



## OVERVIEW

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- I. Background
- II. Export Control: Defined
- III. Philippine Export Control Initiatives
- IV. Government-Industry Cooperation

## BACKGROUND

The Philippines as Vice-Chairman of the 1540 Committee helped in the passage of UN Security Council Resolution 1540 on 28 April 2004 and called on all members to join the Weapons of Mass Destruction (WMD) Convention



## UNSCR 1540 REQUIREMENTS – EXPORT CONTROL

Provision 3, Paragraph (d):

***“Establish...appropriate laws and regulations to control export, transit, transshipment and re-export..., as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations”***

# BACKGROUND

## TREATIES ON WEAPONS OF MASS DESTRUCTION (WMD)



✓ Chemical Weapons Convention (CWC)

[www.opcw.org/chemical-weapons-convention](http://www.opcw.org/chemical-weapons-convention)

✓ Biological Weapons Convention (BWC)

✓ [www.opbw.org](http://www.opbw.org)

✓ Nuclear Non Proliferation Treaty (NPT)

✓ [www.un.org/Depts/dda/WMD/treaty](http://www.un.org/Depts/dda/WMD/treaty)



# BACKGROUND

## INTERNATIONAL EXPORT CONTROL REGIMES

✓ Wassenaar Arrangement (WA)-

[www.wassenaar.org](http://www.wassenaar.org)

✓ Australia Group (AG) – [www.australiagroup.net](http://www.australiagroup.net)

✓ Nuclear Suppliers Group (NSG) –

[www.nuclearsuppliersgroup.org](http://www.nuclearsuppliersgroup.org)

✓ Missile Technology Control Regime (MTCR)

[www.mtcr.info](http://www.mtcr.info)



## **The 1987 Philippine Constitution**

- *“renounces war as an instrument of national policy,*
- *adopts the generally accepted principles of international law as part of the law of the land,*
- *adheres to the policy of peace, equality, justice, freedom, cooperation and amity with all nations, and*
- *adopts and pursues a policy of freedom from nuclear weapons in its territory”*

The Philippine Government thus, recognizes and binds itself to the principles of international law as a UN member and commits itself to promotion of global peace and security and in the control of WMD proliferation

***Philippine Foreign Policy places high priority on disarmament and non-proliferation.***

## **WHAT IS EXPORT CONTROL**

It is a system of laws and regulations designed to regulate the trade and transfer of weapons of mass destruction (WMD) and related materials, components, technologies as well as conventional weapons

...these laws and regulations will aim to facilitate trade and transfer among friendly and reliable states but it will prevent hostile and dangerous states, sub-states, terrorist organizations and individuals from acquiring WMD and conventional weapons

## EXPORT CONTROL – DOES IT HINDER TRADE ?

- The subject of controls is limited to regulated items listed in the National Control List. Regular trade is not hindered
- Export control promotes secure trade. Secure trade reduce diversion of dual-use items to prohibited end-uses, end- users and destinations. It also facilitates expeditious movement of legitimate trade through borders and ports.
- It facilitates international trade. Countries with effective and internationally-compliant export control system will deal with trade partners that have also internationally-compliant trade control system.

## EXPORT CONTROL – DOES IT HINDER TRADE ?

- The establishment of an export control system is a sort of an ISO certification. Once attained, major trading countries like the US, EU and Japan will have confidence in our ability to safeguard most commodities that are traded. It will also encourage more investments and increase trade

## What are WEAPONS OF MASS DESTRUCTION



Weapons that can kill large numbers of humans and/ or cause great damage to man-made structures, natural structures or biosphere in general

### Incidents involving use of WMD



9-11 Attack, 2001

### CATEGORIES:

- Chemical
- Biological
- Radiological/Nuclear



Sarin Attack –  
Tokyo 1995



Chemical Attack –  
Kuridish City, Iraq 1988

# THE PHILIPPINE EXPORT CONTROL INITIATIVES

## KEY GOVERNMENT AGENCIES INVOLVED IN EXPORT CONTROL (particularly CBRN concerns)

**DEPT. OF ENVIRONMENT & NATURAL RESOURCES (DENR)**  
– **Environmental Management Bureau (EMB)** – regulation of all chemical-related materials. (Proposed to be the National Authority in compliance with Chemical Weapons Convention)

**DEPARTMENT OF HEALTH-Research Institute for Tropical Medicine– (rRITM)** control of microbiological and biological agents and toxins

**DEPARTMENT OF HEALTH- Bureau of Health Devices & Technology- (BHDT)** - regulation and radiation safety of electrically produced ionizing radiation including non-ionizing radiation

**DEPT. OF SCIENCE & TECHNOLOGY - Philippine Nuclear Research Institute (PNRI)** -regulation, licensing and safeguards of radioactive materials and atomic energy facilities.

