PROCEEDINGS

International Conference on Export Controls

Oxford 2000

Lady Margaret Hall
Oxford University
Oxford, England, United Kingdom
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PREFACE

1 During September 26-28, 2000, export control officials from 32 nations, 4 multilateral export control regimes, 2 multilateral organizations, 4 private sector companies, and 4 non-governmental organizations convened in Oxford, England, for the Second International Conference on Export Controls. This Conference has come to be known as "the Oxford Conference." Officials from the following nations attended: Albania, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hong Kong, Hungary, Japan, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States. Other Conference participants attended from: the European Union, the International Atomic Energy Agency, the Wassenaar Arrangement, the Australia Group, the Nuclear Suppliers Group, the Missile Technology Control Regime, the Center for International Trade and Security at the University of Georgia, the Center for Nonproliferation Studies at the Monterey Institute of International Studies, Saferworld, and the Stockholm International Peace Research Institute.

2 The export control experts convened to discuss ways to improve the global system of nonproliferation export controls. They assessed progress made by national governments in addressing the "Elements for Referral to Governments of Conference Participants for Possible Further Action" identified at the first Oxford Conference held in 1999. That document (hereafter, referred to as "The Elements") summarizes the Oxford Conference's thinking regarding what makes national export control systems effective and the most pressing issues pertaining to those national export control systems, to multilateral export control regimes, and to their interactions with each other. During the Conference, participants discussed "The Elements" in detail and modified those produced at the 1999 Conference to simplify the language, incorporate findings from this year's Conference, and remove specific references to the 1999 Conference. They made these changes in order to enable "The Elements" to remain valid beyond one year as a suggested agenda for national governments to strengthen the global export control system. The updated "Elements" is being offered to national governments as a guide for their discussions and actions on priority issues in nonproliferation export control.*

3 The first Oxford Conference developed "The Elements" so that participants would have a written product synthesizing the fruits of their discussions that participants could offer to their national governments as a possible agenda for discussions and actions. The second Oxford Conference concluded that "The Elements" should remain in place from year to year as guideposts for action by individual national governments – and that an individual Element will be deleted only when its goals have been realized globally or are deemed no longer relevant. Each year, the Oxford Conference will review "The Elements" and the progress that nations

* "The Elements for Referral to Governments of Conference Participants for Possible Further Action" to which this year's Oxford Conference agreed is included as the final section of this document.

whose officials are attending report having achieved with respect to the goals of "The Elements." "The Elements" are neither a set of recommendations nor a statement of policy formally agreed to or binding on any of the governments of the participating experts; they are a voluntary action agenda suggested by the world's export control experts for use by national governments.

4 During the Conference, participants also explored in depth three key challenges threatening the ability of national governments to manage and operate export control systems and explored ways to meet those challenges. They discussed: 1) obtaining and sharing open source information of benefit to national export control systems; 2) intangible transfer of technology and software: to what extent and how can such transfers be controlled; and 3) the "Catch-All" or "End Use" form of regulation.

5 This document summarizes the main points made during the Conference. Its purpose is to communicate the Conference results to the broader export control community and to assist Conference participants to encourage their national governments to refer to "The Elements" as a guide for their future discussions and actions.

6 None of the views expressed at the Conference and summarized in this document reflects official policy, principles, or proposals. None of the views is attributed to an individual speaker or the national government or organization with which the speaker is affiliated. Participants spoke on a not-for-attribution basis so as to allow the maximum degree of creativity and frankness. They debated issues as a community of experts, rather than individuals representing national governments or institutions.*

* Remarks and presentations that the speakers have permitted to be attributed to them have been included in a separate Appendix to these "Proceedings."

Elements for Referral to Governments of Conference Participants for Possible Future Action: Progress Reports and Discussion

7 The Conference assessed the status of the following Elements, identified at the first Oxford Conference:

- *Element One:* Intangible transfer of technology and software
- *Element Two:* Communication between/among national export control systems
- *Element Three:* Control Lists
- *Element Four:* Relations with Non-members
- *Element Five:* Lack of Secure Information Sharing
- *Element Six:* Handling Issues that Cut Across Organizations
- *Element Seven:* Coordination of Export Control Cooperative Exchanges

8 For each Element, a delegate to the second Oxford Conference who volunteered to serve as *rapporteur* for that Element summarized: 1) the progress that participants reported had been achieved in addressing the goals of the Element at the national, European, and multilateral levels; 2) the problems encountered in seeking progress; 3) ways proposed to address or neutralize those problems; and 4) factors or future trends pertaining to the Element.

9 **Element One**, as drafted at the 1999 Oxford Conference, stated that:

"Participants acknowledged that intangible transfer of technology and software is a significant challenge to existing controls. Recognizing the difficulties inherent in attempting to control information flows in the Internet era, governments should consider ways to control intangible transfer of technology and software regardless of the transport mode used. Governments also should consider taking multilateral steps to harmonize their controls over intangible transfer of technology and software."

Element One pertains to the *means* by which technology or software crosses borders, and derives from concerns that in many cases existing controls do not give governments adequate authority or provide the necessary mechanisms to control transfers that occur electronically, that is, by telephone, facsimile, or computer. The Element also derives from a belief that, because national export control policies will be more effective if they are uniform and are coordinated globally, governments ideally should develop policies and procedures to control intangible transfers based on a *common understanding* as to the optimum way to do so.

10 Element One also relates very closely to another critical topic: how to control transfers of *intangible technology*, that is, knowledge or technical data. Knowledge or technical data can be transmitted in ways that are technically difficult to control – electronically, on paper, orally, or by demonstration (videoconferencing, for example). But some of the most troubling issues raised during discussions on controlling intangible technology are constitutional questions, concerned principally with protecting the right to privacy.

11 During 1999-2000, governments acted at the multilateral, European, and national levels to adopt new measures to control intangible transfers of dual-use items.* In December 1999, member states of the Wassenaar Arrangement (WA) agreed to a public statement affirming that governments need to develop "comprehensive controls" on listed software and technology, that participating states should consider taking measures to control intangible transfers, and that the WA should continue its educational outreach on this issue. The European Union (EU) enacted two instruments to control intangible transfers: Regulation 1334/2000, which in Article 2 (b) (iii) includes in the definition of an "export" the "transmission of software or

* The scope of the Element One report was intangible transfers of *dual-use items*; however, the issue addressed under Element One concerns intangible transfers of *both* dual-use items *and* munitions.

technology by electronic media, fax, or telephone to a destination outside the Community;" and the Joint Action of the Common Foreign Security Policy 2000/401, which controls transfers of technical assistance under specific conditions.* At the national level, some nations (e.g. the United States) have already enacted comprehensive controls covering intangible transfers, and some nations (e.g. Romania, Poland) are in the process of adopting such legislation. Since the EU Regulation 1334 became effective on September 28, 2000, all EU nations must now consider how best to implement the Regulation, which covers all intangible transfers of dual use items listed in the EU control list.

