

10th International Export Control Conference

Istanbul, Turkey

June 27, 2009

U.S. Chair's Conference Conclusions

Recurring Conference Themes (as explored in plenary presentations, panels, and breakout sessions):

Current Environment of Evolving Risks, Challenges in the Nature of Proliferation and Illicit Transfers

- No longer confined to national boundaries
- Increasingly sophisticated technical capabilities by would-be proliferators

Interagency Coordination

- Importance of good interagency coordination as an essential element in all stages of export control and enforcement efforts – including in the pre-licensing, post-licensing, and enforcement stages.
- Improved information and intelligence sharing are critical to the success of nonproliferation efforts.

Government/Industry Partnership

- Of growing importance – governments do not have the resources to implement export controls without strong buy-in and partnership from industry.
- Incentives, not just penalties, are key. Tools and mechanisms to encourage this include:
 - Internal Compliance Programs
 - Certified companies
 - Automated licensing systems
 - Use of general licenses and other “carrots”
 - NGOs – as outlined by NGO panel participants from Monterey, Japan’s CISTEC, China’s CACDA, NPC Armenia, and the Center for Industry and Trade Security (University of Georgia) -- can be helpful facilitators in promoting industry awareness and strengthening industry partnership.

Multilateral Nonproliferation Control Regimes

- Increasing reliance on the regimes by members as well as non-members; referenced in binding legal obligations such as UN Security Council Resolutions
- But this increased formality also works against the original spirit of informality and responsiveness to innovation that was predominant among voluntary adherents in early years of the regimes.

- Can be a tremendous technical resource for non-members that should be utilized.
- The issue of some kind of regime harmonization was raised by participants in several contexts. This is a complex question which has already been raised in other forums.

Regional Cooperation

- Presentations on regional cooperation highlighted the many different potential models for cooperation, ranging from highly technical and complex such as in the EU to practical, on the ground action:
 - CARICOM – Economic impact of 9/11 provided impetus for greater coordinated nonproliferation efforts. The Caribbean Community has now requested through UNSCR 1540 assistance in developing a regional Reference Framework that would facilitate harmonized export control laws.
 - MERCOSUL – Has established harmonized tariff codes.
 - East African Community -- Is working together to implement the same controls and restrictions on a variety of raw materials and manufactured goods.
 - Serbia and Croatia – Have worked together to implement joint exercises and to foster communication and coordination by their Border Police officers.
- In the context of evolving threats in which export control and nonproliferation controls and norms are increasingly transnational in nature, responses across the export control/border security spectrum must develop and grow accordingly.
 - For example, many judicial means are outmoded: reliance on INTERPOL, personal relationships, telephones/faxes; more innovative measures such as legal regularity could help modernize legal means to fight proliferation.
 - Vigilant enforcement, investigations, and prosecutions – even within states that have highly developed export control systems, such as the U.S. -- are essential.
 - In this vein, anti-corruption and integrity awareness as an ongoing professional requirement and as key to professionalization will enhance professionalization and effectiveness of enforcement services.
- Providing incentives can work.

- As in the government/industry outreach discussion above, incentives can foster enhanced partnership.
 - Addresses question raised by Russian delegation regarding how to deal with Intangible Transfers of Technology: issues that appear to be intractable now can have solutions.

Conclusions:

Converging efforts across the exports control spectrum.

Certain elements such as increasing awareness, increasing transparency and communication, and information-sharing, and building a cadre of export control professionals who can communicate across national boundaries are essential to this effort.