## OTHER KEY GOVERNMENT OFFICES INVOLVED IN EXPORT CONTROL

**DEPARTMENT OF TRADE & INDUSTRY (DTI)**-  
licensing/registration of traditional/ non-regulated items

**BUREAU OF CUSTOMS (BoC)**– monitors the entry of commodities and items in Philippine territory for custom duties valuation and assessment

**PHILIPPINE NATIONAL POLICE (PNP)/Firearms and Explosive Division (FED)** serves as the national regulatory agency for firearms & explosives

## **THE PREVAILING EXPORT CONTROL SYSTEM IN THE PHILIPPINES**

**Implemented by different government agencies**

**Has control, regulation and licensing activities that deals with prohibited/ banned or regulated items;**

**But not comprehensive enough to cover almost all the controlled items listed under the international export control regimes, particularly the dual-use items;**

## **The OFFICE OF THE SPECIAL ENVOY on TRANSNATIONAL CRIME (OSETC) [www.osetc.gov.ph](http://www.osetc.gov.ph)**

Mandated, among others, to:

- set policy directions and program design standards
- advise the President on all matters regarding transnational crime; and
- represent the Philippine government in regional and international fora, along with other agencies that deal with transnational crime.



## PHILIPPINE EXPORT CONTROL INITIATIVES

Since 2005, OSETC convened series of INTER-AGENCY MEETINGS related to export control which were attended by officials of concerned agencies such as: BOC, DTI, DOST, PNRI, DOH, DOTC, DENR, PPA, DND, AFP, PNP, ATO, PCG, PEZA, PDEA, among others .

**A Technical Working Group (TWG) in Export Control was created in 2006 which laid the groundwork for proposed policies. The TWG came out with 2 major output documents, to wit:**

**Draft Executive Order to govern existing export control efforts of the government pending the passage of a law on export control**

**Draft Bill on Export Control that is now under legislative action of both Houses of Congress**

## PHILIPPINE EXPORT CONTROL INITIATIVES

**Published a Compilation of Laws and Rules Relating to Philippine Export Control (2008)**

**Coordinated various Export Control Awareness and Capacity Building Seminars & Workshops (2006-2010)**

**Represents the Philippine Government in Regional and International Cooperation**

## PROPOSED LEGISLATION

14<sup>th</sup> Congress

April 28, 2009

House Bill No. 6268: *"An Act Preventing The Proliferation Of Weapons of Mass Destruction by Regulating The Transfer of Strategic Goods and Items Providing Penalties For Their Violations Thereof and For Other Purposes"*

Filed by Representative RODOLFO W. ANTONINO

## PROPOSED LEGISLATION

14<sup>th</sup> Congress

May 21, 2009

Senate Bill No. 3268: *"An Act to Prevent The Proliferation of Weapons of Mass Destruction By Regulating The Transfer of Strategic Items/Goods Which Are Being Used To Carry Out Acts of Terrorism, and For Other Purposes"*

Filed by SENATOR MANNY B. VILLAR, JR.