12 Nations have encountered three types of problems in addressing Element One. First, governments do not share the same view as to the proper *scope* of intangible transfer controls, although most concur that they should adopt the scope and approach recommended by the multilateral export control regimes were there to be a consensus among the regimes. This means that governments will need to find ways to promote an alignment on this issue among the multilateral regimes, a point addressed under Element Six. Second, governments have not agreed whether the best way to *enforce* such controls is by explicit ban or control on a case-by-case basis. If they adopt the latter approach, governments necessarily must contend with civil liberties issues during adjudication of the cases. Third, many nations whose export control resources are already constrained meeting existing requirements will be hard pressed to come up with the additional resources necessary to train and equip their officers to implement intangible transfer controls.

13 Participants proposed various ways to neutralize these problems. To minimize potential civil liberties conflicts, they proposed that efforts to control intangible transfers concentrate on *commercial* exports produced by private companies, research institutes, and universities, rather than "basic scientific research."** The scope of controls would thus extend to foreign technical assistance, because such services are usually provided commercially. It also was recommended that enforcement focus on *prevention* and *industry-government cooperation* to encourage voluntary compliance. Government export control officials need to raise awareness among, and maintain regular contacts with, the target audiences — private companies, business organizations, research institutes, and universities. Governments still will need to invest resources to conduct aggressive investigations, as penalties are the "stick" which often induces cooperation. But to be fair and credible, enforcement efforts should target those who *intentionally* spread sensitive technology, and clearly distinguish those cases from others involving unintentional diffusion of information. Penalties should be harsher for the former than for the latter.

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* The Joint Action 2000/401 CFSP covers transfers of technical assistance, including oral assistance, provided outside the European Community and related to weapons of mass destruction or countries subject to embargoes by the EU, the Organization for Security and Cooperation in European (OSCE), or United Nations (UN).

** Multilateral export regimes in their General Technology Note have provided an exemption for "basic scientific research," defined as experimental or theoretical work undertaken primarily to obtain new knowledge, rather than for specific practical purposes.

14 The Conference agreed that governments should continue to explore ways to control intangible transfers of technology and software and promote as much alignment as feasible among the multilateral export control regimes on pertinent policies and procedures.

15 **Element Two**, as drafted at the 1999 Oxford Conference, stated that:

> "Participants acknowledged the tension between the need for information exchange among national export control systems, particularly as regards enforcement, and the provisions of national privacy and information legislation. Governments should examine ways consistent with those laws to increase the exchange of adverse end use/end user information. Some participants believed that should include the creation of a central database containing such information and information about license denials."

Element Two addresses a challenge that national governments face as a result of globalization. To operate effective national export control systems, governments must have access to reliable sources of relevant information. Increasingly, this gives national governments an interest in cooperation and information exchange with other nations committed to nonproliferation export control. Small nations and nations that are not members of the four multilateral export control regimes and thus do not have access to regime information sources are especially interested in information exchange. But nations need to find ways to cooperate and exchange export control information under conditions that protect national privacy and security interests.

16 Some nations already exchange export control information on an informal basis. Bilaterally, some governments have shared information on, for example, adverse end-uses and end-users, instances of export control rule violations, and export control cooperation programs and training material. Regionally, governments of Scandinavia and EU nations have shared similar types of export control information. The multilateral export control regimes also have taken steps to develop or improve secure information-sharing systems, as will be discussed under Element Five below.

17 But while most governments recognize the benefits of this cooperation, there are considerably differing views concerning the parameters proposed for broader information exchanges. Participants cited a range of commercial, national security, and legal reasons why governments remain reluctant to share sensitive export control information. Even if parties to an exchange agree to specific terms and conditions, the potential exists for them to act in ways contrary to those agreements. This is partly why many governments have indicated that they see real difficulties with proposed solutions that entail sharing information stored on electronic databases. There are problems related to the legal status of both the databases and the information in them. To address some of these concerns, some participants have suggested that governments consider using "Memoranda of Understanding" to establish terms and conditions to govern the exchanges.

18 The Conference agreed that governments should continue to explore ways, consistent with national privacy and information legislation, to increase the exchange of information for use by export control licensing and enforcement officials, and cited the creation of common databases as a potential means for doing so.

19 To expedite communication, participants developed and circulated a list of Points of Contact (POC) for each of four functional areas of their national export control systems.

20 **Element Three**, as drafted at the 1999 Oxford Conference, stated that:

> "Participants unanimously believed that governments should consider shortening and sharpening multilateral export control lists, and harmonize them to the maximum extent possible."

Governments have expressed concerns that export control list users – especially exporters and

Customs officials — find the control lists difficult to understand. Users have complained that the control lists lack clear organizational structures, are excessively long and technical, and do not use standard terms in a consistent way. "Specially designed" is an example of a term that has come to mean a different thing depending on which list is using it.

21 The multilateral export control regimes have made some progress in addressing these concerns. In 1999 and 2000, during the annual plenary meeting, the Wassenaar Arrangement shortened its control list by raising the threshold of control on computers and microprocessors. The NSG and Missile Technology Control Regime (MTCR) took steps to align their approaches with the WA. At its October plenary meeting, the MTCR adopted the standard five sub-category structure used by other regimes to highlight its software and technology controls. The NSG reformatted its list to adopt a common style for all entries on dual-use technical annex. But after a year of proposals and counterproposals, WA member states have been unable to agree on how to define such frequently used terms as "specially designed," though their deliberations have clarified the philosophical and practical disagreements on this question.

22 Progress on Element Three has been made at the European level. Revisions in the regime lists have been incorporated into the new EU dual-use control list as Annex I to the new Regulation 1334/2000. In July 2000, the EU published a common list with references to controlled military equipment, which member states can use to harmonize their national legislation concerning military items.

