

Ninth International Export Control Conference

Cavtat-Dubrovnik, Croatia

20-22 October 2008

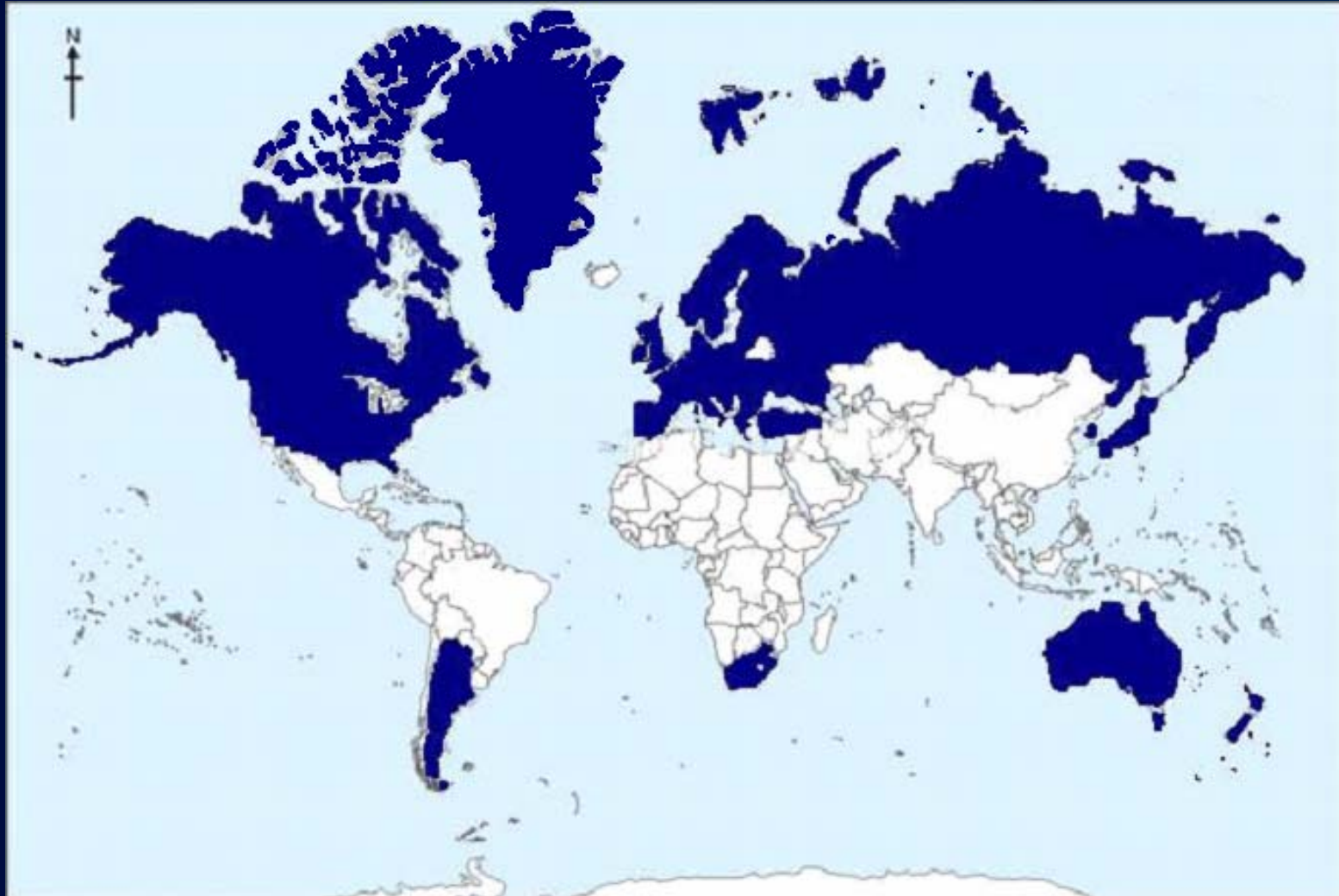
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www.wassenaar.org

The WA Participating States



Where Does WA Fit?

