# 27<sup>th</sup> ASIAN EXPORT CONTROL SEMINAR (Tokyo, 12-13 February 2020)

#### WASSENAAR ARRANGEMENT UPDATES

**Ambassador Philip Griffiths** 

Head of Secretariat

Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies



www.wassenaar.org

# **OUTLINE OF PRESENTATION**

- Brief Background
- Current Context
- Control Lists
- Information Exchange
- Best Practices
- Outreach

### **WA PURPOSES**

WA Participating States seek to 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
  - acquisition by terrorists

# WA PARTICIPATING STATES

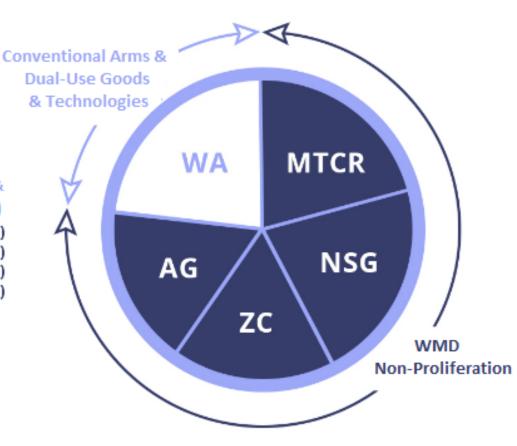
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# WASSENAAR ARRANGEMENT: Multilateral Export Control Regimes

WA: Wassenaar Arrangement (Conventional Arms & Dual-Use Goods & Technologies)

AG: Australia Group (Chemical and Biological)
MTCR: Missile Technology Control Regime (Missiles)
NSG: Nuclear Suppliers Group (Nuclear)
ZC: Zangger Committee (Nuclear)



# WASSENAAR ARRANGEMENT: INTERNATIONAL CONTEXT





United Nations Register of Conventional Arms



Transparency in the global reported arms trade.



THIRD REVIEW CONFERENCE

New York 18-29 June





# **WA BASIC COMMITMENTS**

# To Maintain Effective Export Controls at the National Level



# To Contribute to the WA's Collective Work

- Export Control Lists WA Munitions List and Dual-Use List
- General and Specific Information Exchange
- Best Practices, Elements and Procedures



**National Implementation** 

#### **WA STRUCTURE**

#### **Plenary - Overall decision-making body**

Chair: Greece 2019; Croatia 2020

## General Working Group - Policy and administrative issues

Chair: Turkey 2019; Ukraine 2020

# **Experts Group - Control Lists**

Chair: Latvia 2019-2020

# Licensing and Enforcement Officers Meeting - Practical implementation issues

Chair: United Kingdom 2017-2019; Italy 2020

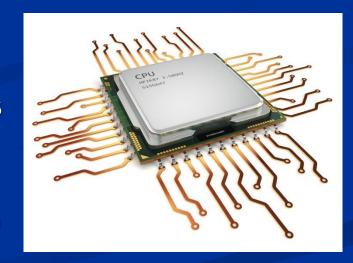
# WASSENAAR ARRANGEMENT Control Lists

Munitions List (approx. 300 entries in 22 categories)



 Including ammunition, parts and components, production equipment, technology, software

- Dual-Use List (over 1,000 entries in 9 categories)
  - Sensitive List (170 entries)
  - Very Sensitive List (80 entries)



 "Catch-all" principle - Non-listed dual-use items (national decision)

# **WA MUNITIONS LIST**

# Only one criterion for the selection of items:

the military specification

("specially designed or modified for military use")

# **DUAL-USE SELECTION CRITERIA**



Strategic relevance for export controls?

Major or key elements for ... conventional military capabilities, characterised by materials, components, performance, or other parameters

Feasibility of export controls?

