III. The export control regimes

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The Australia Group, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies are functionally similar.[1] They are informal agreements that operate by consensus and are politically but not legally binding. Members apply regime principles and guidelines through their national legislation and systems. Policy, enforcement and licensing officials, as well as technical and intelligence experts, meet in different groups within the regimes and report to their respective plenary (the decision-making body). Technical working groups prepare changes to the control lists that are annually adopted by each plenary. Apart from the Australia Group, which is always chaired by Australia, the regime chair rotates among participating states on an annual basis. The NSG has a Consultative Group that meets twice per year, as does the Wassenaar Arrangement's General Working Group which has a similar function.

The Australia Group

The Australia Group was established in the light of international concern about the use of chemical weapons in the 1980–88 Iran–Iraq War.[2] Its coverage has since been expanded to materials, equipment and technology that have uses in connection with biological weapons. The 42 participants seek to prevent the development or acquisition of chemical or biological weapons by states or non-state actors through coordinated trade controls, including a jointly agreed list of items subject to national licensing requirements.

The 2014 Australia Group plenary took place in June against the background of clear evidence of the use of chemical weapons in Syria, and concerns about further use. The statement by the chair of the plenary did not attribute blame for the use, but used the term 'horrific use of chemical weapons against the people of Syria'.[3]

[1] For brief descriptions and lists of participating states of each of these regimes see annex B, section III, in this volume. Dual-use items can be used for both civilian and military purposes.

[2] Australia Group, 'The origins of the Australia Group', [n.d.], <http://www.australiagroup.net/en/origins.html>. For a brief description and list of participants of the Australia Group see annex B, section III, in this volume.

[3] Australia Group, 'Statement by the Chair of the 2014 Australia Group plenary', 6 June 2014, <http://www.australiagroup.net/en/media_june2014.html>. For further discussion of this topic see chapter 13, section IV, in this volume.

According to the chair's statement issued at the conclusion of the meeting, participants agreed to amend the Australia Group's guidelines to reflect concerns about terrorist use of biological and chemical weapons, and include a requirement for participants to consider the risk of diversion of controlled items to terrorists when reviewing export licences for such items. Participants also decided to share information on biological and chemical weapon-related terrorism not only within but also outside the group. It was also decided to amend the guidelines to reinforce catch-all provisions on unlisted items. The Australia Group's guidelines are currently being updated to reflect the latter decisions. The Australia Group also clarified the implementation of its no-undercut policy with the aim of promoting the policy's effectiveness through uniformity in implementation. Pursuant to the policy a licence for an export that is essentially identical to one denied by another Australia Group participant shall only be granted after consultations with that participant, provided that the licence has not expired or been rescinded.[4]

Participants at the 2014 plenary took part in a 'tabletop' exercise designed to test the ability of the group to respond to a theoretical situation involving enforcement challenges. They also welcomed the publication of a handbook, which had been produced by the United States, on the identification of Australia Group-listed items. The plenary continued the discussion from the previous year on ways to strengthen controls on intangible transfers of technology, involving both intangible forms and means such as email transmission and sharing of know-how in person, and agreed to strengthen national controls to this end.[5] Discussions on emerging technologies included synthetic biology, nanotechnology and additive manufacturing (also known as 3D printing).[6] Meanwhile, the 2014 review by technical experts of the list of chemical and biological items resulted in only minor changes.

The Australia Group maintained its efforts to engage with non-participating governments and with industry in both participating and non-participating states in order to achieve broad adherence to its guidelines. Applications for membership were considered, but no new members were admitted in 2014. Outreach visits were planned for the latter half of 2014 and early 2015, including missions to Singapore, Myanmar, Indonesia and India. An Australia Group Dialogue meeting is planned for June 2015.[7] To

[4] Australia Group (note 3).
[5] Australia Group (note 3).
[6] Australia Group, 'Preventing CW and BW proliferation: the Australia Group', Axel Wabenhorst representing the Australia Group Chair, Department of Foreign Affairs and Trade, Australia, Presentation to the 22nd Asian Export Control seminar, Tokyo, 17–19 Feb. 2015, <http://supportoffice.jp/outreach/2014/asian_ec/pdf/day3/1015_Mr.AxelWabenhorst.pdf>.
[7] Australia Group (note 6).

mark the 30th anniversary of the Australia Group, the 2015 plenary will take place in Perth, Australia. Meetings are usually held in Paris.