Conventional arms
& Dual use goods

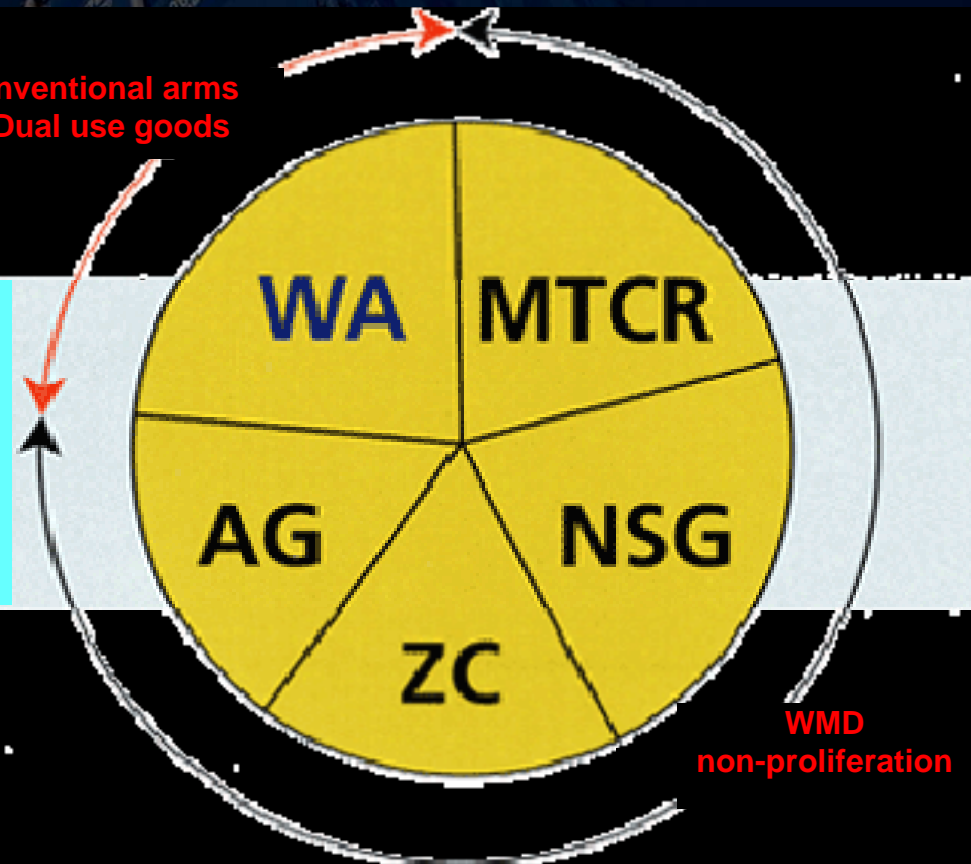
WA: Wassenaar Arrangement (Conventional & Dual Use)

AG: Australia Group (Chemical & Biological)

MTCR: Missile Technology Control Regime (Missiles)

NSG: Nuclear Suppliers Group (Nuclear)

ZC: Zangger Committee (Nuclear)



PURPOSES:

**TRANSPARENCY AND GREATER RESPONSIBILITY IN TRANSFERS OF
CONVENTIONAL ARMS AND DUAL-USE ITEMS**



PREVENT DESTABILISING ACCUMULATIONS

PREVENT ACQUISITION BY TERRORISTS

WA Basic Commitments:

- Impose Effective National Export Controls
- Report to WA States Certain Transfers & Denials



Implementation of WA Commitments through National Legislation & Policies, at National Discretion

