

WASSENAAR ARRANGEMENT

ELEMENTS FOR OBJECTIVE ANALYSIS AND ADVICE CONCERNING POTENTIALLY DESTABILISING ACCUMULATIONS OF CONVENTIONAL WEAPONS*

EXPLANATORY NOTE

The 1998 Wassenaar Arrangement (WA) Plenary approved 3 December 1998 the paper, “Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons.”

The paper was produced to examine what scope there is for increasing the relevant categories for reporting pursuant to paragraph II.5 of the Initial Elements and its goals. The paper could be useful in assisting WA Participating States during the deliberation process associated with considering transfers or denials.

The paper is of a non binding character; decisions on export licensing remain under national control of each WA Participating State.

The paper does not imply a fixed order of priority among the elements to be taken into account. Indeed the priorities among those elements may change depending upon specific issues under consideration.

The elements of the paper, which are framed generally in the form of questions, are not considered exhaustive. Participating States understand the document as a work-in-progress, to be elaborated further as experience is gained through the exchange of information and discussions within the WA, and as a result of constantly changing international circumstances.

* As amended by the Plenary in 2004 and 2011

**ELEMENTS FOR OBJECTIVE ANALYSIS AND ADVICE CONCERNING
POTENTIALLY DESTABILISING ACCUMULATIONS OF
CONVENTIONAL WEAPONS***

1. Assessment of Motivation of the State under Study

- a. What is the state's military doctrine? How do its weapons and their deployment posture fit with the implementation of the doctrine and/or meet national security requirements?
- b. What do we believe to be the motivation of the state in accumulating conventional weapons beyond its current holdings, either through import or national production? How are such weapons likely to be used? Does the state believe its accumulation of conventional weapons is necessary in the exercise of its right to self-defence in accordance with the UN Charter? Does the state wish to gain a tactical or strategic advantage, status or national prestige, improved indigenous production capability, a capability to reverse-engineer or entrance to the export market? If conventional weapons or military technology are being acquired through import, does the state provide valid and credible end-use/end-user or re-transfer assurances? Are there risks of diversion to unauthorised end-use/end-users?
- c. What are the general directions of the state's foreign policy? Is there a clearly identifiable risk that the state would use its weapons offensively against another country or in a manner inconsistent with the UN Charter; assert by force a territorial claim; or otherwise project power in a region?
- d. Are the quantities involved in the state's accumulation of conventional weapons inconsistent with its likely requirements, suggesting possible diversion to an unauthorised end-user or efforts to reverse-engineer?
- e. Is there a clearly identifiable risk that the weapons might be used **to commit or facilitate** the violation and suppression of human rights and fundamental freedoms **or the laws of armed conflict**?

2. Regional Balance of Forces and the General Situation in the Region

- a. What is the nature of the relationship among the states of the region? Are there territorial claims or disputes among them, including questions of unlawful occupation with the intent of annexation? Are there economic, ethnic, religious or other disputes or conflicts among them? Are one or several states of the region prepared to use force or the threat of the use of force in a manner inconsistent with the UN Charter to resolve disputes with other states of the region?

* As amended by the Plenary in 2004 and 2011. The revisions introduced in 2011 are shown in bold.

- b. What are the state's national security requirements? Is the state's accumulation of conventional weapons greater than that required by its legitimate defence and security interests? Does it represent an appropriate and proportionate response to a threat? Consider the balance of forces and relative capabilities (offensive and defensive) between and among neighbouring and regional states and their relative expenditure on defence. The following factors, *inter alia*, might be considered, both individually for each state and comparatively: Size of the armed forces of the state, including trained reserves; quantity of weapons and related military equipment in service and in store; technical characteristics of weapons; their level of performance and maintenance; level of combat-readiness of the troops, including the quality of training of military personnel and their morale; and whether the deployment and training of forces is best suited for offensive or defensive action.
- c. What would be the perception of the state's accumulation of conventional weapons by other states in the region? Would political, historical, territorial, geographic or logistic considerations cause the accumulation to be perceived as a direct threat or to be otherwise intimidating? Does the actual balance of forces in the region provide a sound basis for such a perception?
- d. Could the accumulation of conventional weapons lead to an increase in tension or instability in the region or to the exacerbation of an existing conflict? Would potential adversaries perceive a need to prepare, deploy, or use additional forces or countermeasures? In a crisis, would they perceive a need to risk using force first? Is the accumulation of conventional weapons difficult or impossible to counter by forces in the region? Given the relative capabilities of states in the region, would the accumulation of conventional weapons provide sufficient protection or defence to offensive assets in such a manner as to be perceived as destabilising?
- e. Would other states in the region wish to acquire (including through national production, if possible) similar quantitative or qualitative capabilities, or acquire offsetting capabilities? Could the accumulation of conventional weapons contribute to a destabilising regional arms race or to an accelerating process of competitive production or procurement?
- f. Is there an UN Security Council arms embargo or any other UN Security Council restrictions against the state or other states in the region? Is the balance of forces in the region affected by arms transfers in contravention of these arms embargoes and restrictions? Does the importing State comply with its international obligations?**
- g. Are there existing UNSC sanctions against the state which would affect the supply of arms under the Wassenaar Arrangement? Is the supply permissible under the sanctions and are all relevant preconditions provided for in the sanctions met?**
- h. Has a WA Participating State provided relevant information including submitting documents within the framework of the general information exchange or in any other form or format about inter alia: multilateral and unilateral arms embargoes; bans on supply, or a set of conditions on supply; the state of concern's foreign and military policy; the accumulation of conventional weapons in a particular state; or the intention of the state's leadership to use force to resolve disputes with other states in the region?**

