

**Second Meeting of the CSCAP Export Controls Experts Group
Beijing May 11-12, 2006
Chairman's Report (Final)**

The second meeting of the Export Controls Experts Group (XCXG), a subgroup of the Council for Security Cooperation in the Asia Pacific (CSCAP) Study Group on Countering the Proliferation of Weapons of Mass Destruction in the Asia Pacific (WMD Study Group) was held in Beijing, China May 11-12, 2006. More than 60 participants and observers from 13 member committees attended in their private capacities. The XCXG was established in order to raise regional awareness of the importance of export controls in fighting the proliferation of WMD; the experts group was tasked with designing an export control template to evaluate national export control efforts and increase their effectiveness. The second meeting was chaired by USCSCAP and co-hosted by CSCAP China, the China Arms Control and Disarmament Association (CACDA), and USCSCAP. All participants (and especially the chair) thank CACDA for their work putting the conference together. This summary reflects the views of the chair; it is not a consensus document although a draft was circulated to all participants for comments. In keeping with CSCAP practice, all sessions were held under Chatham House rules; when speakers are identified, the comments are from their presentations.

Recent Developments in the Global Nonproliferation Regime (GNR)

Nobumasa Akiyama (CSCAP Japan) provided an overview of recent events and trends shaping the global nonproliferation regime, in particular developments since our last meeting in November. He highlighted increasing interest in nuclear energy given rising oil prices and concern about climate change created by fossil fuel. This interest puts a premium on multilateral institutions that ensure those technologies are not misused or diverted for illicit purposes. Unfortunately, they are under strain: the Nuclear Non-Proliferation Treaty (NPT) has loopholes and lacks enforcement; the United Nations Security Council (UNSC), which must backstop the NPT, is proving unable to respond to those challenges; as a result, there is increasing recourse to ad hoc measures, such as the Proliferation Security Initiative (PSI), that raise questions of consistency with international law.

Akiyama identified several cases that warrant close study. The first is North Korea's commitment to its nuclear weapons program. A second issue is Iran's demand that it be allowed domestic enrichment facilities, despite doubts about its peaceful intent. The Iranian case illustrates the difficulties in balancing the right to technology for the peaceful use of nuclear energy with the need to ensure that technology is not misused. The third case is the U.S.-India nuclear deal, in which the U.S. agrees to provide nuclear technology in return for India's agreement to put about half its reactors under IAEA safeguards; Akiyama questioned whether the deal is a net plus for the global nonproliferation regime, but pointed out that it highlights the central role that export controls play in dealing with nonproliferation fears. A fourth issue is the Global Nuclear Energy Partnership (GNEP), a U.S. proposal to manage the fuel cycle. His final item was the recent deal by which Australia will supply China with uranium. Akiyama argued this

arrangement is a sign of growing trust in China's nonproliferation policy, and noted that Canberra had not struck a similar deal with Delhi.

Dr. Manpreet Sethi of CSCAP India focused on the U.S.-India deal in her presentation. She concluded that it would buttress the GNR, not detract from it. The deal requires India to separate its civilian and military nuclear facilities and put the former under safeguards in perpetuity. As a result, 65 percent of India's nuclear generation capacity will be under the GNR, a step that should strengthen IAEA credibility and nonproliferation efforts at a time when the regime is under strain. She underscored India's good record on nonproliferation and implored critics to look at the big picture: as Akiyama noted, the nuclear energy debate is about much more than nonproliferation. She added that the deal supports those in the Indian security community that seek greater engagement with global norms.

Dr. Sethi also explained that India is taking steps to strengthen its export controls regime. It has harmonized its control lists with multilateral regimes and has passed a Weapons of Mass Destruction (WMD) Act that reinforces Delhi's nonproliferation policies. The Indian government is putting a high priority on export controls; India understands that such policies are needed to build confidence among its trade partners and are, therefore, a trade enabler.