## PROPOSED LEGISLATION

15<sup>th</sup> Congress

Senate Bill No. 115: *"AN ACT TO PREVENT THE PROLIFERATION OF CHEMICAL, BIOLOGICAL, RADIOLOGICAL AND NUCLEAR WEAPONS, AS WELL AS CONVENTIONAL WEAPONS BY REGULATING THE TRANSFER OF STRATEGIC GOODS AND DUAL-USE GOODS, AND FOR OTHER PURPOSES"*

Filed on July 5, 2010 by SENATOR. GREGORIOP B. HONASAN II

Short Title:

*"NON-PROLIFERATION AND STRATEGIC GOODS AND DUAL USE GOODS REGULATION ACT OF 2010"*

## PROPOSED LEGISLATION

15<sup>th</sup> Congress

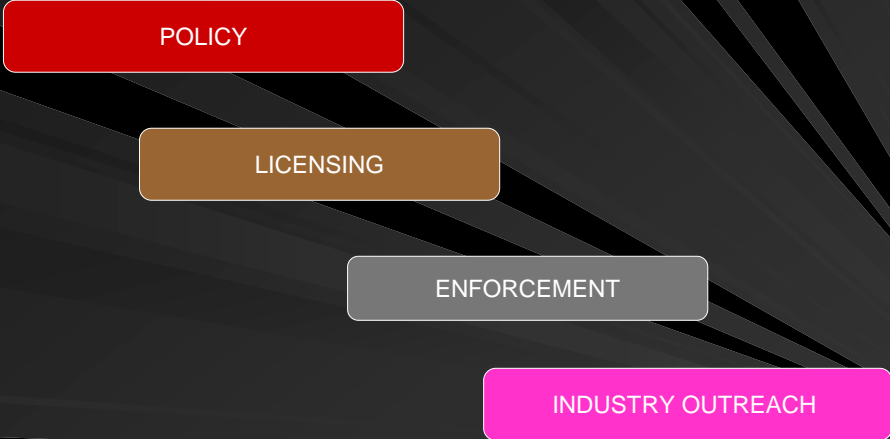
Senate Bill No. 2449: *"AN ACT TO PREVENT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY REGULATING THE TRANSFER OF STRATEGIC ITEMS/GOOD WHICH ARE BEING USED TO CARRY OUT ACTS OF TERRORISM, AND FOR OTHER PURPOSES"*

Filed on August 23, 2010 SENATOR MANNY B. VILLAR JR.

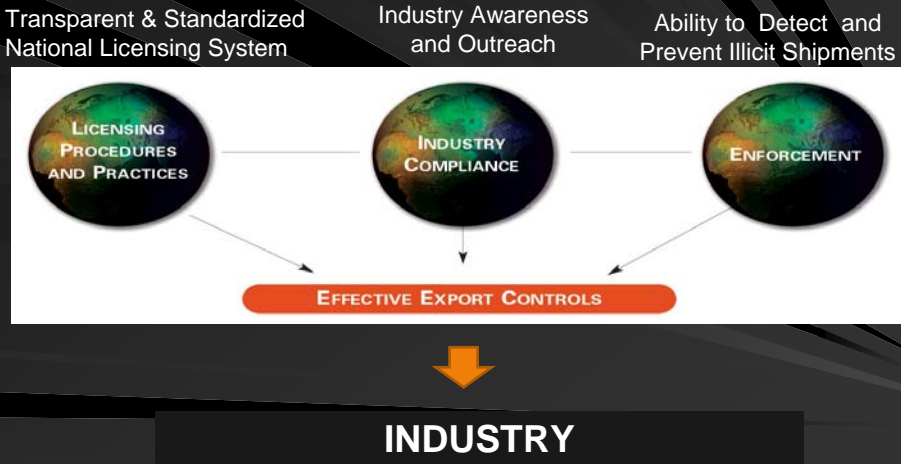
Short Title:

*"WEAPONS OF MASS DESTRUCTION NON -PROLIFERATION AND STRATEGIC ITEMS/GOODS REGULATION ACT"*

# CORE PILLARS IN EXPORT CONTROL



# PHILIPPINE STRATEGIC GOODS ACT



## **GOVERNMENT-INDUSTRY COOPERATION**

The Industry Sector is critical to the effectiveness and success of any national trade/export control system. Lack of information and knowledge may lead to inadvertent violations

The Industry Sector is the key source of information on acquisition efforts by proliferators in view of its daily interaction with trading partners and likewise possesses better understanding of various marketable goods and high end technologies.

As the first line of defense, the Industry can assist the government in detecting suspicious orders and customers that have hostile and dangerous motives.

Industry therefore can achieve secure trade objectives through compliance with appropriate export management practices promoted by the government under an export control program.

**THANK YOU AND  
GOOD DAY**

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