarity about certain elements, such as the kind of cases that would be discussed, confidentiality of information and discussions, administrative set-up etc. Some participants referred to the helpful contribution of civil society in identifying relevant diversion issues.

41. **The co-chairs requested to all participants that have remarks and suggestions on the set-up of this informal meeting between States Parties to share those by e-mail to the co-chairs or the ATT Secretariat. The co-chairs will then prepare a general document with all submitted proposals for a discussion during the 4 April WGTR meeting.**

   **Specific CSP4-5 task: The WGTR will further consider the potential merit of follow-up mechanisms on the initial and annual reports that States Parties submit within the WGTR (or the WGETI), in order to support States Parties in the implementation of the Treaty.**

42. Under this agenda item, the co-chairs elaborated on the ideas about follow-up mechanisms that were included in their introductory paper for the meeting, and invited participants to share their views on these.

43. As there were no interventions on this topic and there already was little discussion during the WGTR meetings in 2018, the co-chairs propose to not further include this task in the agenda of the group, nor for the 4 April WGTR meeting, nor for the meetings beyond CSP5.

**Agenda item 5: Harnessing information generated by mandatory reporting**

   **Recurring task: The WGTR will discuss approaches to how to do this with a view to allow analysis. The WGTR will thereby further focus on the use of IT platform for this purpose.**

44. Under this recurring agenda item, participants have the opportunity to present projects to harness information from the initial and annual reports in a manner that allows follow-up on these reports, for example in the WGETI.

45. The co-chairs reminded participants that the WGTR already last year, in its 8 March 2018 meeting, agreed that the priority should be 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. It was made clear at the time that the reporting functionality in the ATT IT platform should be developed with this purpose in mind.

46. Samoa and the Centre for Armed Violence Reduction (CAVR) used this agenda item to give an update about the National Conventional Arms Register project, that was already presented during the 31 May 2018 WGTR meeting (a database that allows harnessing information on transfers at the national level).
Agenda item 6: IT platform: reporting and transparency functionalities

Recurring task 1: The WGTR will further discuss the use of the IT platform to enhance transparency and facilitate the implementation of the reporting obligations of the Treaty.

47. Under this recurring agenda item, the ATT Secretariat gave a presentation on the state of play of the further development of the ATT IT system and introduced participants to the new ATT website. This included a demonstration of the Restricted Area and its information exchange platform and national points of contact and national control lists databases.

48. Following the presentation, the co-chairs encouraged States Parties and signatory states representatives to register online for access to the restricted area of the ATT website, as currently only 25 persons, representing 12 States Parties, have done so. The co-chairs also called on States Parties participants to subsequently verify their information in the national points of contact and national control lists databases. The co-chairs also requested the Secretariat to promote the participation of States on the restricted area, and to report on the progress during the 4 April WGTR meeting.

49. A number of participants asked about the further development of the information exchange platform. The Secretariat made clear that this would have to be part of a new IT project that needs to be budgeted. This also applies to the functionality to make the data in the annual reports available in a searchable database (see agenda item 5). The co-chairs did point out that for discussions on such issues, a (new) informal consultative group will be established, as foreseen at CSP4 (see below). The co-chairs also repeated that a briefing by the Secretariat on the new online reporting functionality is scheduled for the 4 April 2019 WGTR meeting, but that the functionality is already open for use.

Recurring task 2: An informal consultative group of WGTR participants will support the ATT Secretariat on the enhancement of the IT platform and consider and propose future changes and improvements, and report back to the WGTR in order to feed these discussions.

50. Under this agenda item the co-chairs invited participants to express their interest in participating in the new informal consultative group that will support the ATT Secretariat on the further development of the IT system.

51. During the meeting no participants formally expressed their interest. The co-chairs therefore encouraged participants to do so in the margins of the meeting or by e-mail to the co-chairs or the ATT Secretariat.

52. The co-chairs went on to explain that the group will focus on the functioning of the information exchange platform and the online reporting functionality, as well as on the start-up of the project for a functionality that allows for extraction of information from the reporting functionality into a searchable database. The latter is confirmed as a priority.

53. Concerning the information exchange platform, the co-chairs will propose to the group and to the ATT Secretariat to discuss how to promote and streamline the use of the platform. The co-chairs will also consider using the platform for the planned consultation round on the annual reporting template after the 31 May reporting deadline (see agenda item 2).
**Specific CSP4-5 task: The WGTR will further explore the appropriateness and feasibility of providing a livestream or video recording of meetings of the Conference of States Parties and/or its subsidiary bodies on the IT platform.**

54. Under this agenda item, the ATT Secretariat set out the elements that need to be taken into consideration when discussing livestreaming meetings of the CSP: 1) the technology that is used to record; 2) the platform on which the stream runs; and 3) the languages that need to be available. If, for example, a livestream was run on the WMO website in one language, the cost, according to a first estimate, would be around 1000 USD per day.

55. Participants were generally mostly open to the idea of livestream or video recording, but also shared some concerns. One participant was concerned that providing a livestream or a video recording might limit certain States in what they say in meetings. Another participant wondered about the potential impact of having a livestream available on meeting attendance and on the associated income from mandatory contributions. Also, the potential impact on the right to hold close sessions was raised.

56. **As to the way forward, the co-chairs asked participants to prepare for a discussion during the 4 April WGTR meeting based on the input of the ATT Secretariat and the views that were expressed by participants. The co-chairs will also request the Secretariat to concretize possible options in terms of substance and budget, with a view to present these during the 4 April WGTR meeting.**

**Agenda item 7: WGTR mandate in the period between CSP5 and CSP6**

**Recurring task: The WGTR will prepare a proposal for consideration by CSP5, which will include as a minimum the standing agenda items and the recurrent tasks outlined above.**

57. As they indicated in their introductory paper for this meeting, **the co-chairs will present a draft proposal for the mandate of the WGTR in the period between CSP5 and CSP6 during the 4 April WGTR meeting.**

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