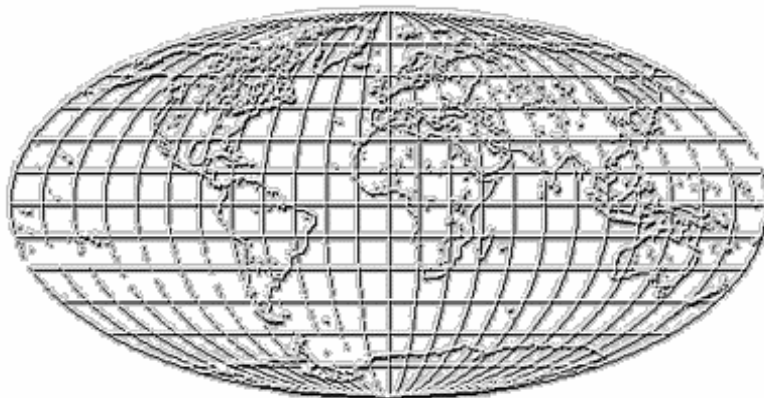


CLAVE

COALICION LATINOAMERICANA PARA LA PREVENCION
DE LA VIOLENCIA ARMADA



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



BASIC DOCUMENTS

Compiled by the Wassenaar Arrangement Secretariat
January 2006

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

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Preface

This is the sixth issue of the compilation of public documents updated by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The compilation is intended to outline the history and objectives of the Wassenaar Arrangement and to provide easy access to its basic documents. The List of Dual-use Goods and Technologies, and the Munitions List are not included in this compilation but the latest updated version is available on the Wassenaar Arrangement website at www.wassenaar.org.

The Wassenaar Arrangement Secretariat will update this compilation regularly, normally at the beginning of the year, so as to take into account decisions that may have been taken by the Plenary meeting the preceding year and made public.

Vienna, January 2006

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THE WASSENAAR ARRANGEMENT

(Agreed at the WA Plenary, December 1998)

The Wassenaar Arrangement (WA), the first global multilateral arrangement on export controls for conventional weapons and sensitive dual-use goods and technologies, received final approval by 33 co-founding countries in July 1996 and began operations in September 1996.

The WA was designed to promote transparency, exchange of views and information and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. It complements and reinforces, without duplication, the existing regimes for non-proliferation of weapons of mass destruction and their delivery systems, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest. This arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.

The Participating States seek through their national policies to ensure that transfers of arms and dual-use goods and technologies do not contribute to the development or enhancement of military capabilities that undermine international and regional security and stability and are not diverted to support such capabilities. The Arrangement does not impede bona fide civil transactions and is not directed against any state or group of states. All measures undertaken with respect to the Arrangement are in accordance with member countries' national legislation and policies and are implemented on the basis of national discretion.

The WA countries maintain effective export controls for the items on the agreed lists, which are reviewed periodically to take into account technological developments and experience gained. Through transparency and exchange of views and information, suppliers of arms and dual-use items can develop common understandings of the risks associated with their transfer and assess the scope for coordinating national control policies to combat these risks.

The Arrangement's specific information exchange requirements involve semi-annual notifications of arms transfers, currently covering seven categories derived from the UN Register of Conventional Arms. Members are also required to report transfers or denials of transfers of certain controlled dual-use items. Denial reporting helps to bring to the attention of members the transfers that may undermine the objectives of the Arrangement.

Information exchanged in the Arrangement can also include any other matters relevant to the WA goals that individual Participating States wish to bring to the attention of other members.

Participating States meet on a regular basis in Vienna, where the Arrangement has established its headquarters and a small Secretariat. Decisions are made by consensus.

The Arrangement is open on a global and non-discriminatory basis to prospective adherents that comply with the agreed criteria. To be admitted, a state must: be a producer/exporter of arms or industrial equipment respectively; maintain non-proliferation policies and appropriate national policies, including adherence to relevant non-proliferation regimes and treaties; and maintain fully effective export controls. Although the Arrangement does not have an observer category, a diverse outreach policy is envisaged in order to inform non-member countries about the WA objectives and activities and to encourage non-members to adopt national policies consistent with the objectives of greater transparency and responsibility in transfers of conventional arms and dual-use goods and technologies, maintain fully effective export controls and adhere to relevant non-proliferation treaties and regimes.

Genesis of the Wassenaar Arrangement

(Agreed at the 1998 Plenary, title amended at the 2005 Plenary)

In light of the end of the Cold War, members of the former COCOM export control regime recognised that COCOM's East-West focus was no longer the appropriate basis for export controls. There was a need to establish a new arrangement to deal with risks to regional and international security and stability related to the spread of conventional weapons and dual-use goods and technologies. Accordingly, on the 16th of November 1993, in The Hague, at a High Level Meeting (HLM), representatives of the 17 COCOM member states agreed to terminate COCOM, and establish a new multilateral arrangement, temporarily known as the "New Forum".

This decision was confirmed at a further HLM in Wassenaar, Netherlands on 29-30 March 1994. COCOM ceased to exist March 31, 1994. Participating States also agreed to continue the use of the COCOM control lists as a basis for global export controls on a national level until the new arrangement could be established. At this time the former COCOM cooperating countries, namely, Austria, Finland, Ireland, New Zealand, Sweden and Switzerland, were included as participating states in the "New Forum". With the objective of starting a new arrangement as soon as possible, three Working Groups were established. Working Group 1 was mandated to develop goals, rules and procedures for the new arrangement. Working Group 2 was tasked with developing the lists of goods and technologies that would be controlled, while the third Working Group was tasked to deal with administrative matters.

The Russian Federation, Czech Republic, Hungary, Poland, and the Slovak Republic were welcomed as participating states at the High Level Meeting held on 11-12 September 1995 in Wassenaar. With this major milestone accomplished, the Working Groups were urged to expedite their work.

Agreement to establish the "Wassenaar Arrangement" was reached at the HLM held on 19 December 1995, again in Wassenaar and this was announced with a declaration issued at the Peace Palace in The Hague. At this time there was also agreement to locate the Secretariat in Vienna and establish a Preparatory Committee of the Whole to prepare for the first plenary meeting.

The inaugural Plenary Meeting of the Wassenaar Arrangement was held 2-3 April 1996 in Vienna, Austria. Argentina, the Republic of Korea and Romania were welcomed as additional founding members. Consensus could not be reached on all issues, so the meeting was suspended to provide time to resolve the outstanding issues.

On 11-12 July 1996, the Plenary Meeting resumed, with Bulgaria and Ukraine participating, to make a total of 33 founding members. Final consensus on the "Initial Elements", the basic document of the WA, was reached and it was established that the new Control Lists and Information Exchange would be implemented from 1 November 1996. The first Plenary Meeting of the now operational Wassenaar Arrangement was held on 12-13 December 1996 in Vienna.

The Wassenaar Arrangement

on

Export Controls for Conventional Arms and

Dual-Use Goods and Technologies

Final Declaration

1. Representatives of Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States met in Wassenaar, the Netherlands, on 18 and 19 December 1995.
2. The representatives agreed to establish *The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies*.
3. The representatives established initial elements of the new arrangement, to be submitted to their respective Governments for approval.
4. They also established a Preparatory Committee of the Whole to start work in January 1996.
5. The representatives agreed to locate the Secretariat of *The Wassenaar Arrangement* in Vienna, Austria. The first plenary meeting will take place in Vienna on 2 and 3 April 1996.

The Peace Palace in The Hague, the Netherlands, on 19 December 1995.

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

**Guidelines & Procedures,
including the
Initial Elements**

(as amended and updated in 2003 and 2004)

**WA Secretariat, Vienna
December 2004**

Note: Text in *bold and italics* indicates amendments adopted at the 2003 Plenary as well those agreed in 2004.

Initial Elements

I. Purposes

As originally established in the Initial Elements adopted by the Plenary of 11-12 July 1996 and as exceptionally amended by the Plenary of 6-7 December 2001.

1. 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 dual-use goods and technologies, thus preventing destabilising accumulations. Participating States will 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.
2. It will complement and reinforce, without duplication, the existing control regimes for weapons of mass destruction and their delivery systems, as well as other internationally recognised measures designed to promote transparency and greater responsibility, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest.
3. This Arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States.
4. This Arrangement will not be directed against any state or group of states and will not impede bona fide civil transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves pursuant to Article 51 of the Charter of the United Nations.
5. In line with the paragraphs above, Participating States will continue to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations, as well as by individual terrorists. Such efforts are an integral part of the global fight against terrorism.¹

¹ This paragraph was added by the Plenary of December 2001.

II. Scope

1. Participating States will meet on a regular basis to ensure that transfers of conventional arms and transfers in dual-use goods and technologies are carried out responsibly and in furtherance of international and regional peace and security.
2. To this end, Participating States will exchange, on a voluntary basis, information that will enhance transparency, will lead to discussions among all Participating States on arms transfers, as well as on sensitive dual-use goods and technologies, and will assist in developing common understandings of the risks associated with the transfer of these items. On the basis of this information they will assess the scope for co-ordinating national control policies to combat these risks. The information to be exchanged will include any matters which individual Participating States wish to bring to the attention of others, including, for those wishing to do so, notifications which go beyond those agreed upon.
3. The decision to transfer or deny transfer of any item will be the sole responsibility of each Participating State. All measures undertaken with respect to the Arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.
4. In accordance with the provisions of this Arrangement, Participating States agree to notify transfers and denials. These notifications will apply to all non-participating states. However, in the light of the general and specific information exchange, the scope of these notifications, as well as their relevance for the purposes of the Arrangement, will be reviewed. Notification of a denial will not impose an obligation on other Participating States to deny similar transfers. However, a Participating State will notify, preferably within 30 days, but no later than within 60 days, all other Participating States of an approval of a licence which has been denied by another Participating State for an essentially identical transaction during the last three years.¹
5. *Participating States agree to work expeditiously on guidelines and procedures that take into account experience acquired. This work continues and will include, in particular, a continuing review of the scope of conventional arms to be covered with a view to extending information and notifications beyond the categories described in Appendix 3. Participating States agree to discuss further how to deal with any areas of overlap between the various lists.*
6. *Participating States agree to assess, on a regular basis, the overall functioning of this Arrangement.*

¹ This notification is applicable to items in the *Sensitive List and the Very Sensitive List*.

II. Scope (contd.)

7. *In fulfilling the purposes of this Arrangement as defined in Section I, Participating States have, inter alia, agreed to the following guidelines, elements and procedures as a basis for decision making through the application of their own national legislation and policies:*

- *“Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons” - adopted by the December 1998 Plenary*;*
- *“Statement of Understanding on Intangible Transfers of Software and Technology” – adopted December 2001;*
- *“Best Practice Guidelines for Exports of Small Arms and Light Weapons (SALW)” - adopted December 2002;*
- *“Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” - adopted December 2003;*
- *“Elements for Effective Legislation on Arms Brokering” – adopted December 2003;*
- *“Statement of Understanding on Control of Non-Listed Dual-Use Items” – adopted December 2003.*

III. Control Lists

1. Participating States will control all items set forth in the Lists of Dual-Use Goods and Technologies and in the Munitions List ² (see [Appendix 5](#)), with the objective of preventing unauthorised transfers or re-transfers of those items.
2. The List of Dual-Use Goods and Technologies (*Dual-Use List*) has two annexes: *1) sensitive items (Sensitive List) and 2) very sensitive items (Very Sensitive List)*.
3. The lists will be reviewed regularly to reflect technological developments and experience gained by Participating States, including in the field of dual-use goods and technologies which are critical for indigenous military capabilities. In this respect, studies shall be completed to coincide with the first revision to the lists to establish an appropriate level of transparency for pertinent items.

IV. Procedures for the General Information Exchange

1. Participating States agree to exchange general information on risks associated with transfers of conventional arms and dual-use goods and technologies in order to consider, where necessary, the scope for co-ordinating national control policies to combat these risks.

* This document was amended by the December 2004 Plenary.

² France, the Russian Federation and Ukraine view this list as a reference list drawn up to help in the selection of dual-use goods which could contribute to the indigenous development, production or enhancement of conventional munitions capabilities.

IV. Procedures for the General Information Exchange (contd.)

2. *In furtherance of this objective, and in keeping with the commitment to maximum restraint as a matter of national policy when considering applications for the export of arms and sensitive dual-use goods to all destinations where the risks are judged greatest, in particular to regions where conflict is occurring, Participating States also agree to exchange information on regions they consider relevant to the purposes of the Arrangement. These Regional Views should be based on, but not limited to, Section 2 of the “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons” (adopted by the 1998 Plenary*).*
3. A list of possible elements of the general information exchange on non-participating states is contained in Appendix 1.