On the Iran question, India notes Tehran's right to peaceful nuclear technology, but also realizes that the country has incurred obligations as well. She noted that the dispute highlights the need to think expansively about nonproliferation, specifically the reasons why governments pursue nuclear weapons. Finally, she suggested that the international community better target those groups and individuals supplying such technologies and knowhow – not just those seeking it.

Ambassador Li Changhe of CSCAP China emphasized his country's concern about nonproliferation as well as the preference for diplomatic solutions that rely on dialogue and cooperation. He noted that United Nations Security Council Resolution (UNSCR) 1540 is the first international instrument to deal with WMD proliferation in an integrated and comprehensive manner; China will host a regional workshop to explain the resolution in Beijing later this year.

His list of concerns echoed those previously identified – the challenges to the GNR posed by Iran, North Korea and the U.S.-India deal. In the first two cases, he explained that China seeks peaceful solutions and called on all governments to do nothing that worsens the situation. The latter, he said, raises questions about the consistency of U.S. policy. He also lamented the failure of the NPT Review Conference last year and worried about the possibility of nonstate actors acquiring WMD.

Much of our discussion focused on nonproliferation principles. A Northeast Asian participant explained that the NPT grants the right to peaceful nuclear technology, but that right is not inalienable: a government must not violate other NPT commitments. In the Iranian case, the IAEA found a number of violations and Tehran has, as a result, lost

the confidence of the international community. Similarly, the U.S.-India nuclear deal requires a balancing of principles, but the key lies in its implementation: that will determine whether it eventually strengthens or weakens the GNR.

A U.S. participant cautioned against using the NPT as the only benchmark for assessing nonproliferation efforts. The GNR is much larger than that treaty; the NPT is a constitution, and like all such documents is subject to interpretation and amendment. In other words, think expansively about the nonproliferation regime and be alert to ways to modify it to ensure that it stays relevant.

A Southeast Asian participant recalled that there is a third pillar to the nonproliferation regime: disarmament. He suggested that while it has been overlooked, it must not be ignored. A commitment by nuclear weapons states (NWS) to disarmament is needed to gain the trust of nonnuclear weapons states (NNWS), to minimize the desire to acquire nuclear weapons, and to gird the GNR. In his view, the U.S.-India deal goes to the heart of the matter: Delhi is both pursuing nuclear energy and developing weapons, yet it is also blessed by the U.S.

Several speakers stressed the political context that shapes nonproliferation decisions. “The devil is in the details” of how deals are made and then implemented. This is especially true when dealing with energy issues; the Middle East’s geopolitical context complicates the picture. Thus, transparency is at a premium to build confidence and trust.

Regional Energy Developments

In session two, Dr. Won Il Ko of CSCAP ROK explained how nuclear energy will play a larger role as demand for energy rises in parallel with concerns about global warming. He believes that only nuclear energy is economically competitive and can produce substantial amounts of energy. At the end of 2005, there were 441 operating nuclear power plants, generating 16 percent of global electricity supply. Asia is the only region of the world in which electricity generating capacity generally, and nuclear power specifically, is growing significantly: there are 107 reactors in Asia, 14 are under construction, and 64 more are planned or proposed.

Dr. Ko is concerned about uranium supply. Conventional uranium resources could be used up by 2060. This puts a premium on the development of new technologies such as the fast breeder reactor, which could increase the efficiency of uranium use 100 times. He noted that GNEP is, among other things, designed to extend the life of those reserves.

Kevin Whattam of USCSCAP then explored the link between nuclear energy, safeguards, and export controls. He explained that the development of a nation’s industrial base – the infrastructure – to support nuclear energy is an often-neglected proliferation risk. Countries need to be more aware that the effort to construct a domestic nuclear energy and the accumulated knowhow needs to be closely monitored. And he stressed that export controls regimes are confidence building measures among trade partners.

