



Transparency and Ethics

**by Nineta Bărbulescu, Head of Romanian
National Agency for Export Control**



Motto

Maximum transparency is an essential prerequisite for democratic accountability as the best guarantee of peace and stability.

Karl von Wogau

What does it mean *transparency* ?

- in accordance with the EU Council's Fourth annual report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports
- in accordance with the Motion for a European Parliament Resolution drafted by Rapporteur Karl von Wogau (previous years by Gary Titley)
- in comparison with several annual reports published by NATO and EU member states
- based on different studies and publications issued by NGOs

The level of transparency is the mark of health in Export Control ?

- “The level of health” means *inter alia* the coherence and the connection of following ingredients
 - Strong Political Will
 - Licensing Expertise
 - Enforcement Capabilities
 - Contribution to Export Control Community
- It depends of the political and economic environment for domestic Export Control process
- There are few applicable histories for building some specific blocks of the National Export Controls Systems (as Government Outreach to Industry)

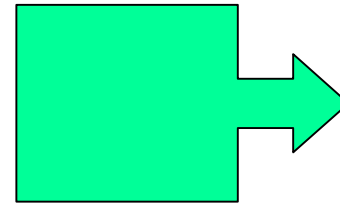
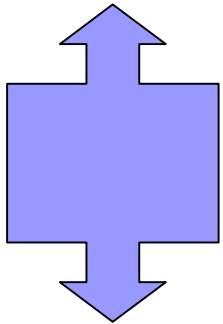
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- ❑ Because Export Control process has a profound and essential linkage with the fight against terrorism
⇒ Export Control officials are keen of deepening the motivation within Industry

 - ❑ Advancing Export Control is marking the connection between Ethics and Value (a visionary approach)

 - ❑ Understanding the transparency as a political endeavor for assuming arms transfers responsibilities

How does Ethics fit into this practice ?

- the fruits of the transparency principle



**An Advanced
Export Control
System**

- the roots of *lessons learned* tactics

An Advanced Export Control System I

- To adhere to export control regimes
- To adopt most advanced regional / European Export control standards
- To understand the new trends
- To review legal foundation and regulatory development
- To “catch-all” pertinent players within decision making process
- To take into consideration the dialogue with civil society
- To improve technological capability

An Advanced Export Control System II

- To modernize the Export Control System
- To establish a partnership between government and industry
- To coordinate export control enforcement agencies
- Sometimes, it could also mean the necessity of stringent adapting an Export Control System already in place to the current dynamics of the field statistically after a *bad experience*
 - focusing the Export Control policy and mechanisms towards the end - user *via* a consolidate relationship with Industry (e.g. ITT, catch-all)

First Romanian Report on Arms Export **2000 - 2001**

- published by ANCESIAC - national Romanian authority for export control
- Romanian version published at the mid of 2002
- Romanian version was made available to the public during the National Conference 10 Years of Export Control in Romania, 25-28th of September 2002
- English version distributed during the first biennial meeting of states on the implementation of program of action of the 2001 UN Conference on the illicit trade in small Arms and Light Weapons in All its Aspects, New York, 7-11th of July 2003
- both versions available at www.ancex.ro

International Commitments for Romania

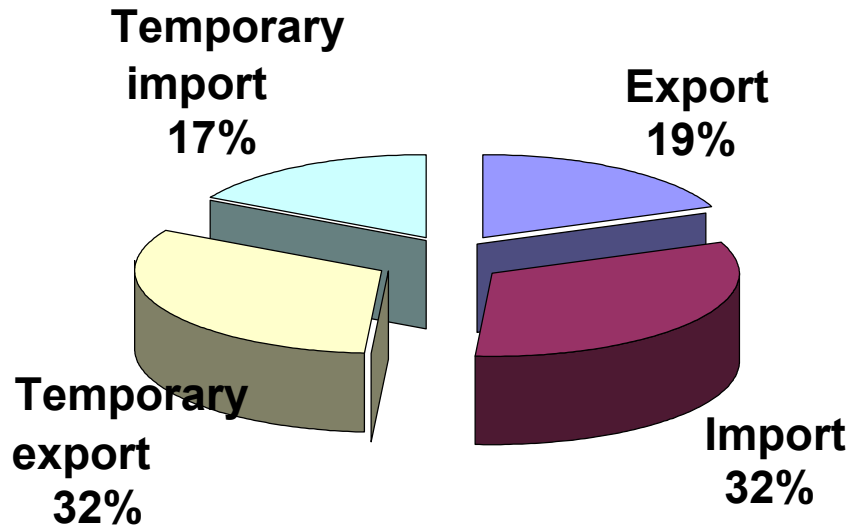
- ❑ Nuclear Suppliers Group 1991
- ❑ Zangger Committee 1991
- ❑ Following MTCR Guidelines & Control List 1992
- ❑ Australia Group 1995
- ❑ Wassenaar Arrangement 1996
- ❑ Counter Proliferation Agreement with USA 1998
- ❑ EU Code of Conduct on Arms Export 1998
- ❑ EU Regulation no. 1334/ 2000
- ❑ ICOC 2002
- ❑ UN, EU, OSCE Embargoes
- ❑ Other restrictive regimes

