

## Information Note<sup>1</sup>

- Event:** Participation of Mr. Jonathan Brewer, 1540 Committee Expert, in the Strategic Export Control Division (SECDIV) International Seminar: The Present and Future of Strategic Export Controls
- Organizer:** Ministry of Foreign Affairs, Government of Pakistan
- Date and venue:** 9-10 May 2018, Islamabad, Pakistan

### **Background:**

Operative paragraph 2 (d) of resolution 1540 (2004) requires States, *inter alia*, to establish and maintain effective national export and trans-shipment controls to prevent proliferation of nuclear, chemical, or biological weapons and their means of delivery. In most States such controls take the form of export control laws, monitored and enforced by licensing and customs authorities, and other agencies and departments. Operative paragraph 12 of resolution 2325 (2016) requires the 1540 Committee to intensify efforts to promote full implementation of resolution 1540 (2004), particularly relating to national export and transshipment controls.

The Ministry of Foreign Affairs of Pakistan sent an invitation letter to the Chair of the 1540 Committee, inviting the Chair or his representative to participate in an International Seminar titled “The Present and Future of Strategic Export Controls” to be held in Islamabad, Pakistan 9-10 May. The Chair or his representative was asked to give a presentation on “Strengthening National Enforcement Capacity through Regional and International Assistance”. The invitation stated that country representatives and experts from around the world were invited to share views on contemporary thematic areas in the realm of non-proliferation and strategic export controls. The Seminar was intended to reinforce networking among the export control community and strengthen formal and informal engagement for promoting regional and international cooperation against

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<sup>1</sup> For information - not an official report. The views expressed here do not necessarily represent those of the 1540 Committee or of the organizers or participants in the event.

the proliferation of weapons of mass destruction WMDs). One 1540 Expert attended.

### **Highlights and overview:**

The Seminar was opened by Ambassador Tariq Osman Hyder who welcomed delegates and outlined Pakistan's Export Control legislation. The Seminar was an opportunity to showcase Pakistan's work in this area and share effective practices with foreign partners.

In her keynote address, the Foreign Minister of Pakistan, Ms Tehmina Janjua, noted that Pakistan, as a member, fully implemented a number of non-proliferation agreements and treaties. She emphasised that Pakistan was fully committed to disarmament. Pakistan's export control practices and legislative underpinnings were consistent with requirements of multilateral export control regimes, and Pakistan's nuclear regulatory regimes encompassed all internationally-recognised nuclear security and safety standards. Pakistan's industry was capable of manufacturing dual use goods. Pakistan relied on nuclear power for its energy needs and adhered to international nuclear standards. Pakistan was willing to consider any objective and non-discriminatory criteria for joining the NSG.

Under the heading "Latest Developments in Strategic Export Controls" presentations were made by representatives of China (Foreign Ministry), Japan (CISTEC), Austria (Federal Ministry for European and Foreign Affairs), Pakistan (Foreign Ministry), Russia (Foreign Ministry), and the US (Department of Commerce). Topics discussed included new export control legislation, either in place or in preparation. Implementation of export control legislation benefited from a "whole of government" approach and needed effective inter-agency coordination processes. Coordinating export control measures with the finance, insurance and transportation sectors was important and controls of some States included measures against financing.

Licensing procedures needed to be transparent. Denials of license applications should be based on open source information, and be open to appeal. Local industry needed to be educated on internal compliance procedures and outreach to industry increasingly involved academic and research institutions. Licensing approval criteria were being severely challenged by cloud computing and other new technologies.

During a discussion titled “Strengthening Enforcement through Internal Compliance” delegates heard presentations from an independent export control expert, a representative of Pakistan’s National Engineering and Scientific Commission (NESCOM), a former member of the 1540 Group of Experts and an independent arms control expert. The discussions highlighted the importance of outreach and guidance by government agencies in supporting formulation and implementation of industry internal compliance programmes (ICPs). Ideally, industry should be pro-active in engagement with government: industry was usually the driver of technological change and government authorities usually struggled to keep up with developments.

During a subsequent discussion titled “Licensing and Enforcement Challenges” the Seminar heard from representatives of Turkey (Foreign Ministry), South Africa (Department of Trade and Industry), Pakistan (Customs), and an independent consultant and the 1540 Committee Expert. One State described challenges of incorporating the World Customs Organisation’s Harmonized Commodity Description and Coding System (HS Codes) into its national licensing procedures. Many customs services have adopted web-based automated application systems that enable faster decision-making, but the costs and technical complexities of running such systems are challenging. Risk management and targeting are key elements to effectively balancing trade facilitation with strategic trade controls, although there are no international norms or baselines against which national authorities can measure this balance.

The final discussion panel focused on “Efforts for Non-Proliferation of WMDs – Prospects and Challenges for International Export Control Regimes”. Contributions were made by representatives from a Pakistani think tank, the Missile Technology Control Regime, the Wassenaar Arrangement, the Australia Group, the Pakistan Nuclear Regulatory Authority and Pakistan’s Ministry of Foreign Affairs. Pakistan’s export control measures are closely harmonised with requirements of the main multilateral export control regimes.

### **Additional Comments**

For further information, please contact the 1540 Committee experts by e-mail at [1540experts@un.org](mailto:1540experts@un.org).