The discussion returned to the equities of the nonproliferation regime and the various bargains it contains. One U.S. speaker noted that the NPT was not designed to eliminate nuclear weapons but to make it more difficult for potential proliferants to acquire nuclear weapons. Countries on the nuclear brink will still entertain the hope of getting such weapons; the NPT and its associated mechanisms are designed to thwart those ambitions. Export controls are a key part of that effort: When implemented properly, they both enhance security and enable trade.

A Southeast Asian participant said that perspective will undermine the GNR. The fairness of “nuclear apartheid” remains the fundamental question for many states and the NWS’ failure to do more to meet their nonproliferation obligations will undermine the regime.

National export control regimes

We then turned to national export control programs. Alelie Macadatar of CSCAP Philippines gave an overview of the Philippines’ system. She explained that Manila understands the WMD threat. It knows well what terrorists can do, and recognizes that economic development means that there is increased capability within Southeast Asia to produce WMD and their means of delivery. Export controls are a vital instrument to fight the spread of such weapons, along with the treaties and conventions to which the Philippines is already a member. A number of laws handle discrete WMD components such as biological, chemical, and nuclear materials, and an inter-agency National Authority for WMD Inspection and Control is coordinating government agencies for the establishment of a comprehensive Philippines WMD Export Controls Regime by 2006.

But the Philippines faces an uphill battle. It is a sprawling archipelago with borders that are hard to police. Its current export control regime consists of a clutter of laws and regulations; there is no consistency across fields (i.e., chemical, biological, or nuclear materials). That clutter is replicated more widely. Macadatar noted “there is also a need to harmonize WMD exports control regimes of ASEAN countries in order to make interdiction of their illegal transport more efficient.”

She outlined a number of concerns: on the personnel side, there is the shortage of trained staff to enforce an export controls regime and pervasive corruption; a shortage of equipment to conduct inspections and monitor trade; a reluctance to discuss WMD threats for fear of scaring investors; the absence of a long-term national security strategy (which results in changing priorities as administrations change); and insufficient penalties to deter violators.

To solve these problems, she called on ASEAN to develop a harmonized export controls regime; to share more information among member states; to increase border patrol activities; and to invite nongovernmental organizations to assist the Philippines government in strengthening domestic export controls. (Not coincidentally, the XCGXG aims to help achieve all these goals.)

Discussants noted that UNSCR1540 could provide the national commitment to an ongoing fight against WMD proliferation and a structure for those policies. Macadatar agreed that would help but underlined the need for international assistance as Manila attempts to modernize its export control regime.

Hee-seog Kwon of CSCAP ROK outlined the Republic of Korea's export controls framework. He explained that Seoul is working to mainstream export controls into its foreign and trade policies and enhance its nonproliferation efforts generally and its export controls specifically. That effort is complicated by a regulatory structure in which different agencies control different items. There is some overlap, but there is no joint review process. Inter-agency consultation is required for some technology exports and there are regular quarterly interagency meetings hosted by the Ministry of Foreign Affairs and Trade (MOFAT).

Changes are afoot. Various administrative changes are afoot in regard to responsibility for overseeing various exports. A new division has been established within the Ministry of Commerce, Industry, and Energy (MOCIE) in charge of licensing and enforcement. The Foreign Trade Act is being revised to deal with brokering, transshipment, and transit. A Strategic Trade Management Authority is expected to be established that will replace the Strategic Information Center, a special organization for consulting and industry outreach.

The ROK has an active export controls outreach program. MOCIE has held joint seminars with the U.S. and Japan. In addition, it has held 11 public seminars on export controls in 2005; as a result there has been a sharp increase in awareness of export controls.

Discussion focused on how the Korean government uses outside experts to assist the government, and customs officers in particular, in implementing its export controls. Most countries have staff shortages and there is a clear interest throughout the region on how to overcome this bottleneck. Another topic was intangible technology transfers (ITT): all governments are grappling with how to handle this proliferation concern.

