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## U.S. Exports: Strategic Technology Controls

[The following is a reprint of a May, 1988 edition of *GIST*, a quick reference aid on U.S. foreign relations published by the Bureau of Public Affairs, U.S. Department of State.]

**Background:** The export of strategically significant technology to Warsaw Pact and certain other countries is controlled in order to deny them access to technology that would increase the effectiveness of their military establishments. Because modern weapons depend on many advanced supporting technologies that have both civilian and military applications ("dual use"), some commercial technology transfers could undermine U.S. national security. Consequently, the Export Administration Act requires the Commerce Department to issue a license before any such dual-use technology or equipment can be exported from the U.S. to a potential adversary. This permits a review of the potential military use of the technology, to ensure that transfers of militarily significant technologies do not occur under the guise of civilian projects. The value of more effective strategic export controls is highlighted by conclusive documentation of the USSR's past and continuing reliance on advanced Western technological know-how to modernize its military and to strengthen the industrial base that supports Soviet war-making capability.

**COCOM:** The Soviet Union is determined to obtain controlled Western equipment and technology by any means it can, including circumventing export controls. The U.S., acting alone, cannot prevent such diversions of controlled items because we are not the sole source of many of these products. The 17-member Coordinating Committee for Multilateral Export Controls (COCOM) is, therefore, of great importance in facilitating multilateral cooperation to control strategic goods and technology. As evidence of Soviet diversion efforts persists, the COCOM countries' determination to improve their enforcement capabilities has led to the application of additional resources to this task and to intensive efforts to improve the COCOM system.

**Organization** Established in 1949, COCOM now includes: Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States. Spain joined in late 1985 and Australia, in April 1989. COCOM has no formal relationship to NATO. It is not based on a treaty or executive agreement, but operates instead by informal agreement and according to the rule of unanimity.

A permanent COCOM secretariat is located in Paris. All 17 member countries are represented by permanent delegates. These representatives are joined routinely by teams of technical experts and policy-level personnel from their countries during substantive meetings and negotiations on new or revised export controls.

**Major functions of COCOM:** Member countries cooperate in three major areas:

- Publishing the control lists of embargoed equipment and enacting effective export control systems (the lists are grouped into three categories—direct military use, dual use, and atomic energy use);
- Evaluating and clearing potential exports of specific embargoed items from member countries to proscribed countries; and
- Harmonizing national licensing practices for strategic exports and coordinating export control enforcement activities.

Agreements reached in COCOM are implemented similarly by each individual member country.

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**Improving COCOM's effectiveness:** COCOM members face continued effort by the USSR and other Warsaw Pact countries to obtain militarily sensitive equipment and technologies. Discussions at the July 1981 Ottawa economic summit led to a high-level COCOM meeting in Paris in January 1982, the first COCOM meeting at the Under Secretary level since the late 1950s. Subsequent high-level meetings took place in April 1983, February 1985, and January 1987. A senior political meeting at the Deputy Secretary level was held in January 1988 at Versailles to reaffirm the members' commitment to strengthen their cooperation on strategic trade controls through COCOM. Lower level consultations have been held regularly since then as part of a continuing effort to streamline the COCOM embargo system and enhance members' enforcement procedures. [Editor's note: See "Security Assistance and International Armaments Cooperation," this issue, pp. 15-26, for a related discussion.]

**Relations with non-COCOM countries:** COCOM must protect against the export or re-export of embargoed commodities from non-COCOM countries to the countries of concern. The U.S. deals with this problem in part by requiring licenses for reexport of U.S.-origin embargoed products. COCOM members also maintain dialogues with a growing number of other countries regarding cooperation on export controls and prevention of diversions. Some non-member countries have adopted COCOM-like export control systems to protect embargoed high technology products and cooperate in the protection of militarily relevant items.

**Munitions controls:** Commercial exports of arms and other defense articles and services are controlled by the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR). Export licenses must be obtained from the State Department's Office of Munitions Control. The U.S. denies export and reexport authorizations for the USSR, other Warsaw Pact members, and most other communist countries. Licensing decisions for munitions exports to non-communist countries are based on compliance with the ITAR and U.S. arms control, national security and foreign policy considerations.

**For further information:** Also see Department of State *GISTs* on "U.S. Exports: Foreign Policy Controls" and "U.S. Export Controls and China."