Control Lists

- Created by Consensus
- Two Lists:
 - Munitions List
 - Dual-Use List

WA Lists and the EU

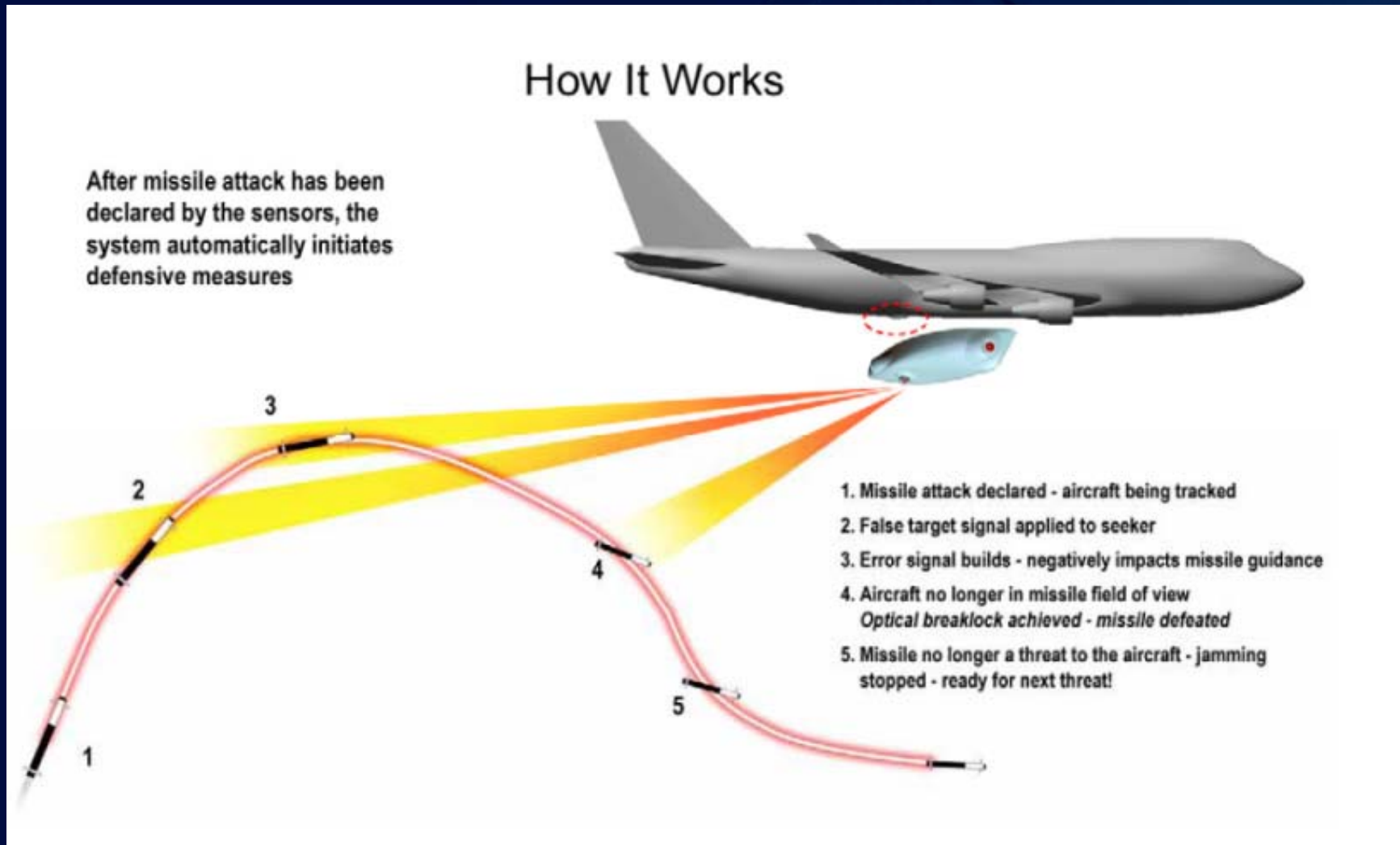
- The Munitions List is included in the EU Common Military List (used for EU Code of Conduct on Arms Transfers)
- The Dual-Use List is included in Annex 1 to EU Dual-Use Regulation (legally binding)