Structure of Romanian Report

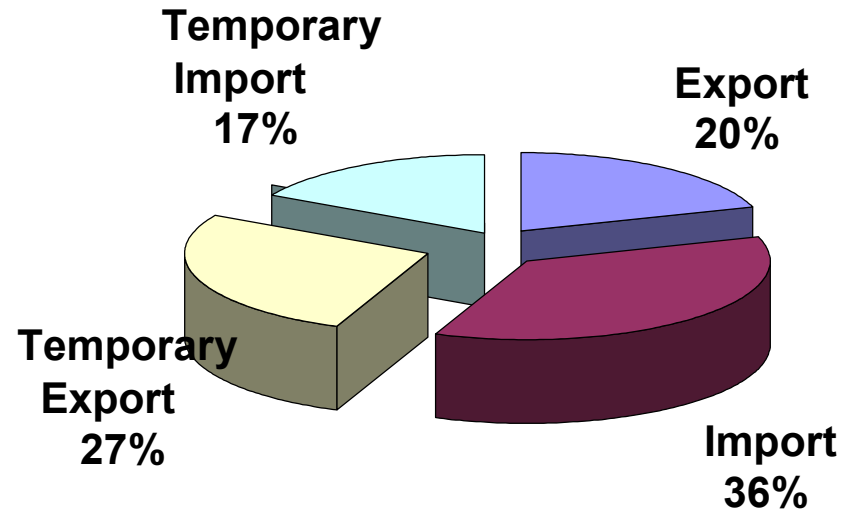
- Introduction
- Chapter 2 International Framework of Arms Export Control
- Chapter 3 The National Institutional and Legal Framework
- Chapter 4 Actions for Strengthening the Control of Arms Export during 2000 - 2001
- Chapter 5 Romanian Arms Exports 2000 – 2001. Facts and Figures
- Chapter 6 Future Developments
- Annex no.1 EU Code of Conduct on Arms Export
- Annex no. 2 List of Armaments, Munitions and Other Military Goods

