

Export Control in the Age of Terror

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Resolution 1540

(UN Security Council, Apr. 04)

“The Security Council:

Decides also that all Statesshall establish, develop, review, and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control exports.”

Background of the resolution:

1. Proliferation
2. Dual-Use Technology
3. Circumventive activities

Background 1 - Proliferation

- Proliferation of WMD is even more concerned as deterrence works less effectively Sarin Attack in Tokyo
- There is also a real fear that non-state actors, especially terrorists, will acquire and use WMD



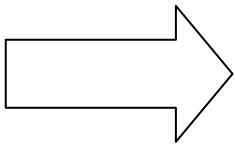
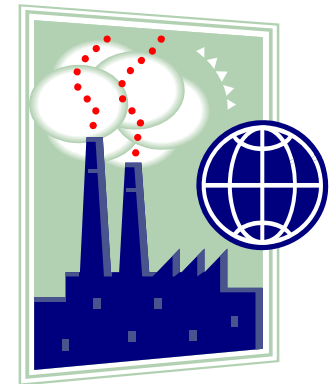
“The Security Council:

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security

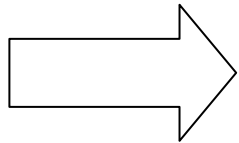
Gravely concerned by the threat of terrorism and the risk that non-State actors ... may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery”

Background 2 – Dual-Use Technology

- *Past:* There were only a few states which have technical expertise to develop WMD related items
- *Now:* More and more states have expertise, especially dual-use technology, as economy in these states is rapidly growing



The danger of possible involvement of the development of WMD becomes higher, especially in Asia region



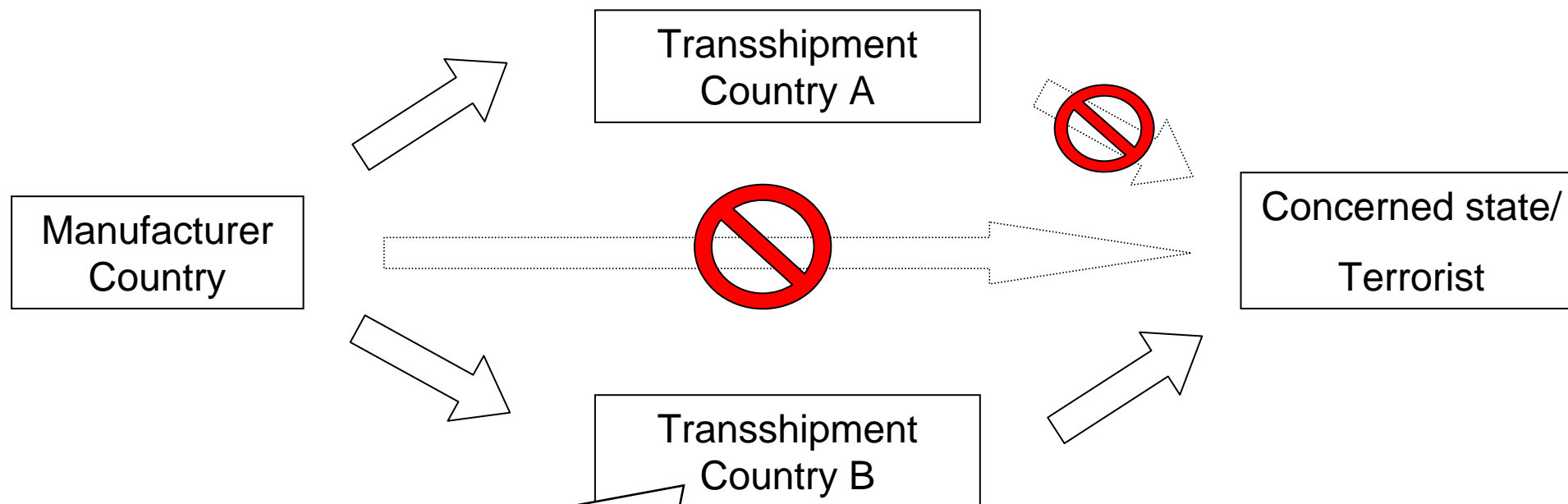
*“The Security Council:
Gravely concerned by the threat of illicit
trafficking in nuclear, chemical, or biological
weapons and their means of delivery, and
related materials, which adds a new dimension
to the issue of proliferation of such weapons and
also poses a threat to international peace and
security”*