V. Procedures for the Exchange of Information on Dual-Use Goods and Technology

1. Participating States will notify licences denied to non-participants with respect to items on the List of Dual-Use Goods and Technologies, where the reasons for denial are relevant to the purposes of the Arrangement.
2. For *the Dual-Use List*, Participating States will notify all licences denied relevant to the purposes of the Arrangement to non-participating states, on an aggregate basis, twice per year. The indicative content of these denial notifications is described in Appendix 2.
3. For items in the *Sensitive List and Very Sensitive List*, Participating States will notify, on an individual basis, all licences denied pursuant to the purposes of the Arrangement to non-participating states. Participating States agree that notification shall be made on an early and timely basis, that is, preferably within 30 days but no later than within 60 days, of the date of the denial. The indicative content of these denial notifications is described in Appendix 2.
4. For items in the *Sensitive List and Very Sensitive List*, Participating States will notify licences issued or transfers made relevant to the purposes of the Arrangement to non-participants, on an aggregate basis, twice per year. The indicative content of these licence/transfer notifications is described in Appendix 2.
5. Participating States will exert extreme vigilance for items included in the *Very Sensitive List* by applying to those exports national conditions and criteria. They will discuss and compare national practices at a later stage.

* This document was amended by the December 2004 Plenary.

6. Participating States agree that any information on specific transfers, in addition to that specified above, may be requested *inter alia* through normal diplomatic channels.

VI. Procedures for the Exchange of Information on Arms

1. Participating States agree that the information to be exchanged on arms will include any matters which individual Participating States wish to bring to the attention of others, such as emerging trends in weapons programmes and the accumulation of particular weapons systems, where they are of concern, for achieving the objectives of the Arrangement.
2. As an initial stage in the evolution of the new Arrangement, Participating States will exchange information every six months on deliveries to non-participating states of conventional arms set forth in Appendix 3, derived from the categories of the UN Register of Conventional Arms. The information should include the quantity and the name of the recipient state and, except in the category of missiles and missile launchers, details of model and type.
3. Participating States agree that any information on specific transfers, in addition to that specified above, may be requested *inter alia* through normal diplomatic channels.

VII. Meetings and Administration

1. Participating States will meet periodically to take decisions regarding this Arrangement, its purposes and its further elaboration, to review the lists of controlled items, to consider ways of co-ordinating efforts to promote the development of effective export control systems, and to discuss other relevant matters of mutual interest, including information to be made public.
2. Plenary meetings will be held at least once a year and chaired by a Participating State on the basis of annual rotation. Financial needs of the Arrangement will be covered under annual budgets, to be adopted by Plenary Meetings.
3. Working Groups may be established, if the Plenary meeting so decides.
4. There will be a secretariat with a staff necessary to undertake the tasks entrusted to it.
5. All decisions in the framework of this Arrangement will be reached by consensus of the Participating States.

VIII. Participation

The new Arrangement will be open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria in Appendix 4. Admission of new participants will be based on consensus.

IX. Confidentiality

Information exchanged will remain confidential and be treated as privileged diplomatic communications. This confidentiality will extend to any use made of the information and any discussion among Participating States.

General Information Exchange

Indicative Contents

The following is a list of possible principal elements of the general information exchange on non-participating states, pursuant to the purposes of the agreement (not all elements necessarily applying to both arms and dual-use goods and technology):

1. Acquisition activities
 - Companies/organisations
 - Routes and methods of acquisition
 - Acquisition networks inside/outside the country
 - Use of foreign expertise
 - Sensitive end-users
 - Acquisition patterns
 - Conclusions.
2. Export policy
 - Export control policy
 - Trade in critical goods and technology
 - Conclusions.
3. Projects of Concern
 - Description of the project
 - Level of technology
 - Present status of development
 - Future plans
 - Missing technology (development and production)
 - Companies/organisations involved, including end-user(s)
 - Diversion activities
 - Conclusions.
4. Other matters

Specific Information Exchange on Dual-Use Goods and Technologies

Indicative Content of Notifications

The content of denial notifications for *the Dual-Use List* will be based on, but not be limited to, the following indicative or illustrative list:

- From (country)
- Country of destination
- Item number on the Control List
- Short description
- Number of licences denied
- Number of units (quantity)
- Reason for denial.

Denial notification for items in the *Sensitive List and the Very Sensitive List* will be on the basis of, but not be limited to, the following indicative or illustrative list:

- From (country)
- Item number on the Control List
- Short description
- Number of units (quantity)
- Consignee(s)
 - Intermediate consignee(s) and/or agent(s):
 - Name
 - Address
 - Country
 - Ultimate consignee(s) and/or end-user(s):
 - Name
 - Address
 - Country
- Stated end-use
- Reason for the denial
- Other relevant information.

The content of notifications for licences/transfers in the *Sensitive List and the Very Sensitive List* will be based on, but not be limited to, the following indicative or illustrative list:

- From (country)
- Item number on the Control List
- Short description
- Number of units (quantity)
- Destination (country).

Specific Information Exchange on Arms
Content by Category

1. Battle Tanks

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high level of self-protection, weighing at least 16.5 metric tonnes unladen weight, with a high muzzle velocity direct fire main gun of at least 75 mm calibre.

2. Armoured Combat Vehicles

2.1 Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability designed, or modified and equipped:

2.1.1 to transport a squad of four or more infantrymen, or

2.1.2 with an integral or organic weapon of at least 12.5 mm calibre, or

2.1.3 with a missile launcher.

2.2 Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability specially designed, or modified and equipped:

2.2.1 with organic technical means for observation, reconnaissance, target indication, and designed to perform reconnaissance missions, or

2.2.2 with integral organic technical means for command of troops, or

2.2.3 with integral organic electronic and technical means designed for electronic warfare.

2.3 Armoured bridge-launching vehicles.

* This Appendix, which contains a modified Category 6, represents a further revision to the original Appendix 3 to the Wassenaar Arrangement Initial Elements adopted on 12 July 1996 and as amended at the 1999 and 2001 Plenaries.

3. Large Calibre Artillery Systems*

- 3.1 Guns, howitzers, mortars, and artillery pieces combining the characteristics of a gun or a howitzer capable of engaging surface targets by delivering primarily indirect fire, with a calibre of **75 mm** to 155 mm, inclusive.
- 3.2 Guns, howitzers, mortars, and artillery pieces combining the characteristics of a gun or a howitzer capable of engaging surface targets by delivering primarily indirect fire, with a calibre above 155 mm.
- 3.3 Multiple-launch rocket systems capable of engaging surface targets, including armour, by delivering primarily indirect fire with the calibre of **75 mm** and above.
- 3.4 Gun-carriers specifically designed for towing artillery.

4. Military Aircraft/Unmanned Aerial Vehicles

4.1 Military Aircraft:

Fixed-wing or variable-geometry wing aircraft which are designed, equipped or modified:

- 4.1.1 to engage targets by employing guided missiles, unguided rockets, bombs, guns, machine guns, cannons or other weapons of destruction.
- 4.1.2 to perform reconnaissance, command of troops, electronic warfare, electronic and fire suppression of air defence systems, refuelling or airdrop missions.

4.2 Unmanned Aerial Vehicles:

Unmanned aerial vehicles, specially designed, modified, or equipped for military use including electronic warfare, suppression of air defence systems, or reconnaissance missions, as well as systems for the control and receiving of information from the unmanned aerial vehicles.

"Military Aircraft" does not include primary trainer aircraft, unless designed, equipped or modified as described above.

* The threshold calibre parameter in sub-categories 3.1 and 3.3 was modified from 100 mm to 75 mm by decision of the December 2003 Plenary.

5. Military and Attack Helicopters

Rotary-wing aircraft which are designed, equipped or modified to:

- 5.1 engage targets by employing guided or unguided, air-to-surface, anti-armour weapons, air to sub-surface or air-to-air weapons, and equipped with an integrated fire-control and aiming system for these weapons.
- 5.2 perform reconnaissance, target acquisition (including anti-submarine warfare), communications, command of troops, or electronic warfare, or mine laying missions.

6. Warships*

Vessel or submarines armed and equipped for military use with a standard displacement of 150 metric tonnes or above, and those with a standard displacement of less than 150 metric tonnes equipped for launching missiles with a range of at least 25 km or torpedoes with a similar range.

7. Missiles or Missile Systems

Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 km, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories 1 to 6.

This category:

- 7.1 also includes remotely piloted vehicles with the characteristics for missiles as defined above;
- 7.2 does not include ground-to-air missiles.

8. Small Arms and Light Weapons – Man-Portable Weapons made or modified to military specification for use as lethal instruments of war

- 8.1 *Small Arms – broadly categorised for reporting purposes as: those weapons intended for use by individual members of armed forces or security forces, including revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.*

* The standard displacement parameter in this Category was modified from 750 to 150 metric tonnes by decision of the December 2002 Plenary.

- 8.2 *Light Weapons – broadly categorised for reporting purposes as: those weapons intended for use by individual or several members of armed or security forces serving as a crew and delivering primarily direct fire. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; and mortars of calibre less than 75 mm.*
- 8.3 *Man-Portable Air-Defence Systems – broadly categorised for reporting purposes as: surface-to-air missile systems intended for use by an individual or several members of armed forces serving as a crew.*

Participation

Criteria

When deciding on the eligibility of a state for participation, the following factors, *inter alia*, will be taken into consideration, as an index of its ability to contribute to the purposes of the new Arrangement:

- Whether it is a producer/exporter of arms or industrial equipment respectively;
- ***Whether it has taken the WA Control lists as a reference in its national export controls;***
- Its non-proliferation policies and appropriate national policies, including: Adherence to non-proliferation policies, control lists and, where applicable, guidelines of the Nuclear Suppliers Group, ***the Zangger Committee***, the Missile Technology Control Regime and the Australia Group; and through adherence to the Nuclear Non-Proliferation Treaty, the Biological and Toxicological Weapons Convention, the Chemical Weapons Convention and (where applicable) START I, including the Lisbon Protocol;
- Its adherence to fully effective export controls.

Lists of Dual-Use Goods and Technologies and Munitions List*

* For the most recent version of the *Lists of Dual-Use Goods and Technologies* and the Munitions List, see the Wassenaar Arrangement's website: www.wassenaar.org

WASSENAAR ARRANGEMENT

ELEMENTS FOR OBJECTIVE ANALYSIS AND ADVICE CONCERNING POTENTIALLY DESTABILISING ACCUMULATIONS OF CONVENTIONAL WEAPONS

EXPLANATORY NOTE

The 1998 Wassenaar Arrangement (WA) Plenary approved 3 December 1998 the paper, “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons.”

The paper was produced to examine what scope there is for increasing the relevant categories for reporting pursuant to paragraph II.5 of the Initial Elements and its goals. The paper could be useful in assisting WA Participating States during the deliberation process associated with considering transfers or denials.

The paper is of a non binding character; decisions on export licensing remain under national control of each WA Participating State.

The paper does not imply a fixed order of priority among the elements to be taken into account. Indeed the priorities among those elements may change depending upon specific issues under consideration.

The elements of the paper, which are framed generally in the form of questions, are not considered exhaustive. Participating States understand the document as a work-in-progress, to be elaborated further as experience is gained through the exchange of information and discussions within the WA, and as a result of constantly changing international circumstances.

ELEMENTS FOR OBJECTIVE ANALYSIS AND ADVICE CONCERNING

POTENTIALLY DESTABILISING ACCUMULATIONS OF CONVENTIONAL WEAPONS*

1. Assessment of Motivation of the State under Study

- a. What is the state's military doctrine? How do its weapons and their deployment posture fit with the implementation of the doctrine and/or meet national security requirements?
- b. What do we believe to be the motivation of the state in accumulating conventional weapons beyond its current holdings, either through import or national production? How are such weapons likely to be used? Does the state believe its accumulation of conventional weapons is necessary in the exercise of its right to self-defence in accordance with the UN Charter? Does the state wish to gain a tactical or strategic advantage, status or national prestige, improved indigenous production capability, a capability to reverse-engineer or entrance to the export market? If conventional weapons or military technology are being acquired through import, does the state provide valid and credible end-use/end-user or re-transfer assurances? Are there risks of diversion to unauthorised end-use/end-users?
- c. What are the general directions of the state's foreign policy? Is there a clearly identifiable risk that the state would use its weapons offensively against another country or in a manner inconsistent with the UN Charter; assert by force a territorial claim; or otherwise project power in a region?
- d. Are the quantities involved in the state's accumulation of conventional weapons inconsistent with its likely requirements, suggesting possible diversion to an unauthorised end-user or efforts to reverse-engineer?
- e. Is there a clearly identifiable risk that the weapons might be used for the violation and suppression of human rights and fundamental freedoms?

2. Regional Balance of Forces and the General Situation in the Region

- a. What is the nature of the relationship among the states of the region? Are there territorial claims or disputes among them, including questions of unlawful occupation with the intent of annexation? Are there economic, ethnic, religious or other disputes or conflicts among them? Are one or several states of the region prepared to use force or the threat of the use of force in a manner inconsistent with the UN Charter to resolve disputes with other states of the region?

* As amended by the December 2004 Plenary.