3. Political/Economic Standing/Status of the State

- a. Has the state signed and/or ratified relevant international or regional agreements and treaties pertaining to arms control and limitation, non-proliferation, and confidence and security building? What is its record of compliance with those agreements and treaties? Does the state participate in the UN Register of Conventional Arms? Does the state comply with internationally-recognised human rights, anti-terrorism and non-proliferation norms? Does the state have the intention to develop weapons of mass destruction (WMD); does it possess WMD; what are its views on the use of WMD? What is the general nature of the state's political system and what is the level of internal stability? Is there a civil armed conflict? **How can arms transfers influence this conflict?**
- b. What is the state's military expenditure? What percentage of GDP does it spend on the military? Is the information it gives on its military expenditures open and accurate, or does it seek to conceal the true costs?
- c. Does the accumulation of conventional weapons by the state exacerbate an already economically insupportable burden of defence? Does it risk economic or social destabilisation, either nationally or regionally?

4. Operational Capability

Equipment

- a. How would the accumulation of conventional weapons by the state affect the regional balance of forces and the situation in the region? A particular import or procurement through national production of an individual weapon, weapon system or sub-system may not be destabilising *per se*, but it may have a potentially destabilising character in combination with other equipment.
- b. Would an additional conventional weapons acquisition, whether by import or through national production, introduce a new capability to the region?
- c. Would an additional conventional weapons acquisition, whether by import or through national production, supplement or replace existing equipment? Would it substitute for current forces? If an import, are construction and maintenance (equipment support/spares) deals included? What is the operational life of the equipment with and without provision of maintenance?
- d. Would an additional conventional weapons acquisition, whether by import or through national production, provide the state with an additional strategic capability? Consider weapon system characteristics that have greater inherent potential to be destabilising (e.g., because they enhance power projection; there are few or no countermeasures; they contribute to the infliction of strategic harm).
- e. Would an additional conventional weapons acquisition, whether by import or through national production, provide the state with new or otherwise increased quantitative or qualitative operational capabilities, or increased sustainability? Would it allow more effective operational use of existing military assets or a bypass of force weakness? If ammunition or missiles, will the quantities significantly enhance operational sustainability?

Manpower

- f. Is the additional conventional weapons acquisition, whether by import or through national production, appropriate given the manpower capabilities of the state? Consider equipment/manpower levels, training, combat experience and leadership/ morale.
- g. If acquired by import, is a training package being provided in conjunction with the import?
- h. Will the equipment itself enhance manpower effectiveness (e.g., simulators)?

5. Acquisition of Military Technology

- a. Would the acquisition of particular technology, whether by tangible or intangible means or by indigenous development, provide a substantial technological advantage to the state's military capability? How will it affect the regional balance of forces and overall regional situation?
- b. If by import, would the acquisition itself, or the terms of the deal, such as offset agreements, lead to an indigenous production capability?
- c. If by import, is a design or technology package being provided in conjunction with the acquisition?
- d. If by import, is there a possibility of reverse engineering, *inter alia*, does the acquisition involve components, spares or prototypes that can be reverse-engineered?

6. Other Factors

- a. Would an additional conventional weapons system, if acquired by import, put the exporter's national forces or those of its friends and allies or of a UNSC-approved operation at risk?
- b. Does the method used to import the additional conventional weapons raise concerns about how the weapons are likely to be used?
- c. Would the equipment or technology (including any training) be at risk of diversion to terrorist groups and organisations, as well as individual terrorists? *
Is there a risk of diversion of exported weapons to illicit trade?
- d. **Does the state have an effective national export control system? Does the state have an effective system of physical security for its weapons storage facilities, stockpile inventory?**
- e. **Does the state follow in its national arms trade policy principles secured in the WA best practice guidelines relevant to arms transfers?**

* The first sentence of this paragraph was added by the Plenary of December 2004