23 Participants encountered two main problems associated with Element Three. First, the lengthy review processes of the multilateral export control regimes in some cases can prevent member states from responding flexibly to changes in their environment. The WA's formal list review process and the *ad hoc* working group sessions of other regimes provide continuous opportunities for members to shorten and sharpen the lists, but given the need to consult widely before lists are amended, participants saw little hope for expediting that process. Second, participants expressed some concerns regarding the degree of commitment among the multilateral export control regimes to harmonizing their approaches, the recent example of alignment on machine tools notwithstanding. There was skepticism, for example, that if the WA agrees to a definition of "specially designed," other regimes will adopt the same one.

24 Some participants suggested that to neutralize these problems in the longer term, governments might consider transitioning to a system based on shorter control lists, referencing broad classes of goods, and expanded application of end use controls, known to some as "Catch-All" Regulation. In the near term, some of the difficulties might be solved by better training and access to better tools. The EU has begun to develop a tool that would cross-reference goods by customs tariff code and dual-use list entry.

25 The Conference agreed that nations should continue to consider shortening and sharpening the multilateral export control lists and harmonizing them to the maximum extent possible. It is hoped that if nations make progress on Element Six, finding ways to address issues common to all multilateral export control regimes, they will use such fora to make progress on Element Three.

26 **Element Four**, as drafted at the 1999 Oxford Conference, stated that:

> "Some participants believed that governments should consider extending membership to all significant producers of the goods the multilateral bodies control. Others disagreed, noting that membership should be open only to those countries willing to accept the norms espoused by the organizations. Most or all participants agreed that governments should consider the question of increasing dialogue between members and non-members and urge the multilateral bodies to engage in such dialogue."

Element Four addresses two dilemmas, one relating to the criteria by which nations qualify for membership within the multilateral export control regimes and the other relating to the mechanisms used to educate non-members. While multilateral export control regimes do not share uniform membership criteria, nevertheless, as a rule, they all expect prospective members to: 1) have effective national export controls, and 2) be willing to subscribe to the goals, guidelines, and procedures of the regime. Some multilateral export control regimes, such as the Wassenaar Arrangement, require additionally that to qualify for membership, a country must be a significant supplier or producer of items controlled by that regime. The two dilemmas addressed under this Element are thus interrelated, because non-members need education and assistance to meet the first criterion of regime membership. Access to information is an important benefit provided to regime members, which enables them to strengthen and improve their export control systems. The international export control community seeks to strengthen and improve the *global* export control system by involving countries that currently are not regime members.

27 To resolve the dilemmas posed by Element Four, two approaches are available: 1) the regimes might consider re-evaluating the criteria of membership – an option that only the regimes could choose; and 2) nations could explore ways to expand and improve the mechanisms to increase dialogue and share information with non-members. In their comments concerning Element Four, most participants noted steps their governments had taken in regard to the latter approach.

28 The outreach efforts undertaken by several governments and the MTCR focused this past year on countries that are transit centers for military and dual-use goods. What the participants in these efforts learned was that the transit centers, because they lack information about the controlled goods and the legitimate end use of those goods, did not feel equipped to operate export control systems effectively, though they expressed full commitment to the goals of nonproliferation. Participants reported that the transit countries were "left in the dark" to cope with increasing traffic of dual-use and military goods without access to information available to regime members, and therefore had to depend on the producer countries to maintain national export control systems in line with international standards.

29 These experiences highlight the problems that nations encountered in addressing the goal of Element Four. Membership in the multilateral export control regimes remains one of the best means of helping national governments to develop and maintain effective export control systems. But for countries that are not significant producers of military or dual-use technologies, such as the transit countries, regime membership can be an elusive option. While outreach efforts raise the awareness of nonmembers regarding export control norms and procedures, and facilitate contact between members and nonmembers, real progress may require new forms of education for nonmembers.

30 The Conference agreed that governments of member states should continue to explore ways within the context of the multilateral export control regimes to increase dialogue between members and non-members.

31 **Element Five**, as drafted at the 1999 Oxford Conference, stated that:

> "Many participants identified [the lack of secure information sharing] as a severe problem for several multilateral bodies, and urged governments to consider establishing computer-based information sharing systems. Some expressed concern that unless governments

coordinated carefully across bodies, four different — and expensive — sets of hardware would be procured when only one really was needed. All participants agreed, however, that governments should consider ways to facilitate the bodies' information sharing needs.

Element Five addresses two related concerns: the need for secure, computer-based information sharing among members of a particular multilateral regime, and possible ways that members of several regimes might avoid the burden of operating and maintaining a separate system for each regime.

32 In regard to the first concern, the multilateral export control regimes are in the process of improving or developing secure computer-based information sharing systems for their members. In 1993, the NSG deployed its Information Sharing System (NISS), and is currently upgrading it. Not all members have switched to the NISS for their communications, but the NSG believes that members will do so once the upgraded NISS system becomes available, and the old communication methods can then be phased out of operation. The NSG is also improving its fax system to enable members to exchange encrypted information. Within the next year, the Wassenaar Arrangement expects to deploy its WA Information System (WAIS), providing secure communications linking all members and the Secretariat and enabling members to archive and retrieve information in a central database.

33 The multilateral export control regimes have encountered obstacles in addressing the second issue raised by Element Five, the possibility of developing a single system linking the information systems of all the regimes so that members of more than one regime would not have to purchase and maintain a separate system for each regime. The problems encountered are technical and administrative, having to do with the fact that the regimes are different legal entities with different memberships and mandates and must provide members with secure forms of communication and access to proprietary information.

34 Participants suggested various technical solutions to overcome the obstacles. To enable secure communications, an intranet system could be developed to link the separate systems and provide for differentiated access based on membership. Or, more simply, members could use a secure fax machine to communicate. Others suggested that governments examine whether the NISS or WAIS might be configured to provide a common secure information sharing system for all the regimes, with differentiated access to proprietary material based on membership.

35 Other participants stated that the main obstacle to the creation of a shared information system was political. To neutralize this problem, they proposed that governments convene a coordinating group to examine the technical and administrative obstacles and propose solutions taking into account the requirements of all the regime memberships. This is the same approach proposed to contend with problems encountered in addressing Element Six, as discussed below.

