

**Strategic Export Control**  
**Division (SECDIV)**

**Ministry of Foreign Affairs,**  
**Islamabad**



# Overview

- Pakistan's International's Obligations
- Legal Instruments
- Export Control Act 2004
- Control Lists
- Strategic Export Control Division (SECDIV)
- Oversight Board
- Activities



# Pakistan's Commitment to non-proliferation

- Pakistan is committed to preventing the proliferation of nuclear, radiological, chemical and biological weapons and means of their delivery.
- Whilst remaining determined to safeguard its national security and foreign policy interests, Pakistan is committed to fulfill its international obligations as a responsible nuclear power.
- Pakistan is determined to pursue effective export controls in line with its commitments under various international instruments.
- Pakistan is party to large number of international treaties on non-proliferation.



# Pakistan's International Obligations

- ✓ Nuclear Safety Convention.
- ✓ Convention on Physical Protection of Nuclear Material (CPPNM).
- ✓ Chemical Weapons Convention (CWC).
- ✓ Biological and Toxins Weapons Convention (BWC).
- ✓ International conventions against terrorism.



# Pakistan's International Obligations

## IAEA Codes of Conduct:

- Code of Conduct on the Safety and Security of Radioactive Sources
- Code of Conduct on Transport of Radioactive Materials
- Code of Conduct on the Safety of Research Reactors



# Legal Instruments - I

Pakistan's export controls framework is governed by the following legal and administrative instruments:

- Import and Export (Control) Act, 1950 (Act No. XXXIX of 1950). This Act authorizes the Federal Government to prohibit, restrict or control the import or export of goods and regulate practices and procedures connected therewith.
- Pakistan Nuclear Safety and Radiation Protection (PNSRP) Ordinance, 1984 and PNSRP Regulation, 1990. lay down provisions for control of import and export of nuclear substances and radioactive materials.
- Statutory Notification No. SRO-782 (1), 1998 prohibits export of fissionable materials.



# Legal Instruments - II

- Statutory Notification No.SRO-23 (1)/1999 prohibits the export of Anti-Personnel Landmines.
- Statutory Notification No.SRO-124 (1)/ 1999. requires a No Objection Certificate from the Defence Ministry for export of arms, ammunitions, explosives and ingredients.
- Statutory Notification No.SRO-482 (1)/2000 and SRO 111 (1)/2004. Issued by the Ministry of Commerce lays down the Export Policy Procedures.



# Legal Instruments - III

- Chemical Weapons Convention Implementation Ordinance, 2000 (Ordinance No. LIV of 2000). This law regulates and controls the import and export of chemicals in accordance with the provisions of CWC and provides for criminal penalties in case of violations.
- Pakistan Nuclear Regulatory Authority Ordinance, 2001. Ordinance. Under this Ordinance, PNRA issues the required no objection certificate for import and export of any radioactive materials or radiation sources.
- Export Control Act on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems-2004.



# Export Control Act 2004



# Export Control Act 2004

## Extent / Scope

Extends to entire territory of Pakistan and to any offense committed by:

- Any citizen of Pakistan or person in the service of Pakistan, in and beyond Pakistan or any Pakistani national visiting or working abroad.
- Any foreign national while on the territory of Pakistan.
- Any ground transport, ship or aircraft registered in Pakistan wherever it may be.



# Purpose

Control export, re-export, trans-shipment, transit of goods, technologies, material and equipment, which may contribute to the designing, development, production, stockpiling, maintenance, or use of nuclear and biological weapons and their delivery systems.



# Export Control Act

The materials, equipment and services which could contribute to the designing, development, production, stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems shall be subject to the provisions of this law.



# Control Lists

- The Federal Government shall maintain Control Lists, to be notified separately, of goods and technology subject to licensing requirement under this Act.
- The Control Lists shall be reviewed periodically and revised/updated, as required.



# Licensing

- The Federal Government will frame, and notify the licenses required under this law, and also adopt and notify the procedures under which such licenses shall be approved or rejected.
- Catch All. An exporter is under legal obligation to notify the competent authority if the exporter is aware or suspects that the goods or technology are intended in connection with nuclear or biological weapons, or missiles capable of delivering such weapons.
- Licenses for export of goods and technologies for peaceful applications will be approved, unless the Government determines that the export would be in contravention to the provisions of this legislation.