- b. What are the state's national security requirements? Is the state's accumulation of conventional weapons greater than that required by its legitimate defence and security interests? Does it represent an appropriate and proportionate response to a threat? Consider the balance of forces and relative capabilities (offensive and defensive) between and among neighbouring and regional states and their relative expenditure on defence. The following factors, *inter alia*, might be considered, both individually for each state and comparatively: Size of the armed forces of the state, including trained reserves; quantity of weapons and related military equipment in service and in store; technical characteristics of weapons; their level of performance and maintenance; level of combat-readiness of the troops, including the quality of training of military personnel and their morale; and whether the deployment and training of forces is best suited for offensive or defensive action.
- c. What would be the perception of the state's accumulation of conventional weapons by other states in the region? Would political, historical, territorial, geographic or logistic considerations cause the accumulation to be perceived as a direct threat or to be otherwise intimidating? Does the actual balance of forces in the region provide a sound basis for such a perception?
- d. Could the accumulation of conventional weapons lead to an increase in tension or instability in the region or to the exacerbation of an existing conflict? Would potential adversaries perceive a need to prepare, deploy, or use additional forces or countermeasures? In a crisis, would they perceive a need to risk using force first? Is the accumulation of conventional weapons difficult or impossible to counter by forces in the region? Given the relative capabilities of states in the region, would the accumulation of conventional weapons provide sufficient protection or defence to offensive assets in such a manner as to be perceived as destabilising?
- e. Would other states in the region wish to acquire (including through national production, if possible) similar quantitative or qualitative capabilities, or acquire offsetting capabilities? Could the accumulation of conventional weapons contribute to a destabilising regional arms race or to an accelerating process of competitive production or procurement?

3. Political/Economic Standing/Status of the State

- a. Has the state signed and/or ratified relevant international or regional agreements and treaties pertaining to arms control and limitation, non-proliferation, and confidence and security building? What is its record of compliance with those agreements and treaties? Does the state participate in the UN Register of Conventional Arms? Does the state comply with internationally-recognised human rights, anti-terrorism and non-proliferation norms? Does the state have the intention to develop weapons of mass destruction (WMD); does it possess WMD; what are its views on the use of WMD? What is the general nature of the state's political system and what is the level of internal stability? Is there a civil armed conflict?

- b. What is the state's military expenditure? What percentage of GDP does it spend on the military? Is the information it gives on its military expenditures open and accurate, or does it seek to conceal the true costs?
- c. Does the accumulation of conventional weapons by the state exacerbate an already economically insupportable burden of defence? Does it risk economic or social destabilisation, either nationally or regionally?

4. Operational Capability

Equipment

- a. How would the accumulation of conventional weapons by the state affect the regional balance of forces and the situation in the region? A particular import or procurement through national production of an individual weapon, weapon system or sub-system may not be destabilising *per se*, but it may have a potentially destabilising character in combination with other equipment.
- b. Would an additional conventional weapons acquisition, whether by import or through national production, introduce a new capability to the region?
- c. Would an additional conventional weapons acquisition, whether by import or through national production, supplement or replace existing equipment? Would it substitute for current forces? If an import, are construction and maintenance (equipment support/spares) deals included? What is the operational life of the equipment with and without provision of maintenance?
- d. Would an additional conventional weapons acquisition, whether by import or through national production, provide the state with an additional strategic capability? Consider weapon system characteristics that have greater inherent potential to be destabilising (e.g., because they enhance power projection; there are few or no countermeasures; they contribute to the infliction of strategic harm).
- e. Would an additional conventional weapons acquisition, whether by import or through national production, provide the state with new or otherwise increased quantitative or qualitative operational capabilities, or increased sustainability? Would it allow more effective operational use of existing military assets or a bypass of force weakness? If ammunition or missiles, will the quantities significantly enhance operational sustainability?

Manpower

- f. Is the additional conventional weapons acquisition, whether by import or through national production, appropriate given the manpower capabilities of the state? Consider equipment/manpower levels, training, combat experience and leadership/ morale.
- g. If acquired by import, is a training package being provided in conjunction with the import?
- h. Will the equipment itself enhance manpower effectiveness (e.g., simulators)?

5. Acquisition of Military Technology

- a. Would the acquisition of particular technology, whether by tangible or intangible means or by indigenous development, provide a substantial technological advantage to the state's military capability? How will it affect the regional balance of forces and overall regional situation?
- b. If by import, would the acquisition itself, or the terms of the deal, such as offset agreements, lead to an indigenous production capability?
- c. If by import, is a design or technology package being provided in conjunction with the acquisition?
- d. If by import, is there a possibility of reverse engineering, *inter alia*, does the acquisition involve components, spares or prototypes that can be reverse-engineered?

6. Other Factors

- a. Would an additional conventional weapons system, if acquired by import, put the exporter's national forces or those of its friends and allies or of a UNSC-approved operation at risk?
- b. Does the method used to import the additional conventional weapons raise concerns about how the weapons are likely to be used?
- c. Would the equipment or technology (including any training) be at risk of diversion to terrorist groups and organisations, as well as individual terrorists?*

* This paragraph was added by the Plenary of December 2004

Statement of Understanding¹
on
Intangible Transfers* of Software and Technology

(Agreed at 2001 Plenary)

Participating States recognise that it is important to have comprehensive controls on listed "software" and "technology", including controls on intangible transfers. National export control legislation should therefore permit controls on transfers of listed "software" and "technology" irrespective of the way in which the transfer takes place.** Participating States also recognise that it is important to continue the mutual exchange within the Wassenaar Arrangement on the experiences gained concerning the implementation and enforcement of these national provisions on the control of intangible transfers. New developments should thus be taken into account in order to meet all risks connected with this issue.

* "Transfers" in this context is understood in the sense of the Initial Elements. The term covers exports from one country to another.

** "irrespective of the way in which the transfer takes place" means, at a minimum:

- tangible transfers
- intangible transfers via transmission of listed software and technology by electronic media, fax or telephone.

¹ This Statement of Understanding was approved for inclusion in the Control Lists in 2001 and appears on page 204 of WA-LIST (05) 1 Corr.

Best Practice Guidelines for Exports of Small Arms and Light Weapons
(SALW)

(Agreed at the WA Plenary, December 2002)

I. Participating States of the Wassenaar Arrangement,

Having regard to the Initial Elements of the Wassenaar Arrangement; and in particular the objectives of:

- (i) greater responsibility in transfers of conventional arms;
- (ii) the prevention of destabilising accumulations of such arms; and
- (iii) the need to prevent the acquisition of conventional arms by terrorist groups and organisations, as well as by individual terrorists;

Bearing in mind the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (UNPOA), and, where appropriate, the relevant provisions of the 2000 OSCE Document and other regional initiatives that Participating States are party to,

Affirm that they apply strict national controls on the export of SALW, as well as on transfers of technology related to their design, production, testing and upgrading,

And agree that:

SALW exports will be evaluated carefully against the Wassenaar Arrangement Initial Elements and the Wassenaar document 'Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons' and any subsequent amendments thereto. In particular:

1. Each Participating State will, in considering proposed exports of SALW, take into account:
 - (a) The need to avoid destabilising accumulations of arms, bearing in mind the particular circumstances of the recipient country and its region;
 - (b) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts and details of the recipient within that country;
 - (c) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the suppression of terrorism, and on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;

- (d) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;
 - (e) The requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;
 - (f) Whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
 - (g) The legitimate domestic security needs of the recipient country;
 - (h) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations, OSCE or other relevant regional organisations with a peacekeeping mandate;
 - (i) The respect for human rights and fundamental freedoms in the recipient country;
 - (j) The risk of diversion or re-export in conditions incompatible with these Guidelines, particularly to terrorists.
2. Each Participating State will avoid issuing licences for exports of SALW where it deems that there is a clear risk that the small arms in question might:
- (a) Support or encourage terrorism;
 - (b) Threaten the national security of other States;
 - (c) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;
 - (d) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;
 - (e) Prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;
 - (f) Endanger peace, create an excessive and destabilising accumulation of small arms, or otherwise contribute to regional instability;

- (g) Contrary to the aims of this document, be either re-sold (or otherwise diverted) within the recipient country, re-produced without licence, or be re-exported;
- (h) Be used for the purpose of repression;
- (i) Be used for the violation or suppression of human rights and fundamental freedoms;
- (j) Facilitate organised crime;
- (k) Be used other than for the legitimate defence and security needs of the recipient country.

Furthermore,

3. Participating States agree to ensure, as far as possible, without prejudice to the rights of States to re-export SALW that they have previously imported, that the original exporting Participating State, in accordance with bilateral agreements, will be notified before re-export/re-transfer of those weapons.
4. Participating States agree that unlicensed manufacture of foreign-origin SALW is inconsistent with these Best Practice Guidelines.
5. Participating States will take especial care when considering exports of SALW other than to governments or their authorised agents.

II. In addition, The Participating States of the Wassenaar Arrangement,

Recognising that uncontrolled flows of illicit SALW pose a serious threat to peace and security, especially in areas beset by conflicts and tensions;

And noting that poorly managed stocks of SALW, which are particularly liable to loss through theft, corruption or negligence, pose a similar threat;

Agree that:

1. Participating States will take into account, as far as possible, the stockpile management and security procedures of a potential recipient, including the recipient's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion.
2. Participating States will support the following provisions concerning small arms marking, record keeping and co-operation:
 - (a) While it is for each Participating State to determine the exact nature of the marking system for SALW manufactured in or in use in its territory, Participating States agree to ensure that all small arms manufactured on their territory are marked in such a way as to enable individual small arms to traced.

The marking should contain information which would allow, at a minimum, identification of the year and country of manufacture, the manufacturer and the small arm's serial number which is unique to each weapon. All such marks should be permanent and placed on the small arms at the point of manufacture. Participating States will also ensure, as far as possible and within their competence, that all small arms manufactured under their authority outside their territory are marked to the same standard.

- (b) Should any unmarked small arms be discovered in the course of the routine management of their current stockpiles, they will destroy them, or, if those small arms are brought into service or exported, that they will mark them beforehand with an identifying mark unique to each small arm.
- (c) Each Participating State will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms.
- (d) Participating States resolve to assist each other, on request, in their efforts to identify and trace SALW and ammunition, which have been determined as illicit by the requesting State. Such co-operation will occur on a confidential basis.

3. Further, each Participating State will:

- (a) Ensure that these principles are reflected, as appropriate, in their national legislation and/or in their national policy documents governing the export of conventional arms and related technology.
- (b) Consider assisting other Participating States in the establishment of effective national mechanisms for controlling the export of SALW.
- (c) Put in place and implement adequate laws or administrative procedures to control strictly the activities of those that engage in the brokering of SALW and ensure appropriate penalties for those who deal illegally in SALW.

Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)⁽¹⁾

(Agreed at the 2003 Plenary)

Recognising the threats posed by unauthorised proliferation and use of Man-Portable Air Defence Systems, especially to civil aviation, peace-keeping, crisis management and anti-terrorist operations, Participating States affirm that they apply strict national controls on the export of MANPADS.

1. Scope.

1.1 These Elements cover:

- a) surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and
- b) other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

1.2 National export controls apply to the international transfer or retransfer of MANPADS, including complete systems, components, spare parts, models, training systems, and simulators, for any purpose, by any means, including licensed export, sale, grant, loan, lease, co-production or licensing arrangement for production (hereafter "export"). The scope of export regulation and associated controls includes research, design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, servicing, modification, upgrade, modernisation, operation, use, replacement or refurbishment, demilitarisation, and destruction of MANPADS; technical data, software, technical assistance, demonstration, and training associated with these functions; and secure transportation, storage. This scope according to national legislation may also refer to investment, marketing, advertising and other related activity.

1.3 Any activity related to MANPADS within the territory of the producing country is subject to national laws and regulations.

2. Control Conditions and Evaluation Criteria.

2.1 Decisions to permit MANPADS exports will be made by the exporting government by competent authorities at senior policy level and only to foreign governments or to agents specifically authorised to act on behalf of a government after presentation of an official EUC certified by the Government of the receiving country.

⁽¹⁾ This document is a revision of "Elements for Export Controls of MANPADS" adopted in December 2000. To see the previous version, visit the WA website: www.wassenaar.org

- 2.2 General licences are inapplicable for exports of MANPADS; each transfer is subject to an individual licensing decision.
- 2.3 Exporting governments will not make use of non-governmental brokers or brokering services when transferring MANPADS, unless specifically authorised to on behalf of the government.
- 2.4 In order to prevent unauthorised use, producer countries will implement technical performance and/or launch control features for newly designed MANPADS as such technologies become available to them. Such features should not adversely affect the operational effectiveness of MANPADS for the legal user.
- 2.5 Exporting governments in the Wassenaar Arrangement will report transfers of MANPADS as part of the Arrangement's Specific Information Exchange reporting requirements.
- 2.6 MANPADS exports will be evaluated in the light of the Wassenaar Arrangement Initial Elements and the Wassenaar document "Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons" and any subsequent amendments thereto.
- 2.7 Decisions to authorise MANPADS exports will take into account:
- Potential for diversion or misuse in the recipient country;
 - The recipient government's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion; and
 - The adequacy and effectiveness of the physical security arrangements of the recipient government for the protection of military property, facilities, holdings, and inventories.
- 2.8 Prior to authorising MANPADS exports, the exporting government will assure itself of the recipient government's guarantees:
- not to re-export MANPADS except with the prior consent of the exporting government;
 - to afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorised access or compromise;
 - to inform promptly the exporting government of any instance of compromise, unauthorised use, loss, or theft of any MANPADS material.