Foreign availability
Objective specification
Controllability (available &
enforceable criteria)
No duplication of controls

### WA CONTROL LISTS: UPDATING

#### To keep pace with

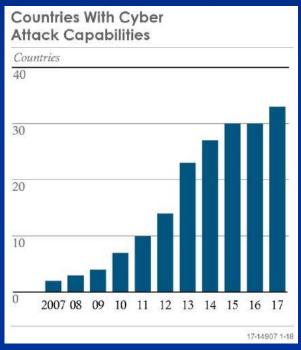
- advances in technology
- international security developments
- market trends

## WA Control List changes

- national proposals (Government experts consult with industry)
- changes approved by the
- WA Plenary in early December
- updated Lists published on WA website
- implemented nationally, including by an increasing number of non-WA countries

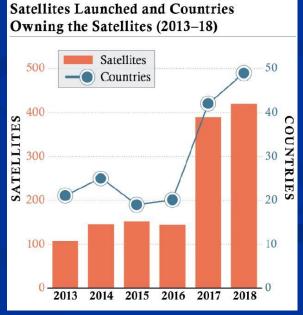
# WASSENAAR ARRANGEMENT New Challenges

Accelerating Pace of Technological Change



 Security Challenges in New Domains





#### **WA 2019 LISTS REVIEW**

 Some 288 papers were considered representing national proposals and working group outcomes

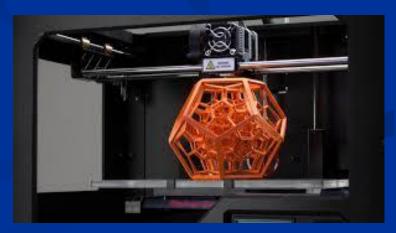
102 different proposals: ca. 52% agreed

# **WA CONTROL LISTS**

In recent years, the WA has focussed on emerging technologies of concern such as:

- Forensics equipment
- Cryptography and intrusion software
- Communications interception
- Drone (UAVs) jamming
- Additive manufacturing (3D printing)
- Spacecraft and space launch platforms





# Some Examples of 2019 List Changes: WA Dual-Use List - 5.A.4.b. — Digital Investigative Tools (new entry)



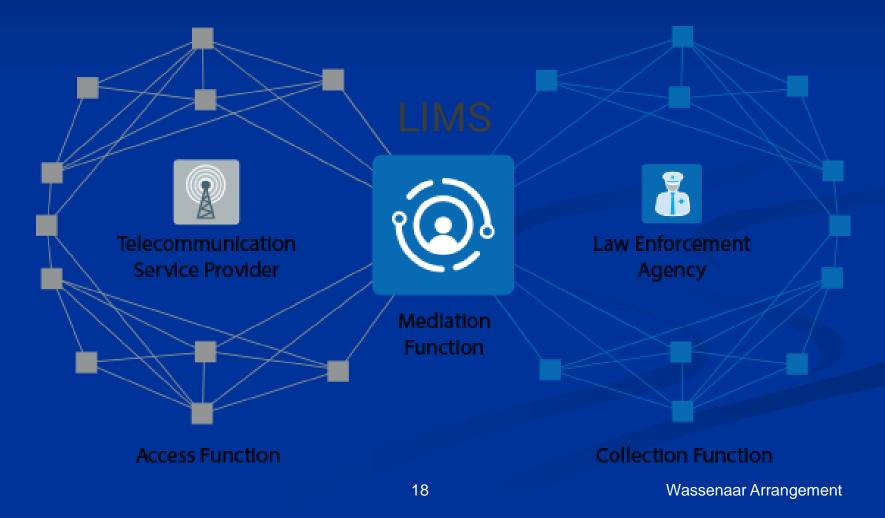


# Some Examples of 2019 List Changes: WA Munitions List - 21.b.5. Cyber Warfare Software (new entry)



# Some Examples of 2019 List Changes:

WA Dual-Use List - 5.D.1.e. -Software for Lawful Communications Monitoring (new entry)



# Some examples of 2019 List changes:

Dual-Use List - 9.A.4.h. – Sub-Orbital Vehicles (new entry)





