

Eighth International Export Control Conference

Discussion Group
Summary

Policy Discussion Group



Policy

- UNSCR 1540 in particular and the UN's other activities have generated the political appetite for assistance to meet these requirements
- While the items and technologies falling under these controls are diverse, there are great similarities in terms of the ways they are controlled and the necessary mechanisms to be put in place
- UNSCR 1540 sets the framework for current emerging action but many states are still at the starting point for implementation

Policy

- Recent UNSCRs have given specificity to some important elements of related export controls in their application to two specific countries, however, domestic legislation adopted in compliance with these resolutions should not be limited to these two states
- The purposes of the export control regimes have become increasingly transparent in light of their cooperation with the 1540 Committee and the requirements for compliance with UNSCRs 1718 and 1737
- Regional cooperation and the targeting of outreach efforts on the basis of needs assessments are important for the global application of export controls

Policy

- Need for massive capacity building highlight the importance of regional cooperation and recognition that there are different priorities for implementation
- PSI helps to fill gaps by providing a cooperative arrangement outside of national measures to address illicit trafficking not detected through national export control measures
- UNSCR 1540 raises the bar for legislation and PSI raises the bar in terms of providing the mechanisms for information sharing

Policy

- Export controls are important both for WMD and conventional weapons
- UNSCR 1540 has raised the bar for WMD and missiles and the UN Programme of Action has raised the bar for small arms and light weapons, and UN resolutions on MANPADS have raised the bar for controls over all of these weapons to a much higher level with specific requirements on states and calls for cooperation and assistance

Policy

- In regard to MANPADS, the contribution of regimes such as the Wassenaar Arrangement has again been unique, as have the other regimes and UNSCRs 1718 and 1737
- There are other enforcement areas under PSI and UNSCR 1540 that, while important, are not necessarily related to export controls (e.g. WMD related financial transactions)

Policy

- Brokering is a topical issue under discussion in the export control regimes, and under the UN Programme of Action
- Extraterritoriality provides a useful disincentive to help control brokering but is difficult to enforce
- Universality of brokering controls will never be a substitute for extraterritoriality

Licensing Discussion Group



Licensing: Experiences in ICPs

- Presentations: Poland and Germany
- Most companies willingly comply with ICPs when they:
 - Understand reasons for need
 - Grasp long-term advantages
 - Are in constant communication with authorities and within

Licensing: Administrative Penalties

- Presentations: Germany's PRE and Inter-export Management Systems
 - Stiff penalties are effective deterrent
 - Administrative sanctions against companies
 - Judicial/criminal sanctions against individuals
 - Denial of license applications accompanied by pressures prove effective

Licensing: Technical Resources and Limitations

- Presentations: Wisconsin Project, Goods Checker, SEESAC software
 - NGOs playing substantial role to facilitate/aid governments and companies via:
 - Databases
 - Web resources
 - Wealth of knowledge
 - Software
 - Filling a unique and important niche
 - Consultation

Enforcement Discussion Group



Enforcement: Regional Cooperation

- Customs and export control enforcement increasingly include matters of controlling criminal activities
- Many states are just beginning to consider export controls as a high priority for customs activities
- There is a growing sense of the importance of regional cooperation both for preventative border and export control measures and in conducting investigations for violations

Enforcement: Resource allocation for enforcement measures

- Sustainable capacity building practices are critical to the continued effectiveness of export control enforcement efforts
- Resource allocation requires tailoring controls to the needs of the country

Enforcement: International enforcement cooperation

- Enforcement efforts have to proceed in a professional manner consistent with international arrangements and the laws of the partnering states
- Communication between the prosecutors and enforcement agencies is necessary to provide an understanding of the necessary elements required for a successful prosecution
- The apparent low level of penalties for export control violations is of continuing concern for enforcement authorities

Enforcement: Assessing risks

- The same routes are often used for various types of smuggling activities
- Weak coastal states pose a risk in terms of providing safe havens for criminal activities
- Greater information about firms engaging in trade enhances end-user controls, risk targeting, and investigations and prosecutions
- Tracking money flows is an important way to determine the possible end use of sensitive technology
- If suppliers or brokers are willing to intentionally break the export control rules of one country, then they are likely to be willing to do so in other countries

THANK YOU