Related materials:

Materials, equipment and technology which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery

“Dual-use” items must be controlled

Background 3 – Circumventive Activities



The danger of possible involvement of the development of WMD becomes higher, even if you don't produce any sensitive items

Each state must implement export control

Resolution 1887

(UN Security Council, Sep. 09)

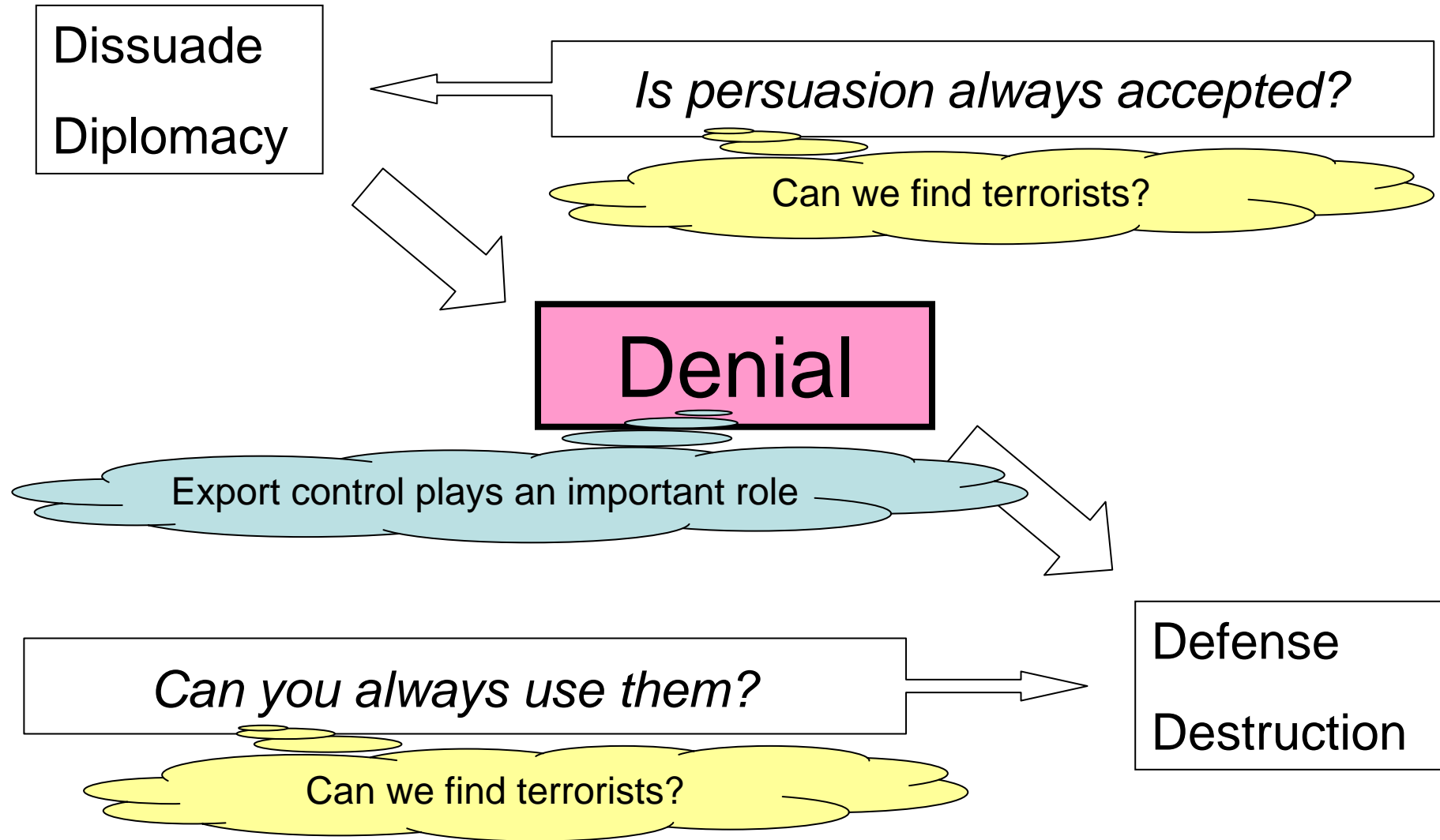
“The Security Council:

Reaffirms the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors...”

Urges all States to take all appropriate national measures ... to strengthen export controls, ... and to control access to intangible transfer of technology

Action is needed to prevent access to WMD

The Role of Export Control

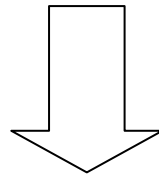


Denial of procurement

- Various measures for counter-proliferation
- But export control is the centerpiece of the actions



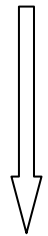
Measures which stop proliferators to
get means to develop WMD



Export control is an essential tool

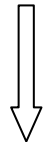
Elements of Export Control

1. Regulation

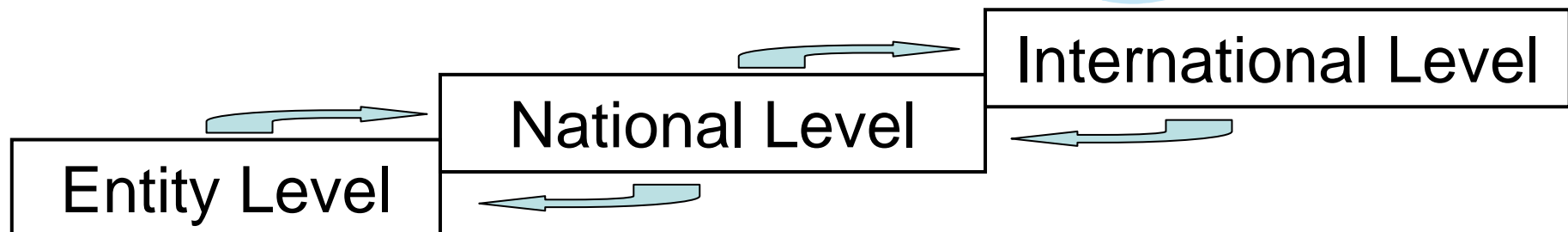


- Dual-Use items must be controlled

2. Implementation



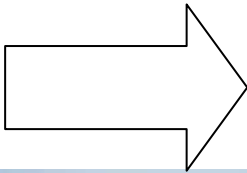
3. Enforcement



Importance of Cooperation

- If only a few countries introduce strict export control, or if implementation is different from country to country,
- Proliferators can easily find other routes to procure

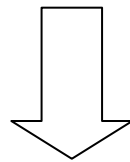
They always seek the weakest point, “loop-hole”



- Important to cooperate among Asian countries
 - Introduce export control regulations
 - Experience sharing for effective implementation
 - Info. sharing on concerned end-users and end-use