Categories of Arms Transfers

2000

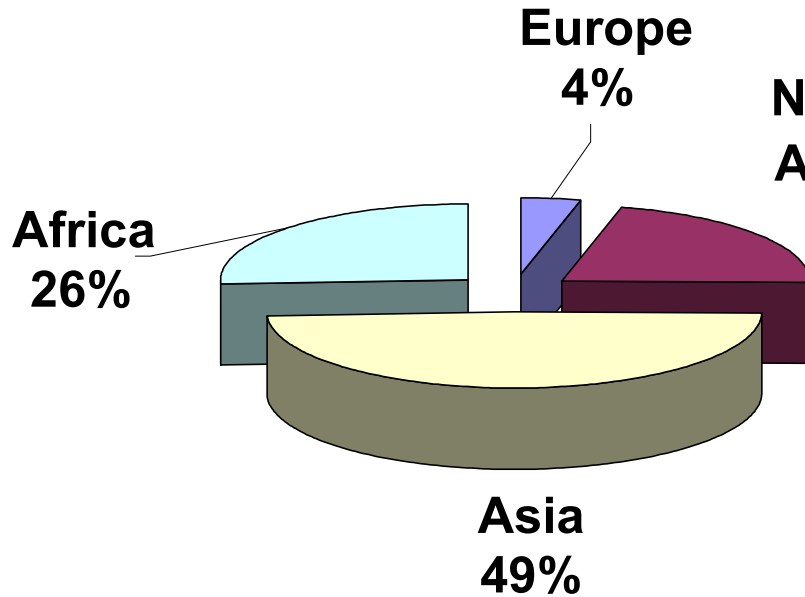


2001

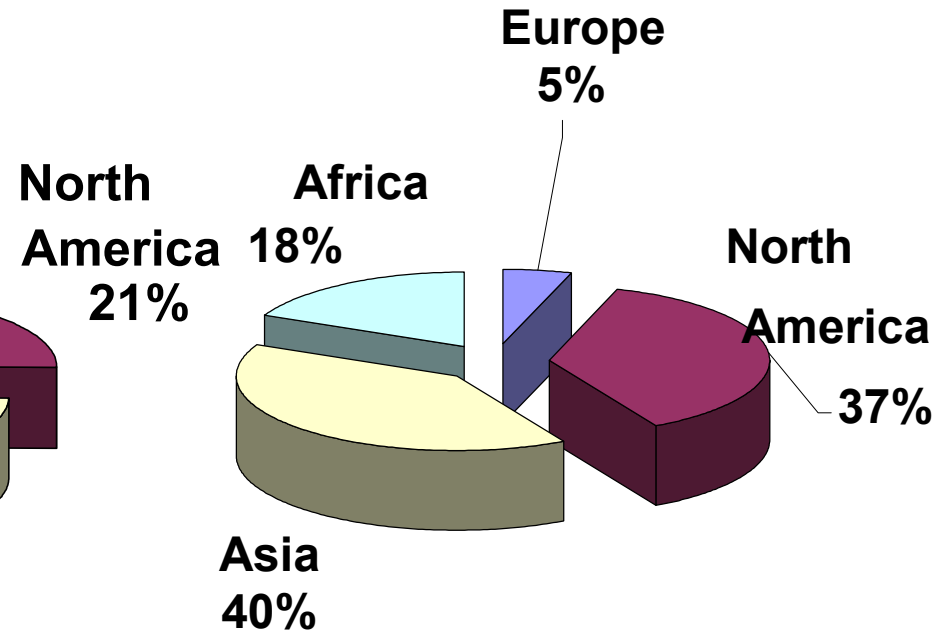


