

Australia Group

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In 1984, a report, of a special investigatory commission appointed by the United Nations Secretary General, pointed the finger at western countries for supplying chemical agents used in the Iran-Iraq war as weapons. This frightened and prompted some western countries to set up Australia Group to avoid such an occurrence in the future. It was called the Australia Group because Australia initiated the move to organise the first meeting in Brussels in June 1985. Ever since its formation in 1985, the Australia Group always searched for legitimacy and the rationale for its existence. Somehow, it found one or another. In the initial years, when it was formed to control merely chemical agents and precursors for chemical warfare, the question on the legitimacy was raised because of its informal and somewhat secretive existence. It was considered a club of the western countries which had already formed similar clubs to control goods and technologies in different fields to throttle economic development of third world countries.

The Coordination Committee on Multilateral Exports controls popularly known as COCOM used to control goods and technologies through the International Munitions List, the International Atomic Energy List and the International Industrial List which later in 1990 renamed as the Core List. Of all the lists, the International Industrial List, or Industrial List or later incarnation the core list which has been controversial because of its control of dual use goods and technology. Dual-use technology is self-explanatory; it is used for both military and peaceful purposes. After the COCOM was dissolved in 1994, the move to set its successor began. In 1995, an agreement to set up a new body was arrived at, and by 1996, initial elements were announced. This new body was named Wassenaar Arrangement. Its mandate was to control transfers of conventional arms and dual use technologies not covered under other regimes existing in 1996.

There are three proliferation related regimes. The Zangger committee and the Nuclear Suppliers Group (NSG) were the informal groupings to control nuclear commerce. In

1971, the supplier countries of the Nuclear Non-Proliferation Treaty (NPT) formed the Zangger committee after finding the provisions of the treaty inadequate and ambiguous. The objective of the Zangger Committee was to provide standard interpretation or add to clarity to the provision of the Article 3¹ of the NPT. The NSG which was formed in 1975 in the wake of the 1974 Indian nuclear test had almost the same objective. It was formed to bring important non-NPT member countries such as France and Japan into the control framework. The NSG, also known as the London club, had somewhat dubious existence for years. After the Cold War, it acquired a comprehensive mandate, and to a great extent made the Zangger Committee superfluous. In 1987, came the Missile Technology Control Regime into existence to control unmanned aerial vehicles in a specified category. However, in 1993, the parameters were made redundant after the plenary meeting that year asked the member states to deny technology if it contributes to the development of Weapons of Mass Destruction.

All the multilateral regimes of export controls, over the years, are struggling to demonstrate that the element of secrecy has been overcome, and the regimes have become transparent. The Australia Group has also taken some measures such as setting up of website, working with some international treaties and organisations, reaching out to some non-members through its outreach programmes and attempting to broaden its membership. All these activities pose a serious question: has Australia Group transformed itself dramatically after its establishment in 1985? The answer to it is that despite maintaining its close character and informal nature, the Australia Group has tried to change itself to appear relevant in its objective.

Changes

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a prominent role in shaping the activities of the group. The group was started with the objective of stopping Iraq from diverting chemicals and equipment procured through legitimate trade to weapons. Though its basic objective is to target countries of concerns like Saddam Hussein's Iraq, yet it has shifted its focus considerably on non-state actors. Of the three Weapons of Mass Destruction, chemical and biological weapons are considered quite susceptible. After the September 11 incidents in general and the anthrax incidents in particular, biological terrorism grabbed the limelight, and made the member states to pay extra attention to it.

Control of Biological agents is the most important addition in the scope of Australia Group. In 1990, in a meeting, the members of the Australia Group decided that the regime would control both chemical and biological agents beside toxins and precursors for chemical warfare. Control of dual use equipment for biological agents production was also covered. The initial control list published in 1992 had eighteen bacteria, four rickettsiae, 25 viruses, and fourteen toxins. The list got updated frequently. In the 2008 plenary meeting, considering the rate of growth in synthetic biology the Australia Group decided to set up a synthetic biology advisory body to get information on developments of technology in the field, and to provide needed responses to the developments.

Thus, the current Australia Group common control lists are divided into five principal categories: chemical weapon precursors, dual-use chemical manufacturing facilities and equipment and related technology, dual-use biological equipment and related technology, biological agents, plant pathogens, and animal pathogens. However, the Australia Group guidelines give significant discretion to the governments of member countries to "(a) apply additional conditions for transfer that it may consider necessary; (b) apply these guidelines to items not on the Australia Group control lists; and (c) apply measure to restrict exports for other reasons of public policy consistent with its treaty obligations."

Another important area of change is in its membership. Though the Australia Group remains a small group body, yet its membership increased from the sixteen founding members to forty countries plus the European Commission. In the membership list of the Group we may find several former Soviet bloc countries such as Ukraine, Poland, Romania and Czech Republic. All the former East European countries which had joined the European Union also joined the multilateral export control regimes like Australia Group. Russia has not become part of the European Union, but has joined all the multilateral export control regimes except Australia Group. In the membership list, we may also spot some developing countries such as Argentina.

Changes may also be witnessed in terms of tools it had deployed to control exports of chemical and biological agents. Brokering, trans-shipment, catchall (control of a non-listed item if it is suspected of contributing to chemical and biological weapon development), End-use certificate, no undercut policy, deemed Export (transfer of knowledge to an alien staying in the supplier country)/Intangible Technology transfers (knowledge based transfer) and so on have emerged as new gadgets of export controls. All these devices have been adopted in all the nonproliferation multilateral export control regimes, including Australia Group.

Through these changes the Australia Group has been trying to justify its existence, still the advent of Chemical Weapons Convention, and the existence of the Biological and Toxin Weapons Convention raised a question mark on the rationale of the existence of the Australia Group. Even the argument that new items and items additional to Chemical Weapons Convention control list may be effectively controlled through a small group like the Australia Group failed to convince a strong section of the international community. However, in the near future, the world does not see any possibility of dismantling of the group. The member states of the group needs to be encouraged to more actively participate in the truly representative body like the Organisation for Prohibition of Chemical

Warfare, and strengthen universal treaties such as Chemical Weapons Convention and the Biological and Toxin Weapons Convention.

Endnotes:

1. The third article has four sub-clauses:
 - The non-nuclear weapon states undertake to accept the IAEA safeguards with the purpose of verification that the nuclear energy is being used for peaceful purposes and has not been diverted to the production of nuclear weapons or other nuclear explosive devices. The safeguards would be applicable to all source or special fissionable material in all peaceful nuclear activities within the territory of such state, under its jurisdiction or carried out under its control anywhere.
 - Each party state undertakes not to provide fissionable material or the equipment or material designed to process, use or produce fissionable material to any non-nuclear weapon state for peaceful purposes unless the material is subject to IAEA verifications.
 - The safeguards will be implemented in a manner which does not hamper the economic or technological development of the other parties or the international cooperation in the field of peaceful nuclear activities.
 - Non-nuclear-weapon States Party to the treaty shall conclude agreements with the IAEA within 180 days from the original entry into force if the treaty in accordance with the IAEA statute. States which deposit their instruments of ratification after the 180-day period, the negotiations will commence not later than the day of deposit.