Wassenaar's International Efforts to Address the Threat of Dual-Use Goods

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Dual-use items are products, equipment, or chemicals that are initially designated for civilian use, such as in industry, healthcare, electricity, and the economy, but can also be utilised for weapon research and the production of fatal explosives. Some can be used for conventional military purposes, and others can be used in the manufacture of more dangerous weaponry, such as biological and nuclear weapons. States face a major security dilemma owing to the proliferation of such items, not least when they are misused by terrorist groups in the absence of a strong monitoring mechanism that controls their sale and purchase.

A Long List

There is a long list of dual-use goods, including raw materials, equipment, tech products, and scientific and technical data, such as microchips (semiconductors) that are highly beneficial to device management and space exploration. If such chips and other sophisticated, sensitive technologies fall into the wrong hands, they can be utilized for lethal purposes, as in targeting and subverting vital areas using missiles and drones. Similarly, nuclear material used in nuclear power stations that provide millions of people with electricity can also be used in the manufacture of destructive weapons. Some fertilizers too used in the cultivation of crops can be used in the manufacture of Improvised Explosive Devices (IEDs), killing dozens of people.

The real risk is when these items fall into the wrong hands as they can pose, then, serious security risks. Terrorist groups actively seek such items in large quantities in developing weapons that can increase their capacity to commit violence and carry out more deadly attacks. They acquire such materials illegally through purchase or illicit means, such as robbery and trafficking.

Considerable Risks

Observers argue that thousands of incidents, in which dual-use goods are used to manufacture arms and explosives, involved individual or group terrorist operations resulting in losses of innocent lives. For instance, on October 9, 2019, a German extremist in the eastern German city of Halle carried out an attack against a Turkish restaurant and a synagogue, killing two civilians. Investigations showed that the perpetrator used 3D-printed and manufactured weapons. Right-wing extremist Stephan Balliet admitted having constructed a 9mm submachine gun, a 12-gauge shotgun, and a pistol using a 3D printer and available materials such as steel, wood, and plastic components, as well as a plastic luty.

Besides the great potential of 3D printers in several beneficial crucial fields, such as the transport industry in the manufacture of cars, ships, and aircraft; medicine in the recreation of human organs and fibers; the building and construction industry in establishing houses and offices; pharmacy in pharmaceutical and cosmetics manufacturing, they were also used lethally by right-wing extremists.

In December 2017, Conflict Armament Research (CAR) published a report that investigated the sources from which terrorist groups acquired their arms. It took terrorist Daesh as a model since it had seized vast areas of Syria and Iraq before its defeat at the hands of the international anti-IS coalition in 2017. The report, titled "Weapons of Daesh", found that one source of Daesh's arms is dual-use goods. The terrorist organization used such easily available goods to manufacture its lethal weapons. In Syria, a Daesh weapon production facility was established to manufacture IEDs and improvised weapons made from junk, common household chemicals (detergents and the like), and materials available at conventional stores. The report documented the use of several types of goods by terrorist Daesh in manufacturing arms and explosives, such as nitrate-based fertilizers, available chemicals used to produce improvised explosives, aluminum paste in explosives production, and sorbitol in the production of fuel for missiles. It also documented the use of mini/micro UAVs available at specialty stores or on websites, which sparked Daesh's interest due to their operational importance and ability to develop military operations. Daesh fighters used drones in large quantities for monitoring, surveillance, indirect fire guidance, and to deliver small IEDs. In all, Daesh procures such materials and products through local personal networks and global e-commerce platforms.

Security Alerts

In light of the aforementioned and the resulting concerns, counter-terrorism experts issued stern warnings against the dire consequences of the usage of such goods by terrorists. According to London's police chief, Mark Rowley, terrorists can use such goods to manufacture bombs, guns, bullets, or more sophisticated arms.

As it was difficult for security services to detect such materials, they are considered a serious threat and a notable development in terrorist activity. This is more evident in the confession of the far-right perpetrator of the attack on the Turkish restaurant and synagogue in the German city of Halle. It emphasized that the goal of such a terrorist operation was not only to kill, but also to demonstrate the viability of these weapons and inspire other extremists to improve and build new terrorism instruments.

Thus, governments and societies are faced with a serious challenge that necessitates joint efforts to strike a balance between the peaceful, safe use of these materials and limiting their destructive impact. To this effect, states and international organizations work on passing laws to control the export and import of such materials and relevant tech, operationalize oversight mechanisms, and prevent their use in unlawful acts. Moreover, states and security organizations exchange information and take necessary measures to prevent the trafficking of dual-use goods across borders or via illegal routes.

The Wassenaar Arrangement

The Wassenaar Arrangement is one of the best-known consensuses and multilateral arrangements that address controls over the export, procurement, and use of conventional arms and dual-use tech. It was concluded in July 1996 and comprised 33 States. Nine more joined later for a total of 42 States, notably USA, UK, France, Argentina, Australia, Austria, Belgium, Canada, Croatia, Germany, Italy, and Japan. Vienna was chosen as the location of the permanent secretariat for the Agreement, and the General Assembly is held once annually, while its subsidiary bodies meet regularly.

The Wassenaar Arrangement aims at trust-building, achieving the highest standards of responsibility in dual-use goods and arms transfer, ensuring they are not used in military build-up that can jeopardize regional and international security and stability, and preventing terrorists from ever acquiring such weapons or materials.

It also aims to enhance control systems working on the non-proliferation of weapons of mass destruction and obstructing their access routes, as well as other internationally recognized measures aimed at promoting transparency and responsibility.

The informal legal nature of the Wassenaar Agreement is based on a political commitment manifested in the primary elements, texts, and complementary declarations unanimously adopted by the states involved. All decisions within the framework of the Agreement are made by consensus, and states politically undertake to:

- Follow the guidelines and practices adopted in the Wassenaar Agreement.
- Control the export of goods included in the Munitions List and the Dual-use Goods List respectively annexed to the Agreement under their national legislation.
- Report on transfers of conventional arms and highly sensitive goods to achieve the principle of transparency .
- Exchange information on the export of highly sensitive dual-use goods and technologies.

Updating the Regulations

Lists of controls are updated annually by a team of experts according to the developments in dual-use technologies or materials, the export control system for conventional arms, dual-use goods, technologies, and weapons. The Munitions List annexed to the Wassenaar Agreement has been included in the EU Common Military List. The list of dual-use goods is included in the European Regulation on Export Controls of Dual-Use Goods and Technologies (Regulation CE No. 428/2009, as amended by Regulation No. 1232/2011 of the European Parliament and of the Council of 16 November 2011, and Regulation No. 388/2012 of the European Parliament and of the Council of 19 April 2012, and Regulation No. 599/2014 of the European Parliament and of the Council of 16 April 2014). Export controls remain under the sovereignty of each participating state.

The Wassenaar Agreement aims to raise awareness among governments about the importance of reviewing and improving their laws and regulations regarding the export of suspicious goods, as well as training personnel in this domain on how to identify such goods and assess the potential security threats that they may pose. It also highlights the necessity for international collaboration in gathering and analysing data pertaining

to the trade of dual-use commodities, detecting potential security issues, and devising suitable remedies.

Conclusion

The measures set by the Wassenaar Agreement can be effective in controlling the most sophisticated weapons and goods. This is an important step to limit terrorist groups' access to them. However, readily available goods and materials in traditional stores remain a dilemma awaiting more effective solutions that can maintain security and stability.