The Missile Technology Control Regime

The MTCR was established to prevent the proliferation of unmanned systems capable of delivering weapons of mass destruction.[8] Norway assumed the rotating chair at the 28th plenary meeting, held in Oslo in September–October 2014.[9] The next chair will be held jointly by the Netherlands and Luxembourg, testing a new model that enables smaller countries to assume the role. As usual, the MTCR's Technical Expert Meeting, Licensing and Enforcement Expert Meeting and Information Exchange Meeting took place in advance of the plenary.

At the various meetings in 2014, MTCR participants discussed proliferation trends, procurement activities and strategies to support programmes for weapons of mass destruction and their means of delivery; the risks and challenges posed by intangible technology transfers; key technology trends in missile programmes; catch-all controls on non-listed items; as well as brokering, transit and trans-shipment issues, and efforts to exploit them to evade export controls.[10] In Oslo the 34 participating states discussed and exchanged information on existing missile proliferation risks and developments since the previous plenary, held in Rome in 2013. As in 2013 the Democratic People's Republic of Korea (DPRK, North Korea) and Iran were specifically mentioned, and participants expressed concerns regarding 'ongoing missile programmes in the Middle East, Northeast Asia, and South Asia, which might fuel missile proliferation activities elsewhere'.[11] MTCR participants confirmed their commitment to implementing the MTCR-relevant United Nations Security Council resolutions on non-proliferation.[12]

Membership issues were discussed at the plenary but no new members were admitted. The plenary agreed to 'inform and assist interested parties that are supportive of the MTCR's objectives and purposes'.[13] MTCR participants strongly encouraged non-members to adopt and implement the guidelines and controls, and noted that a number of non-participating

[8] For a brief description of the Missile Technology Control Regime (MTCR) and a list of its partners see annex B, section III, in this volume.

[9] Missile Technology Control Regime, 'Public statement from the plenary meeting of the Missile Technology Control Regime (MTCR)', Oslo, 3 Oct. 2014, <http://www.mtcr.info/english/press/Norway2014.doc>.

[10] Missile Technology Control Regime (note 9).

[11] Missile Technology Control Regime (note 9).

[12] UN Security Council resolutions 1695, 1718, 1874, 2087 and 2094; as well as 1737, 1747, 1803, 1835 and 1929; Resolution 1540 is also mentioned separately in the plenary statement.

[13] Missile Technology Control Regime (note 9).

governments had already made a commitment to do so.[14] The 2014 plenary also adopted a new policy on adherence, which seeks to formalize this process. The MTCR invites countries to 'declare full adherence to the MTCR Guidelines' and to this end 'formally notify the MTCR POC [point of contact] in writing, on a voluntary basis, of their political commitment to control all the items on the MTCR Annex, including any subsequent changes to the Annex and Guidelines'.[15] The policy clarifies that there is no acceptance process, but the notification becomes effective on receipt; and that adherence is not to be considered a preparatory step towards joining the MTCR, as there 'is no relationship between "adherence" and membership in the Regime'.[16]

The outgoing MTCR chair, Carlo Trezza, conducted a number of outreach missions while in office and participants encouraged the incoming chair (Roald Næss) to be similarly engaged with non-participating countries. France organized a technical outreach meeting in Paris in 2014 and participants underlined the importance of maintaining and expanding this type of meeting.[17]

The MTCR is complemented by the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC), which originated in the MTCR in 2002 but has since developed into a separate initiative involving 137 countries.[18] The most recent annual meeting in Vienna took place in May 2014, with 67 registered delegations participating. The meeting discussed: (a) universalization of the code; (b) pre-launch notification systems for missile launches; (c) the timely submission of annual reports on missile inventories and activities; and (d) North Korea's missile launches. Peru will take over from Japan as chair for 2014–15.[19] As in a number of previous years, the UN General Assembly adopted a resolution in support of the HCOC in 2014.[20]

Nuclear Suppliers Group

The NSG aims to prevent the proliferation of nuclear weapons by controlling transfers of nuclear and nuclear-related material, equipment, software

[14] This includes China, Israel, Romania and Slovakia, <http://www.armscontrol.org/factsheets/mtcr>.