# WA TRANSPARENCY MEASURES

# **General Information Exchange**

 Discussion of transfer risks and concerns in different parts of the world (i.e., suspicious acquisitions and possible diversions)

# **Specific Information Exchange**

 Six-monthly reporting of certain transfers and denials to non-WA members; other voluntary reporting of relevant export control decisions

WAIS – secure electronic communications network

# LICENSING & ENFORCEMENT OFFICERS MEETING (LEOM)

- Licensing and enforcement officers of WA
   Participating States share experiences of national implementation, including case studies and lessons learned
- Annual meeting in Vienna and intersessional contacts and networking

# WA BEST PRACTICES GUIDELINES



**PUBLIC DOCUMENTS** 

Volume III

**Compendium of Best Practice Documents** 

- Non-binding guidance for national export control policy and practice
- Some 25 best practices, elements and procedures
- Regular review and updating cycle

### BEST PRACTICES FOR IMPLEMENTING INTANGIBLE TRANSFER OF TECHNOLOGY CONTROLS

(Agreed at the 2006 Plenary)

Ensuring that control is exercised over intangible transfers of both dual-use and conventional weapons technology<sup>1</sup> (ITT) and is recognized by Participating States of the Wassenaar Arrangement as critical to the credibility and effectiveness of their domestic export control regime. As clear and precise control requirements facilitate effective export control implementation, the Participating States have adopted the following "best practices" for the implementation of export controls over intangible transfers of WA-controlled technology.

#### WA BEST PRACTICE GUIDELINES

#### Some Examples:

- Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons (1998, amended 2004, 2011)
- Best Practice Guidelines for Exports of Small Arms and Light Weapons (2002/2007)
- Statement of Understanding on Control of Non-Listed Dual-Use Items ("Catch-all") (2003)
- Implementing Intangible Transfers of Technology Controls (2006)
- Internal Compliance Programmes for Dual-Use Goods and Technologies (2011)
- Subsequent Transfer (Re-export) Controls for Conventional Weapons Systems (2011)
- Introduction to End-User/End-Use Controls for Exports of Military-List Equipment (2014)

### RECENT WA BEST PRACTICE GUIDELINES

#### <u>2015</u>

- Best Practice Guidelines for Transit or Transshipment
  - List of tools to help identify and mitigate the risk of illicit diversion
- Elements for the Effective Fulfilment of National Reporting Requirements

#### 2016

- Best Practices for Effective Export Control Enforcement (2000) updated
- Best Practices for Effective Legislation on Arms Brokering (2003)
   updated

#### 2018

List of Advisory Questions for Industry (2003) – updated

#### <u>2019</u>

- Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW) (2002, amended 2007) - updated
- Best Practices for Export Controls/Disposal of Surplus or Demilitarised Military Equipment (2000) - updated

### **WA OUTREACH IN 2019-2020**

- Bilateral dialogue/visits by invitation
- Collective briefings:
  - Enhanced Technical Briefing (Vienna, 18-19 June 2020)
  - Post-Plenary Briefing (Vienna, December 2020)
- Technical contacts with other multilateral export control regimes (e.g. MTCR, NSG)
- Contacts with other international/regional organisations
- Participation in other relevant events, including Government officials, industry and civil society, e.g.:
  - Asian Export Control Seminar, Tokyo
  - Arms Trade Treaty (ATT) CSP, Geneva

# **WA: OUTREACH**

# Broadening Outreach to Stakeholders (beyond industry)

Academia, research institutions



**Notice** 

Notice to exporters 2019/10: Export Control Order 2008 amended and control list updated

Published 30 June 2019



Export Control and Academia
Manual



The Export Control Joint Unit (ECJU) has amended the Export Control Order 2008.

