

Pakistan Export Control Regime

Commitment to non-proliferation

Pakistan is committed to preventing the proliferation of nuclear, chemical, biological and radiological weapons and means of their delivery.

Pakistan is determined to pursue effective export controls enforcement in line with our commitments under international instruments.

Legal and administrative instruments:

1. Import and Export (Control) Act, 1950 (Act No. XXXIX of 1950). This Act authorizes the Federal Government to prohibit, restrict or control the import/export of goods and regulate practices and procedures connected therewith.
2. Pakistan Nuclear Safety and Radiation Protection (PNSRP) Ordinance, 1984 and PNSRP Regulation, 1990. lay down provisions for control import/export of nuclear substances and radioactive materials.
3. Statutory Notification No. SRO-782 (1), 1998 prohibits export of fissionable materials
4. Chemical Weapons Convention Implementation Ordinance, 2000 (Ordinance No. LIV of 2000). This legislative framework regulates and controls the import and export of chemicals in accordance with the provisions of CWC and provides for criminal penalties in case of violations.
5. Pakistan Nuclear Regulatory Authority Ordinance, 2001. Ordinance. Under this Ordinance, as stated earlier, PNRA issues the required no objection certificate for import and export of any radioactive materials or radiation sources.
6. Export Control Act on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems-2004.

Oversight Institutions

- a) **National Command Authority (NCA)** -in place since February 2000.
- b) **Strategic Plans Division** - serves as the Secretariat to the NCA.
- c) **Security Division** with four Directorates one each for counter intelligence, security, personnel reliability and technical issues -to ensure physical security, custodial controls and personnel reliability.

- d) **Pakistan Nuclear Regulatory Authority/PNRA**- established in 2001.
 - i. Has the mandate to issue License/No Objection Certificate for import and export of radioactive materials or radiation sources (for peaceful purposes).
 - ii. It follows the principle of “cradle to grave” oversight of radioactive material/sources.
- e) **National Authority** for implementation of the CWC.
- f) **Export Control Authority** for enforcement of Export Control Act.

State Structures

1. Ministry of Foreign Affairs

Draws up broad principles of export controls in the light of Pakistan's foreign policy and security interests.
Grants political clearance for export of controlled goods and services.

2. Strategic Plans Division

Serves as an umbrella organization for the scientific institutions.
Responsible for security, personnel reliability, and issuance of internal compliance with guidelines and procedures.

3. Ministry of Commerce

Lead Agency of the government to frame and issue rules and regulations on export.
Sets basic principles for implementation of export controls.

4. CBR/Pakistan Customs

Acts as a primary government department to regulate and implement the administrative and regulatory provisions of laws pertaining to imports and exports of goods and services to and from Pakistan.

5. Ministry of Interior

Supplements the role of Pakistan Customs in regulating and preventing exports of prohibited items under Pakistani laws.
Exercises its authority and ensures border security through Pakistan Coast Guards, Pakistan Rangers and Frontier Constabulary.

6. Ministry of Defence

Focal point for granting license/no objection certificates required for transfers of conventional arms.

Export Control Act-2004

Extent /scope

Extends to the entire territory of Pakistan and to any offense committed by:

- Citizen of Pakistan or person in the service of Pakistan, in and beyond Pakistan or any Pakistani citizen visiting or working abroad.
- Foreign national while on the territory of Pakistan.
- Any ground transport, ship or aircraft registered in Pakistan wherever it may be.

Control Lists

The Act controls export, re-export, transshipment, transit of goods, technologies, material and equipment.

The materials, equipment and services which could contribute to the designing, development, production, stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems is subjected to the provisions of this law.

The control lists are to be reviewed periodically, and revised/updated as required.

The Federal Government is to notify all licensing requirements and procedures.

Catch-all Clause

An exporter is under legal obligation to notify the competent authority if the exporter is aware or suspects that the goods or technology are intended in connection with nuclear or biological weapons, or missiles capable of delivering such weapons.

Diversion

Any willful diversion of controlled goods or technologies and violation of terms and conditions of an export license will attract:

- Denial of further export license to that recipient of goods or technologies for a specified period for each offence.
- Denial to the recipient the privilege of exporting products into Pakistan for a specified period for each offence.

Offences and Penalties

Any contravention or attempt to commit or abet the commission of an offence will be liable to prosecution in a court of law.

Conviction by imprisonment for a term of up to fourteen years, or with a fine up to rupees five million, or both, and or confiscation of the offender's property and assets inside or outside Pakistan.

An attempt to commit or abet the commission of an offence will be liable to proceeding in the manner as if the person concerned had committed such an offence.

There is a right to appeal.