[15] Missile Technology Control Regime, Statement by Missile Technology Control Regime Chair Ambassador Roald Næss at the 22nd Asian Export Control seminar, Tokyo, 17–19 Feb. 2015, p. 3, <http://www.mtcr.info/english/public.html>.

[16] Missile Technology Control Regime (note 15).

[17] Missile Technology Control Regime (note 9).

[18] For a brief description and list of signatories of the HCOC see annex B, section III, in this volume. St Kitts and Nevis was the only country to join in 2014. '13th regular meeting of the subscribing states to the Hague Code of Conduct against ballistic missile proliferation', Press release, Vienna, [n.d.], <http://www.hcoc.at/?tab=what_is_hcoc&page=press_releases>.

[19] Missile Technology Control Regime (note 9).

[20] UN General Assembly Resolution 69/44, 2 Dec. 2014 was adopted with 166 votes in favour, 1 against (Iran) and 17 abstentions.

and technology 'without hindering legitimate trade and international cooperation on peaceful uses of nuclear energy'.[21] NSG members are also able to access information on best practices and specific data that can be put into the risk-management systems of licensing and customs authorities.

Argentina holds the chair of the NSG in 2014–15. Both the Consultative Group and the Information Exchange Meeting (IEM) are chaired by the USA, while the newly formed Technical Experts Group (TEG) is chaired by Sweden.[22] The group's June 2014 plenary in Buenos Aires brought together the 48 participating states, as well as the European Union and the chair of the Zangger Committee, both of which are permanent observers.[23]

To keep pace with technological and proliferation developments, a comprehensive review of the NSG control lists was concluded in 2013. The work of technical experts in this area was subsequently formalized through the establishment of the TEG, which has a similar function to the expert groups already in place in the other export control regimes.[24]

The annual exchange of information and practice on licensing and enforcement issues took place at the 2014 plenary. This included raising concerns about proliferation activities, in particular in North Korea and Iran.[25] The plenary continued discussions on government assurances provided for transfers of NSG-listed items in accordance with the NSG guidelines.

The NSG emphasized its commitment to the 1968 Treaty on the Non-proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT) and 'began a common exercise to make a useful contribution to the 2015 [NPT] Review Conference'.[26] In addition, it announced plans to hold an information and outreach event during the 2015 Review Conference.

Engagement with non-participating states and other stakeholders continued in 2014. The NSG launched a revised public website to facilitate

[21] Nuclear Suppliers Group, 'Public statement: plenary meeting of the Nuclear Suppliers Group', Buenos Aires, 26–27 June 2014, <http://www.nuclearsuppliersgroup.org/en/nsg-documents>. For a brief description and list of participants of the NSG see annex B, section III, in this volume.

[22] Nuclear Suppliers Group, 'What's new?', [n.d.], <http://www.nuclearsuppliersgroup.org/en/recent-news>.

[23] For a brief description of the Zangger Committee see annex B, section III, in this volume. Zangger Committee members meet annually. It maintains a complementary function to the NSG through its explicit link to the Treaty on the Non-Proliferation of Nuclear Weapons and its slightly differing membership, although its utility has been questioned on occasion. It is currently chaired by Shawn Caza (Canada), who will leave this position during 2015.

[24] Nuclear Suppliers Group (note 21).

[25] Nuclear Suppliers Group (note 21). On developments regarding Iran see chapter 12, section I, in this volume.