Outreach Activities

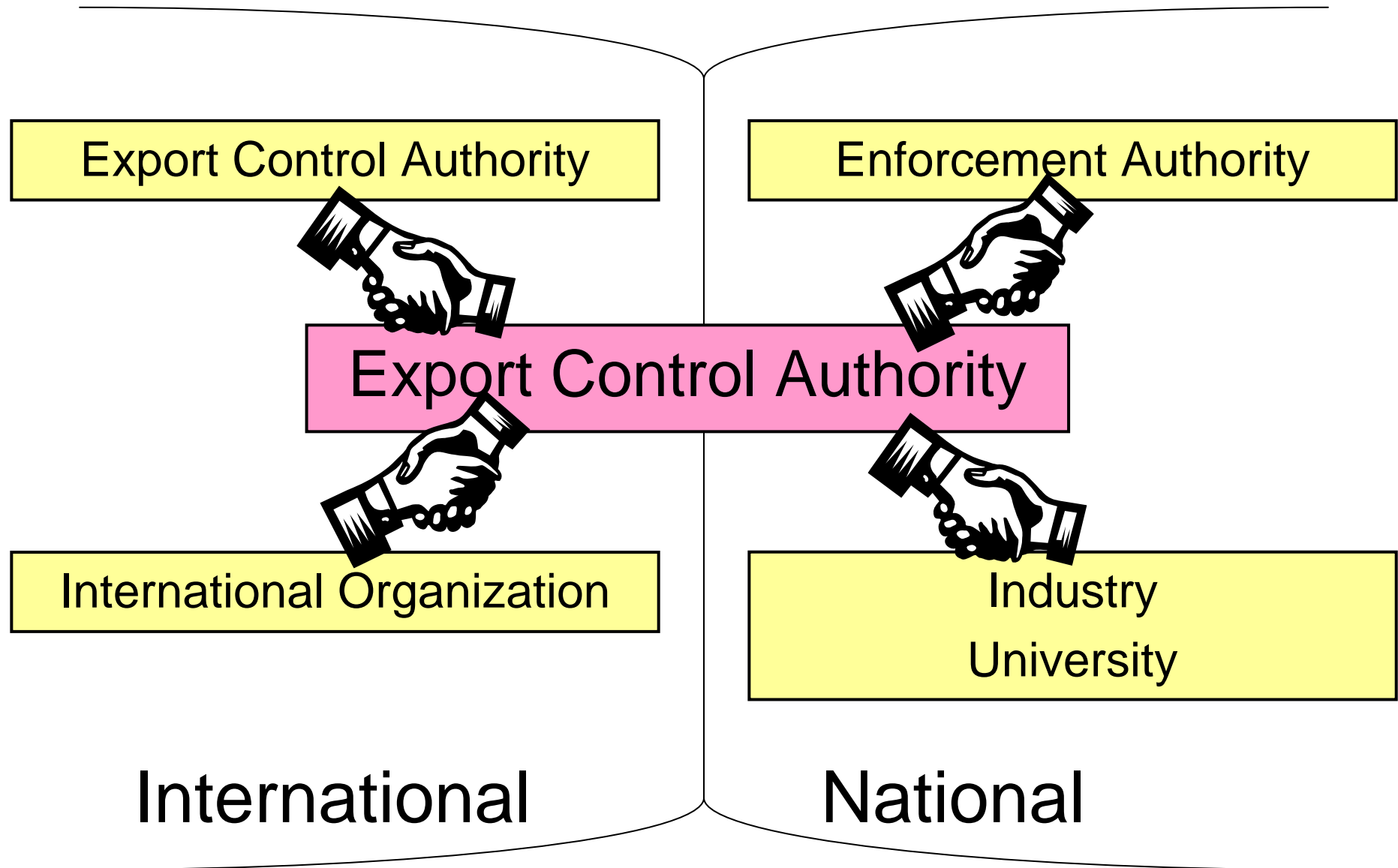
*“The Security Council:
Recognizes that some States ... invites States in a position
... to offer assistance as appropriate in response to
specific requests to the States lacking the legal and
regulatory infrastructure, implementation experience
and/or resources” (UNSCR 1540)*



- Japan promotes cooperation among countries in Asia and is always willing to share its experience in export control