# Record keeping

- All exporters shall maintain records of all transactions and report to the designated authorities.
- Any Government agency or department involved in export licensing procedures shall keep records of their recommendations and decisions. Such records shall be made available to other agencies or departments involved in export licensing, upon request.



# Offences to be tried by a Court of Session

- Any person who contravenes any provision, or attempts to commit or abets the commission of an offence, under this Act or any order, rules and regulations framed there under shall be tried by a Court of Session



# Offences and Penalties

- Conviction by imprisonment for a term of up to fourteen years, or with a fine up to rupees five million, or both, and or confiscation of the offender's property and assets inside or outside Pakistan.
- Abetment. Any person who attempts to commit or abet the commission of an offence under this act shall be proceeded against in the manner as if he had committed such an offence.
- Administrative Action. In case the offence is not serious for criminal proceeding, administrative actions, which may be determined from time to time, shall be taken against the individual contravening any provision of this Act.



# Appeal

Any person sentenced under this Act may, within thirty days of the decision, prefer an appeal before the High Court



# Diversion

Any willful diversion of controlled goods or technologies and violation of terms and conditions of an export license will attract:

- Denial of further export license to that recipient of goods or technologies for a specified period for each offence.
- Denial to the recipient of the privilege of exporting products into Pakistan for a specified period for each offence.



# National Control Lists

(S.R.O. 1078(I)/2005)

- Export Controls are used for a wide variety of purposes, all of which require a legal instrument to be implemented
- It is important both from the point of view of the exporter and the government that export controls should extend only as far as absolutely necessary and should be stated.
- Control Lists were notified in 2005 (S.R.O. 1078(I)/2005
- Lists are consistent with the international standards, and based on the EU model, incorporating items controlled by the NSG, MTCR and AG.



