

# Enforcement Group

## Summary of Subjects Discussed

### Co-Facilitators:

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HM Revenue and Customs

United Kingdom

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National Nuclear Security Administration

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# Risk management and targeting

- Balance between trade facilitation and enforcement
- Use of Information/efficient information flows/effective analysis/profiling/targeting
- Wisconsin Project on Nuclear Arms Control
- National Nuclear Security Administration

# End use and end user controls

- Importance of industry cooperation and voluntary compliance
- Export control phases
  - Pre-license phase
  - Application phase
  - Post-license phase

# Enforcement and prosecution

- General enforcement issues
  - Insufficient resources – too few detections
  - Weak legislation – loopholes that can be exploited
  - Insufficient cooperation, inter agency, international
  - Insufficient awareness, training of enforcement officials

# Enforcement and prosecution (cont.)

- Criminal investigation and prosecution challenges
  - Problems with gathering and/or utilizing evidence for prosecutions (because includes sensitive intelligence)
  - Securing or obtaining proof of intent or guilty knowledge in prosecutions, prove that WMD program exist or is on-going.

# Enforcement and prosecution (cont.)

- Policy-making consideration impacting effective enforcement
  - Contradictory or confusing policy objectives
  - Insufficient policy guidance or support
  - Political interference
  - Increasing complexity of export controls
  - Conflicts of interest – domestic, interagency, international

## **Enforcement and prosecution (cont.)**

- Confusion or overlap – Overlapping roles and responsibilities – overlapping legislation
- Overlap between counterterrorism, counterproliferation and sanctions/legislation and enforcement
- The assumption that enforcement will just happen

# Transit and transshipment controls

- Diversity of export control system
- Adapt export control system to individual circumstance
- Challenges of controlling transit and transshipment
  - Fast moving environment
  - Less information available
  - Volumes of trade
  - Difficulties with targeting

# Future themes for more detailed workshops

- Risk profiling
- Transit and Transshipment controls
- End use controls, catch all controls

- Objective is prevention
- Prosecution and punishment can be a deterrent
- Enforcement penalties need to be dissuasive in order to be effective.

**THANK YOU FOR YOUR ATTENTION!**