Changes have been made to:

- main order Article 2(1) (interpretation)
- article 36 (offences relating to prohibitions and restrictions in the torture regulation)
- schedule 2 (military goods, software and technology)
- schedule 4 (countries and destinations subject to stricter export or trade controls)

Non-traditional exporters

# WASSENAAR ARRANGEMENT & THE ARMS TRADE TREATY (ATT)

- Wide-spread international acceptance of the need for export controls on conventional arms
- Alignment of purpose between the WA and the ATT
- WA members ready to share their experience and expertise with other countries

### **WA WEBSITE ENHANCEMENTS**

#### EL ARREGLO DE WASSENAAR Sobre Control de Exportaciones de Armas Convencionales y Productos y Tecnología de Doble Uso

INICIO QUÉ ES EL AW CONTACTOS NACIONALES LISTAS DE CONTROL MEIORES PRÁCTICAS OTROS DOCUMENTOS DIVULGACIÓN ENLACES RELACIONADOS





Los Estados P

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El Arreglo de Wassenaar se estableció con el fin de contribuir a la seguridad y la estabilidad en el ámbito regional e internacional, mediante la promoción de la transparencia y de una mayor responsabilidad en las transferencias de armas convencionales y de productos y tecnologías de doble uso, para evitar una acumulación desestabilizadora de estos obietos. El obietivo, de igual manera es prevenir que estos artículos lleguen a manos de

Best Practices for Export Controls / Disposal of Surplus or Demilitarised Military...

Statement issued by the Plenary Chair on

La versión en español del sitio web del Arregio de Wassenaar es proporcionada por el Gobierno de España. El idioma de trabajo del Arregio de Wassenaar es el inglés. En el caso de cualquier diferencia entre esta traducción y la versión original en inglés, esta última tiene autoridad. Cualquier consulta

#### L'ARRANGEMENT DE WASSENAAR

ACCUEIL À PROPOS CONTACTS NATIONAUX LISTES DE CONTRÔLE MEILLEURES PRATIQUES AUTRES DOCUMENTS RAYONNEMENT LIENS CONNEXES



#### ВАССЕНААРСКИЕ ДОГОВОРЕННОСТИ

ГЛАВНАЯ СТРАНИЦА О НАС НАЦИОНАЛЬНЫЕ КОНТАКТЫ КОНТРОЛЬНЫЕ СПИСКИ НАИЛУЧШИЕ ПРАКТИКИ ДРУГИЕ ДОКУМЕНТЫ АУТРИЧ ССЫЛКИ



Вассенаарские договоренности (ВЛ) были образованы для внесения вклада в обеспечение региональной и международной безопасности и стабильности посредством продвижения транспарентности и большей ответственности при передачах обычных вооружений, товаров и технологий двойного назначения, тем самым предотвращая дестабилизирующие накопления. Задачей ставится недопущение попадания такой продукции в руки

Государства-участники стре национальную политику га такой продукции не послу укреплению подрывающих потенциалов и не будут нез поддержку таких потенциа.

тепропистов

Для получения дополнител перейдите по ссылке О на

целей и принципов ВД.

Best Practices for Export Controls / Disposal of Surplus or Demilitarised Military...

Statement issued by the Plenary Chair on

Руссковзышная велсия веб-сайта Вассенаарских договоренностей представительством Российской Федерации при международных организациях в Вене. Рабочим языком в Вассенаарских договоренностях является английский. В случае любых расхождений между русскоязычной и

WASSENAAR ARRANGEMENT Zu Exportkontrollen für konventionelle Rüstungsgüter und Dual-Use-Güter (Waren, Software und Technologie)

HOME ÜBER UNS NATIONALE KONTAKTE KONTROLLLISTEN BEST PRACTICES WEITERE DOKUMENTE OUTREACH WEITERFÜHRENDE LINKS







L'Arrangement de Wassenaar a été mis en place afin de contribuer à la sécurité et à la stabilité régionales, en promouvant la transparence et une responsabilité accrue dans les transferts d'armes conventionnelles et de biens et technologies à double usage, afin de prévenir les accumulations déstabilisantes d'armements. Son but est également de prévenir l'acquisition de ces matériels par des terroristes.

