

# NGO Paper: Certification for Licensing Officers and Export Control Compliance Managers

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## Issue

Effective export control systems depend upon professionals within both government and industry. Two of the most important groups in the export control process are industry representatives responsible for compliance and government authorities who review licenses. To date, however, there are no institutions that offer formally recognized certificates for licensing officers or for industry compliance managers. Most licensing officers are trained on the job and the nature of that training varies widely from country to country.

Lack of training for licensing officers could undermine nonproliferation objectives as officers fail to understand the nature of the technology export, end-user and other proliferation risks. Similarly a lack of adequate knowledge about export controls by industry officials is a frequent source of export control violations in the United States. (Cite Rick Cupitt). For many companies export control compliance is a low priority and those responsible for managing compliance are often not accorded a professional status. There are a lack of clear standards of knowledge required for both licensing officers and export compliance managers.

Proposed action: Certification programs for licensing officials and industry compliance officers.

A. Question: Would certification of licensing officials strengthen export control systems? Could certification be standardized internationally?

Potential Benefits of Certification:

- Certifying licensing officials should reduce the risk of inadvertent errors.
- Certifying licensing officials would increase awareness of resources for making more informed decisions.
- Certifying licensing officials (internationally) could help “level the playing field” and result in more coordinated or harmonized licensing.
- Certifying licensing officials could help attract more qualified applicants to the profession.

Who should certify licensing officers?

- Regimes? Or a New Multilateral Regime
- National authorities?
- University or NGO?
- Consortium?

There are other key questions that would also need to be addressed, including the kinds of knowledge, skills and abilities that are necessary to perform effectively in a licensing position.

B. Would certification of compliance officers enhance the effectiveness of export control? Could this be done on an international level?

Coordination at the national level would provide the ability to tailor training to national regulations and imperatives. However, an internationally recognized certification program might provide for greater industry support and backing. One option would be for a University-based Center, like the Center for International Trade and Security, to cooperate with industry and government agencies to create a certification program for export administrators. In consultation with other experts, CITS staff would establish an Export Compliance Manager Certification Board. The Board would develop and maintain a base-line curriculum of information required by an export control administrator to manage an export management system (EMS) or internal compliance program (ICP). Based on this curriculum, the Board would create testing tools to evaluate and certify export administrators (ICP managers) as sufficiently knowledgeable to manage an export compliance program. Both private and public sector entities could develop training materials and sessions to instruct export administrators. Using its testing tools, the Board would certify appropriate export administrators as export control compliance managers.

This concept could be extended to the international level. Here an international board of industry and government agencies could help standardize training materials, curriculum and guide educational institutions in developing testing materials that would be internationally recognized. Alternatively, the testing and certification process could be managed and administered directly by national authorities involved in licensing. Regardless, testing would need to take into account differences between national systems and test on national export control requirements.

Benefits:

Certifying export compliance managers could produce several direct and indirect benefits for national authorities and export administrators. Among others, these include:

1. Certification should reduce the number of errors made in the export licensing process as a result of ignorance. This will result in savings for both industry and government.

2. Certification should reduce the enforcement costs for governments and compliance costs for industry through better industry compliance practices.
3. Certification would allow government and industry to assess their outreach and training programs more thoroughly.
4. Certification would highlight the importance of compliance activities in the business community.
5. Certification would provide greater status and rewards for export compliance officers.
6. Certification could facilitate harmonized compliance programs internationally and facilitate transfers within companies working in different nations and between companies with certified professionals or certified ICP programs.
7. Others?? Benefits, such as reduced licensing times, might be offered to companies that have certified compliance officers.

Should the certification target specific groups for tailored training programs, such as nuclear exporters, freight forwarders, etc.? Higher level certification might be required for companies exporting more sensitive materials and technologies.