Dual-Use List: 9 Categories

(Close to 1000 Items)

- Category 1: Advanced Materials
- Category 2: Materials processing
- Category 3: Electronics
- Category 4: Computers
- Category 5 Part 1: Telecommunications
- Category 5 Part 2: Information Security
- Category 6: Sensors and Lasers
- Category 7: Navigation and Avionics
- Category 8: Marine
- Category 9: Aerospace and Propulsion

To address MANPADS threat to Civil Aviation Participating States develop protection systems



Non-Listed Items or “Catch-all”

- Authorisation Required for Transfer of Non-Listed Dual-Use Items:
 - for destinations subject to binding arms embargoes, including UN
 - intended for military end-use (govt. informs or industry is aware of)
- Advisory Questions for Industry

Transparency: Specific Info Exchange

Arms Transfers Notifications:

- 8 categories, including SALW & MANPADS

Dual-Use Goods Notifications:

- licences denied
- transfers of sensitive & very sensitive items

Best Practices

Non-binding documents have been developed to fulfill WA purposes (responsible exports), e.g.:

- Objective Analysis
- End-use Assurances
- Catch-All
- Intangible Transfers of Technology (ITT)
- Small Arms & Light Weapons (SALW)
- MANPADS
- Arms Brokering

Elements for Objective Analysis

Criteria to evaluate whether a transfer might lead to destabilisation, e.g.:

- Assessment of motivation of the importing state
- Effect on regional balance of forces and general situation in the region
- Evaluation of political / economic situation in the importing state
- Risk of reverse engineering and of diversion, e.g. to terrorists

End-User Assurances

Essential Elements:

- Details on exporter and end-user
- Description of goods, quantity and value
- Indication of end-use & appropriate undertakings (no diversion / WMD)
- Documentation on end-user and original EUC

Plus:

Optional elements

End-Use Controls for Dual-Use Items

2007 Statement of Understanding:

- Applies Risk Management Principles to:
 - Pre-Licence Phase
 - Application Procedure
 - Post-Licence Phase
- Provides 4-page reference list of elements

Controls on ITT

- **Intangible Transfers of both dual-use and conventional weapons technology are also controlled:**
 - Technical information (blueprints, manuals, etc.)
 - Technical assistance (training, consultancy, etc.)

- **Transmission – both Electronic and Oral**

- **Focus on:**
 - National Legislation - definition & scope of controls
 - Industry and Academia
 - Require record-keeping, compliance checks
 - Promote awareness & self-regulation

Controls on Arms Brokering

Require licence:

- For brokering activities in Participating States
- For contracts on sale of arms and related military equipment
- Regardless of broker nationality
- Also between third countries

Small Arms and Light Weapons



- **Weapons of Choice for Terrorists**
- **Best Practice Guidelines**
 - End-User Profile Key to Control
 - Destroy / Mark discovered SALW
 - Maintain Comprehensive Inventories
 - Updated in 2007 to conform to UN

MAN-PORTABLE AIR DEFENCE SYSTEMS



- Serious Threat to Civil Aviation
- Estimates for numbers of "loose" MANPADS - up to 10,000
- Addressed by WA in 2003 "Elements for Export Controls of MANPADS" - amended in 2007

MANPADS



- Export only to governments or authorised agents
- No blanket licences
- No re-export without authorisation
- Secure storage in importing state
- New “control technology” for new models
- Aid in disposing of surplus stocks, including buy-back

Best Practice Guidelines to prevent destabilising transfers of SALW through air transport:

- It is recommended that export licenses involving the air transport of SALW only be considered valid when they include detailed information on the air carrier, aircraft, flight plan and freight forwarding agents to be used in the proposed export.

