ATT Working Group and Informal Preparatory Meetings for the Eighth Conference of States Parties to the Arms Trade Treaty

Working Group on Transparency and Reporting (WGTR)

17 February 2022

The Working Group on Transparency and Reporting session included a review of the state of play of compliance with reporting obligations, discussions on the challenges concerning reporting and substantive reporting and transparency issues, an update on the organization of the first meeting of the Diversion Information Exchange Forum, and exchanges on the IT platform to inform a possible decision on the introduction of a searchable online database. These were interspersed with interventions by States and statements and presentations by civil society and the European External Action Service (EEAS).

Key points from the discussions:

- Concern was expressed at the decrease in reporting compliance rates between 2015 and 2020, along with an increasing trend in submitting confidential reports. While analysis shows that the overall on-time completion rate has improved since previous years, the total reporting rate is the lowest of any year. Improving the quality of reports is also key to fostering transparency. China announced that their first Annual Report will be submitted on time.

- Some State parties (Germany and China) suggested that enhancing alignment between ATT and United Nations Office for Disarmament Affairs’ (UNODA) reporting practices could help solve reporting issues in the context of the ATT.

- The new focus on gender within WGTR and the inclusion of gender aspects in reporting templates was welcomed by civil society (Control Arms) and State Parties (Argentina, Mexico, the Republic of Korea). Civil society encouraged State Parties to consider the submission of additional text, annexes or attached documents to initial and annual reports to include gender dimensions.

- Although there was wide support for the 2021 amendments to the reporting templates, caution was again expressed by South Africa, in that continuous template amendments could serve to undermine their overall strength and utility.

- The Co-Chairs noted the hitherto modest use of the existing IT platform for coordination and information exchange. Some State Parties (Cameroon and the Republic of Korea), while recognizing the potential utility of a searchable online database, expressed concern about the actual effectiveness of such a tool in this context.
The discussions were led by the Co-Chairs of the WGTR: Ms. Grisselle del Carmen Rodriguez Ramirez of Panama and Ms. Sabine Visser of the Netherlands.

State of play of compliance with reporting obligations

Ms. Sarah Parker, ATT Secretariat, provided an update on the status of reporting. A rather concerning trend was the decrease in the submission of initial reports as well as annual reports during the period 2015-2020.

- Overall, 24% of States Parties who were due to submit an initial report have not done so. Likewise, of those initial reports that were submitted 24% were not made public. However, 50% of initial reports were submitted on time.
- A breakdown of the reporting trends by region showed that Africa and the Americas were, respectively, the regions with the least initial reports submitted.
- Similarly, concerning trends were found in the submission of annual reports, which has consistently decreased over the past years. Only 58% of the annual reports due were submitted in 2020. Overall, 31% were not made public, the largest portion ever since the ATT’s entry into force. However, 76% of the annual reports were submitted on time, marking the highest on-time submission rate since 2015.

Ms. Parker suggests that a useful distinction can be made between State Parties that have reported at least once, and State parties that have not reported at all, indicating that challenges are varied and require differing approaches from the ATT Secretariat.

In opening the discussion, the Co-Chairs noted some improvements but emphasized the general downward trend in reporting rates. Civil Society (Control Arms and MAAT for Peace), State Parties (Costa Rica, Mexico, and the Republic of Korea) and the European Union (EU) echoed the concerns over the decreasing reporting rate. Some State Parties (Switzerland and France) as well as the EU encouraged States to submit reports and make them publicly available. The ATT Monitor, an independent project of Control Arms, drew attention to the fact that of five State Parties due to submit their initial reports in 2021, only one did so. A great concern is also the low number of State Parties who have submitted updates to their initial reports (only six thus far). Control Arms also noted that the geographic and systemic diversity of those that were able to report on time indicates that one of the largest impediments is most likely the lack of political will. The EU emphasized that reasons for low reporting rate may also be associated with other factors such as lack of capacity and resources and international coordination challenges, among others.

Germany, Cameroon and Japan stated that reporting is a key ATT obligation and pillar of transparency. The EU regretted that China chose not to make its initial report public and called on China to reconsider to fully reflect a commitment to transparency. China stressed that the initial report was submitted on time and within reporting parameters, and that the first annual report will be submitted in May. Mexico underscored that not just the quantity, but the quality of reports is also crucial. Mexico further encouraged the sub-Working Group to address the issue
Challenges concerning reporting

A key point of discussion under this agenda item were draft amendments to the ‘FAQ’-type guidance document on the annual reporting obligation, reflecting the revised reporting template. Ms. Sarah Parker explained that following adoption of the revised reporting template, a proposal to amend the FAQ document was agreed, and changes are designed to account for changes made to the reporting template. The guidance document refers to the fact that the annual reporting template now includes a specific field inviting a reporting state to authorize the United Nations Office for Disarmament Affairs (UNODA) to use information in the ATT annual report as a basis for the State’s report to UNROCA. A few amendments were proposed, the most significant one being the removal of reference to voluntary and mandatory elements. The Co-Chairs invited State Parties to review the amendments contained in Annex A.

South Africa explained that they have not submitted annual reports for the last two years due to lengthy internal discussions, and not because of the lack of political will of government authorities. South Africa also highlighted that the aim, as it was previously stated at CSP7, of amending the reporting template was to address inconsistencies and gaps; however, the proposed amendment did not relate to this aim, and was very “sensitive.” Belgium reiterated that they were convinced of the necessity to amend the reporting template and stressed that the process is now completed.

Argentina and Nigeria approved the amendment to the FAQ document. Argentina further highlighted the role of the amended guidance document in facilitating reporting, as well as the role of civil society in undertaking analysis and research to strengthen implementation efforts and improve transparency.

