

Australia Group

The Australia Group (AG) is a multilateral export control regime that works to impede the proliferation of chemical and biological weapons, including their delivery systems and supporting programmes. Australia is the permanent chair of the AG and hosts its secretariat.

Through the harmonization of export controls based on common control lists and the exchange and publication of information, cooperation among AG participants aims to prevent would-be proliferators and terrorists from exploiting differences or ambiguities in national export control arrangements. The principal objective of AG participants is to use licensing measures to control the export of certain chemicals, biological agents, and dual-use chemical and biological manufacturing facilities and equipment. The AG regularly updates its control lists on the basis of expert-level discussion and consensus. These are then implemented in accordance with AG participants' national frameworks and sovereign decision-making.

The AG's effectiveness is based on a shared commitment to counter-proliferation objectives and the strength of each participating state's export control framework; as well as the transparency of its common control lists which are publicly available to both AG participants and non-participants. AG activities do not hinder legitimate trade involving chemicals, biological agents and dual-use items and equipment. Instead, the AG helps increase the awareness, confidence, trust and assurance necessary to make peaceful trade of these items possible. AG participants are committed to expanding trade in chemical and biological items for peaceful purposes and maintaining active chemical and biotechnological industries.

Background

The Australia Group (AG) was founded in 1985, in the wake of chemical weapons use in the Iran–Iraq war. In response, Australia, 14 other participating countries and the European Commission came together to form the AG, where a common control list of chemicals and equipment was developed and agreed to. These countries shared this information to encourage others to better understand and implement export controls.

Evidence of the diversion of dual-use materials to biological weapons programmes in the early 1990s led to the controls evolving and expanding further to prevent the proliferation of biological weapons, with controls on specific biological agents. The control lists now include technologies and equipment which could be used in the manufacturing or disposal of both chemical and biological weapons.

The AG is an informal arrangement with no legally binding obligations for participants. Cooperation among AG participants contributes to global security and helps participants fulfil their international non-proliferation obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC) and United Nations Security Council resolution 1540.¹

Participants and adherence

The name of the AG reflects Australia's role in initiating the first meeting of the group. The number of participants has now expanded to 43 (42 countries and the European Union). The most recent countries to join were Mexico in 2013 and India in 2018 (see Table 1).

Countries interested in joining the AG should, in the first instance, provide an expression of interest to the AG Chair through the AG Secretariat.² The Chair will then seek the views of AG participants and list the request for discussion at the next AG meeting. Decisions on new AG participants are made by consensus by all AG participants.

Criteria for participation are published on the AG website. They include, but are not limited to:

- a commitment to prevent the spread of chemical and biological weapon (CBW) proliferation, including being a party, in good standing, to the CWC and the BWC;
- being a manufacturer, exporter or transshipper of AG controlled items;
- adopting and implementing the AG *Guidelines for Transfers of Sensitive Chemical or Biological Items*;
- implementing an effective export control system which provides national controls for all items on the AG *Common Control Lists* and is supported by adequate licensing and enforcement regimes;

Table 1. Australia Group participants and initial year of joining

Participants	Year	Participants	Year
Australia	1985	Latvia	2004
Austria	1989	Lithuania	2004
Belgium	1985	Luxembourg	1985
Bulgaria	2001	Malta	2004
Canada	1985	Mexico	2013
Croatia	2007	Netherlands	1985
Cyprus	2000	New Zealand	1985
Czech Republic	1994	Norway	1986
Denmark	1985	Poland	1994
Estonia	2004	Portugal	1985
European Union	1985	Romania	1995
Finland	1991	Slovak Republic	1994
France	1985	Slovenia	2004
Germany	1985	Spain	1985
Greece	1985	Sweden	1991
Hungary	1993	Switzerland	1987
Iceland	1993	Türkiye	2000
India	2018	Ukraine	2005
Ireland	1985	United Kingdom	1985
Italy	1985	United States	1985
Japan	1985		

- creating legal penalties and sanctions for contravention of controls and being willing to enforce them;
- creating relevant channels for the exchange of information including: accepting the confidentiality of the information exchange; creating liaison channels for expert discussions; and creating a denial notification system protecting commercial confidentiality; and
- agreeing to participate in the AG in a way that will strengthen the effectiveness of the AG in preventing CBW proliferation.