2.9 In addition, the exporting government will satisfy itself of the recipient government's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADS material, and disposal or destruction of excess stocks to prevent unauthorised access and use. The recipient government's national procedure designed to attain the requisite security include, but are not limited to, the following set of practices, or others that will achieve comparable levels of protection and accountability:

- Written verification of receipt of MANPADS shipments.
- Inventory by serial number of the initial shipments of all transferred firing mechanisms and missiles, if physically possible; and maintenance of written records of inventories.
- Physical inventory of all MANPADS subject to transfer, at least once a month; account by serial number for MANPADS components expended or damaged during peacetime.
- Ensure storage conditions are sufficient to provide for the highest standards of security and access control. These may include:
 - Where the design of MANPADS permits, storing missiles and firing mechanisms in locations sufficiently separate so that a penetration of the security at one site will not place the second site at risk.
 - Ensuring continuous (24-hour per day) surveillance.
 - Establishing safeguards under which entry to storage sites requires the presence of at least two authorised persons.
- Transport MANPADS in a manner that provides for the highest standards and practices for safeguarding sensitive munitions in transit. When possible, transport missiles and firing mechanisms in separate containers.
- Where applicable, bring together and assemble the principal components - typically the gripstock and the missile in a launch tube - only in the event of hostilities or imminent hostilities; for firing as part of regularly scheduled training, or for lot testing, for which only those rounds intended to be fired will be withdrawn from storage and assembled; when systems are deployed as part of the point defences of high priority installations or sites; and in any other circumstances which might be agreed between the receiving and transferring governments.
- Access to hardware and any related classified information will be limited to military and civilian personnel of the receiving government who have the proper security clearance and who have an established need to know the information in order to perform their duties. Any information released will be limited to that necessary to perform assigned responsibilities and, where possible, will be oral and visual only.
- Adopt prudent stockpile management practices that include effective and secure disposal or destruction of MANPADS stocks that are or become excess to national requirements.

- 2.10 Participating States will, when and as appropriate, assist recipient governments not capable of executing prudent control over MANPADS to dispose of excess stockpiles, including buying back previously exported weapons. Such measures are subject to a voluntary consent of the exporting government and the recipient state.
 - 2.11 Exporting governments will share information regarding potential receiving governments that are proven to fail to meet the above export control guarantees and practices outlined in paragraphs 2.8 and 2.9 above.
 - 2.12 To enhance efforts to prevent diversion, exporting governments will share information regarding non-state entities that are or may be attempting to acquire MANPADS.
3. Participating States will ensure that any infringement of export control legislation, related to MANPADS, is subject to adequate penalty provisions, i.e. involving criminal sanctions.
 4. The Participating States will exchange information and review progress related to the implementation of these steps regularly.
 5. Participating States agree to promote the application of the principles defined in these Elements to non-Wassenaar members.

**Statement of Understanding
on
Control of Non-Listed Dual-Use Items⁽¹⁾**

(Agreed at the 2003 Plenary)

Participating States will take appropriate measures to ensure that their regulations require authorisation for the transfer of non-listed dual-use items to destinations subject to a binding United Nations Security Council arms embargo, any relevant regional arms embargo either binding on a Participating State or to which a Participating State has voluntarily consented to adhere, when the authorities of the exporting country inform the exporter that the items in question are or may be intended, entirely or in part, for a military end-use.*

If the exporter is aware that items in question are intended, entirely or in part, for a military end-use,* the exporter must notify the authorities referred to above, which will decide whether or not it is expedient to make the export concerned subject to authorisation.

For the purpose of such control, each Participating State will determine at domestic level its own definition of the term “military end-use”.* Participating States are encouraged to share information on these definitions. The definition provided in the footnote will serve as a guide.

Participating States reserve the right to adopt and implement national measures to restrict exports for other reasons of public policy, taking into consideration the principles and objectives of the Wassenaar Arrangement. Participating States may share information on these measures as a regular part of the General Information Exchange.

Participating States decide to exchange information on this type of denials relevant for the purposes of the Wassenaar Arrangement.

⁽¹⁾ See also the List of Advisory Questions for Industry (page 53) agreed at the 2003 Plenary in conjunction with this SOU.

* Definition of military end-use
In this context the phrase military end-use refers to use in conjunction with an item controlled on the military list of the respective Participating State.

END-USER ASSURANCES COMMONLY USED

CONSOLIDATED INDICATIVE LIST

(Agreed at the 1999 Plenary; amended at the 2005 Plenary)

The following is a non-binding list of end-use assurances to be used by Participating States at their discretion.

Note: This Indicative List covers both the military pillar and the dual-use pillar

| Essential elements | Optional elements |
|---|--|
| 1. <u>Parties involved in the transaction</u> | 1. <u>Parties involved in the transaction</u> |
| 1.1. Exporter's details ¹ ; | 1.2 Intermediate consignee's details; |
| 1.4 End-user's details. In the case of an export to a firm which resells the goods on the local market, the firm will be regarded as the end-user | 1.3 Final consignee's details; |
| 2. <u>Goods</u> | 2. <u>Goods</u> |
| 2.1 A description of the goods being exported (type, characteristics) and/or reference to the contract number or order number concluded with the authorities of the final destination country | |
| 2.2 Quantity and/or value of the exported goods | |
| 3. <u>End-use</u> | 3. <u>End-use</u> |
| 3.1 Indication of the end-use of the goods; | |
| 3.2 An undertaking, where appropriate, that the goods being exported will not be used for purposes other than the declared use; and/or | |
| 3.4 An undertaking, where appropriate, that the goods will not be used in the development, production or use of the chemical, biological or nuclear weapons or for missiles capable of delivering such weapons. | 3.3 Provide an undertaking that the goods will be use for civil-end use; |

¹ Details of exporter/intermediate consignee/final consignee/end-user means name, business name, address, phone, fax, e-mail, website (if available)

| Essential elements | Optional elements |
|---|---|
| <p>4. <u>Location</u></p> | <p>4. <u>Location</u></p> <p>4.1 Provide certification that the goods will be installed at the premises of the end-user or will be used only by the end-user;</p> <p>4.2 The final consignee/end-user agrees to allow on-site verification;</p> |
| <p>5. <u>Re-export / Diversion</u></p> | <p>5. <u>Re-export / Diversion</u></p> <p>5.1 The final consignee's/end-user's undertaking not to tranship or re-export the goods covered by the End-use Certificate/Statement; and/or</p> <p>5.2 No re-exports without approval from the government of the original exporting country; and/or</p> <p>5.3 The final consignee's/end-user's assurance that any re-exports will be done under the authority of the final consignee's/end-user's export licensing authorities;</p> <p>5.4 The final consignee's/end-user's undertaking not to divert or relocate the goods covered by the End-use Certificate/Statement to another destination or location in the importing country;</p> |
| <p>6. <u>Delivery Verification</u></p> | <p>6. <u>Delivery Verification</u></p> <p>6.1 Provide a commitment by the final consignee to provide the exporter or the exporting government with proof of importation, upon request (e.g., provide a Delivery Verification Certificate (DVC));</p> |
| <p>7. <u>Documentation</u></p> <p>7.1 Signature, name and title of final consignee's/end-user's representative;</p> <p>7.4 Original End-user Certificate/Statement or legally certified copies;</p> | <p>7. <u>Documentation</u></p> <p>7.2 Signature and end-use certification by the final consignee's/end-user's government or other authority as to the authenticity of the primary details provided in the document</p> <p>7.3 If issued by the government authority, a unique identifying Certificate/Statement number;</p> <p>7.5 Validity terms and date of issue</p> |

BEST PRACTICES FOR DISPOSAL OF SURPLUS/DEMILITARISED MILITARY EQUIPMENT

(Agreed at the WA Plenary, 1 December 2000)

The following list of “best practices” for disposal of surplus military equipment (items that may or may not have been demilitarised) is drawn from the responses provided by Participating States on this subject and reflected in the matrix of national practices (WA-LEOM (99) SEC 10, Version 4.0, 23/05/2000). These practices are those actually followed or aspired to by Wassenaar Arrangement Participating States and are illustrative of effective export control over surplus/demilitarised military equipment.

1. Items of surplus military equipment (including small arms and light weapons), i.e., items designed for military use but no longer needed, remain subject to the same export controls as new equipment.
2. Safeguards are in place to prevent illicit resale and export of items of surplus military equipment that have been sold or otherwise transferred domestically.
3. Physical security measures and inventory controls are sufficient to prevent theft/diversion of items in storage.
4. Demilitarised equipment capable of being re-militarised is also subject to stringent export controls, in almost all cases identical to those controls applied to new military equipment.
5. The "Best Practices for Effective Enforcement" (WA-LEOM (00) CHAIR 6), including preventive enforcement, investigation, effective penalties, and international cooperation, are applied to ensure effective control of surplus/demilitarised military equipment.

Extreme Vigilance: Sub-set of Tier 2 (VSL) items

“Best Practices”

(Agreed at the WA Plenary, 1 December 2000)

Introduction

The Initial Elements (IE) called on Participating States to discuss and compare national practices concerning their commitment to exercise extreme vigilance for items included in the sub-set of Tier 2 (Very Sensitive List) by applying to those exports national conditions and criteria (IE V.5).

There follows a non-binding list of “best practices” with respect to export controls on VSL items.

“Best practices” does not necessarily imply “common practices.” Therefore, not all of the practices are presently followed by all Participating States. The list does represent, however, an amalgam of the export control practices followed with respect to VSL items by WA Participating States, consistent with national legislation and international law.

Extreme Vigilance for Sub-set of Tier 2 (VSL) items: “Best Practices”

1. Licences are granted on a case-by-case basis. Documentation required for the licence includes information concerning:
 - a. Identification/Description (type, quantity, value, weight)/ Specifications of item/Performance characteristics;
 - b. Applicant;
 - c. Purchaser; and
 - d. End-user (if different from purchaser) and end-use.
2. Consultations occur among relevant government agencies within the exporting country with respect to licence applications to export VSL items. During these consultations, the appropriateness of the quantity and technological level of the item to the stated end-use, and the bona fides of the end-user are among the criteria considered.
3. In order to determine, *inter alia*, the risk of diversion or unauthorized use, additional information on end-users may be gathered, as necessary, using appropriate means ranging from documentation to visitation (with the consent of the recipient country) prior to the licensing decision.
4. As a condition of any licence to export a VSL item, the following may be required:
 - a. Import Certification or end-user statement;
 - b. Assurance of no re-export without authorisation; and
 - c. Delivery Verification or other acknowledgement of delivery from the receiving Government.
5. As necessary, post-shipment verification may be carried out through appropriate means by the exporter, supplier or officials of the exporting country.

BEST PRACTICES FOR EFFECTIVE ENFORCEMENT

(Agreed at the WA Plenary, 1 December 2000)

The following list of “best practices” for effective export control enforcement were adopted by the Wassenaar Plenary as a non-binding amalgam of the enforcement practices followed by different Wassenaar Arrangement Participating States which are illustrative of an effective enforcement programme.

PREVENTIVE ENFORCEMENT

1. Use threat assessment techniques and procedures for evaluating parties involved in a proposed export transaction, paying particular attention to those considered to be suspicious, unreliable, or presenting a high risk of diversion.
2. Maintain a list of problem end-users to identify license applications deserving closer scrutiny.
3. Confirm the stated end-user and end-use of items to be exported prior to issuing an export license. As appropriate, this can be accomplished by several means, ranging from documentation to on-premise checks of the end-user and end-use.
4. Obtain assurances regarding the end-use and non re-export of licensed items, as appropriate.
5. Examine goods and the documentation required to be presented at point of export, using risk assessment techniques to aid selection. Detain suspect shipments and seize unauthorised or illegal exports, which may include those that are passing in-transit.
6. As necessary, confirm that exported goods have reached their intended destinations using appropriate means, ranging from documentation to on-site verification.
7. Conduct industry awareness programs to improve exporters’ understandings of the objectives and coverage of export controls, including controls on software and technology.
8. Seek voluntary compliance by industry. As appropriate, encourage development by industry of internal compliance programs.
9. Keep industry and the general public apprised of penalties for failure to comply, using, as appropriate, cases of successful prosecution as examples.

INVESTIGATIONS

10. Designate law enforcement responsibilities for detection, prevention, and punishment of violations of export control laws.
11. Provide adequate resources and training for enforcement officers.
12. Ensure that national laws and regulations have statutes of limitations sufficiently long to permit the detection and prosecution of export control violations.
13. Consistent with national laws, policies and regulations and on a mutually-agreed basis, including international agreements for legal and customs assistance, and mutually respecting national sovereignty, governments may cooperate in the investigation and prosecution of violations of export controls cases, by:
 - a. Furnishing relevant documents and items relating to violations;
 - b. Facilitating the availability of witnesses; and
 - c. Providing for the extradition of violators, consistent with treaty obligations.