[26] Nuclear Suppliers Group (note 21); and International Atomic Energy Agency (IAEA), 'Communication received from the permanent mission of Argentina to the International Atomic Energy Agency (IAEA) on behalf of the participating governments of the Nuclear Suppliers Group', INFCIRC/539/Rev. 6, 22 Jan. 2015. For a summary and other details of the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT) see annex A, section I, in this volume.

access to information in multiple languages.[27] As part of efforts to strengthen cross-regime collaboration, an informal joint workshop on machine tools was held in Vienna in April 2014, which involved experts from the Wassenaar Arrangement.[28] The Second IEM Outreach Seminar was also held in Vienna in April. At the plenary in Buenos Aires, participants 'agreed to strengthen outreach efforts' and discussed ways to engage with states that agree to adhere to the NSG guidelines.

India: trade and membership discussions continue

The NSG was originally set up in reaction to India's first nuclear test explosion in 1974. The test explosion highlighted the fact that nuclear technology transferred for peaceful purposes could be misused.[29] Since then, India has voiced its interest in joining the NSG on a number of occasions, but has not formally applied.[30] At the 2014 plenary NSG participating states continued to discuss the NSG's relationship with India and the implications of the 2008 Statement on Civil Nuclear Cooperation with India, which enabled NSG members to re-enter into civilian nuclear trade with India.[31] A number of countries have resumed or entered into nuclear commerce with India since the 2008 Statement. Australia signed an agreement to supply uranium to India in September 2014.[32]

In a related development, India ratified its Additional Protocol with the International Atomic Energy Agency (IAEA) on 22 June 2014.[33] This particular version of an Additional Protocol strengthens oversight of India's civilian nuclear facilities but does not require full disclosure and oversight of all facilities. The protocol allows the exclusion of facilities related to nuclear weapons.

China: NSG debates grandfather clause

Discussions continued among NSG participants in 2014 on the interpretation and application of the so-called grandfather clause, which provides

[27] Nuclear Suppliers Group, <www.nuclearsuppliersgroup.org>.

[28] Nuclear Suppliers Group (note 21).

[29] Nuclear Suppliers Group, 'History' [n.d.], <http://www.nuclearsuppliersgroup.org/en/history1>.

[30] Bauer, S. and Mićić, I., 'Export control regimes', *SIPRI Yearbook 2013*.

[31] International Atomic Energy Agency (IAEA), 'Communication dated 10 September 2008 received from the permanent mission of Germany to the agency regarding a "Statement on civil nuclear cooperation with India"', INFCIRC/734, 19 Sep. 2008; and Anthony, I. and Bauer, S., 'Controls on security-related international transfers', *SIPRI Yearbook 2009*.

[32] Davenport, K., 'Australia, India sign uranium deal', *Arms Control Today*, 1 Oct. 2014.

[33] India's Additional Protocol was signed in 2009 and has been updated 7 times since then, most recently on 5 Feb. 2015. International Atomic Energy Agency (IAEA), Agreement Between the Government of India and the International Atomic Energy Agency (IAEA) for the Application of Safeguards to Civilian Nuclear Facilities, INFCIRC/754, 29 May 2009. India will have 20 facilities under safeguards and up to 30 military nuclear facilities that are not. For a critical perspective on this agreement see Kelley, R., 'Unconditional surrender: India's exceptional protocol', Atomic Reporters, 25 June 2014, <http://atomicreporters.com/2014/06/25/unconditional-surrender-indias-exceptional-protocol>.

that a state's commitments and contracts to supply nuclear-related materials made prior to its NSG membership will not be opposed by the NSG after that state joins the NSG. These discussions were sparked by the sale of nuclear power reactors to Pakistan by China. When China joined the NSG in 2004 it informed the group of an agreement to provide Pakistan (a non-participating state) with two reactors for a nuclear power complex in Chashma in the Punjab region. However, subsequent deliveries of reactors have caused controversy.[34] Some NSG participants have interpreted China's decision to supply reactors to a different facility near Karachi as a de facto exemption from the NSG guidelines on Pakistan.[35] As of early 2015, the Pakistani government had reportedly begun negotiations for three additional nuclear power plants to be built in the Punjab province.[36]