Countries can also make a political commitment to adhere to the *AG Guidelines and Control Lists* by notifying the AG Chair. This adherence is unilateral by the non-participant country and not subject to any acceptance decision by the AG membership. Kazakhstan made such a declaration in 2015.

The AG strongly encourages all states to adopt its guidelines and control lists, which are freely published on its website and made available to participants and non-participants, industry, academia and research institutions — as a guide to developing their own export control frameworks.³

Trade-related measures: export controls

Cooperation among AG participants aims to prevent would-be proliferators from exploiting differences or ambiguities in national export control arrangements. The principal objective of AG participants is to use licensing measures to control the export of certain chemicals, biological agents, and dual-use chemical and biological manufacturing facilities and equipment.

AG participants harmonize their export controls by utilizing the regularly reviewed *AG Common Control Lists*, which outline items participants undertake to control through export licensing procedures. These licensing measures are consistent, transparent and publicly available, helping industry to understand licensing arrangements and the reasons for them.

There are a number of important factors AG participants take into consideration when implementing their exporting licensing measures. These include:

- that the measures be effective in impeding the production of CBWs;
- that they should be reasonably easy and economical to implement; and
- that they should not impede the normal trade of materials and equipment used for legitimate purposes.

Importantly, licensing measures do not constitute automatic bans on such items. In practice they are monitoring and control arrangements for exports: an export is denied only if there is particular concern about potential diversion for CBW purposes.

AG consultations and licensing measures have raised the cost to would-be proliferators. They have succeeded in raising the awareness of participating countries and their industries about the risks of inadvertent association with CBW and has helped them avoid this danger.

The AG recognizes that export licensing measures on CBW precursors, equipment and technology need to be maintained by as many relevant supplier or transshipment countries as possible to be effective.

Relationship with other international weapons conventions

All participants in the AG are states parties to both the CWC and the BWC. In addition to states parties' application of the non-proliferation provisions of the CWC and BWC, appropriate domestic measures are required of all states to ensure compliance with United Nations Security Council Resolution 1540. The resolution affirms support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of weapons of mass destruction (WMD). Resolution 1540 obligates all countries to combat the spread of chemical, biological, and nuclear weapons, their means of delivery, and illicit trafficking in related materials within or across their borders. This includes denying non-state actors WMD access. Resolution 1540 also encourages enhanced international cooperation in this regard. By cooperating on the application of effective national export and transshipment controls, AG participation assists states with resolution 1540 commitments. By applying suitable export licensing measures AG participants demonstrate determination to avoid involvement in the proliferation of these weapons and uphold resolution 1540.

In complying with their international obligations, AG participants seek to ensure that international trade in chemical and biological products for peaceful purposes is not impaired. Both the CWC and BWC require states parties not to restrict peaceful trade. Article XI of the CWC recognizes that the eradication of illicit trade is necessary for the unfettered development of legitimate trade, thereby acknowledging that export measures instituted and maintained solely to implement obligations under the CWC, are valid.

Similarly, Article III of the BWC specifies that states parties should not transfer agents or materials for purposes contrary to the BWC. Article X establishes that the BWC "shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention".

The AG works alongside other multilateral export control regimes which together help underpin global security by providing guidance, norms and standards for the peaceful trade of technology along with assurances of the origin, destination and end-user of relevant dual-use goods and technologies.

Impact of AG export licensing measures

AG controls have only a minimal impact on total trade in chemicals, biological agents and dual-use items and equipment. Export licences deter proliferation by increasing visibility of trade in relevant materials and provide the ability for a national authority to stop a sale if the product concerned is likely to contribute to a CBW programme.