EFFECTIVE PENALTIES

14. Establish effective penalties (including, as appropriate, criminal sanctions, civil fines, publicity and restriction or denial of export privileges) sufficient to punish and deter violations of export controls.

INTERNATIONAL COOPERATION/INFORMATION EXCHANGES

15. Consistent with national laws, policies and regulations and on a mutually-agreed basis, including international agreements for legal and customs assistance, governments may, as appropriate, share information bilaterally on persons and companies considered to present a high risk of diversion. Examples of information to share include:
 - a. Information obtained in the course of pre-license and post-shipment verifications; and
 - b. Information about export control prosecutions, convictions, and restrictions or denials of export privileges.
16. Consistent with national laws, policies and regulations, governments may, as appropriate, share information in the context of multilateral export control arrangements. Examples of information to share include:
 - a. General information on risks associated with destinations of concern;
 - b. Information on license denials;
 - c. Information on networks, agents, brokers and end-users of concern.
17. Senior enforcement officials may maintain, as appropriate, formal and informal information exchanges with their counterparts in member country governments.
18. Licensing and enforcement officials should respect the confidentiality of information received and should ensure that access to it is restricted to those officials who have been duly authorised.

STATEMENT OF UNDERSTANDING ON ARMS BROKERAGE

(Agreed at the WA Plenary, December 2002)

Taking into account the objectives of the WA as contained in the Initial Elements, Participating States recognize the importance of comprehensive controls on transfers of conventional arms, sensitive dual use goods and technologies. In order to accomplish these objectives, Participating States recognize the value of regulating the activities of arms brokers.

For the purpose of developing a WA policy on international arms brokering, Participating States will, in addition to continuing the elaboration and refining of criteria for effective arms brokering legislation and discuss enforcement measures, consider, *inter alia*, such measures as:

- Requiring registration of arms brokers;
- Limiting the number of licensed brokers;
- Requiring licensing or authorization of brokering; or
- Requiring disclosure of import and export licenses or authorizations, or of accompanying documents and of the names and locations of brokers involved in transactions.

Elements for Effective Legislation on Arms Brokering

(Agreed at the 2003 Plenary)

The Participating States of the Wassenaar Arrangement,

with reference to the Initial Elements and Participating States' fulfilment of the objectives and intentions of the Wassenaar Arrangement, in particular the objectives of:

- greater responsibility in transfers of conventional arms;
- the prevention of destabilising accumulations of conventional arms;
- the need to prevent the acquisition of conventional arms by terrorist groups and organisations, as well as by individual terrorists;

Bearing in mind the “Statement of Understanding on Arms Brokerage”, the “Best Practice Guidelines for Exports of Small Arms and Light Weapons” as adopted by the 2002 Wassenaar Plenary Meeting and the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” as adopted by the 2003 Wassenaar Plenary Meeting;

Recognising international commitments such as the 2001 “UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects”, and the relevant provisions of the 2000 OSCE Document and other regional initiatives that Participating States are party to, **and**

the statement of the President of the UN Security Council of 31 October, 2002 (on behalf of the Council) stressing the importance of further steps to enhance co-operation on the regulation of brokering activities;

Affirming that the purpose of these efforts is to avoid circumvention of the objectives of the Wassenaar Arrangement and UNSC arms embargoes by creating a clear framework for lawful brokering activities, and to enhance co-operation and transparency between Participating States;

Affirming also that they apply strict and comprehensive national controls on the transfer of conventional arms in order to contribute to regional and international security and stability,

agree to

strictly control the activities of those who engage in the brokering of conventional arms by introducing and implementing adequate laws and regulations. Applications for licences or authorisations should be carefully assessed in accordance with the principles and objectives of the Wassenaar Arrangement Initial Elements, the Wassenaar document “Elements for Objective Analysis and Advice concerning Potentially Destabilising Accumulations of Conventional Weapons” and any subsequent amendments thereto and, where applicable, the “Best Practice Guidelines for Exports of Small Arms and Light Weapons” and the “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)”. In order to ensure a common WA policy on arms brokering, each Participating State should include, consistent with its national legislation and practices, the following measures in its national legislation on arms brokering:

1. For activities of negotiating or arranging contracts, selling, trading or arranging the transfer of arms and related military equipment controlled by Wassenaar Participating States from one third country to another third country, a licence or written approval should be obtained from the competent authorities of the Participating State where these activities take place whether the broker is a citizen, resident or otherwise subject to the jurisdiction of the Participating State.

Similarly, a licence may also be required regardless of where the brokering activities take place.

Participating States may also define brokering activities to include cases where the arms and military equipment are exported from their own territory.

Participating States may also seek to limit the number of brokers.

2. Records should be kept of individuals and companies which have obtained a licence in accordance with paragraph 1. Participating States may in addition establish a register of brokers.
3. Adequate penalty provisions and administrative measures, i.e. involving criminal sanctions, should be established in order to ensure that controls of arms brokering are effectively enforced.
4. In addition, Participating States will enhance co-operation and transparency through:
 - (a) exchanging relevant information on arms brokering activities within the framework of the General Information exchange;
 - (b) assisting other Participating States on request in the establishment of effective national mechanisms for controlling arms brokering activities.
5. Where brokering provisions do not currently exist, Participating States will work without delay to introduce appropriate provisions to control arms brokering activities.
6. Participating States will report to the Plenary Meetings (first time in 2004) on the progress made in meeting the objectives of the Elements.

List of Advisory Questions for Industry⁽¹⁾

(Agreed at the 2003 Plenary)

The Wassenaar Arrangement Participating States decided at the Plenary 2003 to publish the following non-exhaustive list of questions on the WA website. The intended use for the list is to provide a guide for companies in any export situation. The answers to the questions below will give guidance to when suspicion should be raised and a contact with national export licensing authorities might be advisable.

1. Do you know your customer? If not, is it difficult to find information about him/her?
2. Is the customer or the end-user tied to the military or the defence industry?
3. Is the customer or the end-user tied to any military or governmental research body?
4. If you have done business with the customer before - is this a usual request for them to make? Does the product fit the business profile?
5. Does the customer seem familiar with the product and its performance characteristics or is there an obvious lack of technical knowledge?
6. Is the customer reluctant to provide an end-use statement or is the information insufficient compared to other negotiations?
7. Does the customer reject the customary installation, training or maintenance services provided?
8. Is unusual packaging and labelling required?
9. Is the shipping route unusual?
10. Does the customer order an excessive amount of spare parts or other items that are related to the product, but not to the stated end-use?
11. Is the customer offering unusually profitable payment terms, such as a much higher price?
12. Is the customer offering to pay in cash?

⁽¹⁾ This List was agreed in conjunction with a Statement of Understanding on Control of Non-Listed Dual-Use Items (see page 39).

CRITERIA FOR THE SELECTION OF DUAL-USE ITEMS

(as updated at the December 2005 Plenary)

Dual-use goods and technologies to be controlled are those which are major or key elements for the indigenous development, production, use¹ or enhancement of military capabilities². For selection purposes the dual-use items should also be evaluated against the following criteria:

- Foreign availability outside Participating States.
- The ability to control effectively the export of the goods.
- The ability to make a clear and objective specification of the item.
- Controlled by another regime³.

¹ Use means operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

² Controlled by the Munitions List.

³ An item which is controlled by another regime should not normally qualify to be controlled by the Wassenaar Arrangement unless additional coverage proves to be necessary according to the purposes of the Wassenaar Arrangement, or when concerns and objectives are not identical.

CRITERIA FOR THE SELECTION OF
DUAL-USE GOODS AND TECHNOLOGIES
FOR THE SENSITIVE LIST *

(as updated at the December 2004 Plenary)

Those items from the Dual-use List which are key elements directly related to the indigenous development, production, use or enhancement of advanced conventional military capabilities whose proliferation would significantly undermine the objectives of the Wassenaar Arrangement.

- N.B.*
1. *General commercially applied materials or components should not be included.*
 2. *As appropriate, the relevant threshold parameters should be developed on a case-by-case basis.*

* These criteria should not be construed as preventing Participating States from considering, in special circumstances, that controlled items warrant transparency for reasons associated with the objectives of the Wassenaar Arrangement.

CRITERIA FOR THE SELECTION OF
DUAL-USE GOODS AND TECHNOLOGIES
FOR THE VERY SENSITIVE LIST*

(as updated at the December 2004 Plenary)

Those items from the Sensitive List which are key elements essential for the indigenous development, production, use or enhancement of the most advanced conventional military capabilities whose proliferation would significantly undermine the objectives of the Wassenaar Arrangement.

N.B. As appropriate, the relevant threshold parameters should be developed on a case-by-case basis.

* These criteria should not be construed as preventing Participating States from considering, in special circumstances, that controlled items warrant extreme vigilance for reasons associated with the objectives of the Wassenaar Arrangement.

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

PRESS STATEMENT

Representatives of 33 States met in Vienna, Austria on 11 and 12 July 1996 and decided to implement the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

Bulgaria and Ukraine were welcomed as new participants and co-founders by Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States.

The purpose of the Arrangement reflected in the Initial Elements agreed to at the meeting, is to contribute to regional and international security by:

- promoting transparency and greater responsibility with regard to transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations;
- seeking through 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;
- complementing and reinforcing, without duplication, the existing control regimes for weapons of mass destruction and their delivery systems, as well as other internationally recognized measures designed to promote transparency and greater responsibility, by focusing on the threats to international and regional peace and security which may arise from transfers of armaments and sensitive dual-use goods and technologies where risks are judged greatest; and,
- enhancing cooperation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behavior of a state is, or becomes, a cause for serious concern to the Participating States.

This arrangement will not be directed against any state or group of states and will not impede bona fide civil transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves pursuant to Article 51 of the Charter of the United Nations.

Participating States will control all items set forth in the List of Dual-Use Goods and Technologies and the Munitions List with the objective of preventing unauthorised transfers or re-transfers of these items.

The decision to transfer or to deny a transfer of any item will be the sole responsibility of each Participating State. All measures undertaken with respect to the arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.

The participants agreed detailed arrangements for the creation of a Secretariat in Vienna to facilitate the future work of the Arrangement and agreed to a work program that will expand and enhance the Arrangement in ways that will further its central purposes.

The next Plenary of the Arrangement is scheduled for December, 1996 in Vienna.

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

PRESS STATEMENT

Representatives of the 33 Participating States of the Wassenaar Arrangement* held their second Plenary Meeting in Vienna, Austria on 12 and 13 December 1996.

They noted with satisfaction that all Participating States have now started work on the basis of the Arrangement's Initial Elements.

They reiterated that the central purpose of the Arrangement is to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. They recalled that all measures undertaken with respect to the Arrangement will be in accordance with national legislation and policies and will be implemented on the basis of national discretion.

Pursuing this purpose, the Participating States of the Wassenaar Arrangement exchanged information and views on the transfer of arms and dual-use goods and technologies to several regions of the world.

They took note of the recent United Nations Security Council Resolution 1076 (1996) which calls upon all states immediately to end the supply of arms and ammunition to all parties to the conflict in Afghanistan. In the course of the information exchange, it was established that, as a matter of national policy, none of the Participating States transfers arms or ammunition to those parties.

At the Plenary, Participants also discussed the need to promote world-wide adherence to responsible policies regarding transfers of conventional arms and dual-use goods and technologies through outreach to non-members.

The Participants of the Arrangement agreed on the programme of work and budget for 1997, adopted guidelines on confidentiality and provided for the Secretariat in Vienna to support the Arrangement's activities. They welcomed the completion in the nearest future of the premises of the Secretariat as well as the granting of legal status to the Secretariat by the Austrian authorities .

* The Participating States of the Wassenaar Arrangement are:

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

**Wassenaar Arrangement
On
Export Controls for Conventional Arms and
Dual-Use Goods and Technology**

December 10, 1997

Public Statement

1. The Wassenaar Arrangement on Export Control for Conventional Arms and Dual-Use Goods and Technologies (WA) was established in July 1996 by 33 Participating States.* Several meetings have been held since then in Vienna, Austria, where the Arrangement is based.
2. During the third Plenary Meeting, which was convened on December 9-10, 1997 under the chairmanship of Ambassador Sohlman (Sweden), the member countries reviewed progress with regard to the implementation of the Arrangement's tasks as defined in the *Initial Elements*. They noted with satisfaction that the Arrangement became fully operational in 1997 and began to play an important role in combating the risks associated with the destabilising accumulation of armaments and sensitive dual-use items, which may undermine international and regional security.
3. The Participating States considered global arms flows and heard information that in 1995 and 1996 non-Wassenaar States imported annually around US \$ 15 billion worth of military equipment. They looked forward to exchanging further information of this nature.
4. The Participating States reaffirmed their commitment to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. They acknowledged the usefulness of sharing information as is done in the non-proliferation regimes. On the basis of views and information exchanged on international arms transfers, they noted potentially destabilising acquisitions of armaments in certain regions.
5. Participating States agreed to conduct a study on criteria for assessing destabilising weapons accumulations. The study will in particular consider what scope there is for increasing the relevant categories for reporting pursuant to paragraph II.5. of the Initial Elements and its goals. The results of the study will be reported to the next Plenary.