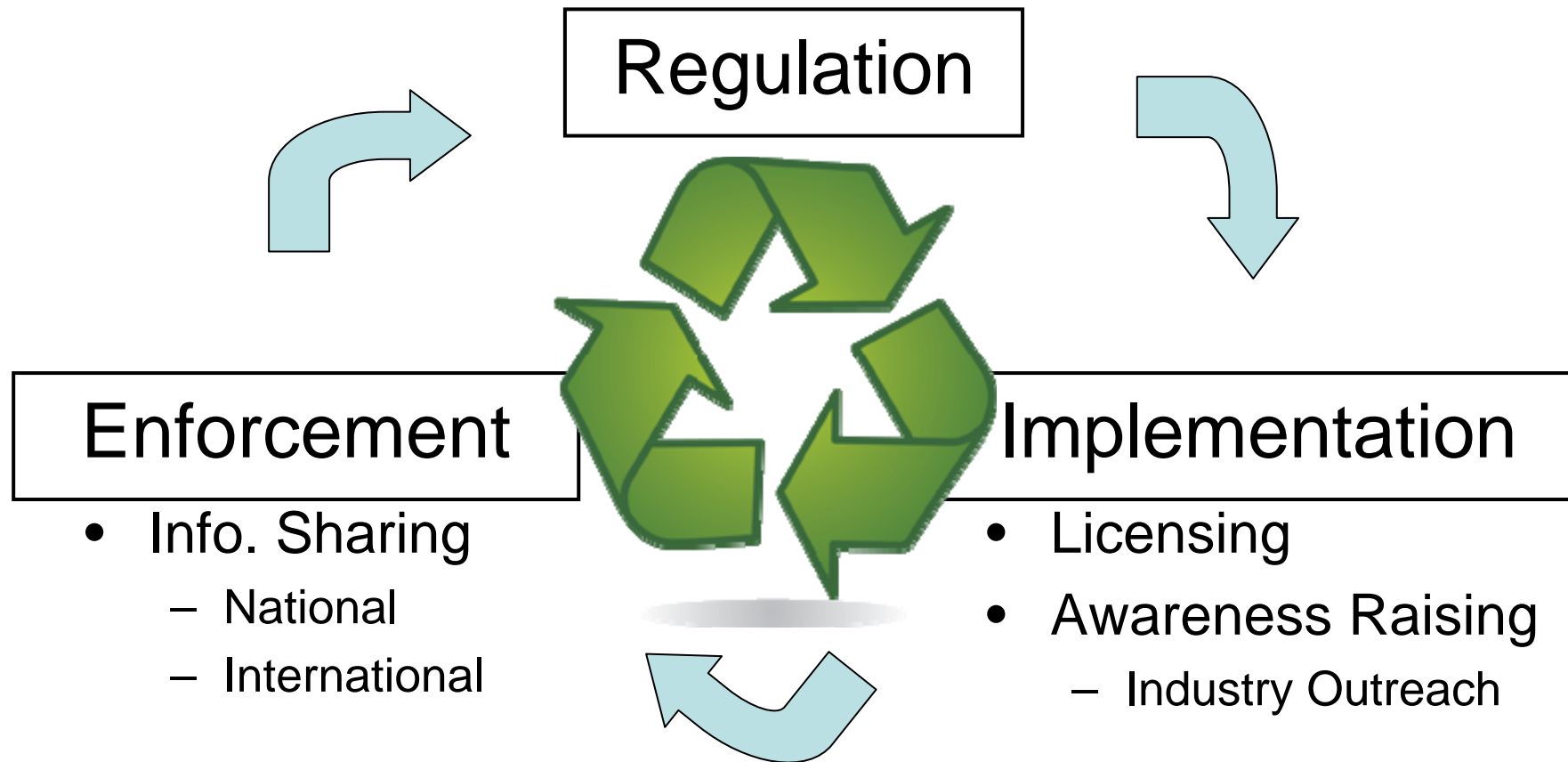
Network



Information

- It is critical for effective enforcement of export control to get proper information, which tells concerned procurement activities to export control authority, in a timely manner
- National and international level network is essential to overcome the challenge
 - Export control authority is NOT an intelligence organ
 - It is impossible to enforce export controls without proper intelligence

Export Control Cycle



Export Controls and Globalized Economy

- Export controls are sometimes regarded as an additional cost or barrier against free trade and economic development
- However, authorities are inclined to permit exports to countries with effective export control, facilitating technology transfer and sound economic development

Export controls:

Infrastructure of legitimate free trade