36 Slightly modifying the wording of Element Five as it had emerged from the 1999 Oxford Conference, the 2000 Conference urged governments to follow closely efforts *currently underway* to establish secure computer-based information-sharing systems, and to consider ways to meet the regimes' information-sharing needs. Unless governments coordinate their efforts, members might be compelled to purchase duplicative and costly sets of hardware when only one is really needed.

37 **Element Six**, as drafted at the 1999 Oxford Conference, stated that:

> "Some participants expressed the concern that staffing participation in four nonproliferation bodies is too onerous a burden for small countries. They also argued that many of the functions carried out by the bodies are duplicative, and recommended consolidating them into one entity. Others opposed that suggestion, noting the differences in mandate, membership, and legal status among the bodies. There appeared to be widespread

support for referring to our governments the question of establishing a committee composed of members of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Wassenaar Arrangement, to examine crosscutting issues including development of common standards for effective enforcement each country can implement on a national basis."

Although governments did not make progress in addressing Element Six, participants nearly unanimously expressed commitment to the principle that the multilateral export control regimes have certain common technical issues and administrative requirements that could be treated more efficiently together.

38 Differences among the regimes limit the degree to which regime members may coordinate on technical and administrative matters. Conference participants offered varying views regarding the optimum degree of coordination. To summarize, participants suggested four different levels of coordination that possibly could be explored, depending on the types of issues governments decide they will try to handle in common. Their proposals may be categorized as follows: 1) regime members have shared information in the past and may continue to share information and take joint action to handle such substantive issues as the concept of "no undercut," first developed in the MTCR and subsequently adopted by the NSG and Australia Group; 2) regime members may work together to develop a single solution to common challenges resulting from globalization and information technology, including such challenges as intangible transfers or software controls; 3) regime members could work together to implement export controls at the national level, for example, by agreeing on best practices concerning enforcement, "Catch-All" legislation, and end-user practices, or by undertaking joint outreach activities and coordinating technical assistance; or 4) regime members could develop common solutions to administrative issues, such as a single secure information-sharing system or common facilities.

39 Participants pointed out various benefits, beyond improved efficiency, that members stood to realize, depending to some extent on the degree of coordination they pursue across the regimes. Advocates of far-reaching coordination hoped to alleviate the strain on national resources caused by the need to allocate staff time and equipment to support four separate regimes. Many participants opposed the creation of a single "super-regime," but proposed looser, *ad hoc* forms of cross-regime coordination, which would enable the different regimes to align approaches to common issues and give them a common platform from which to defend the concept of export controls for proliferation prevention.

40 An organizational model already exists that incorporates features of both the far-reaching and looser *ad hoc* approaches to cross-regime coordination. That potential model is the Organization for Economic Cooperation and Development (OECD). The OECD is comprised of several different committees that work independently of each other on completely different issues, but they share common secretariat facilities and have developed common solutions to administrative and technical issues.

41 To make progress on Element Six, members of the four regimes would need to agree to convene a group to discuss establishing a committee to explore cross-cutting issues. Part of the reason that this has not happened may relate to the differences among the regimes. One of the key differences that may directly affect this issue is that three of the four regimes do not have a secretariat, where such activities are typically coordinated.

42 Modifying the 1999 wording of Element Six somewhat, the 2000 Conference urged governments to consider encouraging representatives of the four principal export control regimes to establish a means of examining cross-cutting issues and facilitating the adoption of coordinated processes that do not compromise the separate features and membership of the regimes.

43 **Element Seven**, as drafted at the 1999 Oxford Conference, stated that:

> "A mechanism should be agreed on and developed at the earliest possible time to coordinate the provision of nonproliferation export control cooperative exchanges to the nations of Central and Eastern Europe (and other nations with less mature or nonexistent export control capability where there are significant sensitive exports or transit)."

Following the end of the Cold War and the dissolution of the Coordinating Committee for Multilateral Export Controls (COCOM), many former Warsaw Pact countries sought and received assistance in establishing and then enhancing their national export systems. One of the goals – and benefits – of the assistance programs was to encourage nations to adopt and use procedures widely accepted among a majority of the world's nations that operate export control systems. At the 1999 Oxford Conference, participants from both the group of countries that had provided assistance and the group that had received assistance discussed the productivity and accomplishments of the technical assistance activities in which they had been involved during the past several years. Participants believed that to be effective, assistance activities should match a supplier's expertise with a recipient's needs, and they discussed how to increase the efficiency with which assistance activities have aligned each recipient nation's needs with assistance that is available. Participants also acknowledged that, given the immense scope of the task – which encompasses the entire globe – no single nation or a few nations could provide sufficient technical assistance to meet all of the needs. Participants concluded that one way to increase the efficiency of this undertaking is for the countries providing technical assistance *to coordinate* their efforts in order to minimize duplication of effort and gaps in coverage. Element Seven urged governments to explore mechanisms to coordinate technical exchanges.

44 Many national governments – too many to list here — conducted cooperative exchanges during the past year. In December 1999, at the Wassenaar plenary meeting, the U.S. Department of State initiated an effort to coordinate these export control cooperative exchanges. U.S. representatives circulated questionnaire concerning individual countries' technical cooperation programs, including points of contact. The U.S. then chaired a meeting to discuss potential areas for future cooperation. The U.S. State Department intends to organize this information and enter it into a database to be made available to the world's export control community.

45 Participants concurred that technical exchanges should continue and that nations should explore ways to coordinate their exchanges so that the meetings deliver maximum benefit from the recipient's perspective. Some officials reported that their governments are prevented from participating more actively in coordination activities because of constraints on resources. Several participants stated that the Oxford Conference provides a convenient venue in which participants may exchange ideas and help to coordinate technical exchanges, and expressed a hope that participants would continue to use the Conference to this end.

46 If governments develop, maintain, and use informal tools, such as the database described above or the Point of Contact list developed and circulated at the Oxford Conference, they may find the task of coordination somewhat less time- and resource-consuming than it currently is. Creative use of the Internet and email might reduce the current

hindrances to international coordination in some cases.

47 The Conference agreed that governments should continue to consider establishing means for developing and coordinating nonproliferation export control cooperative exchanges in order to avoid duplication of effort and needless expenditure of resources and to enhance the effectiveness of those exchanges in meeting real needs.