**Establishment of  
Strategic Export Control  
Division  
(SECDIV)**

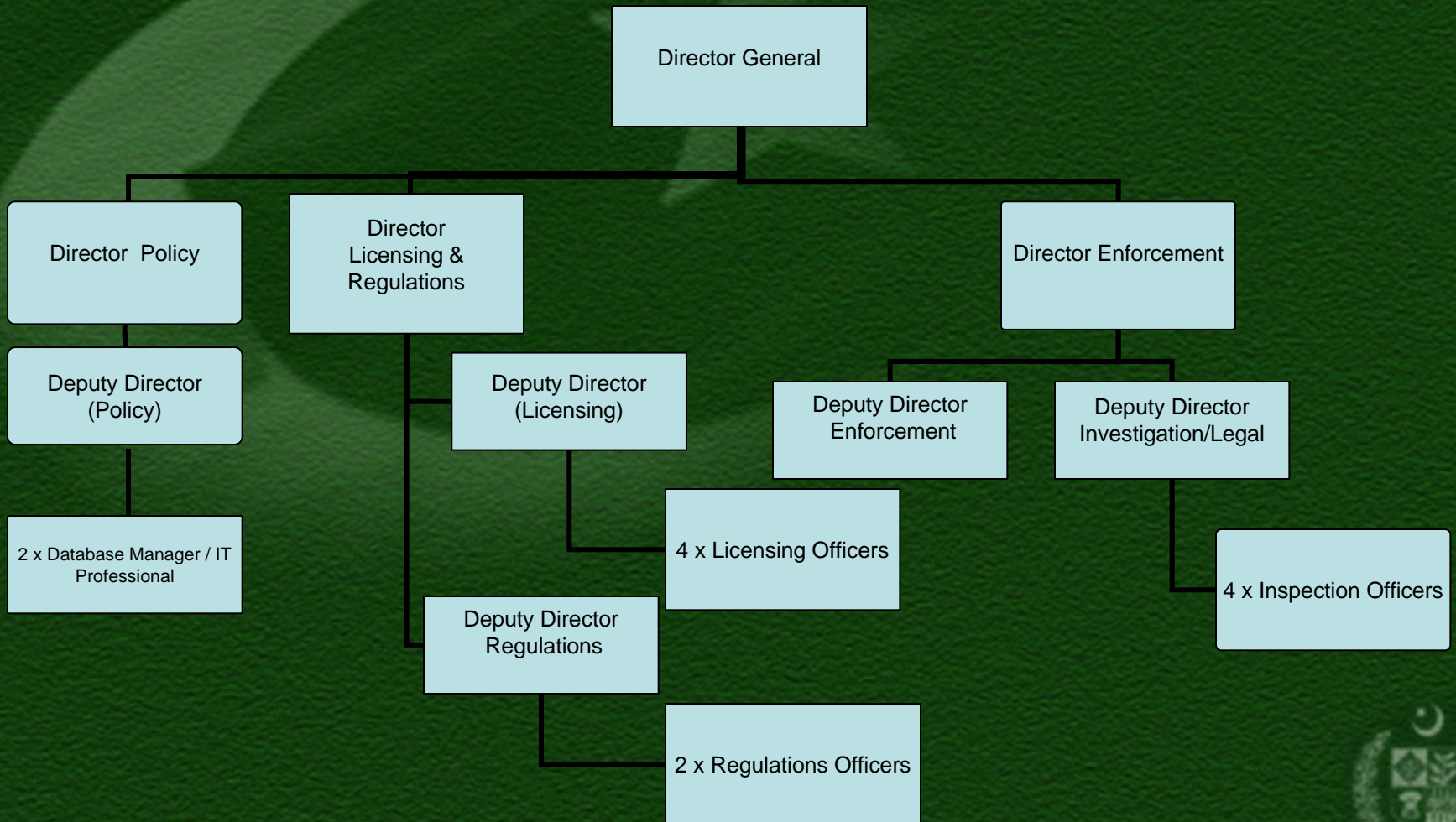


# Establishment of (SECDIV)

- As required by Article 3 of the Export Control Act, the Prime Minister approved the establishment of Strategic Export Control Division (SECDIV) as part of the Ministry of Foreign Affairs.
- An independent Oversight Board has also been constituted to oversee the implementation of the Act.



# SECDIV- Organogram



# Establishment of (SECDIV)

## Objective of SECDIV

- Control export, re-export, transshipment, transit of goods, technologies, material and equipment, subject to the provisions of Export Control Act 2004 which may contribute to the designing, development, production, stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems.
- Development, implementation and interpretation of Pakistan's strategic export control policy.



# Establishment of (SECDIV)

## Functions of SECDIV

- Administer export controls established under the Act
- Act as the licensing authority for export of Control Lists commodities
- Make necessary rules and regulations for implementing the Act.
- Develop necessary structures for licensing and enforcement.
- Review and revise/update the Control Lists.
- Coordinate enforcement of the Act with other agency or agencies.
- Outreach and capacity-building
- Recommendations for Pakistan's strategic export control policy.



# Oversight Board

- As per para-3(e) of the Export Control Act No. V of 2004, an Oversight Board has been established vide S.R.O. 693(I)/2007.
- The Oversight Board Consists of a Chairman and Ten *ex officio* Members.

## Objective for the creation of Oversight Board

- Monitor implementation of relevant laws on export controls that fall under the ambit of SECDIV.
- Monitor the functioning of SECDIV and provide guidance in achieving its objectives
- Review and approve policy and administrative parameters for improvement in the functioning of SECDIV



# In Progress...

- Enforcement procedures regarding the Export Control on Goods, Technology, Materials and Equipments related to Nuclear and Biological Weapons and their Delivery System Act (Act V of 2004)
- Forms
- Outreach and Awareness



# Outreach & Awareness

- Visits to Pakistan Customs, Other Law Enforcement agencies, Public Sector Universities, Chamber of Commerce's, Local Authorities in Karachi, Lahore, Quetta and Peshawar.



# Outreach & Awareness

- Awareness Programme for industry.
- Customs Training Programme.
- Training Programme for other Law enforcement Agencies.
- Trade Fairs etc.
- Universities & Research Organizations.
- Development of SECDIV Web Site.



# Challenges

- Creating awareness (Public and Private Sector, Research Institutions, etc.).
- Capacity building (Government and private entities).
- Inter-agency coordination.
- Creating the relevant data base.
- Strengthening enforcement mechanism.



# Thank you

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# Q&A