Geographical Repartition for Arms Exports

2000

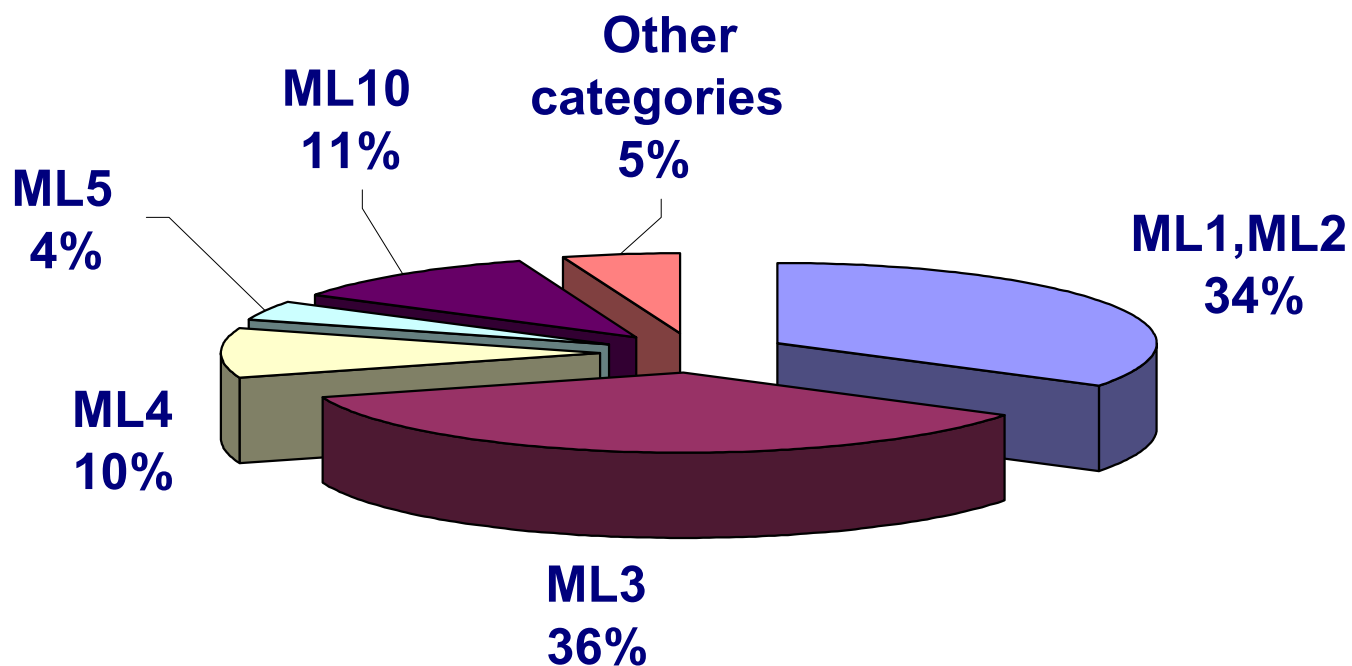


2001



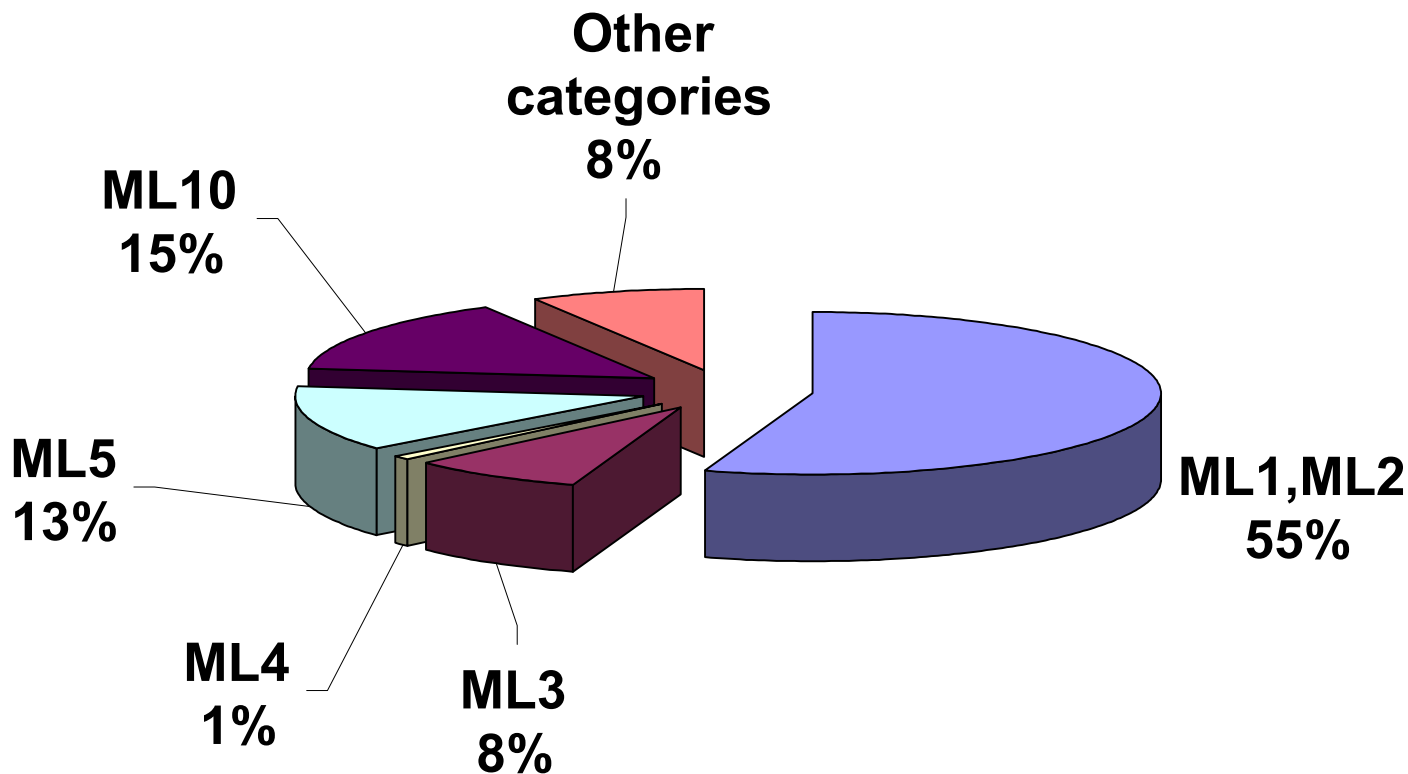