48 The 2000 Conference also agreed to add a new Element concerning the role of industry in global export control for consideration and possible action by the governments of Conference participants. The new Element states that:

> "The effectiveness and credibility of export controls rely significantly on the degree to which exporting companies are aware of export control requirements and establish competent internal control programs to meet those requirements. Governments should intensify their efforts to encourage and assist companies to develop and implement internal compliance programs. Governments also should exchange information with each other concerning effective means of facilitating voluntary industry compliance with export control laws and regulations."

This new Element derives from a belief that because governments depend on industry's cooperation to operate national export control systems efficiently and secure compliance, governments should do more to assist industry to perform these cooperative functions. In its supplementary material submitted prior to the Conference, one government's export control officials who were participating in the 2000 Conference outlined an industry outreach program recently developed by their government that could provide a model for other countries.

49 The 2000 Oxford Conference explored in depth three topics derived from the original seven Elements. These three topics were: 1) Obtaining and sharing open source information of benefit to national export control systems; 2) Intangible transfer of technology and software: to what extent can technology and software transfers be controlled; and 3) "Catch-All" or "End Use" Regulation.

In-Depth Discussion Topic One: Obtaining and Sharing Open-Source Information of Benefit to National Export Control Systems

50 To a large degree, the effectiveness of government export control officials and private export control administrators depends on the speed at which they are able to obtain high quality, relevant information to guide their decision-making. While to varying degrees, national export control systems use classified information from intelligence sources, there is a wealth of useful information publicly available from "open sources," including news sources, trade-journals, and other on-line sources. But without appropriate data gathering and information management strategies and tools, export control officials and administrators might overlook these rich sources entirely, or, being overwhelmed by the large amount of available information, might deliberately avoid them. It is also possible that administrators could spend a lot of time and money in searches that ultimately yield little of real value. One way to approach this research challenge is to review solutions employed by analysts in other research-intensive fields and adapt such approaches to meet export control analysts' needs.

51 Analysts at the International Atomic Energy Agency's (IAEA) Strengthened Safeguards Department have developed a methodology and tools to expedite a large fact gathering and analysis operation. Under measures enacted in 1992 to strengthen the Safeguards agreements, the IAEA must verify that member states' declarations concerning their nuclear activities or facilities are both accurate and complete – i.e., that there are no undeclared nuclear activities or facilities. The success of the Safeguards mission depends significantly on the skills of the analysts, the credibility of their sources, and the rigor of their analyses.

52 The Safeguards analysts obtain information from commercial, governmental, and non-governmental sources. Some of their frequently used sources include: the *Economist* Intelligence Unit, the Foreign Broadcast Information Service (FBIS) of the U.S. Government, DIALOG and Lexis/Nexis information retrieval systems, the Center for Nonproliferation Studies at Monterey, the Kurchatov Institute in Russia, the Uranium Institute, the Stockholm International Peace Research Institute (SIPRI), and on-line trade publications (*Nuclear Fuel, Nucleonics Week*, and *Jane's*). Before using a new source, analysts assess the source's timelines, technical credibility, and perspective or bias by comparing it against other credible sources.

53 The most important criterion Safeguards analysts use to verify the accuracy of the member states' declarations is consistency. Statements made in the declaration should be internally consistent and consistent with information learned from outside sources. To gather sufficient evidence to draw these conclusions, analysts read through a large volume of information. They use automated tools to locate sources and organize the information. Those tools include: Search 97 Information Server and Search 97 Agent Server (produced by Verity), Knowledge Organizer software, and Pathfinder, a suite of analytical tools useful for statistical analysis of scientific and technical data.

54 A methodology is currently being developed for potential use by government officials and private export control administrators to expedite fact gathering and analysis regarding the legitimacy of proposed export transactions. The methodology guides users on how to define the scope of research, identify relevant sources, and search sources for information to develop a profile of the entities involved in the proposed transaction. The methodology also explains how to apply certain "tests" to highlight a potential diversion risk and "red flags." Finally, the methodology offers guidance on how to store the information for easy retrieval.

55 While such approaches can expedite research and analysis, they are also potentially quite costly. Some on-line sources can run as much as $12,000 per year. The maintenance and training costs associated with use of automated tools, even Commercial Off-the-Shelf software, are also considerable.

56 The Conference explored potential ways to alleviate the costs of obtaining export control-related information. An organization that provides public information of use to the world's export control community suggested that governments and non-governmental organizations cooperate to make it easier – and less costly – for export control analysts to conduct research on-line. Under one approach, governments would work to improve the accessibility of information they have agreed to place in the public domain, and non-governmental actors would develop an organizational system, or clearing arrangement, for information already in the public domain. It is hoped that such an integrated information system could be offered as a public service, free of charge.

In-Depth Discussion Topic Two: Intangible Transfer of Technology and Software: to What Extent Can Technology and Software Transfers Be Controlled

57 Exports that occur electronically are known as "intangible transfers." A posting on the Internet or information exchanged by email or facsimile are examples of intangible transfers. Many national governments are now in the process of drafting legislation to control such electronic transmittals of technology or software. Due to the information technology "revolution," it is now as likely, if not *more* likely, that transfers of sensitive information will cross "borders" intangibly, rather than physically. And as most nations wrote their export control legislation at a time when most exports occurred physically, their national export control systems contain a potentially very problematic loophole because the definition of an "export" has not been revised to encompass the now very common electronic transmittals.

58 The United States government has enacted legislation authorizing control of intangible transfers and has prosecuted violations of this law. It provides that knowledge and technical data are subject to the same export controls as physical items. If the knowledge or technical data can be used to produce weapons of mass destruction or the missiles for their delivery, the exporter must apply for an export license before "releasing" it for export. What matters is the intellectual content of the technology or software, not the means of transfer. Some of the technologies that the U.S. seeks to control include: conventional weapons and WMD design information, information on biological and chemical weapons and their compositions, nuclear reactor designs, and sophisticated equipment used in the manufacture of systems controlled for proliferation reasons. U.S. legislation defines the means by which technology is "released for export" relatively broadly, to include 1) visual inspection by foreign nationals of U.S. origin equipment and facilities; 2) oral exchanges of information in the U.S. or abroad, and 3) the application to situations abroad of personal knowledge or technical experience acquired in the United States. So, for example, e-mailing information abroad, downloading information abroad, or enabling the downloading of information abroad (e.g. by making it available on electronic bulletin boards or Web sites) all constitute "exports" under U.S. law.