* The Participating States of the Wassenaar Arrangement are:

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.

Participating States agreed to establish a voluntary process for notifications that go beyond the current 7 categories of arms.

6. The Arrangement agreed to amendments to its Lists to take into account technological developments since the establishment of the Arrangement in 1996. It was further agreed to develop criteria for the selection of sensitive dual-use goods and technologies. The List Review will start in 1998.
7. The Participants reiterated the need to exercise maximum restraint when considering licences for the export of sensitive items to all destinations where the risks are judged greatest.
8. They welcomed the interest demonstrated by the international community in WA activities and noted with satisfaction that the Arrangement is now being widely recognised. In particular, the Participating States acknowledged the support for the Arrangement expressed by the Summit of the Eight in Denver (June 1997).
9. They further noted with appreciation the efforts being undertaken by other multilateral export control arrangements and international organisations to contribute to international security and stability through promoting greater responsibility in the transfer of arms and sensitive technologies. In particular, they welcomed the initiatives of the Organisation of American States regarding the convention on firearms and regional arms transparency, the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and other similar encouraging international efforts. In this respect they welcomed and encouraged the initiative of the West African countries in establishing a moratorium on import, export and manufacture of light weapons.
10. Participants exchanged views on means to promote world-wide adherence to responsible policies regarding transfers of conventional arms and dual-use goods and technologies through outreach contacts with non-members. They further appeal to all non-members to support the goals of the Arrangement and agreed to provide more transparency with respect to the activities of the Arrangement through establishing dialogue with these countries as well as with relevant international organisations.
11. Recognising the important role of the Arrangement in contributing to international security and stability, the Participants agreed on the 1998 work programme and budget that provide the necessary organisational basis to further strengthen the functioning of the WA.

WASSENAAR ARRANGEMENT
ON
EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES
VIENNA, DECEMBER 3, 1998
PUBLIC STATEMENT

1. The fourth Plenary meeting of the Wassenaar Arrangement (WA) was held December 2-3, 1998 under the chairmanship of Ambassador Staffan Sohlman (Sweden).
2. The Plenary took note of the work carried out in 1998. Participating States considered a number of issues relevant to the WA's purposes, including information on: arms and sensitive technology flows to regions in conflict or otherwise of concern; issues related to specific projects, programmes and end-users of concern; and on diversions and unauthorised transshipments. Participating States also examined global arms import trends and sensitive emerging technologies.
3. Participating States noted with satisfaction the increasing amount of information being exchanged in the WA, allowing them more effectively to develop common understandings of the risks associated with the transfer of arms or sensitive dual-use goods and technologies. The information exchange process is designed to help Participating States achieve the purposes of the WA, *inter alia*, to promote transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. On the basis of information exchanged, Participating States assess the scope for coordinating national control policies to combat the risks associated with transfers. The WA will seek in 1999 to enhance further the value and effectiveness of its information exchange.
4. The WA in 1999 will undertake its first assessment of the overall functioning of the Arrangement, as specified in the Initial Elements. Participating States approved the basic scope and procedures for the assessment.
5. Participating States discussed arms flows to a number of regions where conflict is occurring. Participating States are committed to exercising, as a matter of national policy, maximum restraint when considering licences for the export of arms and sensitive dual-use items to all destinations where the risks are judged greatest, in particular to regions in conflict, and to maintaining national policies consistent with the purposes and objectives of the WA and with relevant decisions adopted by United Nations Security Council and/or other international organisations to which the Participating States may belong.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States. Meetings are held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, the Republic of Korea, Portugal, Romania, Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States.

6. Participating States approved a study paper on criteria for assessing destabilising weapons accumulations entitled, "Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons." This document, with an explanatory note, is attached.
7. The Plenary authorised further work in the Wassenaar Arrangement on arms transparency, building on the work already undertaken, recognizing the requirement to assess in 1999 the overall functioning of the WA based upon the relevant provisions of the Initial Elements, including paragraph II.5, and the goals of the WA.
8. The WA agreed control list amendments to take into account recent technological developments. The amendments to the lists included elimination of coverage of commonly available civil telecommunications equipment as well as the modernisation of encryption controls to keep pace with developing technology and electronic commerce, while also being mindful of security interests. Participating States also discussed the potential need for the WA and national export control authorities to respond quickly and effectively to the emergence of new technologies.
9. Participating States acknowledged initiatives undertaken in other fora that could be relevant to the WA's objectives. The WA will seek to maintain or establish appropriate contacts with such fora, in order to advance mutual goals and interests and to avoid duplication of effort.
10. The Wassenaar Arrangement welcomed the October 31 Declaration of a Moratorium on the Importation, Exportation and Manufacture of Light Weapons by ECOWAS (Economic Community of West African States) member states. Participating States will undertake an appropriate collaborative role with ECOWAS member states to respect the provisions of the Moratorium and will be open to providing advisory and/or technical assistance in the implementation of the Moratorium.
11. In view of the significant negative impact that excessive accumulations of small arms and light weapons have had in recent, largely sub-national conflicts, and the relevance this has to the WA's objectives, Participating States recognised the importance of implementing responsible export policies and maintaining effective export controls with respect to small arms and light weapons. In particular, they affirmed the importance of exercising vigilance over any transfers of small arms and light weapons to areas of conflict and to prevent their diversion to such areas.

Participating States recognized the utility of exchanging information on issues such as diversionary routes and end-users as a means of helping national enforcement authorities to reduce illicit arms trafficking.

Participating States have taken note of the efforts of a number of international fora that are seeking to contribute to the prevention of excessive accumulations of small arms and light weapons. To increase mutual understanding and to avoid duplication of effort, the WA will be active in communicating to other relevant fora Participating States' commitment to responsible transfer policies and effective export controls on small arms and light weapons. The WA invites other fora to provide relevant information on their activities to the WA.

12. The Participating States confirm that they share the concerns regarding the threat to civil aviation posed by the illicit possession of Man Portable Air Defense Systems (MANPADS) and recognize the need for appropriate measures to prevent such possession. In this connection, the Participating States have agreed to continue the discussion of this issue. In particular, they will consider their national practices and possibly develop guidelines and will report the results of this work to the 1999 Plenary. The Participating States call on all the non-participating end-user States to strengthen their national controls on MANPADS in order to avoid their unauthorised possession and use.
13. Participating States examined technical aspects of their export controls, such as controls on the most sensitive dual-use items, end-use assurances and disposal of surplus military equipment. These discussions are designed to assist Participating States to bring their export controls on arms and sensitive dual-use items to the most effective levels possible.
14. Participating States exchanged views on means to promote, through their outreach contacts with non-Participating States, global adherence to responsible policies and effective controls with respect to international non-proliferation objectives and arms and dual-use transfers. The Plenary reaffirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria.
15. In 1998, the WA completed its secretariat structure by appointing Ambassador Luigi Lauriola (Italy) as the Head of the Secretariat of the Wassenaar Arrangement.

PUBLIC STATEMENT FOR 1999 PLENARY

The fifth Plenary meeting of the Wassenaar Arrangement (WA) was held December 1-3, 1999 under the chairmanship of Ambassador Staffan Sohlman (Sweden).

The Plenary discussed the work carried out in 1999 on a number of issues relevant to the WA's purposes, including: information sharing on arms and sensitive technology flows to regions in conflict or otherwise of concern; issues related to specific projects, programmes and end-users of concern; and on diversions and unauthorised transshipments. Participating States also examined global arms import trends and sensitive emerging technologies.

Participating States reaffirmed their commitment to maintain responsible national policies consistent with the purposes and objectives of the Wassenaar Arrangement; and to maximum restraint as a matter of national policy when considering licensing for the export of arms and sensitive dual-use items to all destinations, where the risks are judged greatest, in particular to regions where conflict is occurring. They noted with concern continuing illicit arms flows to zones of conflict, including to states and parties subject to mandatory UNSC arms embargoes. They also noted with concern licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement. They decided to continue, on the basis of information exchanged, their discussion of regions where the risks are judged greatest with a view to enhancing the effectiveness of the Wassenaar Arrangement, taking into account the right to self defence of legitimate governments.

The Plenary reiterated its encouragement that Participating States undertake an appropriate collaborative role with ECOWAS Member States to respect the provisions of the ECOWAS Moratorium, and consider providing advisory and/or technical assistance in the implementation of the Moratorium.

Participating States confirmed that they share the concerns regarding the threat to civil aviation, peace-keeping, crisis management, and anti-terrorist operations posed by the illicit possession of Man Portable Air-Defence Systems (MANPADS) and recognised the need for appropriate measures to prevent such possession. In this connection, Participating States agreed to continue discussion of this issue, in particular, with a view to possible development of guidelines.

In addition to its regular annual review, the Plenary concluded the first overall Assessment of the functioning of the Arrangement, which was carried out over the past year in accordance with the 1996 decision by Participating States. The Plenary drew a number of conclusions from this assessment.

Participating States agreed that Wassenaar Arrangement objectives remain valid as laid down in the Initial Elements. It was also agreed that, in line with these goals, the WA should continue to contribute to preventing circumvention of export controls, *inter alia*, by terrorist or organised criminal groups that seek to acquire armaments and dual-use items.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, the Republic of Korea, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States.

Participating States agreed to improve the efficiency and effectiveness of the General Information Exchange.

Participating States, while deciding not to revise the WA Initial Elements at this point, reaffirmed again the evolutionary nature of the WA, noting the provisions in the Initial Elements for review of particular issues outside an overall assessment.

Participating States, having analysed the agreed criteria for assessing destabilising accumulations of weapons and proposals to improve arms transparency, agreed to elaborate reporting requirements for the exchange of information on arms deliveries. (An amended version of Appendix 3 to the Initial Elements is attached).

Participating States continued to consider and discuss the question of small arms and light weapons transfers, and their illicit trafficking. They reaffirmed the importance of implementing responsible export policies and maintaining effective export controls with respect to small arms and light weapons, and decided to study the issue further as a matter of urgency.

Whilst acknowledging the current practice of voluntary reporting on arms transfer denials on an individual basis and undercuts of such denials, Participating States agreed to study the value of reporting such transfers and denials.

Recognising that the level of transparency in the dual-use pillar is already advanced, Participating States decided to study the possible inclusion of end-user data in denial notifications of Tier One items on the list of dual-use goods and technologies, and of items on Tier Two and its subset of Very Sensitive items.

Participating States agreed to certain control list amendments. They also agreed that the lists should continue to be updated in a timely manner and in accordance with Wassenaar procedures to keep them relevant to security, technological and commercial developments.

Participating States recognised it is important to have comprehensive controls of listed “software” and “technology”, including controls on intangible transfers. Participating States also recognised that it is important to continue deepening WA understanding of how and how much to control those transfers. In this context, Participating States agreed that the possibility of taking national measures should be considered.

Participating States affirmed that there should be strong, effective, transparent and national law-based enforcement of export controls. The elements of export control enforcement include a preventive programme, an investigatory process, penalties for violations and international cooperation.

Participating States reaffirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria for participation.

Participating States agreed to work actively with non-Participating States with a view to contributing to the ability of non-participants to implement responsible national export control policies in line with WA purposes, to establish and enforce effective national export control systems, and to provide support, as appropriate, in meeting criteria for membership by non-Participating States.

It was also agreed that an information exchange at the political/institutional level with other international fora dealing with issues similar to the WA's may be developed not only concerning the areas and nature of each other's activities to avoid duplication of work, or to facilitate complementarity, but also concerning parallel or even joint actions, after comprehensive coordination and preparation.

Members of the Plenary expressed their sincere thanks to Ambassador Staffan Sohlman for his major contributions to the work of the Wassenaar Arrangement during his term in office as Chairman.

The next WA Plenary regular meeting is to be held in Bratislava in November/December 2000. Ambassador Alojz Némethy (Slovakia) will assume the chairmanship as of 1 January 2000.

Vienna, December 3rd, 1999

Public Statement

THE SIXTH PLENARY OF THE WASSENAAR ARRANGEMENT

The sixth Plenary meeting of the Wassenaar Arrangement (WA) was held in Bratislava, 30 November – 1 December, 2000, under the chairmanship of Ambassador Alojz Nemethy (Slovak Republic).

The Foreign Minister of Slovakia, Mr. Eduard Kukan, as host of the Plenary meeting, welcomed participants to Bratislava. He stressed the importance that Slovakia attached to the Wassenaar Arrangement. He also emphasised that the gradual building of mutual trust and broader transparency, which was crucial in today's world, would ensure achieving the common objectives of the Wassenaar Arrangement Initial Elements.

