

Wassenaar Arrangement Agrees On MANPADS Export Criteria

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After more than two years of negotiations, the 33 members of the Wassenaar Arrangement agreed at their annual plenary meeting to non-binding criteria to guide exports of shoulder-fired surface-to-air missiles. At the meeting, held November 30 and December 1 in Bratislava, Slovakia, the members also detailed "best practices" for disposing of surplus weaponry, controlling exports of "very sensitive" dual-use goods, and enforcing national export controls. Like the missile export criteria, the "best practices" are not legally binding, reflecting the voluntary nature of the arrangement.

Secretary of State Madeleine Albright first called for tighter controls on shoulder-fired surface-to-air missiles, formally referred to as Man-Portable Air Defense Systems (MANPADS), in a June 1998 speech, saying that the missiles pose a threat to civil aviation. A U.S. government official interviewed December 12 noted that since 1978 there have been approximately 20 incidents of MANPADS being used to shoot down non-military aircraft. Seventeen countries, including the United States, produce such missile systems, though not all are Wassenaar members, the official said.

The Wassenaar criteria call for members to export MANPADS only to foreign governments or their authorized agents and to weigh the possibility of whether the missiles will be diverted or misused by the recipient government. Exporters are called upon to assure themselves that importing governments will not re-export the MANPADS without prior consent.

Wassenaar missile exporters are also to assess whether the importing government can safely store and handle the missiles to prevent unauthorized access and use. For example, the criteria call for the missiles and firing mechanisms to be stored and transported separately as a "minimum" safety measure. At least once a month, the recipient countries should also take a physical inventory of all their MANPADS.

At the plenary, Wassenaar members also set out lists of "best practices" for exporting arms and dual-use goods. Wassenaar members agreed to five practices emphasizing that surplus weaponry should be subjected to the same controls as new weaponry. To assure "extreme vigilance" in sales of "very sensitive" dual-use items, such as stealth technology, Wassenaar members listed five practices stressing the necessity of preventing diversions or unauthorized use of such exports. The members further agreed to 18 practices for "effective enforcement," ranging from maintaining a list of problem end-users to cooperating in investigating and prosecuting violations of national export controls.

Underscoring their non-binding character, the agreements indicate that, for the export of very sensitive dual-use items, "'best practices' does not necessarily imply 'common practices,'" and that, for exporting surplus weapons, the practices are those "actually followed or aspired to by" Wassenaar members. Nevertheless, Assistant Secretary of Commerce for Export Enforcement Amanda DeBusk stated in a December 7 press release that "the adoption of the 'best practices' demonstrates that other countries share the U.S. view that an effective export control system requires first-rate export enforcement capabilities."

As in past years, Wassenaar members also amended the control lists to relax controls on dual-use goods that are increasingly available and therefore no longer merit stringent control, such as

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microprocessors.

The Wassenaar Arrangement was established in July 1996 to promote transparency and greater responsibility in the arms trade with the aim of preventing destabilizing weapons accumulations. Though not targeted at specific states, Wassenaar is intended to "enhance cooperation" in preventing sales of conventional arms and dual-use goods to countries or regions of concern to members.

Wassenaar calls on its members, which include most major arms exporters, to exchange information on deliveries, and in some cases denials of exports, of conventional weaponry and dual-use goods to non-Wassenaar members. Members are not obligated to forgo transfers denied previously by other members. Some arms exporters, such as China, Israel, and South Africa, are not members and have not sought to join the arrangement.

In addition to the dual-use goods category, which is divided into three tiers (basic, sensitive, and very sensitive), the arrangement covers seven broad types of major conventional weaponry: battle tanks, armored combat vehicles, large-caliber artillery, military aircraft/unmanned aerial vehicles, military and attack helicopters, warships, and missiles and missile systems.

U.S. efforts at the plenary meeting to add further conventional weapons reporting categories for power projection and logistics equipment, such as bridging vehicles, did not succeed. Members also could not agree on specific measures for addressing small arms, though they pledged to "share information and explore practical measures" for preventing destabilizing small arms stockpiles.

The U.S. government official confirmed that a Clinton administration initiative during the past year to raise negotiation of an international agreement proscribing arms sales to countries with human rights abuses, among other criteria, will not be acted upon within Wassenaar. However, the United States and the European Union on December 18 issued a declaration stating that they would jointly encourage other arms exporters to "submit their export decisions to rigorous criteria and to greater transparency." (See p. 37.)

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