59 The European Union has recently introduced intangible transfer controls, which differ in some respects from the U.S. controls. The EU Dual-Use Regulation, which took effect September 28, 2000, introduced controls on intangible transfers (as explained above in paragraph 10), which member states must now implement. The EU Regulation controls specific *types* of intangible transfers, whereas the U.S. controls *all* transfers, regardless of the medium. The EU Regulation distinguishes between "documentary" and "non-documentary" transfers (the concept of a "document" is well established in some European legal traditions), and controls non-documentary transfers and oral exchanges that have the same effect as documentary transfers (such as transfers by telephone). Under the Joint Action of the Common Foreign Security Policy, the EU has extended the scope of export controls to include technical assistance when provided to a foreigner (outside the EU). What is not clear is whether, under the EU Regulation, an export occurs when the information is put on the Internet where it is available for downloading, or only at the moment that the information is actually downloaded.

60 In 1998, the government of the United Kingdom proposed in a published "White Paper" new legislation to authorize licensing requirements for intangible transfers of technology very similar to those established under the recent EU Regulation and Joint Action legislation. The White Paper, published as a public consultation document, elicited strong comment from business leaders and academics working in the U.K. Multinational businesses and information technology companies worried that the licensing requirements would impede strategic business functions, such as their ability to collaborate with foreign companies or electronically to transfer software. Such concerns can be addressed relatively easily, through judicious use of open licenses. But academics' fears that a

new law would similarly hinder their core functions and freedoms, including their ability to communicate with colleagues abroad or recruit and instruct foreign students in certain subject areas, cannot be resolved so quickly and easily. The U.K. government has responded to these concerns with assurances that it does not intend to assess the content of university lectures or monitor communications with colleagues or students. But the bigger issues regarding what types of "transfers" the government does seek to control and how it should inform universities of proliferation concerns must be addressed through educational outreach activities during which regulators and those who are regulated can exchange views. The U.K., which has not yet introduced new controls on intangible transfers, will model its national legislation on the EU Regulation.

61 As the capabilities of information technology evolve and as users discover new ways to use that technology — for legitimate *or* illegitimate ends — governments and industry find increasingly, albeit for slightly different reasons, they are on the same side in a common struggle. Companies that sell products and services on-line have good business reasons to develop automated mechanisms to screen the identity of end users. They wish to make sure that for every downloaded product or service, they have a legitimate, paying, credit-worthy customer. With piracy rates escalating — in 1998, the worldwide average piracy rate reached 38 percent, costing the global software industry approximately $11 billion in lost revenue – companies are fast developing technological ways to screen the identity of end users accessing their on-line commodities. Thus the requirement for export control reasons to verify the legitimacy of on-line commercial transactions does not impose an unprecedented burden on businesses, and in fact, some businesses have expressed interest in cooperating with governments to develop effective, fair means to control intangible transfers. An international standard in this area would serve the interests of global companies as much as the global export control community. Any technological solution would have to pass the test of consumer confidence, so that, for example, screening mechanisms would not glean information that customers do not wish to give.

62 A potential technical solution, recently proposed in an academic paper, would give companies and governments the means to verify the end user in an intangible transfer and maintain a record of the transaction. Under the proposed system, a "verifier" would be responsible for issuing an electronic signature and verifying the identity of the end-user in an electronic transaction. Notaries would keep records of the transaction so that they could not be altered. A system of accreditation would be established to monitor the system. If such a system were to be used for export control, national accreditation systems would have to be coordinated internationally, so that, for example, an electronic signature could be recognized in any foreign country.

63 National governments must act now to close the loophole in existing export control legislation, fully cognizant that the conditions which the legislation must address and to which it must respond are themselves changing, as both the technological capabilities and human understanding of those capabilities evolve. Governments must be very clear in writing the primary legislation to establish the intentions of the law and what intangible transfer actions will be considered illegal, i.e., what acts will constitute a "transfer" under the legislation. Given the accessibility of material on the Internet, governments will have to specify in their intangible transfer legislation whether a "transfer" will be defined as the *sending* of information or the act of *making it*

accessible. Put more concretely: will a "transfer" occur at the point at which information is downloaded from the Internet, or when it is merely posted on a Web site? The EU Regulation on dual-use exports has not definitively answered some of these questions, such as, which types of transfers are subject to control.

64 How governments decide these primary questions concerning the law's intentions have far-reaching repercussions, especially for enforcement and industry outreach. National governments must be able to develop practical regulations to enforce the primary legislation. The clearer the primary law's intentions are, the easier it will be for governments to develop regulations to carry out those intentions as the specific circumstances evolve. If governments define the scope of the law too narrowly because of various uncertainties, they neglect its very useful function to provide a framework for industry cooperation and outreach – a function law has well served, for example, in environmental protection. In fact, some of the constitutional issues raised in the debate on how to control intangible transfers have been addressed in regard to other regulatory issues. Governments should consult the literature regarding those issues in order to obtain guidance on possible solutions legally congruent with solutions found constitutional in those cases. It is vital to develop ways to control intangible transfers so as to prevent the diversion of dual-use technologies for proliferation purposes, regardless of the means of transfer. It is also vital that those ways of control are carefully determined so that they are likely to be found constitutional if challenged.

65 The enforcement difficulties posed by intangible transfers are clear from the U.S. experience. U.S. enforcement officials have investigated cases in which all the evidence was electronic. For example, in one case, archived company email was used to reconstruct the facts pertaining to a transaction. Agents are trained to use the Internet to find useful evidence, such as requests for tenders and bids, or sources of critical dual-use items, and to recover electronic information from computers. Since computer evidence can be destroyed nearly instantaneously, enforcement agents must carefully coordinate the timing of their searches to occur simultaneously in multiple company locations where the evidence might be stored. In one case, agents issued search warrants for and then simultaneously entered two different businesses located on the East and West Coasts of the U.S. Because of the speed at which electronic transfers cross borders or can be destroyed, international cooperation is essential for effective control of intangible transfers. National governments committed to intangible transfer control need to share information with each other, and take measures to harmonize their legislation.

66 At the multilateral level, governments have agreed that the lack of measures specifically authorizing control of intangible transfers represents a dangerous loophole in existing export controls, though they have not agreed on the "comprehensive controls" necessary to close this gap or how those controls should be applied. At the Wassenaar Arrangement, member states have recognized the desirability of harmonizing national approaches on this issue; however, they differ in their views as to the feasibility of such controls and what their extent should be. If national governments can unite around a common approach, this would significantly reduce the possibility that the controls could be circumvented and increase the opportunities for global cooperation in securing compliance — especially in enforcement activities. The multilateral export control regimes will continue to provide a forum in which members can share information and experiences on this issue to develop a better view as to the scope of the problem in the global context and to devise solutions with the widest possible acceptance and implementation.

