

## Introduction

The Islamic Republic of Pakistan is committed to promote peace and security, and fulfill its international obligations as a responsible nuclear weapon state. Its commitment to non-proliferation is underpinned in the realization that spread of Weapons of Mass Destruction (WMDs) poses a threat to international peace and security, and Pakistan's national security interests.

**Commitment to Non-Proliferation**

In pursuance of its strong commitment to non-proliferation, Pakistan has instituted a comprehensive legislative, regulatory and implementation system involving transfer of sensitive and dual use goods and technologies.

## Export Control Act-2004

Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act – 2004 (Act No. V of 2004) was passed by the National Assembly on 14 September 2004 and by the Senate on 18 September 2004. It received assent of the President on 23 September 2004 and entered into force the same day. The Act further strengthens controls on export of sensitive and dual use goods/technologies, consolidates and streamlines all previous legislative/regulatory arrangements. Salient elements of the Act include:-

- Controls over export, re-export, trans-shipment and transit of goods, technologies, material and equipment related to nuclear and biological weapons and their delivery systems.
- Prohibition of diversion.
- Wide jurisdiction (also includes Pakistanis visiting or working abroad).
- Comprehensive control lists and "Catch-All" provisions.
- Licensing and record keeping provisions.
- Licenses for export of goods and technologies for peaceful applications may be approved unless the Government determines that the export would be in contravention to the provisions of this Act.

- Penal provisions: Up to 14 years imprisonment and Rs. 5 million fine or both, and/or confiscation of property and assets.
- Right of appeal is provided.

Chemical weapons related issues are covered by a separate legislation, the CWC implementation Ordinance-2000.

## Strategic Export Control Division (SECDIV)

In order to further strengthen regulatory controls over goods, technologies, material and equipment related to nuclear and biological weapons and their means of delivery as enshrined in the Act of 2004, SECDIV was created in 2007 as part of the Ministry of Foreign Affairs (S.R.O 499 (I)/2009). The Division acts as the licensing authority for goods and technologies given in the control lists, and also coordinates enforcement of the act with the relevant implementing agencies.

**SECDIV is the licensing authority for export of sensitive and dual use goods/technologies**

## Mission Statement

***"Contribute towards non-proliferation and security through effective export management of sensitive goods and technologies"***

## Oversight Board (OSB)

An independent oversight board, Chaired by the Secretary Foreign Affairs, was established in July 2007 (S.R.O 693 (I)/2007) to monitor the implementation of Export Control Act 2004 including the formation and functioning of SECDIV, The board has ten *ex-officio* members representing different ministries/departments and meets once a year, preceded by a working level preparatory meeting.

## "Catch-All" Control

"Catch-All" controls apply if there are end user concerns or the goods or technologies could be used in any aspect including designing, developing, producing, stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems.

An exporter is under legal obligation to notify to SECDIV if he is aware or suspects that the goods/technology are intended for nuclear or biological weapons or missiles capable of delivering such weapons.

## Control Lists

This is a tool to classify items of export and defines 'what' export items are controlled and 'why'. Control does not imply restricting or limiting/prohibiting legitimate exports.

Lists of goods and technologies subject to regulatory controls were initially notified in 2005 (S.R.O 1078 (I)/2005). These lists have been revised twice since then i.e. in 2011 and 2015. Revised/updated lists have been notified vide S.R.O. 276 (I)/2015. The lists are consistent with the scope of export controls maintained by the Nuclear Suppliers Group (NSG), Australia Group (AG) and Missile Technology Control Regime (MTCR). These are periodically reviewed/revised by a standing Joint Working Group (JWG), which takes into consideration technological developments and changes/modifications introduced by international export control regimes.

**Control implies regulation/management and not prohibition**

## Licensing and Enforcement Rules

Export Control (Licensing and Enforcement) Rules were promulgated in 2009 vide S.R.O.450 (1)/2009. These rules provide detailed procedures and instructions for registration and licensing including requirements on End Use/End User Certification.

## Internal Compliance Programme (ICP) Guidelines

Comprehensive guidelines on ICP have been notified through Gazette Notification No. 2(24)/2013-SECDIV(P) dated 3 October 2014 (available on SECDIV weblink).

## Export Control Policy

In exercising controls over export of sensitive and dual use goods, technologies, equipment, Pakistan is guided by the following considerations:-

- Exports from Pakistan should be consistent with its international obligations and commitments, national laws, foreign policy and security objectives.
- They should not contribute to the proliferation of Weapons of Mass Destruction (WMDs) and their means of delivery to state or non-state actors.
- They should not contribute to military capabilities of countries that pose a threat to international security and regional stability.
- They should contribute towards efforts to combat international terrorism.

The government of Pakistan is committed to strategic international export controls to prevent proliferation of WMDs and believes that this should not hamper international cooperation and trade for the peaceful uses of technology, including peaceful nuclear technology and its contribution to energy security, which is the right of every state.

## When Export License is Required

A license is required for export, re-export, trans-shipment and transit of Goods, Technologies, Material and Equipment as specified in the control lists, issued by SECDIV. License is also required for dual use goods/technologies, and non-listed goods if usable in nuclear and biological weapons or their delivery systems.

An offense or contravention of the Act, Orders, Rules and Regulations, is punishable including abetment/assistance in commission of the offense with imprisonment for a term up to fourteen years, and/or a fine up to rupees five million, confiscation of the property and assets.

## Outreach and Capacity Building

To promote self regulation and compliance of the act, SECDIV routinely undertakes outreach and awareness raising activities. Commodity Identification Trainings (CIT) are held for capacity



building of relevant enforcement agencies. Seminars and workshops, on various aspects of export controls, are also organized.

## International Cooperation

Consistent engagement with members of the international community is essential for sharing best practices and learning from each others' experiences. This helps in keeping abreast with the latest developments and technological innovations in order to adapt export controls for facing emerging proliferation threats.

The National Command Authority (NCA), in its statement of 14 July 2011, reiterated "Pakistan's desire to constructively contribute to the realization of a world free of nuclear weapons and to the goals of non-proliferation on the basis of equality and partnership with the international community, and accordingly said that Pakistan was keen to join the four international export control arrangements.

Pakistan has had a longstanding relationship with the international export control regimes before deepened contacts in 2013. The interactions with the NSG and MTCR are longstanding and over a decade. In 2013, Pakistan hosted a delegation of MTCR and AG, took part in a trilateral meeting with the Chairmanship Troika of the NSG. Pakistan has also been participating in the outreach meetings of Wassenaar Arrangement (WA).

To benefit from the best practices of others, Pakistan has an active programme of cooperation with the IAEA and many countries including USA, UK, EU, Japan, Germany and China.

**Commitment, Responsibility, Due Diligence**



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