

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

Since its establishment in 1996, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement) has served as an intergovernmental forum contributing to international security and stability by facilitating confidence building and information sharing, and promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies. It aims to prevent potentially dangerous build-ups of arms which could adversely affect regional and international security and stability (known as destabilizing accumulations) as well as the acquisition of these items by terrorists. The Wassenaar Arrangement is the first multilateral body focused on export controls for conventional arms and dual-use goods and technologies, and it comprises 42 participating states spanning six continents. It is consensus-based with decisions taken on a politically binding basis.

Contributing to international non-proliferation efforts, the Arrangement complements and reinforces other multilateral export control regimes to promote transparency and accountability in transfers (i.e. deliveries) of arms and dual-use items. Wassenaar Arrangement participating states collectively agree on the munitions and dual-use goods and technologies to be included in both the control lists, then apply national export controls to items on these lists with the objective of preventing unauthorized transfers or re-transfers. 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. To encourage broad adoption of the Arrangement's standards and effective national export control systems in line with its objectives, outreach is conducted to non-members.

Background

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement) is the first multilateral body focused on export controls for conventional arms and dual-use goods and technologies. The Arrangement was established in 1996 as an intergovernmental forum to contribute to regional and international security and stability by facilitating information exchange and promoting transparency and greater responsibility in transfers (i.e. deliveries) of conventional arms and dual-use goods and technologies. By doing so, it aims to prevent destabilizing accumulations of arms which could adversely affect regional and international security and stability as well as the acquisition of these items by terrorists.

The Arrangement focuses on threats to peace and security that may arise from transfers of armaments and sensitive dual-use goods and technologies where the risks are judged greatest. Wassenaar Arrangement participating states seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities that undermine these goals and are not diverted to support such capabilities.

Membership

Agreement to establish the Wassenaar Arrangement was reached in December 1995 at a high-level meeting held in Wassenaar, the Netherlands, where it was decided to establish a small secretariat in Vienna, Austria. The following year, the Wassenaar Arrangement started operations after the adoption of the *Initial Elements*¹, its main founding document, and its 33 founding members held the inaugural plenary meeting. Since its establishment, the Wassenaar Arrangement membership has expanded to 42 participating states (see Table 1).

The Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that fulfil the agreed criteria.² When deciding on the eligibility of a state for participation, the following factors, *inter alia*, will be taken into consideration:

- (i) whether it is a producer or exporter of arms or industrial equipment respectively;
- (ii) whether it has taken the Wassenaar Arrangement control lists as a reference in its national export controls;
- (iii) its non-proliferation policies and appropriate national policies, including adherence to non-proliferation regimes and treaties;
- (iv) its adherence to fully effective export controls.

The Wassenaar Arrangement is one of the five multilateral non-proliferation export control regimes on weapons of mass destruction and their delivery systems, arms and dual-use goods and technologies. Whereas other export control regimes focus on controls regarding weapons of mass destruction and their delivery systems, the Arrangement is mandated to consider the risks associated with transfers of arms and dual-use goods and technologies

Table 1. Wassenaar Arrangement participating states

Participating states		
Argentina*	Hungary*	Poland*
Australia*	India	Portugal*
Austria*	Ireland*	Romania*
Belgium*	Italy*	Russian Federation*
Bulgaria*	Japan*	Slovenia
Canada*	Republic of Korea*	Slovakia*
Croatia	Latvia	South Africa
Czech Republic*	Lithuania	Spain*
Denmark*	Luxembourg*	Sweden*
Estonia	Malta	Switzerland*
Finland*	Mexico	Türkiye*
France*	Netherlands*	Ukraine*
Germany*	New Zealand*	United Kingdom*
Greece*	Norway*	United States of America*

* Founding member.

in order to promote effective export controls worldwide. The Arrangement complements and reinforces, without duplication, the other regimes which focus on the non-proliferation of weapons of mass destruction and their delivery systems, as well as other internationally recognized measures designed to promote transparency and accountability in transfers.

National implementation of Wassenaar Arrangement commitments ensures that export controls are applied in a manner consistent with other commitments and obligations, and the *Initial Elements* stipulate that the Arrangement “will not impede bona fide civil transactions”. In addition to interacting regularly with relevant international and regional organizations engaged in related activities, the Arrangement maintains informal expert-level contacts with the other regimes on technical export control list matters.

