"Global risks have greatly expanded."

Widely unknown, the Wassenaar Arrangement plays a crucial role for export controls of conventional arms and dual-use goods, preventing them falling into the wrong hands. Ambassador Jean-Louis Falconi of France, who holds the 2017 WA Plenary Chair, and Ambassador Philip Griffiths, the Head of the Vienna-based Secretariat, explain how it works.

CD: Ambassador Falconi, this year France has the responsibility of chairing the Wassenaar Arrangement Plenary, the overall decision-making body, taking over from Finland in 2016. As the Permanent Representative of France to the International Organisations in Vienna, can you please outline your major focus points?

J/L. Falconi: It is an honour for France and for me personally to assume the WA Plenary Chair in 2017. France was one of the founding members of the WA, which can be seen as the post-Cold War successor to the Paris-based COCOM – the Coordinating Committee for Multilateral Export Controls. France attaches a high importance to the WA's role. Export licensing is an important instrument to ensure that controls are effective when they are applied together with efforts by countries based on the WA to address challenges to international and regional peace and security posed by the destabilising accumulation and diversion of conventional arms, and to prevent the proliferation of those and related items by terrorists.

CD: Ambassador Griffiths, in your responsibility as current and third head of the WA Secretariat here in Vienna with only 13 employees, can you please go into detail of how the WA works without seeking to join, while several applications for WA membership are currently under consideration?

P. Griffiths: The WA Participating States cooperate in export controls for conventional arms and dual-use goods and technologies (e.g. civilian items that have military as well as commercial applications). The currently 41 WA Participating States share information and cooperate to address challenges to international and regional peace and security posed by the destabilising accumulation and diversion of conventional arms, and to prevent the proliferation of those and related items by terrorists.

CD: H.E. Jean-Louis Falconi, H.E. Philip Griffiths of France, who holds the 2017 WA Plenary Chair, and Ambassador Philip Griffiths, the Head of the Vienna-based Secretariat, explain how it works.
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“It believes that the WA can be proud that its control lists continue to be seen as the international standard for export controls on conventional arms and dual-use goods and technologies. WA governments invest considerable resources in the core technical work of keeping the lists up-to-date. They consult industry in this process. Of course, export controls and the risks being addressed have expanded in the twenty years since the WA was established. Rapid technological advances have increased the need to respond in a timely and coherent way to the evolving international threat landscape. This is a priority for the WA. At the same time, the WA makes clear that it does not impede bona fide civil transactions and that it is not directed against any state or group of states.

The WA’s focus is on sharing information to prevent the diversion of licensed exports to terrorist purposes. In this context, a particular focus has been on proliferation risks related to Small Arms and Light Weapons or SALW, including Man-Portable Air Defence Systems, so-called MANPADS. The WA lists and regularly updated Best Practice guidelines already provide for export controls on these arms and the ammunition. However, in the light of recent developments, including terrorist attacks in some WA Participating States themselves, and given the existence of illicit trade and secondary markets, further attention is being given to strengthening standards in this area, such as those for the permanent deactivation of fire-arms. Sharing information obviously is one of the key elements for making the Wassenaar Arrangement work. But how does the WA ensure and promote its effectiveness?

The WA represents a political rather than treaty-based commitment by each of its Participating States. All measures taken with respect to the WA, including meeting the agreed reporting obligations, reflect this voluntary undertaking to cooperate to promote transparency and responsibility. The pooling of information, both general and specific, and the opportunity provided to ease any matters which Participating States may wish to bring to the attention of partners, helps to build confidence and is a crucial part of the benefit derived from the WA. WA reporting goes further, in scope and frequency, than is required under the United Nations or the Arms Trade Treaty, known as ATT, and includes national arms transfers, as well as transfers and denials of certain dual-use items, to non-WA countries on a six-monthly basis. Denials reporting draws like-minded partners’ attention to acquisition activities that one Participating State considers detrimental to the WA’s objectives, thereby helping others to avoid inadvertent undertakes. Also, Participating States are to notify export approvals of certain controlled items where export was previously denied, although I do not recall such instances. The reporting database is continuously available