In-Depth Discussion Three: "Catch-All" (or "End Use") Regulation

67 "Catch-All" Regulation is the means by which governments apply existing national export control procedures to goods and technologies not on national control lists when it is known or suspected that such goods or technologies will be used in weapons of mass destruction (WMD) programs. This type of regulation is also known as "End Use" Regulation, because it requires that exporters ensure that their exports of dual-use products have legitimate end uses.

68 In 1990, Germany inserted a Catch-All clause into its foreign trade law, one of several legal and administrative changes the German government made at that time to strengthen its dual-use controls. Germany introduced these changes following revelations that Iraq and Libya had used German products not covered by existing control lists to develop weapons of mass destruction. Other governments, including the United Kingdom and the United States, responded similarly to discoveries of clandestine weapons programs by expanding existing export controls to include Catch-All clauses. But the Catch-All regulations adopted by various governments differ in terms of their norms, implementation, and enforcement provisions. For example, Germany applies its Catch-All regulation to a longer list of countries, relative to the European average, and to control dual-use goods not on its control lists when they will be used for conventional weapons programs as well as in WMD programs in those countries. In this latter regard, Germany's approach is unique, as all other nations apply Catch-All Regulation only in relation to WMD programs (and programs to develop the missiles capable of carrying them). Also, under German law, an exporter's compliance reliability is a main criterion in the government's decision on whether or not to grant a license to export to certain destinations.

69 The United Kingdom inserted a Catch-All (or "End Use") provision into its export control law in December 1990; in 1994, that national legislation was superceded by European Community-wide provisions established under a European Union Regulation and Joint Action on dual-use goods and technologies (which took effect July 1, 1995). In June 2000, the Community-wide dual-use controls were refined under the EU Dual-Use Regulation no. 1334/2000, which includes WMD Catch-All provisions. In addition to applying the two obligatory sub-clauses under the EU Regulation Article 4, the U.K. also compels its exporters to apply for a license if they have *grounds for suspecting* that a non-listed product may be used in a WMD program. Only a small set of EU countries adopted that optional third sub-clause. To guide its decision-making on Catch-All regulation, the U.K. government uses assessments of risk based on information available on the end-user and that user's history of involvement in WMD activity, the nature and quantity of the product, the risk of diversion, and the recipient country's nonproliferation commitment.

70 In the 1980s, the United States Government initiated Catch-All controls on items intended for nuclear end uses, and in 1991, under the Enhanced Proliferation Control Initiative (EPCI) expanded these controls in response to discoveries of Iraq's clandestine WMD build-up. The U.S. Department of Commerce requires application of the EPCI controls in three cases: 1) when an exporter "knows" that the end-use or end-user of its non-listed product is associated with WMD; 2) when an exporter "is informed" that the product for export presents an unacceptable risk of diversion to, or will be used for, WMD activities; and 3) to restrict U.S. persons, including foreigners employed in U.S. companies, from offering "knowing" assistance or support for WMD activities; from exporting or transferring an item for use in a proliferation activity; and from performing a service or employment under contract knowing that such actions will assist a WMD activity. The U.S. – like the U.K. — applies its Catch-All provision for *all destinations*, rather than a specific subset. The U.S. Bureau of Export Administration has an extensive exporter outreach program to help exporters comply with the EPCI and other export control requirements. This outreach includes an annual conference to "update" exporters on regulatory changes, daily postings of regulatory changes on the Internet, training seminars, and publications such as "Know Your Customer" and

"Red Flags Guidance" explaining how to comply with the EPCI provisions.

71 In 1997, the Czech Republic introduced a Catch-All regulation which incorporated features of the EU and U.K. Catch-All provisions. Since 1997, the Czech government has worked closely with exporters to address various concerns that have arisen in the context of implementation of Catch-All regulation. Exporters have raised questions regarding the standard of proof that the national government applies to determine whether or not a product will be used for WMD activities and is therefore subject to Catch-All regulation. Exporters have also expressed concerns regarding how they will learn about potential diversion risks and whether they will be compensated for revenue lost if a sale is denied because of Catch-All regulation. Thus far, Czech export control officials have responded to exporters' concerns case-by-case. The export control officials from Czech Republic attending the Conference stated that they looked forward to hearing from participants from other nations about their experiences in educating exporters regarding Catch-All regulation.

72 Since the early 1990s, many countries have introduced Catch-All clauses into their national export control legislation. Some export control experts have seen the widespread adoption of these Catch-All provisions in the context of a regulatory shift related to the end of the Cold War, the liberalization of trade, globalization, and the information technology "revolution." Responding to trade liberalization pressures, most governments have reduced the list of dual-use goods controlled for nonproliferation export control reasons and raised control parameters in regard to those goods that are controlled. Conference participants whose governments have adopted a Catch-All provision said that the clause gives their governments flexibility to control technologies not included in control lists – often because they were new technologies — for nonproliferation reasons. They also stated that the Catch-All requirement compels exporters to investigate the end uses and end users of their products and ask questions when they suspect illegal activity. Participants from some governments that have not adopted a Catch-All provision stated that they were not convinced that the clause is enforceable the way it has been defined, and they would only recommend enacting a Catch-All regulation if its scope was narrower.

73 But if the Catch-All provisions are part of a regulatory shift within the EU and other nations to control exports based on their end-use, Conference participants pointed out that more work needs to be done to make them more effective, to strengthen their normative basis, and align regulatory procedures globally. To make the Catch-All provisions more effective, governments need access to reliable sources of information, particularly concerning end uses and end users. Small countries and regime non-members, whose information resources are constrained, rely significantly on cooperation with other governments for information. Information exchange, currently conducted *ad hoc*, should be coordinated. Since exporters are responsible for ensuring that their product is for a legitimate end use, governments need to educate their exporters and establish regular communication channels to address questions and concerns.