Pham Ngoc Uyen of CSCAP Vietnam outlined his country's export controls program. He explained that his government takes the WMD threat seriously, and understands the critical role that export controls play in combating that threat. A number of laws and regulations prohibit trade in WMD materials and components, and 10 ministries or government agencies are involved in their enforcement. There is no "one-stop shop" for export controls, but the Ministry of Trade publishes and circulates its control list and has a website with important data.

Vietnam has a variety of lists that identify items whose trade (import or export) are prohibited, have to be licensed, or can be traded under specific conditions. Navigating these lists can be difficult. Thus far, there have been no major violations of these lists. Nonetheless, Pham conceded that Vietnam needs help building capacity, both in terms of personnel and equipment. It is in discussion with the U.S., Australia, and international

organizations to tackle both issues. Pham emphasized that his country appreciates the importance of export controls, but stressed that controls should not be used to restrict a country's development.

We concluded the first day with a presentation by Vachara Riddhagni of CSCAP Thailand, who supplied Thailand's view of nuclear proliferation and export controls. Nuclear power is one of the options that the private sector, state enterprises, and the Ministry of Energy are exploring as they seek a safe and suitable energy substitute for Thailand. This idea has been opposed by various academics and NGOs. A second nuclear reactor has been delayed because of opposition from local residents. He worries that rising energy demand will force Thailand to explore the nuclear option. Since 1961, the Office of Atomic Energy for Peace has overseen activities concerning atomic usage, primarily in regard to dangers created by radioactive hazards. Since 2001 it has participated in the model project on upgrading the radiation protection infrastructure.

The Ministry of Science and Technology oversees activities related to the possession of nuclear materials, production of nuclear isotopes, and changing nuclear material by artificial means. It also controls the import and export of sources of radiation for medical uses. The Ministry of Industry, pursuant to the Dangerous Material Act of 1992, oversees trade in dangerous goods and materials. He noted that of permits granted for the import of nuclear materials, 25 percent were for medical purposes, 41 percent for industrial, 32 percent for research, and 2 percent for "other."

Day two continued presentations on national regimes. Dr. Sethi started the day off with a look at India's export controls. She noted that Delhi has had export controls since 1947, and has appreciated the financial and strategic implications of such regulations ever since. India appreciates that economic development creates new proliferation opportunities and has endeavored to check the spread of relevant knowhow, material, and technology. As a recipient of high-tech goods, India has to enjoy the confidence of its trade partners; export controls are an important means to that end.

A Small Group on Export Controls was established in 1993 and the Special Chemicals, Organisms, Materials, Equipments, and Technologies (SCOMET) list to regulate trade was developed in 2000 and revised in 2005. It provides a single unified dual-use control list that is consistent with the Nuclear Suppliers' Group (NSG) and Missile Technology Control Regime (MTCR) lists.

In July 2005, India passed the WMD Act, which provides a comprehensive definition of technology to be regulated that is more extensive than previous definitions. It also includes a catch all provision that increases an exporter's liability if it "had reason to believe" the product might be used for WMD proliferation. The new law makes it a legal requirement for re-exports of controlled Indian-origin items to seek prior approval of the Indian government and it creates a formal requirement for a facility receiving Indian nuclear materials and equipment to be covered by an IAEA safeguards agreement. The Act also provides for the Indian export control authority to apply additional conditions for exports if a transfer raises national or international security concerns.

India conducts regular outreach. Various government agencies have programs that target exporters by sector or by region. There are training programs on security and monitoring transfers for customs officials and defense technology training for mid-level scientists. A database for technology transfers is being established and major agencies monitoring exports are working to share data.

Sethi noted that India is expanding and diversifying its trade as part of its economic development. This creates new obligations for India as a responsible global citizen to ensure that it does not facilitate the spread of WMD. Thus, it is overcoming the “mindset of seeing export controls as technology denial, politically manipulated regimes.” India now sees export controls as enablers of trade, growth, and security.

