



LEGISLATIVE FRAMEWORK FOR STRATEGIC TRADE : PHILIPPINES

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PRESENTATION OUTLINE

- A. The Prevailing System in the Philippines
- B. Objective of Proposed Legislation
- C. Progress/Status of STMA Bill
- D. Offers of Partnerships and Assistance
- E. Various Workarounds in the Absence of Specific Legislation
- F. Challenges



A. THE PREVAILING SYSTEM IN THE PHILIPPINES

The Philippines has control, regulation, and licensing activities that deal with PROHIBITED and REGULATED items.

Updated list of prohibited and regulated items is available at the website of the Philippine Department of Trade and Industry (DTI)

<http://dti.gov.ph>



However, these activities are implemented by **DIFFERENT** government agencies.

The existing system is **NOT COMPREHENSIVE** enough to cover the controlled items listed under the multilateral export control regimes.

“STRATEGIC TRADE MANAGEMENT ACT”

**An Act to Prevent The Proliferation
of Weapons of Mass Destruction, By
Regulating the Trade of Strategic
Goods, And For Other Purposes**



B. OBJECTIVE OF THE PROPOSED LAW

SUBSTANTIVE ASPECT

The proposed Strategic Trade Management Act is designed to institute trade controls over export, import, re-export, transfer, transit, and transshipment of strategic goods and provision of related services

ORGANIZATIONAL STRUCTURE – The intention of the developing legislation is to create a new agency that will implement it.



ORGANIZATIONAL STRUCTURE

The Implementing Authority is called **Strategic Trade Management Authority (STMA)**, composed of:

- Strategic Trade Management Board
- Strategic Trade Management Office





FIVE TITLES:

- **Title I** - General Provisions
- **Title II**- Implementing Authorities
- **Title III**- Responsibilities of Persons in Strategic Trade Transactions
- **Title IV**- Liabilities, Violations, Penalties and Sanctions
- **Title V** – Final Provisions



C. PROGRESS AND STATUS OF STMA BILL

2004- First Export Control Awareness Seminar
(Philippine DFA & METI, Japan)

2005 - Inter-Agency Collaboration/Awareness and Capacity-Building Activities (ongoing)

2006 - Technical Working Group on Export Control (inter-agency)

2007- TWG came up with an Executive Order (E.O.)

2009 –Filing of the Bill in Congress

14th CONGRESS: House Bill No. 6268; Senate Bill No. 3268

15th CONGRESS: House Bill No. 4030; Senate Bill No. 115

16th CONGRESS: Opens in July 2013



Offices currently spearheading the passage of proposed “Strategic Trade Management Act (STMA)” in the Philippines:

- Office of the Executive Secretary, Office of the President
- Law Enforcement & Security Integration Office
- Anti-Terrorism Council-Program Management Center
- Presidential Legislative Liaison Office (PLLO)
- **IN COORDINATION WITH RELEVANT GOVERNMENT AGENCIES**



D. OFFERS OF PARTNERSHIP AND ASSISTANCE

HELPFUL AGENCIES/PROGRAMS:

- METI, MOFA, CISTEC, Japan
- U.S. Department of State/Export Control and related Border Security (EXBS) Program
- U.S. DOE/NNSA/ under its International Non proliferation Export Control Program (INECP)
- European Commission- Centre of Excellence (CoE)-CBRNe, Regional Secretariat
- BAFA, Germany
- DFAT, Australia



D. OFFERS OF PARTNERSHIP AND ASSISTANCE

HELPFUL AGENCIES/PROGRAMS:

- Pacific Forum/CSCAP
- Royal Thai Customs, Thailand- WMD-CIT
- Ministry of International Trade & Industry (MITI), Malaysia
- Singapore Customs
- IAEA
- And other institutions assisting the Philippines



VARIOUS WORKAROUNDS THAT HAVE BEEN IMPLEMENTED IN THE ABSENCE OF A SPECIFIC LEGISLATION

NUCLEAR/RADIOACTIVE:

- Megaport Initiative-Radioactive Portal Monitors set-up in North Harbor (10), South Harbor (8) and the Port of Cebu (4);
- Training Center for Frontline Officers at the Philippine Nuclear Research Institute (PNRI)
- Mobile Detection System (Vehicle)-Philippine National Police and PNRI
- Various capacity-building activities relating to Nuclear/Radioactive matters



CHEMICAL:

- Executive Order No. 39 designating the ANTI-TERRORISM COUNCIL (ATC) as Philippine National Authority on Chemical Weapons Convention (CWC).
- Filing of the CWC Implementing Act (Bill) in the 16th Congress (July 2013)
- Government- Industry Outreach
- Survey of Chemical Industries/ CWC Database Development
- Inter-Agency Consultations



BIOLOGICAL-RELATED CONCERNS:

- Crafting of a proposed legislation to implement BWC
(Biosafety & Biosecurity Act of 2013)
- Initiatives to create a culture of BIOSAFETY in the Philippines
 - Advanced Biorisk Officers Training
 - PhBBA National Awareness Activities
 - DOH National Biosafety Guidelines
 - Creations of Biosafety Laboratory 3 Facilities



VARIOUS WORKAROUNDS THAT HAVE BEEN IMPLEMENTED IN THE ABSENCE OF A SPECIFIC LEGISLATION

WMD-COMMODITY IDENTIFICATION TRAINING (CIT)- (U.S.-DOE/NNSA/INECP)

- Customs, National Police, Coast Guard
- Reference: controlled items under multilateral export control regimes
- National Implementation Plan
- National Curriculum Development
- Training of Instructors
- Train-the-Trainer Approach



VARIOUS WORKAROUNDS THAT HAVE BEEN IMPLEMENTED IN THE ABSENCE OF A SPECIFIC LEGISLATION

CBRNe-COMMODITY IDENTIFICATION TRAINING (CIT)- (U.S.-DOE/NNSA/INECP)

- A new set/batch of participants
- Southern Philippines
- Focus: Counterterrorism
- Objective: To raise basic awareness on items falling below controlled specifications
- Mechanism of Reporting/Tracking movements
- Train-the-Trainer Approach



VARIOUS WORKAROUNDS THAT HAVE BEEN IMPLEMENTED IN THE ABSENCE OF A SPECIFIC LEGISLATION

- A TECHNICAL WORKING GROUP (Inter-Agency) has started to outline the Implementing Rules and Regulations (IRR) of the developing STMA.
- Regional Secretariat, CENTRE OF EXCELLENCE-CBRNe/European Commission (launching in Manila: 6-8 March 2013). Supported by a National Team/Secretariat . A Key Issue in global efforts.



F. CHALLENGES

- Export Control is regarded as a prohibition against the tradition of Philippine government and business sector to facilitate/promote export trade.

Executive Order (EO) 1016 – “Withdrawing the Inspection, Commodity and Export Clearance Requirements on Philippine Exports” (25 March 1985)

Presidential Decree No. 930 “Simplifying Export Procedures and Documentation” (13 May 1976)



F. CHALLENGES

- Awareness for Decision-Makers.
- Good coordination among Stakeholders
- Promotion of Best Practices
- Enhancement of National Coordination Mechanism (e.g. CBRNe)
- Increase Regional Cooperation
- Development of Indigenous Capability
- Sustainability



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THANK YOU