Participating States took note of work done over the year by the General Working Group to improve the efficiency of the General Information Exchange in accordance with the conclusions reached at the 1999 Plenary.

Participating States reaffirmed their commitment to maintain responsible national policies in the licensing of exports of arms and sensitive dual-use items. They noted with concern illicit arms flows to zones of conflict and areas covered by UNSC embargoes, as well as licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement.

Participating States agreed to continue consideration of practical arms control measures, including of an appropriate collaborative role with ECOWAS member states to respect the provisions of the ECOWAS Moratorium, and of providing advisory and/or technical assistance in the implementation of the Moratorium. They expressed support for the UNSC's efforts to prevent illegal arms transfers to the UNITA forces in Angola.

Participating States reaffirmed their concern about the threat posed by the illicit possession and use of Man Portable Air-Defence Systems (MANPADS) and agreed on elements of export controls* on such weapons.

The Plenary reaffirmed the importance of responsible export policies towards, and effective export controls over, small arms and light weapons to prevent destabilising accumulations. Participating States would continue to share information and explore practical measures. The Plenary took note positively of other international efforts including the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects to be held in July 2001, and the work of the OSCE, including its adoption of a document on small arms and light weapons.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

* All these documents will be available on the WA web site: www.wassenaar.org.

The Plenary agreed on non-binding best practices* regarding: the effective enforcement of national export controls; the disposal of surplus military equipment; and the control of exports of items designated as very sensitive.

The Plenary agreed to a number of control list amendments which will be published shortly. Participating States affirmed the importance they attach to timely updating of the lists to keep pace with technology advances while maintaining security interests. The Plenary took note of an indepth study conducted in 2000 on controls of computers and microprocessors.

The Plenary identified other areas for further consideration, including:

- Arms transparency: Participating States agreed to continue study of this topic;
- Arms brokering: Participating States recognised the importance of this issue and agreed to continue to exchange information on national legislation and practices, and discuss possible enforcement measures;
- Intangible transfers: Participating States recognised that it is important to continue deepening Wassenaar Arrangement understanding of how and how much to control such transfers;
- Review of computer and microprocessor controls with a view to further liberalisation, taking into account technology advances and security concerns of Participating States.

On outreach, Participating States again confirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with agreed criteria for participation. Participating States agreed to study the possibility of further contacts with other non-proliferation regimes to avoid duplication of work and to facilitate complementarity.

Members of the Plenary thanked Ambassador Alojz Nemethy for his major contributions as Plenary Chairman to the work of the Wassenaar Arrangement.

The next WA Plenary regular meeting is to be held in Vienna in December 2001. Ambassador H. Aydin Sahinbas (Turkey) will assume the Plenary Chairmanship on 1 January 2001.

Bratislava, December 1st, 2000

* All these documents will be available on the WA web site: www.wassenaar.org.

PUBLIC STATEMENT

2001 PLENARY OF THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES

The seventh Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 6-7 December, 2001, under the chairmanship of Ambassador Aydin Sahinbas (Turkey).

In the light of recent international developments, Participating States underlined the importance of strengthening export controls and reaffirmed their commitment to maintain responsible national policies in the licensing of exports of arms and sensitive dual-use items. Recalling UNSC Resolution 1373 (2001), the Plenary agreed that Participating States will continue to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations as well as by individual terrorists, and that such efforts are an integral part of the global fight against terrorism. To make this commitment explicit, they decided to add an appropriate paragraph (paragraph 5 of Part I, "Purposes") to the Initial Elements¹. The Plenary agreed to take concrete steps to give effect to this decision.

Participating States took positive note of the work done during the year to make the General Information Exchange more efficient.

Participating States noted with concern illicit arms flows to zones of conflict and areas covered by UNSC embargoes, as well as licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement. They stressed their commitment to support the UNSC's efforts to prevent arms transfers to the UNITA forces in Angola and to terrorist groups operating from and in Afghanistan. Participating States also agreed to continue consideration of practical measures to support regional arms control initiatives, including the ECOWAS Moratorium.

The Plenary reaffirmed the importance of responsible export policies towards, and effective export controls over, small arms and light weapons (SALW) to prevent destabilising accumulations and diversion. In this connection, Participating States agreed they would continue to share relevant information and explore practical measures.

* The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

¹ This document will be available on the WA web site: www.wassenaar.org.

Participating States recognised the importance of controlling arms brokering and agreed to continue discussion with a view to elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures.

The Plenary agreed to include two additional sub-categories of military items in mandatory reporting of transfers/licenses granted under Appendix 3 of the Initial Elements: armoured bridge-launching vehicles (under Category 2, sub-Category 2.3)¹ and gun-carriers specifically designed for towing artillery (under Category 3, sub-Category 3.4)¹.

The Plenary also agreed to a number of control list amendments which will be published in due course. Participating States affirmed the importance they attach to timely updating of the lists to keep pace with technology advances while maintaining security interests.

Participating States approved a revised Statement of Understanding on Intangible Transfers of Software and Technology, (which will appear on page 187 of the revised Control List¹).

The Plenary decided to consider ways to develop contacts with non-Wassenaar members, including major arms producers. Participating States again confirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with established criteria for participation, and agreed to develop further contacts with other non-proliferation regimes to avoid duplication of work and to facilitate complementarity.

With a view to the work to be undertaken in 2002, the Plenary identified further options for consideration, aiming at increasing the efficiency of export controls.

Members of the Plenary thanked Ambassador Aydin Sahinbas (Turkey) for his major contributions as Plenary Chairman to the work of the Wassenaar Arrangement.

The next regular WA Plenary meeting is to be held in Vienna in December 2002. Ambassador Volodymyr Ohrysko (Ukraine) will assume the Plenary Chairmanship on 1 January 2002.

Vienna, 7 December 2001

This document will be available on the WA web site: www.wassenaar.org.

PUBLIC STATEMENT

2002 PLENARY
OF
THE WASSENAAR ARRANGEMENT
ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES

The eighth Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 11-12 December 2002, under the chairmanship of Ambassador Volodymyr Ohryzko (Ukraine).

Participating States agreed on several significant initiatives to combat terrorism, building on the counter-terrorism commitments agreed at the 2001 Plenary. They intensified their ongoing co-operation to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and organisations, as well as by individual terrorists. To this end, they developed new means for sharing information and for implementing concrete actions to strengthen export controls over these items. In their review of the lists of items subject to export controls, Participating States paid particular attention to the terrorism threat, introducing new controls for this purpose. A number of additional proposals aimed at strengthening export controls as part of the fight against terrorism and against illicit transfers were made. In this context, Participating States also agreed to review existing WA guidelines regarding Man-Portable Air Defence Systems (MANPADS) to assess the adequacy of these guidelines in preventing terrorist use of such systems.

Participating States agreed on a major new initiative on small arms and light weapons (SALW) – weapons of choice for terrorists. They adopted a document setting out detailed "best practice" guidelines and criteria for exports of SALW (annexed and will be available on the WA website: www.wassenaar.org). They also agreed to study the adoption of the sub-categories of SALW used in the Organisation for Security and Co-operation in Europe as a basis for reporting of SALW within the Wassenaar Arrangement. The Plenary reaffirmed the importance of responsible export policies towards, and effective export controls over, small arms and light weapons (SALW) in order to prevent uncontrolled proliferation, destabilising accumulations and diversion.

Participating States recognised the positive work done during the year to make the Information Exchange more efficient. They expressed concern about illicit arms flows to zones of conflict and areas covered by UN Security Council embargoes, as well as licit transfers to zones of conflict from states not participating in the Wassenaar Arrangement. They stressed their commitment to support, by all appropriate means, the efforts of the Security Council to prevent illegal arms transfers to terrorist groups and to all governments and groups under Security Council embargoes.

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

Recognising the importance of controlling arms brokering, Participating States adopted a Statement of Understanding on this subject (also annexed and will be available on the WA website: www.wassenaar.org). They agreed to continue elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures, for the purpose of developing a Wassenaar policy on arms brokering.

Participating States considered measures on possible implementation of a catch-all* provision and a denial consultation mechanism. They agreed to include an additional sub-category of military items in mandatory reporting of transfers/licenses granted under Appendix 3 of the Initial Elements.

In order to keep pace with advances in technology and developments in the international security situation, the Plenary emphasised the importance of the timely updating of the control lists and agreed a number of amendments, including strengthened controls on radiation hardened integrated circuits, which will be published shortly.

At the same time, Participating States, in their review of the control lists, sought to take into account other developments, including wide availability and diversity of suppliers. A significant degree of relaxation of export control was introduced for digital computers, for example, along with the decontrol of general-purpose microprocessors. Participating States also worked to make the existing control text more easily understood and more 'user friendly' for commercial exporters and licensing authorities.

Participating States agreed to develop contacts with non-Wassenaar members, including major arms producing countries. Participating States again confirmed that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with established criteria for participation, and agreed to develop further contacts with the UN and other relevant international organisations and other non-proliferation regimes to avoid duplication of work and to facilitate complementarity.

Participating States will carry out next year the scheduled wide-ranging review ("Assessment") of the functioning of the Arrangement. This will be the second such review in Wassenaar's history.

Members of the Plenary thanked Ambassador Ohryzko for his major contribution as Plenary Chairman to the work of the Wassenaar Arrangement. They also welcomed the new Head of Secretariat, Ambassador Sune Danielsson, to his first Plenary.

The next regular WA Plenary meeting is to be held in Vienna in December 2003. Ambassador Kenneth C. Brill (United States) will assume the Plenary Chairmanship on 1 January 2003.

Vienna, 12 December 2002

* under which Participating States, as a matter of national policy, would require licensing/authorisation for transfers of non-listed items, under nationally or multilaterally specified circumstances, to certain destinations when the items are intended for a military end use.

PUBLIC STATEMENT

2003 PLENARY MEETING

OF

THE WASSENAAR ARRANGEMENT

ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND

DUAL-USE GOODS AND TECHNOLOGIES

The ninth Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 10-12 December 2003, chaired by Ambassador Kenneth C. Brill (United States).

This year Participating States carried out a wide-ranging review or "Assessment" of the functioning of the Wassenaar Arrangement. Important steps were taken to enhance export controls on conventional arms and dual-use goods and technologies, with special emphasis on strengthening the capabilities of member governments to combat the threat of terrorism. Building on the results of the Assessment Plenary a Ministerial Statement was adopted emphasising that continued collaboration between Participating States in the Wassenaar Arrangement will make a significant contribution to global security.

The 2003 Plenary approved a number of major initiatives, which break important new ground for the Wassenaar Arrangement and make significant contributions to the fight against terrorism by means of WA export controls. These included tightening controls over Man Portable Air Defence Systems (MANPADS), agreeing to enhance transparency of small arms and light weapons (SALW) transfers, establishing elements for national legislation on arms brokering, and adopting end-use oriented controls encouraging member governments to impose export controls on certain unlisted items when necessary to support United Nations arms embargoes.

Recognising the continuing threat posed to civil aviation by unauthorised proliferation of MANPADS, Participating States adopted a more comprehensive agreement that includes provision for long-term measures to tighten security over these weapons.** In particular, the measures are aimed at preventing acquisition by and diversion of these weapons to terrorists. Participating States agreed to encourage other states to apply the same strict safeguards to control MANPADS.

The agreement on small arms and light weapons (SALW) reflected concerns that these items can exacerbate regional conflicts and are among the weapons of choice for terrorists. Participating States agreed to expand the scope of mandatory reporting of arms transfers by adding a new category on SALW to Appendix 3 of the Initial Elements.** They also agreed to lower the reporting threshold for transfers of artillery systems.

Participating States agreed to impose strict controls on the activities of those who engage in the brokering of conventional arms by introducing and implementing adequate laws and regulations based on agreed "Elements for Effective Legislation on Arms Brokering."**

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** This document will be available on the Wassenaar Arrangement website www.wassenaar.org

Concerning end-use oriented controls, Participating States agreed that they should require governmental authorisation for the transfer of non-listed dual-use items to destinations subject to a binding United Nations Security Council (UNSC) arms embargo, any relevant regional arms embargo either binding on Participating States or to which a Participating State has voluntarily adhered, when the items are intended for a military end-use. (See "Statement of Understanding on Control of Non-Listed Dual-Use Items."**)

Participating States agreed to support, by all appropriate means, the efforts of the UNSC to prevent illegal arms transfers to terrorist groups and to all governments and groups under UNSC arms embargoes.

The Plenary agreed to a number of amendments to WA control lists, including strengthened controls on certain types of microwave electronic devices, semiconductor lasers, navigation equipment, etc., which will be published shortly. Participating States, in their review of lists, also took account of advances in technology and market availability. A rationalisation of WA export controls was introduced in areas such as electronic components and telecommunications equipment. Participating States also worked to make the existing control text easier for commercial exporters and licensing authorities to understand and apply. They recognised that greater transparency would be achieved if the "most sensitive" items on WA control lists were more clearly identified.

Participating States agreed to enhance co-operation with a view to better harmonising their export control policies.