The Indian government’s push to develop more knowledge-intensive industries makes strong export controls even more important. Questions focused on implementation: the role of NGOs in ensuring compliance (industry associations are players, but there are as yet no NGOs in India); and cooperation with other governments to raise national capacity. India is working with the U.S (its only partner for an institutionalized dialogue on export controls), Japan, the UK, and China (with which it has a trilateral dialogue, along with the U.S.).

Hamrah Ali of CSCAP Malaysia provided an overview of his country’s export controls regime. Malaysia supports and recognizes the importance of export controls as both a security and trade enhancer, but believes that proliferation concerns are best addressed multilaterally, through universal, comprehensive, and nondiscriminatory agreements. There should be no restrictions on the peaceful use of nuclear technology.

Malaysia’s export controls balance economic and national security concerns. There are a broad array of laws, regulations and regulatory authorities that monitor such trade. The result is a mix of control mechanisms and agencies. The government is looking at a more coherent and streamlined process. A working group on export controls, led by the Ministry of Foreign Affairs, is reviewing existing laws and regulations and will promulgate a new comprehensive law on export controls. Key questions include what will be the implementing agency, how it will operate, and how to overcome the lack of expertise, particularly in identifying dual-use items.

Cognizant of its shortcomings, Malaysia works with the U.S., UK, and Japan to build capacity. It has joined bilateral cooperation efforts (such as the U.S. Export Control and Related Border Security Program, EXBS) and policy exchanges, sent officials on study visits, and conducted seminars and workshops with the IAEA. Domestically, the government has organized seminars and workshops to industries that make dual-use items (such as the Chemical Association of Malaysia) and provided consultations.

Malaysia has several mechanisms to deal with nuclear materials. Customs control all items moving in and out of the country. The Atomic Energy Licensing Board (AELB) must issue an export permit before any nuclear material can be traded. The country has a

detailed inventory of all radiation sources, and the only reactor is near the AEBL and easy to monitor. An environmental monitoring system is being installed which will make it easier to identify radioactive sources.

Discussion focused on the mix of agencies responsible for monitoring WMD goods and components and the difficulties in ensuring that they work together. The development of a comprehensive export controls law that has unified control lists and imposes heavy penalties for violators (five times current levels) will help. Training for customs officials and new equipment for border monitoring are also needed.

Finally, Tom Anderson of AUSCSCAP provided some context for our discussion. His presentation focused on how the world looks for someone working at customs. It's a tough assignment. Tremendous quantities of goods pass through customs every day and the sheer volume makes inspection problematic. Until Sept. 11, 2001, most customs officials didn't really worry about exports: their primary concern was lost revenue – smuggled contraband such as tobacco or alcohol.

Some innovative firms have provided scanning devices that can monitor most, if not all, container traffic, but governments have been reluctant to invest the funds to buy them and put them in place. Thus, today most checks are of suspicious goods: there is no real place for random checks. Anderson's presentation was an important reality check and a reminder of the obstacles that customs officials face in monitoring and patrolling a nation's borders.

Outreach programs

Session four examined outreach programs for export controls. Richard Stubblefield of USCSCAP explained the U.S. Department of Energy's outreach programs. He noted that the terror attacks of Sept. 11, 2001 transformed the U.S. outlook and provided a new impetus for export controls. The U.S. provides outreach as part of its efforts to implement UNSCR 1540 (and UNSCR 1673, passed this April to extend its mandate), which calls on nations to assist other countries in developing nonproliferation programs. The U.S. sees export controls as a trade facilitation measure that builds confidence and understanding among trade partners.

The International Nonproliferation Export Control Program (INECP), although a part of the U.S. Department of Energy, works closely with and with support from the Export Control and Related Border Security (EXBS) program of the U.S. Department of State. Its cooperative activities mainly include scientist-to-scientist engagement, enforcement officer engagement, and lab-to-lab contacts. It aims to develop a cadre of technical experts actively engaged in the partner country's export control system. Its guiding principles are: build indigenous export control capabilities through technical exchange and training; enhance sustainable systems through training and updates; demonstrate the importance of interagency cooperation to export control system success; and demonstrate the need for regional, multinational, and multilateral cooperation.