Main Categories of Romanian Arms Exports

2000



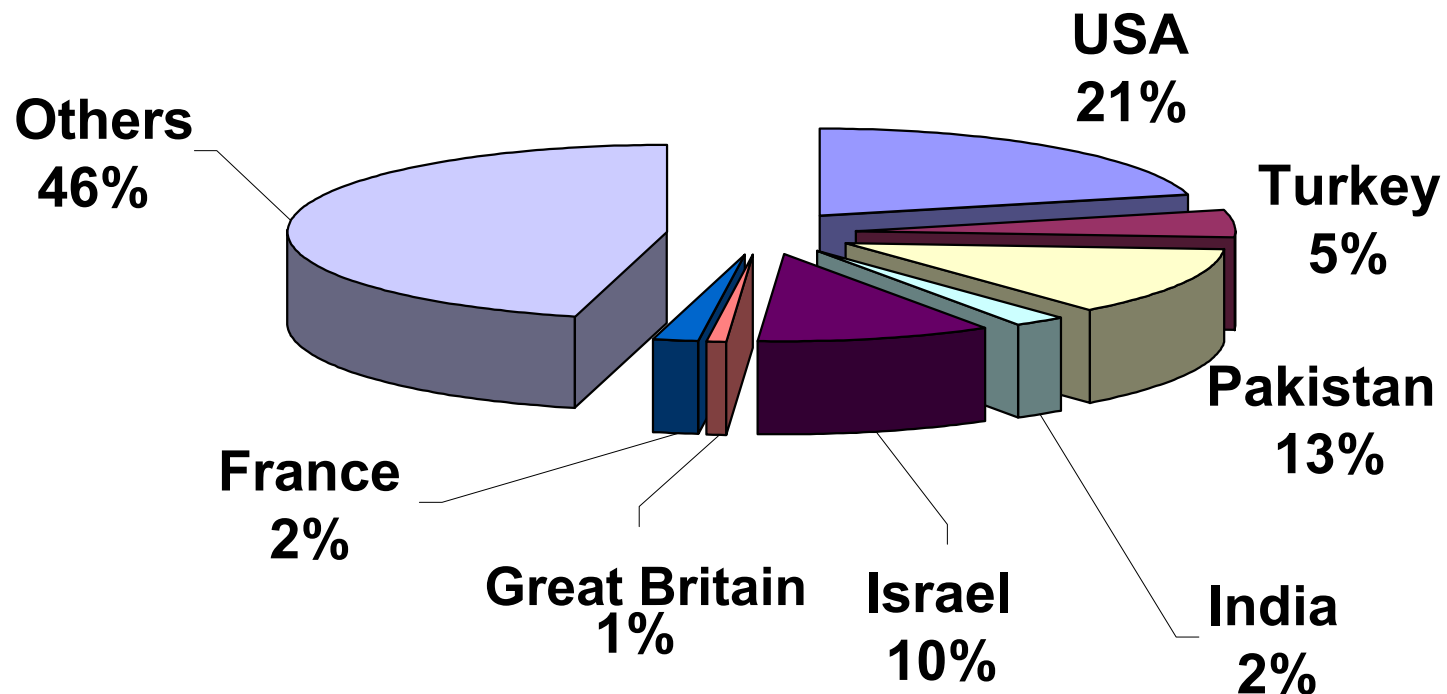
Main Categories of Romanian Arms Exports

