

India's Export Control System: Inter-Agency Cooperation and Coordination

Government of India

20th Asian Export Control Seminar, Tokyo

Outline of presentation

Inter-agency cooperation and coordination in:

- Licensing
- Policy and Enforcement
- Implementation of UN sanctions
- Outreach and Capacity Building

Licensing: An overview

- India's export control list is called **SCOMET**
- **S**pecial **C**hemicals, **O**rganisms, **M**aterials, **E**quipment and **T**echnology
- It is a legal document notified under the Foreign Trade (Dev. And Reg.) Act and Foreign Trade Policy of the **DGFT**
- **D**irectorate **G**eneral of **F**oreign **T**rade (<http://dgft.gov.in>) is the licensing authority for SCOMET items
- There are 8 categories at present
- Similar to EU dual use list
- Consistent with NSG and MTCR control lists

Licensing: Procedure

- ✓ *Inter-Ministerial Working Group (IMWG) in DGFT*

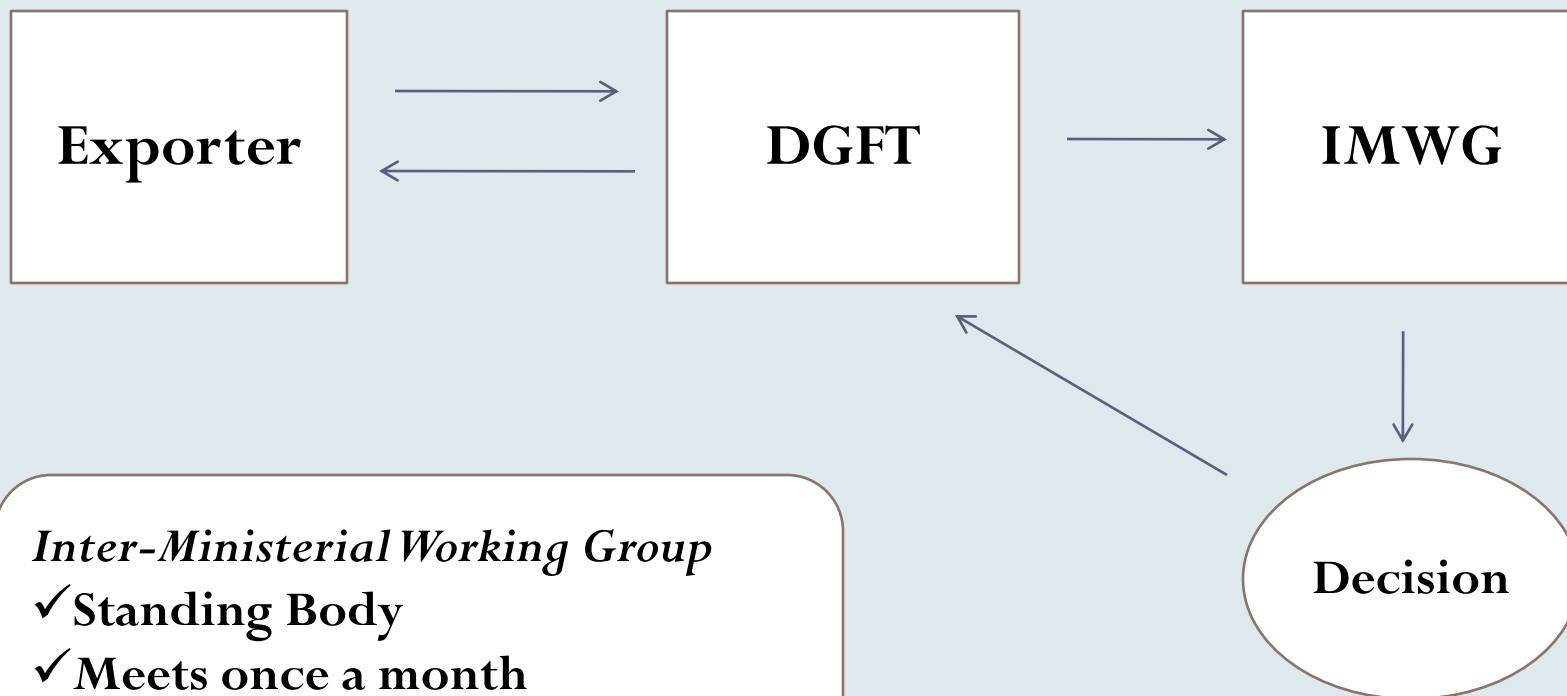
- ✓ *IMWG evaluates*

Export license applications for SCOMET items (i.e. other than nuclear 'trigger' list and defence stores)

- ✓ *IMWG comprises*

DGFT (chair), Ministry of External Affairs, Department of Atomic Energy, Ministry of Defence (DRDO, Defence Production), Department of Space (ISRO), Department of Biotechnology, Department of Chemicals, National Authority on CWC, Intelligence agencies

Licensing



Inter-Ministerial Working Group

- ✓ Standing Body
- ✓ Meets once a month
- ✓ Decision by consensus

Licensing

IMWG members

- ✓ Initially evaluate license applications individually on various parameters (credibility of end-use/end-user, risk of diversion, etc) and send their recommendation to DGFT
- ✓ Meet once a month and take a decision based on consensus
- ✓ In the absence of consensus, the matter can be escalated to a High Powered Committee

Policy and Enforcement

Past activities

Meeting of various Government agencies to

- Update/revise SCOMET list

Inter-agency exercise carried out in 1995, 2000, 2005, 2007

- Review existing laws and procedures

*Inter-agency exercise led to our **WMD legislation** [Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities)Act of 2005]*

Policy and Enforcement

Ongoing activities

Meeting of various Government agencies to

- Share information regarding potential export control violations
- Discuss possible follow up action in such cases
- Discuss emerging trends in proliferation sensitive items and activities
- Consider revision/update in SCOMET
- Engage with major multilateral export control regimes

Implementation of UN Sanctions

- *Meeting of various agencies :*

Ministries of External Affairs, Commerce (Trade-DGFT), Finance (Banking, Customs), Home (Immigration), Law and Justice (Legal advice-Legislation), Reserve Bank of India (Regulator-Banking), other concerned agencies (e.g. Petroleum Ministry)

- Agencies deliberate on how their legal and regulatory frameworks are impacted by UN sanctions

Implementation of UN Sanctions

- Appropriate changes made to laws and regulations and notified for information of public/industry
- MEA empowered to issue **Order** for implementing sanctions
- Discussion with UN panels/experts dealing with sanctions

Outreach and Capacity Building

Inter-agency collaborative effort to:

- Conduct regular awareness programmes for chemical industry (jointly by Department of Chemicals and National Authority on CWC)
- Hold outreach seminar for industry
- Train Customs officers

THANK YOU

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