INECP has three goals for partner countries. First, it aims to improve licensing procedures and practices to be consistent with multilateral norms. Second, it aims to promote industry compliance through public-private cooperation, outreach, and effective internal compliance programs (ICP). And third, it seeks to strengthen enforcement capabilities by working with customs and border guards. INECP has programs with over 40 countries.

Futoshi Matsumoto of CSCAP Japan explained Japan's outreach efforts. (His powerpoint presentation covered Japan's export controls generally, but his comments focused on outreach.) Tokyo has hosted an annual Asian export controls seminar since 1993 that targets policy analysts, private companies, and research institutes; 21 countries have participated since its inauguration. Japan also hosts the Asian Senior-level Talks on Nonproliferation (ASTOP), which have been held annually since 2003; this meeting involves officials from ASEAN countries, Australia, South Korea, the U.S., and Japan. The Japan International Cooperation Agency (JICA) has annually held export control training seminars for Asian government officials since 1999. Export control seminars for government officials have been held in Indonesia, Philippines, Thailand, and Vietnam in 2004, and Cambodia, Laos, Brunei, and Pakistan in 2005. A Commodity Identification Training seminar was held in Singapore in January '05 (cohosted by the U.S. and Australia). Japan and the ROK held industry outreach seminars in February 2005; similar efforts were held in China in 2004 and Singapore in May 2005. A licensing workshop was held in Singapore in 2005 as well.

Multilaterally, Japan has produced "Key Elements for Effective Export Controls," which was identified in the APEC ministerial statement of November 2004. It also conducted a 2005 survey of current practices among APEC members related to the key elements.

Heigo Sato, also of Japan CSCAP, provided a second presentation that focused on Japan's outreach efforts in Southeast Asia. He noted that promotion of an effective export control system in Asia has been one of Japan's policy priorities since the early '90s as the region is a major market for Japan as well as its production base. Its geographic centrality for Japan's trade routes – as well as those of China and the ROK – mean it, like Beijing and Seoul, has a stake in regional peace and security. Concerns about terrorism are new, but they only reinforce Japan's longstanding policy. His list of outreach programs includes those identified by Matsumoto and a few others: the Ministry of Economy, Trade, and Industry has held 12 seminars since March 2004 that are based on the Japan-ASEAN Plan of Action that was issued in December 2003.

Economic realities make export controls both important and difficult. The spread of production facilities throughout the region means that responsibility for implementation of compliance programs and education of staff are diffused throughout organizations: each office within a company has different priorities and answers to a different national authority. The Japanese corporate model used at headquarters may not be suitable for a subsidiary; small- and medium size-companies have a hard time shouldering the administrative load. The rising importance of intangible technology and the increasing mobility of labor – and the desire of some workers to extend their working life by moving

to less developed countries after “retirement” – create new challenges for controlling the spread of important knowledge.

His assessment (part of a Japanese team examining Science and Technology and International Governance) is that Japanese programs are important but have had only limited success. For example, the export control seminar participants are lower-level bureaucrats who lack the political clout to reorient national priorities. Governments are sometimes reluctant to embrace export controls because they (mistakenly) see them as extensions of U.S. power and influence. Alternatively, they don’t see how their countries fit into the proliferation issue (as producers of vital technology or components) and don’t want to use political capital on a “minor” concern. There is also the fear that export controls hurt economic development. All, it should be noted, illustrate a gap between official rhetoric and action; some expert group participants concede the problem exists in their own countries.

Sato’s recommendations are straightforward. First, tailor outreach to the specific conditions of each recipient country. (This was a topic of considerable concern during the discussion.) Second, build awareness that export controls are trade enablers. Third, the international community should create a best practices template and use it as a matrix for assistance or conditionality. Fourth, “suppliers” and “recipients” should work together to minimize duplication of effort and maximize the efficient use of resources. Finally, all assistance should be transparent to avoid any misunderstandings or mistrust. CSCAP can provide help on several of these items.