In 2013, the WA adopted new export controls related to ‘cyber tools’ and internet surveillance systems which, under certain conditions, may be detrimental to national security and international stability. A challenge has been to find the right balance between controlling technologies for the generation of ‘intrusion software’ on the one hand, and not hindering the development of industry expertise on the other. Work has continued in the last three years to further refine understandings, while proposals related to ‘3-D printing’ and communications interception and monitoring equipment have also been under consideration. These and other new technologies, e.g. related to defence and artificial intelligence, can be expected to remain in focus given their potentially disruptive impacts. On the other hand, export controls on some information security and related equipment have been relaxed or removed taking into account the increasing integration of such functionalities into consumer products.

How is the WA contributing to the fight against terrorism? The Wa has a focus on sharing information to prevent the diversion of licensed exports to terrorist purposes. In this context, a particular focus has been on proliferation risks related to Small Arms and Light Weapons or SALW, including Man-Portable Air Defence Systems, so-called MANPADS. The WA lists and regularly updated Best Practice guidelines already provide for export controls on these arms and their ammunition. However, in the light of recent developments, including terrorist attacks in some WA Participating States themselves, and given the existence of illicit trade and secondary markets, further attention is being given to strengthening standards in this area, such as those for the permanent deactivation of fire-arms.

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In 2013, WA adopted new export control regimes with a view to improving its overall functioning. Some specific 2016 outcomes include further changes to the WA lists taking into account international security developments, technological advances and market trends, an upward-dated Best Practice guidelines already provide for export controls on these arms and their ammunition. However, in the light of recent developments, including terrorist attacks in some WA Participating States themselves, and given the existence of illicit trade and secondary markets, further attention is being given to strengthening standards in this area, such as those for the permanent deactivation of fire-arms.
to Participating States on the secure WA communications system to support transparency and consistency. In addition, many WA Participating States have well established public reporting requirements and make national export licensing decisions public. While the WA is a voluntary undertaking, and there are consequently no formal verification or compliance monitoring mechanisms, all Participating States recognise the importance of meeting their commitments. At any time, any Participating State may seek further information, within the WA forum or bilaterally, as to the rationale behind another’s national licensing decision. In this way, and by the exchange of national implementation experiences, the WA provides for an element of peer learning and peer review.

What are the major current and future challenges for WA?

Falconi: Export controls and the risks being addressed have greatly expanded in the twenty years since the WA was established. Warfare and instability associated with conventional military threats have not gone away. At the same time, international developments, including security challenges related to preventing destabilising accumulations of conventional arms, regional conflicts, and the proliferation and diversion of increasingly sophisticated dual-use goods and technologies to non-state actors, including terrorists, reinforce the need for effective national export controls, both within the WA and globally. The continued relevance of the WA is dependent on its capacity to adapt to trends and technological developments. In that context, particular vigilance will continue to be required in respect of the fast evolution of communications and other technologies with potential military implications. Ensuring the cooperation of industry and the research sector in addressing challenges related to intangible transfers of technologies will also be crucial.

Griffiths: Continuing active outreach to non-WA members will also be important in achieving the WA’s goals by promoting the widest possible application of effective export control systems. The WA held a successful technical workshop in Vienna in June 2016 for an expanded group of outreach partners as a focus of its 20th anniversary programme. In this regard, the Arms Trade Treaty is a valuable complementary development and one that WA Participating States have welcomed.

So even given the many armed and deadly conflicts, you remain confident in regard to the WA’s contribution?

Falconi & Griffiths: Yes. There is no doubt that without multilateral efforts to regulate such transfers, the world would be confronted with many more challenges to peace. We are confident that, when its Participating States are pulling together with a sense of common purpose, the WA will continue to exercise leadership in this important area and sustain and further enhance its contributions to international security and stability.