2001



Main Recipients for Romanian Arms Exports

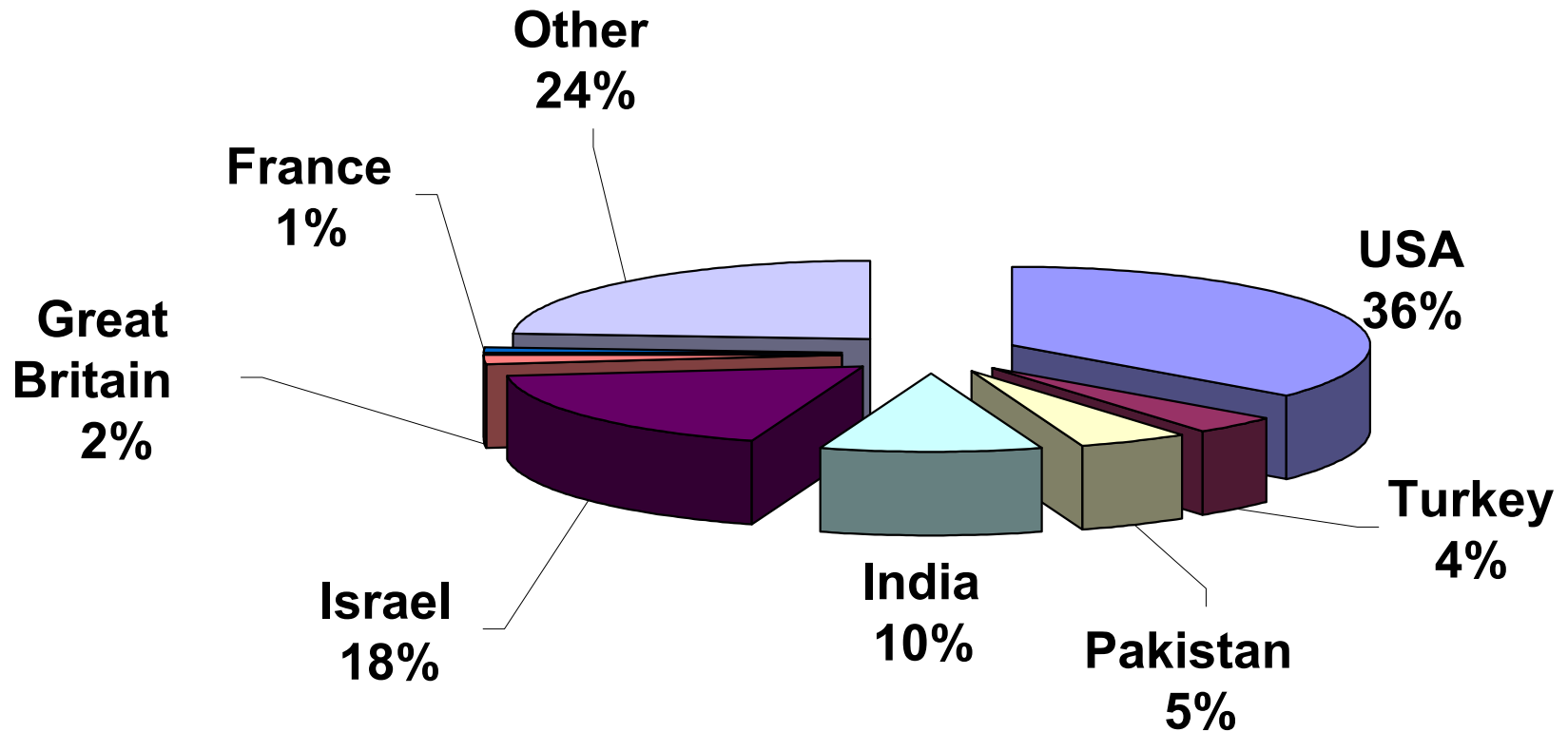
2000



Budapest, September 2003

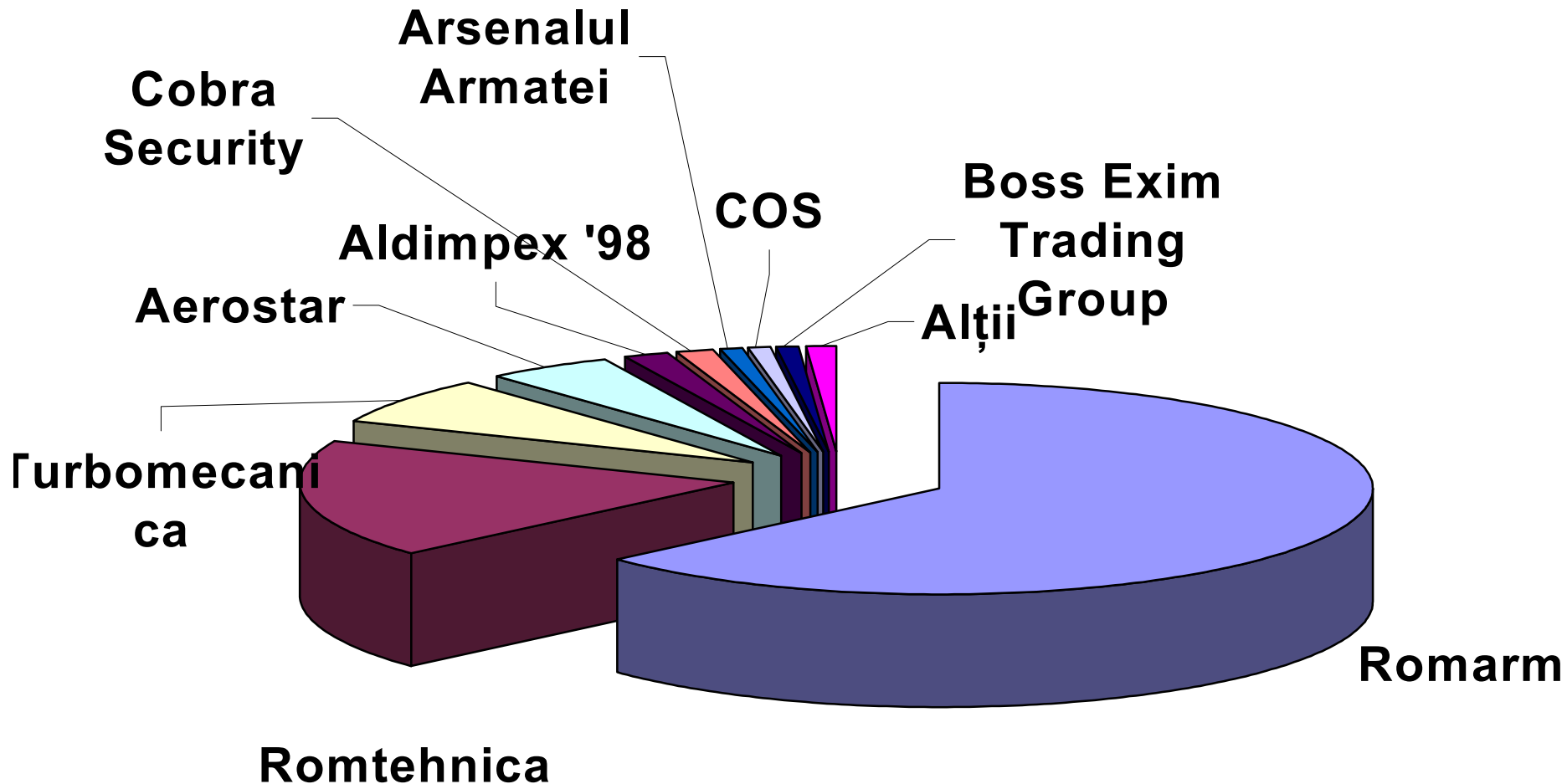
Main Recipients for Romanian Arms Exports