Sun Jian of CSCAP China then outlined China’s outreach activities. Like all other participants, he said his government supports export controls but cautioned that national circumstances differ and programs need to be tailored to those local particularities. He explained that China is still working to develop its export controls framework but noted several successes in the fight to stop the proliferation of WMD.

China puts a priority on outreach. It seeks to raise awareness of the need and purpose of export controls; to guide and assist firms to understand and abide by national policies and regulations; to help firms establish internal compliance programs (ICP) and assist them to analyze the risk of suspected transactions; to hear industry views of export controls regulations and procedures; and consult experts on particular transactions. Outreach is conducted through government publications, websites, a hotline, training courses, seminars, individual contacts on request, and contacts through chambers of commerce and industry associations. Major activities include training local officials, training exporters that deal with strategic goods and technologies, seminars with technical experts and think tanks, onsite visits to individual companies, cohosted seminars with the U.S. Department of Commerce (in 2000 and 2003), and organizing industries to participate in international meetings and seminars. Future priorities include general training and education, licensing related consulting and development of ICP.

The final presentation was by Ivy Ng of CSCAP Singapore, who explained her country’s outreach efforts. Industry outreach is conducted through news releases, circulars,

briefings and consultations, courses, seminars, field visits, and a mailing list. Singapore Customs has a strategic goods control list (www.stgc.gov.sg) that provides detailed information on the country's strategic goods control list, permits and registration, and a wealth of related information. Structured courses examine industry obligations and responsibilities under the Strategic Goods Control Act; permit declarations and classification of controlled items; and facilitative schemes. To date, 700 participants have joined 18 courses. Individual companies can request courses on their premises if they exceed a certain size.

As noted, Singapore has embraced bilateral cooperation with the U.S. and Japan, hosting several conferences, seminars, and workshops. Customs conducts field visits to premises of registered arms brokers and permit holders to determine compliance with operative laws, educate companies on procedures, and gather feedback. Companies are encouraged to develop comprehensive ICP, as Singapore views them as a source of competitive advantage. A helpline is available for inquiries about strategic goods.

Feedback suggests those efforts have been well received. There is a desire for more emphasis on specific audiences and their needs, as well as the classification of controlled items. Singapore hopes to extend its outreach to a wider audience, in particular trade associations and industry clusters. It also hopes to benchmark international practices to strengthen national and industrial export controls efforts.

An ROK representative provided details from the 13th Asian Export Control Seminar that Japan hosted earlier this year. Specific challenges for export controls included: the need for capacity building for effective implementation and enforcement of export controls; information sharing among countries; better interagency coordination within nations; archipelagic countries that have problems policing borders; a lack of trained personnel; and concerns by developing countries about the denial of high-technology from supplier nations.

All participants applauded the range of programs that are available, although there was concern about overlap and coordination. Some governments complain about excessive visits that strain overstretched bureaucracies. Several "supplier" states noted that they do share training schedules. Nonetheless, there is a limit to how far efforts can be coordinated: each control regimes has unique needs and features and there is a resistance to integrating all training or outreach efforts.

States receiving outreach reminded the group that efforts needed to be tailored to particular circumstances: there is no one-size-fits-all solution. Supplier states insisted that they do extensive research to fit outreach to the needs of the "consumer." Best practices need to be localized to work most effectively. A Southeast Asian participant suggested establishing an online database on export controls to be used as a reference; another participant seconded the suggestion and called for the inclusion of photographs and examples of dual-use equipment that can be used for identification purposes. There appears to be considerable support for a "virtual technical experts center."

Another Southeast Asian participant suggested regional seminars that focus on the role of export controls in regional security and wondered what more could be done to change the behavior of regional officials. A U.S. participant informed the group that her organization is looking for Southeast Asian partners for education and technical training.