Transit and brokering controls

The NSG has discussed brokering and transit issues for a number of years. In 2011 it stated that it was considering 'options [on] how to best reflect these matters in the [NSG] guidelines'.[37] This followed on from international requirements on strategic trade controls, which broadened the traditional focus on controlling exports to encompass a wider range of activities such as the control of transit, trans-shipment, financing and brokering.[38] This change in emphasis was in response to the evolving nature of procurement for nuclear weapon programmes, changes in global trade patterns and technological developments. While brokering and transit were discussed in 2012 and 2013, a 'good practice guide' on brokering and transit/trans-shipment was not adopted by the NSG until 2014, and the NSG has yet to include transit and brokering provisions in the guidelines.[39]

The good practice guide was written by Germany, with the 'help and support of' 19 other NSG participating states.[40] Germany was mandated to develop the document at the 31st NSG Consultative Group meeting in June 2014. The guide states that only illicit activities should be combatted, and

[34] Buckley, C., 'Q&A: Why the attention on Pakistan's Chashma nuclear complex?', Reuters, 5 July 2010, <http://www.reuters.com/article/2010/07/05/us-china-pakistan-nuclear-idUSTRE6640NK20100705>; and Joshi, S., 'The China-Pakistan nuclear deal: a realpolitique fait accompli', Nuclear Threat Initiative, 11 Dec. 2011, <http://www.nti.org/analysis/articles/china-pakistan-nuclear-deal-realpolitique-fait-accompli-1>.

[35] Shah, S., 'China agrees to sell Pakistan two more nuclear reactors', *Wall Street Journal*, 15 Oct. 2013.

[36] Shah, S., 'Pakistan in talks to acquire 3 nuclear plants from China', *Wall Street Journal*, 20 Jan. 2014; and Parameswaran, P., 'China confirms Pakistan nuclear projects', The Diplomat, 10 Feb. 2015, <http://thediplomat.com/2015/02/china-confirms-pakistan-nuclear-projects>.

[37] Nuclear Suppliers Group, 'NSG public statement', NSG plenary, Noordwijk, 23–24 June 2011, <http://www.nuclearsuppliersgroup.org/en/nsg-documents>.

[38] See e.g. UN Security Council Resolution 1540, 28 Apr. 2004.

[39] Nuclear Suppliers Group, 'Good practices for the implementation of brokering and transit/transshipment controls', 2014, <http://www.nuclearsuppliersgroup.org/en/national-practices>.

[40] Nuclear Suppliers Group (note 39), p. 2.

defines the term 'illicit' as referring to 'activities which are not in line with the basic principles as outlined in Part 2 No.2 of the NSG Guidelines'.[41] The good practice guide stresses that 'national rules do not necessarily have to use the terms "brokering" and "transit/trans-shipment"'.[42]

The guide defines brokering as 'generally' referring 'to activities involved in arranging the transfer of items from one country to another'.[43] It states that a basic definition would include as brokering services 'the negotiation or arrangement of transactions for the purchase, sale or supply of items from a third country to any other third country' or 'the selling or buying of items that are located in third countries for their transfer to another third country'.[44] A broader definition would apply to all brokering transactions, not just those between third countries. The basic provision excludes certain activities, such as 'ancillary services', defined as 'transportation, financial services, insurance or re-insurance, and general advertising or promotion'.[45] A broader definition would include such services or 'any other action that facilitates the manufacture, export or import of an item'.[46] The guide specifically suggests that: 'To avoid unnecessary administrative burdens, it is important that brokering ... controls do not overlap with export controls, but rather play a complementary role.'[47]

The guide proposes that a kind of catch-all mechanism be used to trigger controls, depending 'on how sensitive (in terms of proliferation concern) the intended end-use or end-user is in the particular case'.[48] This could be based on certain listed items, or listed items in combination with a given end-use. While brokering controls for 'persons acting as brokers inside the country' are considered a basic element, application to residents acting as brokers outside the country is optional.[49]

