

# **20<sup>th</sup> Asian Export Control Seminar**

**26-28 February 2013**

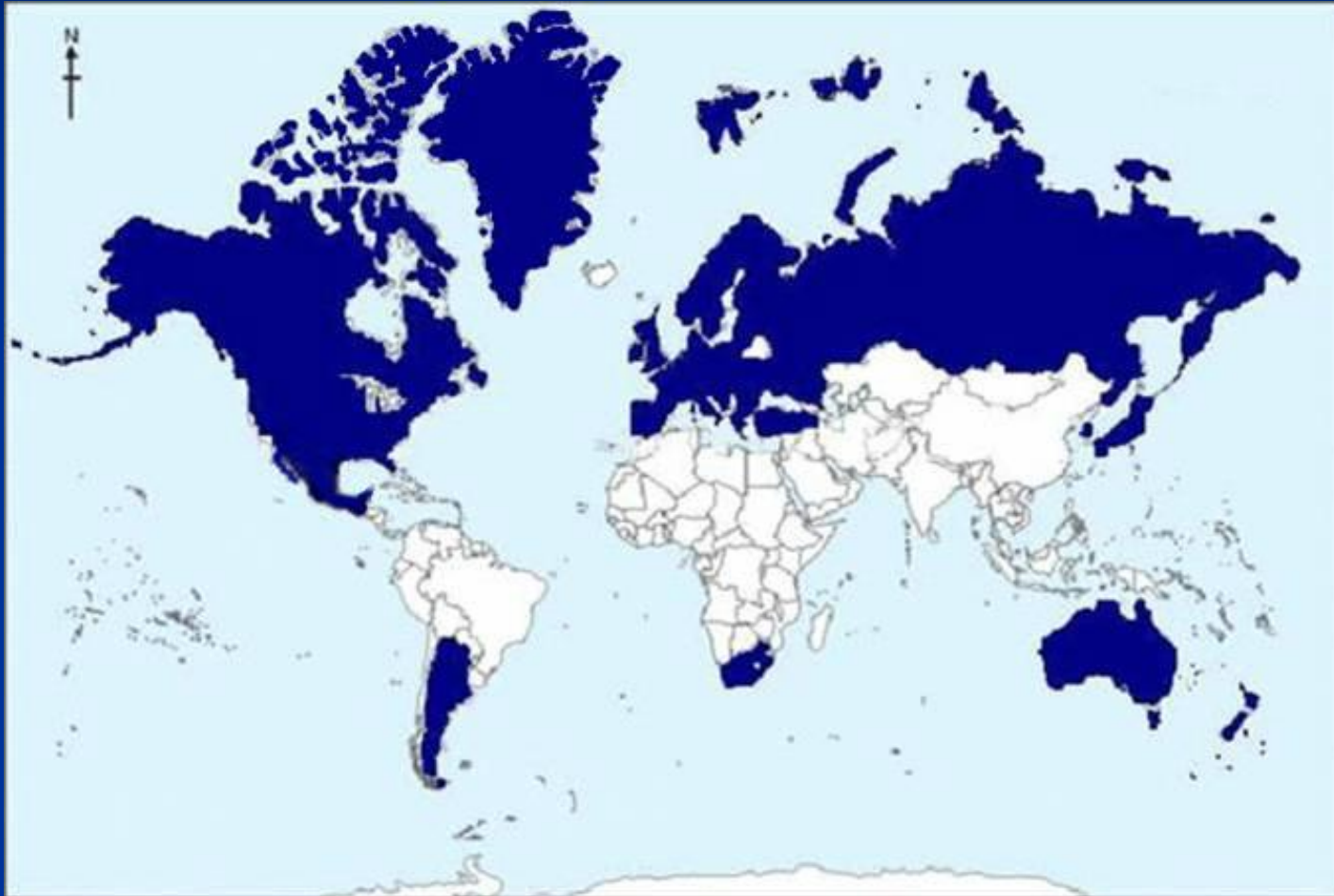
**Tokyo**



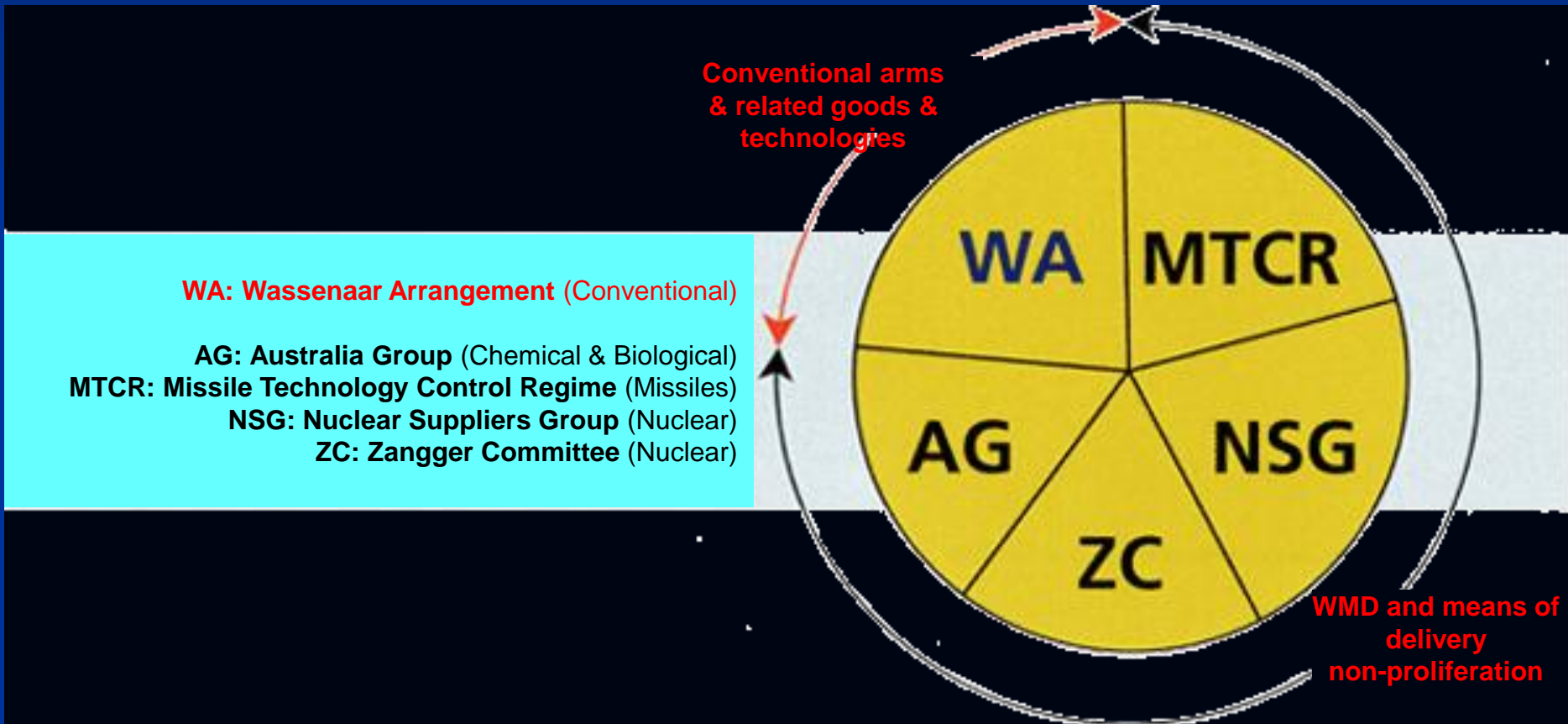
**Ambassador Philip Griffiths**

**Head of Secretariat**

# 41 Wassenaar Arrangement Participating States



# Where Does the W A Fit?



# PURPOSES

CONTRIBUTE TO REGIONAL AND INTERNATIONAL SECURITY AND STABILITY BY PROMOTING:

- TRANSPARENCY;
- GREATER RESPONSIBILITY IN TRANSFERS OF **CONVENTIONAL ARMS** AND **DUAL-USE GOODS & TECHNOLOGIES**, THUS PREVENTING DESTABILISING ACCUMULATIONS, AND
- PREVENTING ACQUISITION BY TERRORISTS

# WA Basic Commitments:

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



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

# Licences for/or Denials of Export of Controlled Items

- A National Decision,  
but Open to Scrutiny by WA Partners

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## Specific Information Exchange

- Notifications of Transfers and Denials

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## General Information Exchange

- Discussion of Risks and Concerns

# Control Lists

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

# Dual-Use List: 9 Categories

(Close to 1000 Items)