The AG's activities are limited to counter-proliferation measures and are neither intended to favour the commercial development of industries in AG participants, nor to hinder legitimate economic development in other countries.

Outreach

AG participants ensure that the private sector in their respective jurisdictions are informed of the dangers inherent in the uncontrolled export of relevant chemical and biological materials and equipment. Companies, conscious of their public image and corporate responsibilities, welcome the assurances provided by the AG controls. The transparency generated by AG participation increases confidence, helping create an environment where international trade in chemical and biological products for peaceful purposes is not impaired.

The AG maintains a practice of briefing non-participants on its activities as well as industry and academia. These briefings include highlighting the publicly available lists of chemicals, biological agents, and related equipment and technologies which are of proliferation concern. These outreach measures have resulted in a number of countries exploring the possibility of participating in the AG, either as a potential participant or unilateral adherent. It has also contributed to a number of countries strengthening their export controls to inhibit illicit WMD programmes on the basis of the AG lists.

Institutional mechanisms and control lists

All decisions in the AG are made by consensus. The AG holds annual Plenary and Intersessional meetings. The Plenary is supported by the following subgroup meetings which bring together national and technical experts:

- Implementation Meeting: to discuss and agree to updates to the control lists;
- Enforcement Exchange: to build a shared awareness of current AG enforcement issues and mitigation strategies to assist participants in developing best practice;
- Information Exchange: to share updated information about CBW programmes and their proliferation networks; and
- New and Evolving Technologies Technical Experts Meeting (NETTEM): to identify emerging technological trends that may have proliferation impacts.

The *AG Common Control Lists* comprise certain chemicals, biological agents, equipment, technology and software able to be used in the manufacture, storage, transport, dispersion and disposal of CBWs. These control lists apply export licensing measures to the export of:

- chemical weapons precursors;
- human and animal pathogens and toxins;
- plant pathogens;
- dual-use chemical manufacturing equipment and related technology/software; and
- dual-use biological equipment and related technology/software.

Noting the *AG Common Control Lists* are a benchmark for global best practice, AG participants regularly work to refine controls applied to the chemical and biological items on the lists, via discussions among national technical experts. This includes agreeing to new

items on the *AG Common Control Lists* in response to emerging threats, and the removal of items where they are no longer appropriate.

Export licence applications based on AG controls are examined by AG participants' national authorities and are given effect in accordance with individual national export control frameworks. The AG "no undercut" policy ensures participants are following a common approach to controls on CBW-related exports. Where one participant has denied the export of an AG-listed item for CBW non-proliferation reasons, other participants commit to not agreeing to approve essentially identical export licence applications without first consulting with the participant that issued the original denial.

Recent developments

The AG continues to work to keep itself relevant and effective, including by prioritizing the understanding of emerging technologies and new proliferation risks. The annual Plenary and Intersessional meetings are opportunities to exchange information on these developments.

In recent meetings, participants have agreed to reinforce efforts to stay ahead of potential proliferators by increasing awareness of the potential exploitation of scientific developments that could be used for CBW. They share approaches to challenges posed by intangible technology transfer or ITT (transfer of technology through non-physical means), proliferation financing, procurement, transshipment and broader proliferation networks, including through enhanced engagement with industry and academia. They also share approaches for keeping pace with rapid developments in dual-use technologies, such as synthetic biology and novel delivery systems.

The AG stands ready to engage all interested states in outreach activities – either in person or virtually – should they wish to learn more about what the AG does. Contact details can be found on the AG website.⁴

Endnotes

- 1 *United Nations Security Council resolution 1540 (2004)*, UN document S/RES/1540 (2004), 28 April 2004.
- 2 See <https://www.dfat.gov.au/publications/minisite/theaustraliagroupnet/site/en/index.html>.
- 3 Available at <https://www.dfat.gov.au/publications/minisite/theaustraliagroupnet/site/en/index.html>.
- 4 Available at <https://www.dfat.gov.au/publications/minisite/theaustraliagroupnet/site/en/index.html>.