Structure

The Wassenaar Arrangement is a multilateral forum in which all decisions are taken by consensus. Deliberations are also kept in strict confidence. The Arrangement's main governance and decision-making body is the Plenary, which is composed of representatives of all participating states and normally meets once a year, usually in December. The Plenary Chair position is subject to annual rotation among participating states. In 2023, India succeeded Ireland as Plenary Chair of the Wassenaar Arrangement.

The Plenary establishes subsidiary bodies to prepare recommendations for Plenary decisions and when necessary calls *ad hoc* meetings to discuss issues relating to the Arrangement's functioning. The main subsidiary bodies meet periodically throughout the year and include: the General Working Group, which deals with policy-related matters; the Experts Group, which addresses issues relating to the lists of controlled items; and the Licensing and Enforcement Officers Meeting, a forum for information-sharing on practical implementation issues. The Secretariat in Vienna supports the participating states in the Arrangement's functioning.

Scope of export-related measures

Participating states agree on the conventional arms, dual-use goods and technologies to be included in both the control lists of the Wassenaar Arrangement: the *Munitions List*; and the *List of Dual-Use Goods and Technologies* (both publicly available on the Arrangement's website³). They then apply national export controls to items on these lists with the objective of preventing unauthorized transfers or re-transfers. The decision to approve or deny the transfer of any item is the sole responsibility of each participating state on the basis of national discretion.

Representatives of Wassenaar Arrangement participating states meet regularly in Vienna to exchange information on risks associated with transfers of arms and dual-use goods and technologies. Participating states have agreed to a number of guidelines, elements, best practice documents and procedures as a basis for decision-making through the application of their own national legislation and policies.

The Arrangement is also intended to enhance cooperation to prevent the acquisition of arms and sensitive dual-use items for military end-uses if the situation in a region or the behaviour of a state is, or becomes, cause for serious concern for participating states. However, as laid out in the *Initial Elements*, the Arrangement is not directed against any state or group of states. In addition, it does not interfere with the rights of states to acquire legitimate means for self-defence in accordance with Article 51 of the Charter of the United Nations.

Export controls and their implementation

Wassenaar Arrangement participating states have agreed to maintain national export controls on items included in the control lists, which are updated on an annual basis. A summary of changes to the lists is also published annually on the Arrangement's website.⁴

Export controls are measures undertaken by governments to ensure that transfers of strategically sensitive items are properly reviewed by requiring an exporter to apply for a licence prior to export. Licensing factors that governments may take into account include the destination country, the security situation in its region, sensitivity of the item, the credentials of the end-user and the specified end-use.

Controlled items include those that are considered to have significant security implications if they were to fall into the wrong hands. The Arrangement also takes into account technological developments in updating the lists. The scope of the lists is as follows:

- The *Munitions List* covers 22 categories of equipment specially designed for military use and related software and technology, including conventional weapons, ammunition, parts and components, and production equipment.
- The *List of Dual-Use Goods and Technologies* contains more than 1,000 items that have civil applications, but may also be used for, or diverted to, the development, production, use or enhancement of military capabilities (see Table 2).

Table 2. Categories of product in the *List of Dual-Use Goods and Technologies*

Category	Goods and technologies
1	Special materials and related equipment
2	Materials processing
3	Electronics
4	Computers
5	Part I: Telecommunications Part II: Information security
6	Sensors and lasers
7	Navigation and avionics
8	Marine
9	Aerospace and propulsion

Note: This list includes separate compilations of dual-use goods and technologies deemed sensitive or very sensitive.

Implementation of the control lists is the sole responsibility of each individual Wassenaar Arrangement participating state. Although all participating states agree to apply export controls to the goods and technologies specified in the lists, practical implementation varies from country to country in accordance with national procedures, policies and legislation. The National Contacts page of the Wassenaar Arrangement website⁵ provides further information on export controls – and in some cases export control documentation – from the respective national authorities of participating states.