- Category 1: Special 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



# The Munitions List

## (Close to 300 Items)

- ML1. Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm
- ML2. Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm
- ML3. Ammunition for the weapons controlled by ML 1, ML 2 or ML 12
- ML4. Bombs, torpedoes, rockets, missiles, other explosive devices & charges
- ML5. Fire control, and related alerting and warning equipment
- ML6. Ground vehicles and components
- ML7. Chemical or biological toxic agents, "tear gases", radioactive materials
- ML8. "Energetic materials" (explosives, propellants...), and related substances
- ML9. Vessels of war, special naval equipment and accessories
- ML10. "Aircraft", UAVs, aero-engines and "aircraft" equipment

# The Munitions List (cont.)

- ML11. Electronic equipment, not controlled elsewhere on the Munitions List
- ML12. High velocity kinetic energy weapon systems
- ML13. Armoured or protective equipment
- ML14. Specialised equipment for military training or for simulating military scenarios, simulators
- ML15. Imaging or countermeasure equipment
- ML16. Forgings, castings and other unfinished products specially designed for any products controlled by ML1.to ML4., ML6., 9.,10., 12. or 19.
- ML17. Miscellaneous equipment (diving apparatus, Nuclear power generating equipment or propulsion equipment, including "nuclear reactors" ...)
- ML18. Equipment for the production of products referred to in the Munitions List
- ML19. Directed energy weapon systems
- ML20. Cryogenic and "superconductive" equipment,
- ML21. "Software",
- ML22. "Technology"

# WA Lists and the EU

- The Munitions List is included in the EU Common Military List (used for EU Common Rules [Ref: Common Position No. 2008/944] on Arms Transfers)
- The Dual-Use List is included in Annex 1 to EU Dual-Use Regulation (legally binding)

# Best Practices Documents

These are non-binding documents that have been developed to help Participating States (and others) put in place regulations and practices to implement responsible and effective export controls.

# Best Practice Guidelines on Internal Compliance Programmes (ICPs) for Dual-Use Goods and Technologies

- ICPs help exporters of goods and services to abide by national export controls
- WA Participating States agree to encourage exporters to develop and implement Internal Compliance Programmes, which can be a pre-condition for approval of general licences
- Size, organizational structure and other circumstances of the exporter will determine the nature of the ICP.

# Best Practice Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies (2)

- Elements for effective ICPs are set out in a rich annex covering:
  - Commitment to Compliance
  - Internal Organizational Structure
  - Export Screening Procedures
  - Shipment Control
  - Performance Review
  - Training
  - Record Keeping
  - Reporting and Corrective Action

# Best Practice Guidelines on Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems contained in Appendix 3 to the WA Initial Elements

- WA Participating States have agreed that government-to-government agreements, end-user assurances (EUC) and export licences will contain a re-export clause
- Subsequent transfers should require the prior authorization of the original exporting government
- Re-export to third parties of arms produced under licence should be consistent with agreements/EUCs/licences for transfer of production technology

# Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons

Questions for consideration by Participating States when they consider licensing applications:

- Participating States are encouraged to consider how arms transfers could influence civil armed conflicts; the risk of diversion to illicit trade; and whether a receiving state has an effective export control system and effective physical security for weapons storage
- 2011 amendments include:
  - Consideration of UN Security Council arms embargoes or other UNSC restrictions against a state or other states in the region;
  - Information provided on arms embargoes, the importing state's foreign and military policy, accumulation of arms in a particular state, or the intention to use force to resolve a dispute.



# Other Best Practices

Non-binding documents have been developed to fulfil WA purposes in other areas:

- End-Use Assurances
- Catch-All
- Small Arms & Light Weapons (SALW)
- Arms Brokering

# MADPADS Elements

(adopted in 2000, modified in 2003 and 2007)

- MANPADS should be exported only to governments
- Consent of exporting country required for re-exports
- Each transfer subject to an individual licence
- Observance of safety measures, including technical performance and/or launch control features
- Prudent procedures for secure disposal and destruction of excess MANPADS stocks
- WA ready to assist in MANPADS disposal

# 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

# WA Outreach

- The Arrangement conducts outreach to non-Participating States, industry and other interested groups to promote effective export controls and to explain how the WA operates.



[www.wassenaar.org](http://www.wassenaar.org)