Other basic elements listed are the introduction of penal provisions, including explicit definitions of offences, and a licensing requirement for specific brokering activities (the definition of which is left open). Optional elements are: (*a*) a licensing requirement for listed items; (*b*) a licensing requirement for unlisted items if for a sensitive end-use; (*c*) a licensing requirement for brokering activities other than core intermediary activities or ancillary services; (*d*) a general prohibition of certain brokering activities; (*e*) a legal obligation to report certain transactions to the authorities;

[41] Nuclear Suppliers Group (note 39), p. 3.
[42] Nuclear Suppliers Group (note 39), p. 4.
[43] Nuclear Suppliers Group (note 39), p. 3.
[44] Nuclear Suppliers Group (note 39), p. 4.
[45] Nuclear Suppliers Group (note 39), p. 4.
[46] Nuclear Suppliers Group (note 39), p. 4.
[47] Nuclear Suppliers Group (note 39), p. 6.
[48] Nuclear Suppliers Group (note 39), p. 6.
[49] Nuclear Suppliers Group (note 39), p. 6.

and (*f*) establishment of subsequent duties, such as proof of destination and end-use after the transaction.

The guide provides a definition of transit/trans-shipment as 'transport of an item entering and passing through the customs territory of the State with a destination outside the State'.[50] The various laws that make up the legal framework governing transit and trans-shipment are listed. They include laws on export controls, customs, national security, transportation, aviation/seafaring, freight forwarders/shipping companies and penal codes. On appropriate legal mechanisms, the guide considers it fundamental that transit/trans-shipment activities 'should be subject to governmental supervision' and that a 'kind of catch-all mechanism or a mechanism to stop particular named activities should be in place', such as 'how sensitive (in terms of proliferation concern) the intended end-use or end-user is in the particular case'.[51] As an optional element, it is proposed that 'certain listed items are always or in combination with a catch-all mechanism subject to controls'.[52]

The guide proposes as basic elements that 'certain transits/trans-shipments should be subject to governmental authorization', and relevant legal aspects should include the establishment of effective penal provisions and explicit definition of offences.[53] Optional elements are that (*a*) 'a license could be required for the transit/trans-shipment of listed items' and 'for the transit/trans-shipment of unlisted items that are intended for a sensitive end-use/end-user'; (*b*) 'certain transits/trans-shipments could be prohibited'; and (*c*) there could be 'an obligation to notify the authorities about an intended transit/trans-shipment'.[54] Finally, the guide highlights the importance to industry of internal compliance programmes and that 'enforcement and customs officers should be provided with adequate resources as well as training and technology, so that they can, in a case of transit/trans-shipment, identify items of concern'.[55]

The Wassenaar Arrangement

While the Australia Group, the MTCR and the NSG focus on weapons of mass destruction and their delivery systems, the Wassenaar Arrangement promotes transparency and the exchange of information and views on transfers of conventional arms and related dual-use goods and tech-

[50] Nuclear Suppliers Group (note 39), p. 4.
[51] Nuclear Suppliers Group (note 39), p. 6.
[52] Nuclear Suppliers Group (note 39), p. 6.
[53] Nuclear Suppliers Group (note 39), p. 7.
[54] Nuclear Suppliers Group (note 39), p. 7.
[55] Nuclear Suppliers Group (note 39), p. 8.

nologies.[56] It encourages responsible behaviour and seeks to prevent 'destabilizing accumulations' of such items.[57] The annual plenary was held in Vienna in December 2014, with Estonia in the rotating chair. Spain will take over the chair for 2015. The regular meetings of the General Working Group, the Licensing and Enforcement Officers Meeting and the Technical Experts Group took place during the year to prepare the plenary.[58] No state has joined the Wassenaar Arrangement since Mexico in January 2012. However, a number of states are at different stages of applying to join, including Kazakhstan.[59]

In previous years, the Wassenaar Arrangement has published details of best practice and best practice guidelines on different aspects of conventional and dual-use transfer controls.[60] In July 2014 the Wassenaar Arrangement adopted and published an introductory guide to the issue of end-use/end-user controls on arms exports.[61] End-use/end-user controls are efforts by an exporting state to impose restrictions on how, where and when exported goods and items are used after delivery. They are widely seen as an important means of preventing the diversion and misuse of arms.[62] The 2014 document seeks only to explain the concept of end-use/end-user controls and different national approaches, rather than establish agreed best practices. This reflects both the complexity of the topic and the range of national practices in this area.