2001



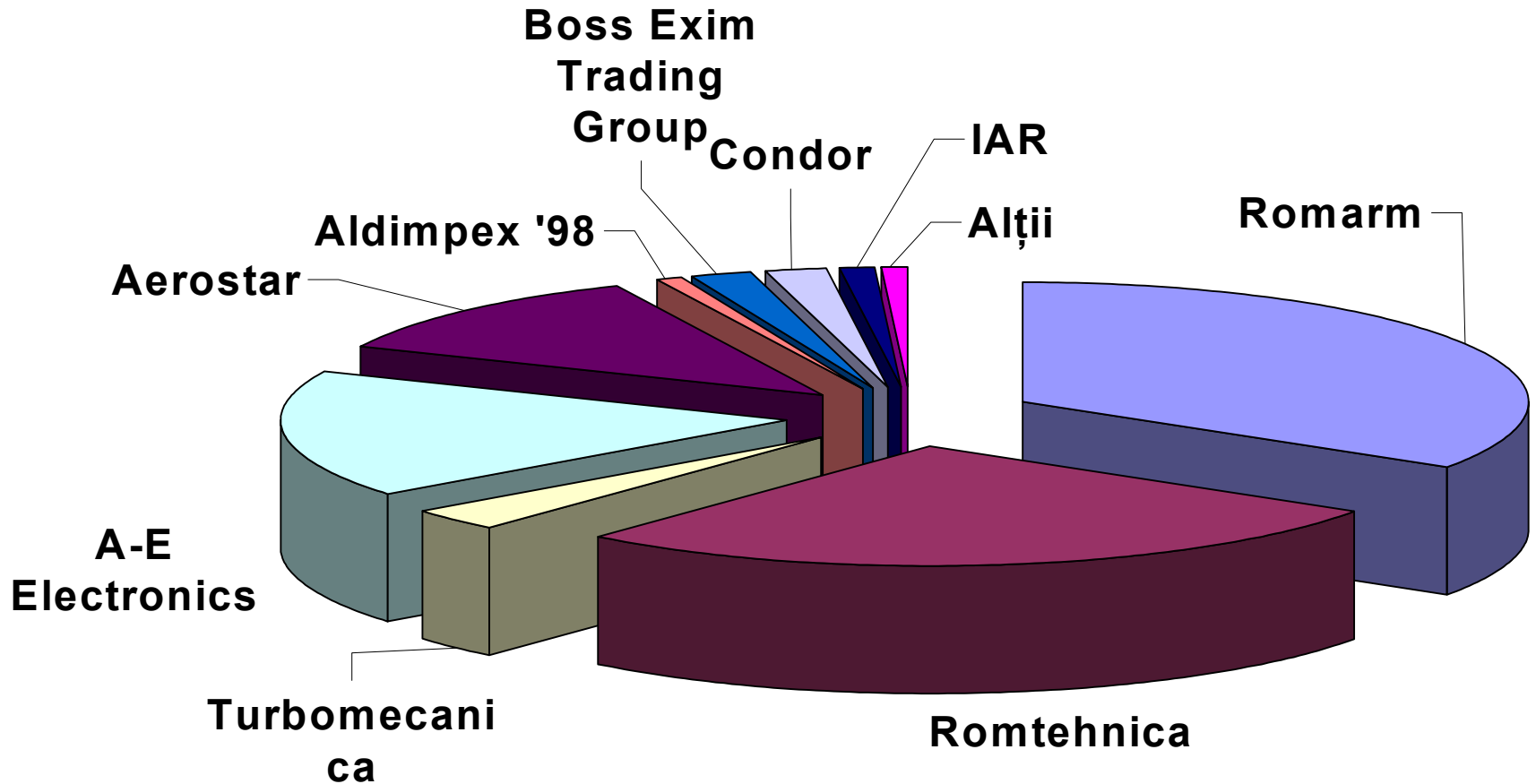
Main Romanian Arms Exporters

2000

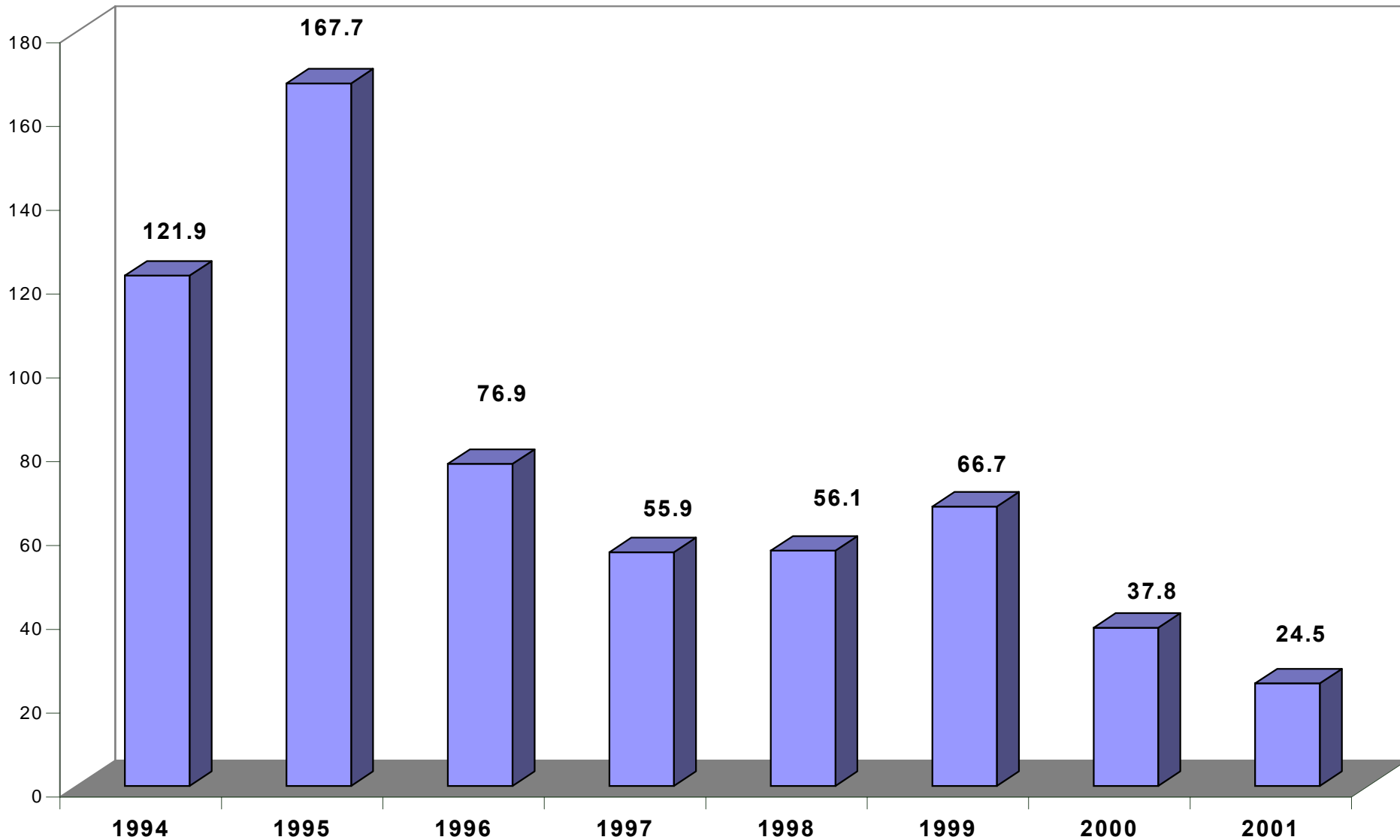


Main Romanian Arms Exporters

2001



Dynamics of Romanian Exports for 1994 -2001





Trends for Future Developments

- gradually understanding and harmonization with European common standards for export policy
- common minimum standards for issuing export licenses
- information and consultation diplomatic procedures
- establishment of legal value to the EU Code of Conduct on Arms Exports
- “exporting” EU standards for arms brokering activities
- using end-user certificates issued with the agrees minimum core elements
- increasing transparency
- common definition of EU Code of Conduct on Arms Exports criteria
- more stringent control
- future European arms export control agency

Export Control Practices

Increasing Transparency within National Reports

- data on the number and value of export licenses granted
- the value of exports, broken down by recipient country
- type and quantity of arms supplied
- data and reasons for export refused
- more precise information on the country of destination
- classification of end-users

Coordination among National export Control Policies

- Regular Exchange of views between states
- Mutual practice of *No undercut policy*
- Full pre-consultation between states with regard to transfers to regions susceptible to crises

Arms Brokering

- Implementation of the June EU Common Position on Brokering activities
- Introducing a system of authorization
- Creating a *specially designed* register

End-user certificates

- a system of end-user certification and documentation
- minimum number of core elements
- setting up of a delivery verification and post-export monitoring regime
- possibility of imposing penalties

More Stringent Controls

- Strengthening the contribution to conflict prevention and pro-active crisis management via supporting a uniform arms export policy
- Stringent observance of countries subject to arms embargoes
- A wide support for a list of countries of concern as a *presumption of denial*

In conclusion

Permanent reviewing of essential advanced National Export Control System criteria

- effective and efficient mechanisms & procedures
- the highest standards of probity, integrity and conduct
- responsiveness to Government
- *bona fidae*, ethical behavior and accountability
- based on a culture of compliance
- on the ground of incorporation of Export Control inside the corporate culture
- promoting a progressive transparency
- supporting governmental responsible nonproliferation policy
- Specific contribution to the field of international cooperation.