Participating States reiterated that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria, which were updated at the Plenary ** (See revised Appendix 4 of the Initial Elements). Participating States actively discussed and agreed to further study in the course of 2004 pending membership applications with a view to examining the possibility of their acceptance on a case by case basis.

The Plenary took steps to broaden the Arrangement's outreach to non-Wassenaar members and to relevant international institutions, e.g. the other export control regimes. Representing Participating States, the Plenary Chairman began meetings in 2003 with some non-Wassenaar members to explain the goals of the Arrangement and to encourage them to apply similar measures.

Members of the Plenary thanked Ambassador Kenneth C. Brill (U.S.) for his major contribution as Plenary Chairman to the work of the Wassenaar Arrangement in 2003, Ambassador Claudio Moreno (Italy) for his leadership during this year's Assessment, and Mr. Ioannis Anastakis (Greece) for a successful list review. They also thanked the Head of Secretariat, Ambassador Sune Danielsson, and his staff for their support.

Participating States agreed to hold the next assessment of the overall functioning of the WA in 2007. The next regular WA Plenary meeting will take place in Vienna in December 2004. Ambassador Elsa Kelly (Argentina) will assume the Chair of the Plenary on 1 January 2004.

Vienna, 12 December 2003

PUBLIC STATEMENT

**2004 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT
ON EXPORT CONTROLS FOR CONVENTIONAL ARMS AND
DUAL-USE GOODS AND TECHNOLOGIES**

The tenth Plenary meeting of the Wassenaar Arrangement (WA)* was held in Vienna, 8-9 December 2004, chaired by Ambassador Elsa Kelly (Argentina). The meeting reviewed the accomplishments of the year and considered further export control measures.

In the course of 2004, Participating States worked diligently to implement and expand upon the progress achieved during the 2003 Assessment Year. At this plenary, they committed themselves to further develop and undertake, as a matter of high priority, measures to implement initiatives e.g. work conducted against terrorism.

The Plenary welcomed the adoption of the UNSCR 1540 by the Security Council on 28 April, 2004.

Participating States noted that the resolution decides that all states shall establish, develop and maintain appropriate and effective export and trans-shipment controls, which is also a primary objective of the Wassenaar Arrangement.

The Wassenaar Arrangement stands ready to respond to any approach from the Chair of the UNSCR 1540 Committee, and Participating States in a position to do so expressed their willingness to provide assistance on the development of effective export controls to those States that request it.

Participating States reaffirmed their intention to intensify efforts to prevent the acquisition of conventional arms and dual-use goods and technologies by terrorist groups and

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organisations, as well as viewing them as an integral part of the global fight against terrorism. In this context they also exchanged information on national measures taken in accordance with the 2003 decision to tighten controls on the exports of Man-Portable Air Defence Systems (MANPADS) and called again on other countries to apply similar principles in order to prevent proliferation of these dangerous weapons.

In order to keep pace with advances in technology, market availability and developments in the international security situation, the Plenary agreed to a number of amendments to the control lists, which will be published shortly. Particular attention has been given to items that might be used for terrorism purposes. Participating States also worked actively to make the existing control text more easily understood and 'user friendly' for commercial exporters and licensing authorities.

The Plenary welcomed Slovenia as a new Participating State to the Wassenaar Arrangement. Participating States reiterated that the Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria and that pending membership applications will continue to be examined with a view of determining the possibility of their acceptance on a case by case basis.

The Plenary reiterated its intention to broaden the Arrangement's outreach to countries not participating in the Arrangement, other export control regimes and international and regional organizations. Outreach activities in 2004 have also included engagement with industry. Further meetings were held by the Plenary Chair to explain the goals of the Arrangement and to encourage them to apply similar measures. The Plenary agreed to endorse a continuation of these important activities in 2005.

For the first time in WA's history, a major outreach initiative was undertaken in the form of the Outreach Seminar. This successful seminar took place in Vienna on 19 October 2004. Participants represented more than 50 organizations covering a number of non-participating states, non-governmental organizations, academic institutes, the media and industry. The seminar raised awareness of the positive contribution that the WA makes to responsible transfers of conventional arms and dual-use goods and technologies. Participants recognised the importance of the event in increasing the transparency of WA. An important lesson that was taken away by Participating States was the need for greater engagement with industry representatives. Participating States welcomed the Outreach Seminar's

success and agreed to another event to be held next autumn in Vienna.

The Plenary thanked Ambassador Elsa Kelly (Argentina) for her major contributions as Plenary Chair to the work of the Wassenaar Arrangement in 2004, Ambassador Seiji Morimoto (Japan) for his leadership of the General Working Group, and Mr. Ioannis Anastasakis (Greece) for a successful Experts Group list-review process in 2003-2004.

The next regular WA Plenary meeting will take place in Vienna in December 2005. Ambassador Dorothea Auer (Austria) will assume the Chair of the Plenary on 1st January 2005. In support of outreach activities the Austrian Chair envisages the launch of a WA publication containing contributions pertaining to various topics of importance to the WA.

Vienna, 9 December 2004

**PUBLIC STATEMENT
2005 PLENARY MEETING
OF
THE WASSENAAR ARRANGEMENT ON EXPORT CONTROLS FOR
CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES**

The eleventh Plenary meeting of the Wassenaar Arrangement (WA)¹ was held in Vienna, 13-14 December 2005, and was chaired by Ambassador Dorothea Auer (Austria). The meeting reviewed the accomplishments of the year and considered further export control measures.

The Plenary welcomed the participation of Croatia, Estonia, Latvia, Lithuania, Malta and Slovenia in the Plenary for the first time, and admitted South Africa as the first African state to join the Arrangement. The Plenary reiterated that the WA is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria, and noted that membership applications would continue to be examined on a case-by-case basis.

The WA continues to keep pace with advances in technology, market trends and international security developments, such as the threat of terrorist acquisition of military and dual-use goods. The Plenary agreed to a number of amendments to the control lists, including in relation to items of potential interest to terrorists such as jamming equipment and unmanned aerial vehicles. The Plenary agreed to keep under review other items that could pose a threat if acquired by terrorists.

The WA considered growing international concerns about unregulated “intangible” transfers, such as by oral or electronic means, of software and technology related to conventional weapons and dual-use items.

In view of the threat posed by terrorist acquisition of man-portable air defence systems (MANPADS), the Plenary welcomed practical steps by a number of Participating States in implementing Wassenaar Elements for Export Controls of MANPADS, for example through the destruction of stockpiles of such weapons. The Plenary especially encouraged Participating States to promote the Wassenaar Elements on MANPADS to non-WA States.

Following a survey conducted over the past year, the Plenary approved an indicative list of end-use assurances that Participating States commonly require as a condition for export of controlled items. The Plenary agreed to make the list public via the WA website: www.wassenaar.org

The WA continues to place a high priority on transparency and outreach to non-Participating States and international organisations, with the aim of promoting the objectives of the Arrangement. Over the past year, the WA conducted outreach to South Africa and China, and further built upon last year’s Outreach Seminar by focusing on outreach to industry in WA Participating States, where participants recognized the need for greater engagement with industry. Participating States undertook outreach to other countries in their national capacities.

¹ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies was established in July 1996 by 33 Participating States on the basis of the Initial Elements (see web site: www.wassenaar.org). Meetings are normally held in Vienna, Austria, where the Arrangement is based. The Participating States of the Wassenaar Arrangement are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovenia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States.

The Plenary thanked the Chair, Ambassador Dorothea Auer (Austria), for her valuable contributions to the work of the Wassenaar Arrangement in 2005. The Plenary also thanked Minister Suh Chung-Ha (Republic of Korea) for his chairmanship of the General Working Group, Lt. Col. Lászlò Szatmàri (Hungary) for his leadership of the Experts Group list-review process in 2005, and Ms Lisa Wenger (United States) for her leadership of the Licensing and Enforcement Officers' Meeting (LEOM) in 2005. The Plenary extended the appointment of Ambassador Sune Danielsson (Sweden) as Head of the WA Secretariat for a further four years, with the deep gratitude of Participating States for the work of the Ambassador and his staff.

The next regular WA Plenary meeting will take place in Vienna in December 2006. Ambassador Deborah Stokes (Australia) will assume the Chair of the Plenary on 1 January 2006.

Vienna, 14 December 2005

STATEMENT
BY
THE PLENARY CHAIR OF THE WASSENAAR ARRANGEMENT

At the December 2004 Plenary, in addition to welcoming Slovenia to the Wassenaar Arrangement, Participating States mandated the 2005 Plenary Chair to continue consultations on other pending membership applications.

These consultations resulted in decisions, taken in April-June 2005, to admit also Croatia, Estonia, Latvia, Lithuania and Malta to the Wassenaar Arrangement as new Participating States.

Vienna, 29 June 2005

OUTREACH SEMINAR

19 October 2004

Press Statement

On 19 October, more than 130 leading export control specialists and representatives from more than 35 countries were welcomed by Japan's Ambassador Yukio Takasu to a day-long outreach seminar "The Wassenaar Arrangement: Responsibility, Transparency and Security" hosted by the Japanese Permanent Mission to International Organizations in Vienna and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Arrangement is designed to promote transparency, exchange of views and information and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations.

Seminar participants represented more than 50 organizations covering non-governmental organizations, think-tanks, academic institutes, industry and the media, together with representatives from a number of non-Wassenaar countries.

The aim of the seminar was to raise awareness of the positive contribution that the Wassenaar Arrangement makes to responsible transfers of conventional arms and dual-use goods and technologies.

Seminar speakers included Ambassador Elsa Kelly (Argentina), the present Plenary Chair of the Wassenaar Arrangement, and its Head of Secretariat, Ambassador Sune Danielsson, and representatives from Wassenaar Participating States. Presentations covered the Arrangement's history, method of work, conclusions of the 2003 Assessment of its functioning, including its renewed focus on terrorism, current activities and areas of on-going negotiation. Other topics included the export control lists and how the lists are reviewed, arms brokering, work on small arms and light weapons and its ground-breaking work on shoulder-held anti-aircraft missiles or MANPADS. Participants from leading think tanks and NGO's also contributed their perspectives on arms export control issues, and how the Arrangement and civil society might enhance their cooperation.

The Arrangement is considering possible follow-up events.

WASSENAAR ARRANGEMENT OUTREACH SEMINAR

Vienna, October 3, 2005

Press Statement

On October 3, 2005, approximately 150 business representatives and government officials from WA countries participated in the Wassenaar Arrangement's "Outreach to Industry" seminar, hosted by the Permanent Mission of Japan to International Organizations in Vienna.* Seminar participants included representatives of over 50 companies involved in the production of and trade in conventional arms and dual-use goods and technologies, as well as think-tanks, export control authorities of Wassenaar Arrangement member countries, and academic institutions.

The aim of this second Wassenaar Arrangement seminar was to provide for a professional exchange of views and sharing of national experiences with the aim of strengthening the effectiveness of export controls.

After opening remarks by Ambassador Seiji Morimoto of Japan, Ambassador Dorothea Auer of Austria (Wassenaar's 2005 Plenary Chair), and Ambassador Sune Danielsson, Head of the Wassenaar Secretariat, representatives of industry and governments participated in panel discussions focused on key issues relating to sensitive dual-use exports (List Review procedures, Control of Non-Listed Items, End-Use assurances, Emerging Technologies, Intangible Transfers of Technology, Internal Control Programmes) and trade in conventional armaments (Prevention of Destabilizing Accumulation of Arms, Small Arms and Light Weapons, including Man-Portable Air-Defense Systems, Control of Arms Brokering, Extra-Territorial Application of national Laws). The panels were followed by a roundtable discussion on experiences of industries with regard to compliance with export control requirements.

* The Vienna-based Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) is designed to promote transparency, exchange of views and information and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations of such items (see www.wassenaar.org for details).

**Ministerial Statement
Vienna, Austria
December 12, 2003**

Ministers of the thirty-three Participating States in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies are pleased that the quadrennial assessment of the functioning of the Arrangement has concluded with several important agreements to advance further the Wassenaar Arrangement's non-proliferation and international security and stability goals.

We wish to reaffirm the importance of the Wassenaar Arrangement as one of the pillars of multilateral efforts towards peace and stability. We believe agreements reached in the context of the Wassenaar Arrangement can play a critical role in preventing the diversion of legal arms transfers and in promoting responsible national export control policies for conventional arms and dual-use goods and technologies. In this context, we strongly endorse multilateral efforts to develop strict controls on the transfer of Man-Portable Air Defense Systems (MANPADS) that continue to pose one of the most serious threats to the safety of international civil aviation.

As we look ahead and consider future threats to international security and stability, we are convinced that countries committed to a stable international order must work together closely to prevent conventional weapons and sensitive dual-use technologies from being used to perpetrate terrorist acts. Terrorists must be stopped from diverting weapons from legitimate channels. Building upon the momentum developed during the 2003 Assessment, we believe that continued collaboration between the Participating States of the Wassenaar Arrangement will make a significant contribution to global security.

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