74 If they are to apply a Catch-All provision rigorously, governments need to do more to adopt common standards, or "best practices." Some recommendations, identified in a recent study, include adoption of standard models for end-use certificates and authorizations, and guidelines on end-use certification requirements, as well as common procedures for verification of authorizations from importing states before licenses are issued. Currently, countries apply different penalties, varying in severity, and their regulations differ in terms of scope and framework.

"Elements for Referral to Governments of Conference Participants for Possible Further Action," To Which the 2000 Oxford Conference Agreed

75 The Oxford Conference participants use "The Elements" as a way to propose a voluntary action agenda for their own consideration and for the consideration of their governments. "The Elements" will remain useful only to the extent that they are modified to reflect progress achieved toward fulfilling the goals of "The Elements" and changes in the legal, technological, or other circumstances affecting them. Each year, the Conference reviews "The Elements" by hearing summaries of reports by all nations that are sending officials to the Conference concerning progress that those nations achieved and problems they encountered in addressing the goals of "The Elements," and by discussing a select few of the Elements in depth. During the Conference, participants are invited to propose changes to "The Elements" based on the Conference's discussions and findings, and just prior to the conclusion of the Conference, they agree to accept or reject proposed alterations of "The Elements."

76 The 2000 Oxford Conference revised the organization of "The Elements" to clarify its three distinct parts: 1) core virtues that national export controls systems must cultivate to be effective; 2) the Elements pertaining to national export control systems and their interactions with other national export control systems; and 3) the Elements pertaining to multilateral export control regimes and their interactions with each other and with national export control systems. The 2000 Conference agreed to alter the language of the 1999 "Elements" to remove references to specific countries and reflect the fact that "The Elements" apply to all countries throughout the world. The Conference also altered the wording of some of the Elements to take account of progress toward achieving the goals of those Elements since the 1999 Conference. Participants also agreed to add a new Element. All of these changes were summarized in the first section of this Proceedings document. "The Elements," to which the 2000 Oxford Conference agreed, follows below.

"Elements for Referral to Governments of Conference Participants for Possible Further Action"

77 The participants in the Oxford Conferences have generally agreed that national export control systems, to be effective, should:

- enjoy strong commitment from national authorities, particularly a commitment effectively to enforce export controls;
- establish a domestic legal and regulatory framework tied closely to globally accepted nonproliferation norms as expressed by the multilateral nonproliferation regimes;
- encourage voluntary compliance with export control laws and regulations at the individual firm level, and develop lines and means of communication between those firms and government;
- develop means of effectively dealing with new challenges, including exercising meaningful control over the intangible transfer of technology and software; and
- communicate licensing and enforcement information effectively among national export control systems, consistent with limitations imposed by national privacy and information legislation.

The following issues or elements pertaining to national export control systems and their interactions with other national export control systems are currently identified as being worthy of referral to national governments for consideration and possible action:

1. Intangible transfer of technology and software. The intangible transfer of technology and software is a significant challenge to existing controls. Recognizing the difficulties inherent in attempting to control information flows in the Internet era, governments should further develop means of controlling intangible transfer of technology and software regardless of the transport mode used. Governments also should continue taking multilateral steps to more closely align their controls over intangible transfer of technology and software.

2. Communications between/among national export control systems. Tension exists between the need for information exchange among national export control systems, particularly regarding enforcement, and the provisions of national privacy and information legislation. Governments should examine ways consistent with that legislation to increase the exchange of information intended for use by export control licensing and enforcement officials. This could include the creation of common databases containing such information.

3. Coordination of Export Control Cooperative Exchanges. Governments should establish means for developing and coordinating nonproliferation export control cooperative exchanges in order to avoid duplication of effort and needless expenditure of resources and to enhance their effectiveness.

4. Industry-government relations. The effectiveness and credibility of export controls rely significantly on the degree to which exporting companies are aware of export control requirements and establish competent internal control programs to meet those requirements. Governments are urged to intensify their efforts to encourage and assist companies to develop and implement internal compliance programs. Governments also should exchange information with each other concerning effective means of facilitating voluntary industry compliance with export control laws and regulations.

The multilateral nonproliferation export control regimes – the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group, and the Wassenaar Arrangement – are vital components of the global nonproliferation effort. It is within those organizations that nations should agree on the international norms upon which national export control systems operate. However, governments should consider working to enhance the effectiveness of these fora and encourage cooperation among them. The following issues pertaining to multilateral export control regimes and their interactions with each other and with national export control systems are currently identified as being worthy of referral to national governments for consideration and possible action:

5. Control lists. Governments should consider shortening and sharpening multilateral export control lists, and harmonize them to the maximum extent possible.

6. Relations with non-members. While issues remain regarding the expansion of membership of the multilateral regimes, which must be addressed by participants' governments, the governments of member states should continue working within the regimes to intensify the dialogue between members and nonmembers.

7. Lack of secure information-sharing. Governments are urged to follow closely efforts underway to establish computer-based information-sharing systems to address this problem. Unless governments coordinate carefully across bodies, duplicative and costly sets of hardware may be procured when only one really is needed. Governments should consider ways to facilitate the bodies' information-sharing needs.

8. Handling issues that cut across organizations. In view of the possible benefits relating *inter alia* to common secure information systems and reduction of replicative activities and the costs and staffing burdens they impose on members, governments

are urged to consider encouraging representatives of the four principal export control regimes to establish a means of examining cross-cutting issues and facilitating adoption of coordinated processes that do not compromise the separate features and membership of the regimes.

Participants in the first Oxford Conference agreed to convene not as formally-instructed representatives of their governments conveying those governments' positions, but as individual experts informally discussing common challenges and possible solutions. Even though this understanding made inappropriate the development of a statement of principles to be approved by and binding on the governments of all participants, the participants desired to have a written record of one of the significant products of their discussions, a list of suggested activities for individual governments to consider and to pursue as they see fit; this list was titled "The Elements for Referral to Governments of Conference Participants for Possible Further Action."

The second Oxford Conference concluded that there is value in preserving from year to year such a list of suggested guideposts for action by individual national governments, rather than developing a new document at every Oxford Conference, and that "The Elements" will be employed in this capacity. Each year the Oxford Conference will review "The Elements" and the progress that individual countries report making with respect to "The Elements'" recommended goals. From time to time it may be desirable to alter the language of an individual Element based on progress achieved in pursuit of its objectives or based on new information that becomes available, or to add a new Element. An individual Element will be deleted only when its goals have been realized globally or are deemed no longer relevant.

International Conference on Export Controls

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