The export controls template and moving forward

The Export Controls Experts Group was established to create a template to evaluate regional export controls efforts. The template is a work in progress: one of the group's assignments was to provide comments about the model outlined by Anupam Srivastava and Seema Gahlaut of USCSCAP. Our fifth session looked in more detail at the template and how it can be used and better adapted for use by CSCAP member states.

Srivastava began with an overview of the growing importance of technology security and export controls in Asia. It was an attempt to provide an economic foundation for the work of the experts group. Quite simply, the region is becoming more economically advanced and more central to the global economy. The most heavily traded commodities in the region – chemicals, electronics, and specialized machinery – are of great concern for WMD proliferation. Growing links between the region and the world and the integration of the regional market have made manifest the need for harmonized trade and export control regulations and licensing and customs procedures.

Gahlaut demonstrated how the template could be used to organize data from UNSCR 1540 filings and assess information about export control systems. The template will help identify potential problems, help streamline procedures (for bilateral trade), and promote regional harmonization. The template uses four categories in each of the two axes: horizontally, it identifies the legal bases of national export control systems, enforcement, government-industry relations, and regime adherence; vertically, it tracks laws and regulations, institutions, processes, and implementation. Her presentation used UNSCR 1540 filings to demonstrate how the components work.

Our group agreed that the experts group – and CSCAP generally – should be pushing track one, using existing multilateral efforts (such as the APEC Key Elements of Export Controls) as a starting point for our work, providing suggestions for official programs, and fixes for shortcomings that have been identified. The template is a key part of this effort: as one expert group member noted, it is a treasure trove of information and explains processes; it provides a tool for peer review of national programs; and it can help harmonize regional export control regimes. He also suggested that the work could be the cornerstone of efforts for a UN treaty to create a global authority on export controls.

Discussion was sharp. Several individuals wanted benchmarks, arguing that merely cataloging national practices was not enough. Only by being critical could gaps in export systems be identified. One explained that “governments need a model of export controls to measure their policies against.”

Others countered that benchmarks and best practices are desirable but premature at this stage of the experts group. The template needs to be a cooperative effort so that all CSCAP member committees feel comfortable working with it and using it to guide analysis. Some participants expressed concern that the existing template could be used to discriminate against some countries; plainly, more explanation is needed. The proposal is designed to stimulate thinking about the process to improve export controls. To that end, *members were tasked with critiquing the proposed template and providing suggestions on how to improve it.*

As mentioned, there was also considerable support for developing a list of best practices that CSCAP could recommend to track one. The creation of a CSCAP export controls website is one possible means to that end. This dovetailed with the suggestion that the experts group's work not be confined to its formal meetings. There should be an ongoing dialogue and discussion among participants; the question is how to make this possible. Again, the notion of a virtual "meeting space" was proposed.

Since the experts group is also a part of the broader WMD Study Group, *members were tasked with examining the language of Chapter 8 (on export controls) of the proposed WMD Handbook and modifying and improving it.*

Since it is imperative that all member committees feel comfortable with the template and its application, it is important that they provide the information for it – and hopefully do the analysis themselves. *Participants were therefore encouraged to use their country's UNSCR1540 filing to fill in the template and submit it for discussion at the next experts group meeting.* (Gahlaut and Srivastava volunteered to do the analysis with data provided by member committees as a second best option.) A positive development in this regard is that member states have agreed to furnish more specific details of implementation of their national export control systems to help advance the work of the experts group.

The chair identified a final task for participants. The experts group should bring specialists together for a continuing discussion of technical issues. Thus, finding the right individuals for those discussions and ensuring continuity in attendance is critical to its success. *All participants were tasked with deciding whether they are the right person for this effort and committing to continuing participation if they are; if not, they were asked to find the right person within their country for our discussions, and to help persuade them to join the experts group.*

The next meeting of the Export Controls Experts Group is expected to be held in either November or December, near the time of the CSCAP Steering Committee meeting. We will contact member committees as soon as the date and place are set.

Submitted by
Brad Glosserman
USCSCAP