Les Etats participants à l'Arrangement de Wassenaar cherchent, au travers de leurs politiques nationales, à s'assurer que les transferts de ces matériels ne contribueront pas au développement ou à l'accroissement de capacités militaires qui puissent affaiblir ces objectifs, et ne soient pas détournées pour soutenir de telles capacités

Pour plus d'informations, cliquez sur le lien à propos Cliquez ici pour accéder aux documents concernant les objectifs et principes de l'Arrangement de Wassenaar. Questions fréquemment posées (FAQ).

Statement issued by the Plenary Chair on 2019 Outcomes

Summary of Changes to Lists (Dec. 2018)

List of Advisory Questions for Industry (Dec. 2018)

List of Dual-Use Goods and Technologies & Munitions List (Dec. 2018)

Statement by the Plenary Chair on 2017 Outcomes, 7 Dec. 2017

LIRE LA SUITE

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Das Regime des Wassenaar Arrangement (WA) wurde geschaffen, um einen Beitrag zur regionalen und nternationalen Sicherheit und Stabilität zu leisten, indem Transparenz und ein verantwortungsvolleres Verhalten bei Exporten von konventionellen Rüstungsgütern und Dual-Use-Gütern (Waren, Software und Technologie) gefördert und auf diese Weise destabilisierende Waffenanhäufungen verhindert werden. Ziel dieses Regimes ist es auch, den Erwerb dieser Güter durch Terroristen zu verhindern.

Die Teilnehmerstaaten versuchen, über ihre nationale Politik zu verhindern, dass Exporte dieser Güter zur Entwicklung oder zum Ausbau militärischer Fähigkeiten beitragen, die diesen Zielsetzungen zuwiderlaufen, und zur Unterstützung derartiger Fähigkeiten umgeleitet werden.

Weitere Informationen finden Sie unter dem Link Über Klicken Sie hier, für weitere Dokumente zu den Zielen und

Grundsätzen des WA.

Häufig gestellte Fragen (FAQ).

Rest Practices for Export Controls / Disposal of Surplus or Demilitarised Military...

Statement issued by the Plenary Chair on 2019 Outcomes

List of Advisory Questions for Industry (Dec. 2018)

Summary of Changes to Lists (Dec. 2018)

List of Dual-Use Goods and Technologies & Munitions List (Dec. 2018)

WEITERLESEN

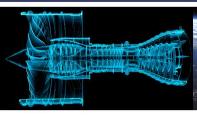
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#### THE WASSENAAR ARRANGEMENT

On Export Controls for Conventional Arms and Dual-Use Goods and Technologies

HOME ABOUT US NATIONAL CONTACTS CONTROL LISTS BEST PRACTICES OTHER DOCUMENTS OUTREACH RELATED LINKS











The Wassenaar Arrangement has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dualuse goods and technologies, thus preventing destabilising accumulations. The aim is also to prevent the acquisition of these items by terrorists.

Participating States seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities.

For more information, see the About Us link.

Click here, to see documents related to the goals and principles of the WA.

Frequently Asked Questions (FAQ).

#### Highlights

#### Statement issued by the Plenary Chair on 2019 Outcomes

#### List of Dual-Use Goods and Technologies & Munitions List (Dec. 2019)

#### Summary of Changes to Lists (2019)

#### Best Practice Guidelines for Exports of SALW

Best Practices for Export Controls / Disposal of Surplus or Demilitarised Military...

READ MORE

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#### **Introductory Video**



Wassenaar Arrangement Secretariat Vienna, Austria

CONTACT US



Wittenburg Castle – where agreement was reached in December 1995 to establish the Wassenaar Arrangement

Vienna - where the Wassenaar Arrangement holds its regular meetings and the Secretariat is located



# www.wassenaar.org