Information exchange and reporting

To develop common understandings of transfer risks and to inform their national licence decision-making, participating states regularly exchange information of both a general and specific nature. Participating states share, on a voluntary basis, national experiences and information that enhance transparency, lead to discussions among all participating states on arms transfers, as well as on sensitive dual-use goods and technologies, and assist in promoting consistency within the Arrangement by developing common understandings of associated transfer risks. On the basis of this information, participating states assess the scope for coordinating national control policies to combat these risks.

Information exchanged includes any matters that participating states wish to bring to the attention of others, including notifications going beyond those agreed upon. Possible elements of general information exchange on non-participating states, pursuant to the purposes of the Arrangement, can include acquisition/arms brokering activities, sensitive end-users, trade in critical goods and technology, diversion activities and related risks, and projects/programmes of concern, among others.

The Arrangement's specific information exchange is based on the provisions of the *Initial Elements*, which require notifications of transfers of conventional arms (battle tanks, armoured combat vehicles, large calibre artillery systems, military aircraft/UAVs, military and attack helicopters, warships, missiles or missile systems and small arms and light weapons) to destinations outside the Arrangement, notifications of transfers of the most sensitive dual-use goods and technologies to such destinations and certain instances in which a licence for the transfer of dual-use goods and technologies to such destinations was denied. Reporting of licences denied helps to bring to the attention of participating states transfers that may undermine the Arrangement's objectives. Participating states are required to submit such reports on a six-monthly basis, and in some cases more frequently. In accordance with the *Initial Elements*: "Notification of a denial will not impose an obligation on other participating states to deny similar transfers." Participating states also reserve the right to request information on specific transfers through, *inter alia*, normal diplomatic channels. Licensing and enforcement experts of participating states also regularly meet to share their best practices, practical case studies and lessons learned.

Participating states have also agreed on a number of best practices, guidelines and procedures covering different aspects of export control to promote common approaches. These are available for public reference⁶ for use by, *inter alia*, other interested governments, industry and academia. As of 2022, the 25 Wassenaar Arrangement best practice documents address various aspects of the implementation of export controls such as prevention of destabilizing accumulations, transit and transshipment, re-export controls, demilitarized military equipment, intangible transfers of technology, internal compliance programmes, and end-use and end-user controls, among others.

Outreach

Although the Arrangement does not have an observer category, it conducts diverse outreach to inform non-participating states about its objectives and activities, encourage broad adoption of the Arrangement's standards and promote effective national export control systems in line with non-proliferation norms, transparency and responsibility for transfers of conventional arms and dual-use items. The Arrangement organizes regular collective outreach events for interested outreach partners, as well as outreach dialogue with individual countries and, upon invitation, bilateral outreach visits to interested countries, as agreed by the Wassenaar Arrangement Plenary.

Other activities to raise awareness of the Arrangement's work include seminars, workshops and participation in international conferences with representatives from governments, industry and academia. A number of participating states also undertake export controls-related outreach on a national or regional basis, including by organizing events aimed at engagement with countries in specific regions. Outreach efforts are published regularly on the Arrangement's website.⁷

Recent developments

As outlined in the Plenary Chair's statement of December 2022,⁸ the Wassenaar Arrangement continues to systematically review, update and improve its control lists to ensure their ongoing relevance, taking into account international and regional security developments, technological change, market trends and experience gained. New export controls introduced in 2022 include those on supersonic flight technology and rim-driven motors for submarine propulsion. The Arrangement has also updated existing controls regarding high-performance computers, certain types of lasers, submunitions and grenades, aircraft ground equipment, navigational satellite jamming equipment and inertial measurement equipment. Further, the Arrangement updated the "Best Practices regarding Very Sensitive List Items", the "End-User Assurances Commonly Used – Consolidated Indicative List", and identified other existing guidelines for possible updating as appropriate in 2023.

Endnotes

- 1 Available at <https://www.wassenaar.org/public-documents>.
- 2 See appendix 4 to the *Initial Elements*, available at <https://www.wassenaar.org/public-documents>.
- 3 See <https://www.wassenaar.org/control-lists>.
- 4 See <https://www.wassenaar.org/control-lists>.
- 5 See <https://www.wassenaar.org/participating-states>.
- 6 For current best practice documents, see <https://www.wassenaar.org/best-practices>.
- 7 See <https://www.wassenaar.org/outreach>.
- 8 See <https://www.wassenaar.org/blog>.