

## **Responsibilities and interdependences of exporters, freight forwarders and recipients in the Supply Chain**

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WIESBADEN Conference 23 – 24 November 2017

Considering that the principles of the 1540 Resolution are addressed to the States and not to the exporters of these States, the main legal obligation for the exporters is to conform to their national law. Consequently the supply chain supporting the exporter respects the industrial engagements and the national applicable law.

If we should define the common denominator for the Supply Chain as well as all the Freight Forwarders and Recipients, the main Exporter and the Law to comply with are the one. And if the exporter is always in the picture the law is sometimes missing or difficult to apply.

So what to do when there is no Export Control system in place? How can we pretend to involve the exporters in the 1540 resolution when for 13 years (the 1540 was issued in 2004) a government has not been even able to issue an administrative and legal framework?

It would be so difficult to translate and adapt the European regulation and use it as a legal basis in the countries? Other countries like Singapore have done so and are today at the forefront of the Export Control compliance.

Is it really necessary to wait 13 years to comply (and not only in appearance) with a decision of the United Nations directly made mandatory in all member countries?

The United Nations refers with satisfaction to the almost 180 Export Control Reports issued by the Member States and that only 17 have not yet be issued! But have we looked at the content of these "reports". Most are empty with no real content and we know that even for the most advanced States, compliance is only partial.

Are the exports of academies, research centers, small businesses and some unscrupulous industrialists, the immaterial and intangible technology, actually controlled even in the most advanced states?

The exporters are the heart of the Export Control System. Not only the first line of defence or the privileged partner for governments, but a real main actor. And as main actor the exporter have to be a responsible exporter and take his responsibilities.

If the States are not able to act for the safety of all of us, we have as exporters the responsibility with the tools that we have as the WIESBADEN Program and the BOTTICELLI Project to support them concretely and to the possible extent.

In certain cases the Authorities are not even ready to face their own exporters having nothing to say to them because the Export Control law is not yet promulgated, but what is at stake is the security in the world.

A country needs twice more export control training when the law is not there yet, to tell exporters what to do in order to fight together against the proliferation of weapons of mass destruction.

Exports are not made by the States but are made by the Industry, Academia and Research Centers and individuals in those States and in the absence of laws and regulations or the absence of their implementation we have the duty to teach local exporters the good practice that their counterparts (European exporters in our case) have developed on the basis of their own regulation and therefore indirectly on the basis of the R1540.

We know that this is not ideal, but in the absence of real engagement of the institutions and governments we have the responsibility to teach local exporters the good practice regardless of whether the state is resigning or active, negligent or rigorous, slow or quick to set up any legal basis.

I let you react, but for my part I confirm, for the safety of the world and the success of the WIESBADEN Program, the interest of holding Industry Outreach especially in countries where the legal bases are the less advanced or the local authority is the more reluctant.

And all this, of course, in good cooperation and with the highest respect for local authorities.

We should consider that the scope of the debate is broader than the question of interdependence of industry responsibility and our strategy on how to involve industry in the 1540 Resolution.

Indeed, it has to be seen in parallel with other issues, such as difficulties regarding legal implementation of national laws and effectiveness of the existing laws and more generally the difficulties to involve governments in a real coordinated Export Control System which would guarantee an harmonized balance between security and business, between control and trade, between distortion of the competition and a level playing field.

To contribute to solve this situation we should contribute with our meetings and conferences to fill up a lack of Export Control political buy-in mostly in countries and regions having a fast growth and being in an adjustment phase of their economy.

This lack of political buy-in generates some cautious strategies in the various administrations when dealing with Export Control and its different dimensions.

The question is then how can we /should we deal with this situation?

Indeed, as rightly outlined by the organizers of this event, the point is that the WIESBADEN Program contributes to the implementation of resolution 1540 and to the mitigation of risks related to proliferation of WMD, but cannot solve all the problems without a real involvement of the Expos (Industry, Academia and Research Centers) and a real involvement of the governments..

The situation on this point is currently particularly acute in South East Asia and North Africa.

Having said that, we should consider that we have to reconsider some aspects of our strategy for these regions by:

- Promoting the idea of a high level dialogue on the issue of export control and the mitigation of proliferation risks in order to get more political support,
- Continue our activities of awareness raising and capacity building wherever possible to act in the involvement of the industry as well as governments,
- Continue to address the industry as first line of defense and privileged partner for governments, even if it implies to adapt the content and form of the relations in introducing a massive part of incentives,
- Consider potential synergies between governments in order to bring a joint message and avoid generating consumer attitudes.
- Consider potential partnership between governments and exporters in order to bring a joint message and avoid generating confusion and conflict when we need clarification and cooperation between the actors.