During 2014 states agreed a number of changes to the Wassenaar Arrangement control lists. Most of the significant changes made were to the dual-use list rather than the military list. They reflected efforts to keep pace with advances in a range of controlled technologies and, in particular, the increased availability of ever more complex and advanced systems in certain areas. Controls were relaxed on 'equipment for production of electronic devices' and 'telecommunications equipment having specific information security functionality for the administration, operation or

[56] For a brief description of the Wassenaar Arrangement see annex B, section III, in this volume.

[57] Wassenaar Arrangement, 'Guidelines and procedures, including the initial elements', Dec. 2011, <http://www.wassenaar.org/guidelines>.

[58] Wassenaar Arrangement, 'Statement by the Plenary Chair on 2014 outcomes of the Wassenaar Arrangement on export controls for conventional arms and dual-use goods and technologies', 3 Dec. 2014, <http://www.wassenaar.org/publicdocuments/index_PS_PC.html>.

[59] Wassenaar Arrangement, Head of Secretariat, 'The Wassenaar Arrangement and the ATT', Presentation to 21st Asian Export Control seminar, Tokyo, 26–28 Feb. 2014, <http://supportoffice.jp/outreach/2013/asian_ec/T1-4_Amb.Philip_Griffiths_WA.pdf>; and US Department of State, 'Joint statement from 3rd U.S.–Kazakhstan strategic dialogue', 10 Dec. 2014, <http://iipdigital.usembassy.gov/st/english/texttrans/2014/12/20141210311907.html#ixzz3SwSAj1Kg>.

[60] Wassenaar Arrangement, 'Guidelines and procedures, including the initial elements', July 2014, <http://www.wassenaar.org/guidelines>.

[61] Wassenaar Arrangement, 'Introduction to end-use/end-user controls for exports of military list equipment', 3 July 2014, <http://www.wassenaar.org/guidelines>.

[62] Bromley, M. and Dermody, L., *Addressing unauthorized re-export or re-transfer of arms and ammunition*, (South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC): Belgrade, 18 Feb. 2015).

maintenance of networks'.[63] Other changes included the deletion of obsolete controls relating to vessels and a refinement of controls on unmanned aerial vehicles to reflect the 'substantial progress of technology in that area'.[64] However, states also agreed to new controls in certain areas, including 'spacecraft equipment' and 'technology for fly-by-wire/flight-by-light systems'.[65] Controls on machine tools and 'optical equipment for military utility and fibre laser components' were also substantially reviewed.[66]

The 2014 plenary agreed to 'continue offering enhanced technical briefing on changes to the control lists to a number of non-Participating States' in the coming year.[67] As in 2013, the potential links between the Wassenaar Arrangement and the Arms Trade Treaty (ATT) were highlighted by the secretariat (for more on the ATT see section I in this chapter).[68] In February 2014, the Wassenaar Arrangement Head of Secretariat noted the wide ranging 'body of practice that is relevant to the goals and requirements of the ATT' and the willingness of both the secretariat and participating states to assist states with ATT implementation.[69]

[63] Wassenaar Arrangement, 'Summary of changes, list of dual-use goods and technologies and munitions list', as of 3 Dec. 2014, <http://www.wassenaar.org/controllists/>.
[64] Wassenaar Arrangement (note 58).
[65] Wassenaar Arrangement (note 63).
[66] Wassenaar Arrangement (note 63).
[67] Wassenaar Arrangement (note 58).
[68] See Bauer, S. et al., 'Dual-use and arms trade controls', *SIPRI Yearbook 2014*. For a summary and other details of the Arms Trade Treaty (ATT) see annex A, section I, in this volume.
[69] Wassenaar Arrangement, Head of Secretariat (note 59).