Japan welcomed the EU project to provide capacity building to National Points of Contact (PoC) for reporting. China stated that they are in the process of preparing their first annual report and noted that the ATT template is far more complex than the template provided by the United Nations Register of Conventional Arms (UNROCA). In this regard, China suggested it may be helpful to coordinate efforts to submit reports to both. The delegate reiterated that the right of State Parties to report privately should be respected. Germany supports the idea of authorizing UNODA to use relevant information as a basis for the UNROCA report, and identifies this as a potential part of the solution to some reporting problems. Germany also stressed that exchange of good practices through the Voluntary Trust Fund (VTF) is essential.

The ATT Monitor reminded the sub-Working Group that it supports states in handling their reporting challenges as it gathers information and evaluates trends on reporting practices and provides country-by-country analysis. The ATT Monitor called on State Parties to consult the ATT Monitor Annual Reports to find information on reporting obligations, examples of challenges and good practices, and recommendations on how countries can address identified challenges.
The ATT Monitor also encouraged State Parties to bring forward doubts and questions they may have about reporting.

**Substantive reporting and transparency issues**

It was first recalled that CSP5 (2019) focused on increasing the understanding of the gendered impact of conflict and to take gender issues into account in future sessions. State Parties undertook to review progress in this area regularly and some State Parties have already made progress in taking gender issues into account in reports.

A presentation on gender and reporting was given by **Ms. Allison Pytlak** from the Women’s International League for Peace and Freedom (WILPF). It was recalled that Article 7.4 is a legally binding provision in the ATT, requiring consideration of GBV in regard to export licensing decisions, and corresponds with the Women, Peace and Security (WPS) Agenda and other instruments. However, how States Parties assessment the risk of gender-based violence (GBV) may vary significantly: for instance, some States integrate the risk of GBV into a general human rights’ risk assessment, whilst others make the specific risk of GBV prominent in their national legislation. Ms. Pytlak explained that the term GBV may not yet be fully understood by those conducting risk assessments. In general, there is a chronic under-reporting of GBV issues worldwide and both despite and because of this, reporting GBV under ATT would be a step in the right direction. Ms. Pytlak referred to both the initial reporting template and the annual reporting template. The initial reporting template contains a question in Section 3 asking if national risk assessment procedures consider the criteria in Article 7.4 of the ATT. Ms. Pytlak encouraged the provision of further information relating to gender; for instance, State Parties could describe the following:

- What steps does the risk assessment include?
- What types of sources are used?
- What gaps and challenges are identified?
- How do gender considerations impact arms transfer decision-making?

The annual reporting template does not contain any specific questions relating to gender, which can make gender reporting more challenging. WILPF reiterated the suggestion to add questions on whether transfers were denied for gender considerations. Ms. Pytlak noted that submission of annexes and attached documents could be considered to expand the scope. Also, other avenues for exchange between State Parties and Civil Society could be investigated. Finally, WILPF also referred to the *UN Programme of Action on Small Arms and Light Weapons* (UN PoA) reporting template, where, since 2018 gender considerations have been included. Findings show that 61.8% of States that have submitted reports under the UN PoA take gender considerations into account.

**Control Arms** took the floor to express support for the inclusion of gender aspects in reporting templates and encouraged State Parties to include gender disaggregated information, for instance as Annexes, echoing WILPF on this matter. Control Arms is in the process of developing a methodology to monitor progress on efforts to meet CSP5 gender commitments.
To this end, Control Arms will contact State Parties and other stakeholders to collect relevant data.

**Argentina, Mexico** and the **Republic of Korea** stressed that the theme of gender is fundamental. In this regard, it was stressed that it is crucial to develop indicators on GBV and to publish related information in Annual Reports. Such information is important to decide whether to include additional Voluntary National Categories (VNC) on GBV in reports.

The Co-Chairs took this opportunity to invite State Parties that have not made their reports accessible to the public to inform the ATT Secretariat, should they wish to change their decision.

**Organizational means for information exchange**

At the outset, Co-Chairs encouraged State Parties to register for access to the restricted area of the ATT website. **Mr. Tom Nijs**, Chair of the Diversion and Information Exchange Forum (DIEF) informed that the first meeting of the DIEF will be held during summer 2022 to allow for broader in-person participation. **Belgium** stressed that the Information Exchange Portal, which has not kicked off yet, will be useful for Chairs and Facilitators to organize meetings.

**Reporting and transparency functionalities of the IT platform**

The Co-Chairs noted that the use of the IT platform remains modest, and that only one State Party has used it in the first two years. They called on States to make broader use of the platform.

**Mr. Eran Nagan** from the Working Party on Conventional Arms Exports (COARM), European External Action Service (EEAS), provided a presentation of the COARM searchable online database. Mr. Nagan highlighted that transparency is key to reducing corruption in the arms trade. Within the EU, an agreement was made in 2019 to turn annual reports into a searchable database. In the database are included key pieces of information, such as exports of conventional weapons and granted and denied licenses. Overall, the database contains more data than annual reports to the ATT. **Belgium** noted that there is a *de facto* obligation for Member States to use the database and COARM confirmed that all EU Member States have agreed to report in this manner.

**Cameroon** and the **Republic of Korea** expressed concerns about the possible effective use of a searchable online database in the ATT context. The Republic of Korea pointed out that there should be sufficient discussion on the effective use of the database itself, including on scope of data, accessibility, and specificities in relation to other databases. Cameroon expressed concerns about the fact that the database may not be updated in real time. The **EU** stressed that for real time information a State Party would need to directly contact involved states, as the database is intended mainly for accountability purposes and may not prove to be helpful for operational reasons. The EU also underscored that several outreach projects on ATT capacity-building are underway.
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