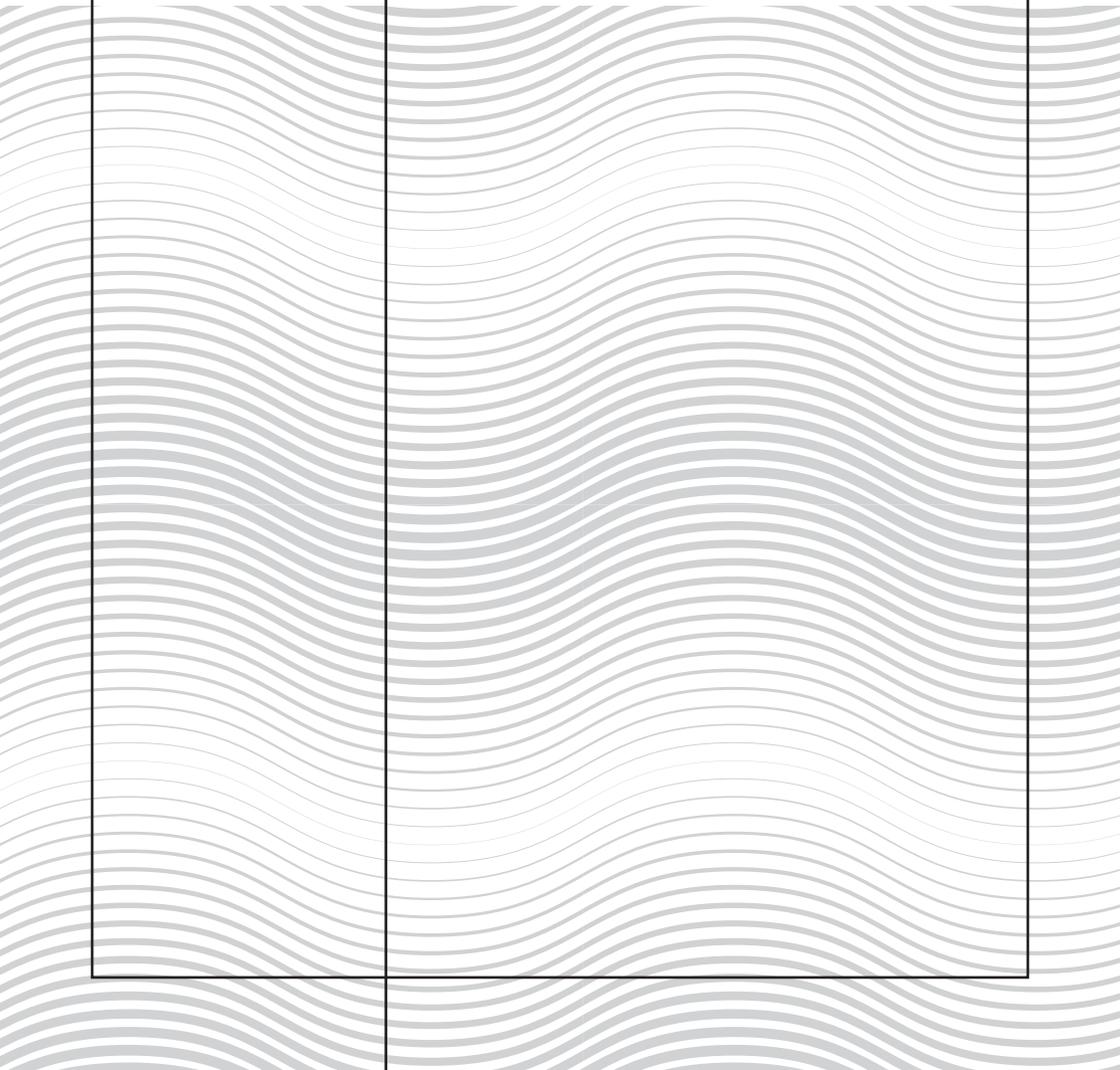


**Part
2.**

**The EU outreach
programme**



EU Export Control Outreach: Quo Vadis?

A.H.van der Meer and W. Lehofer

1. WHAT HAS BEEN DONE?

The EU's Outreach on Export Control on Dual-Use items is standing at an important crossroad. Since 2005 various programmes have been executed with a total value of 35 million Euro¹. The international trade in dual-use items - goods, software and technology - that can be used for both civilian and military applications and/or can contribute to the proliferation of Weapons of Mass Destruction (WMD) is subject to controls to prevent the threat that these items may pose for international security.²

The current EU P2P programme aims to “export” the EU *acquis* in this area to partner countries, in particular Council Regulation 428/2009 of 5 May 2009 setting up a Community regime for the control of export, transfer, brokering and transit of dual-use items.³ At the same time the objective is to promote trade facilitation and therefore stimulate the establishment of effective export control administrations in relevant partner countries and regions. However, the overarching objective is to support the implementation of inter-

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- 1 A similar programme exists in the USA called Export Control and Border Security (EXBS) programme. The programme is designed to help countries develop and improve their strategic trade and related border control systems. EXBS is active in over 60 countries with an annual budget of approx. 55 million USD (depending on the fiscal year). Regular meetings takes place between the EC and the US Government on mutual coordination in the execution of the programmes both at capital level as well as on the spot.
 - 2 Commission Staff Working Document of 28 September 2016, Impact Assessment, Report on the EU Export Control Policy Review, (SWD (2016)), pages 2 and 3.
 - 3 O J, L134, 29 .5. 2009, p.1.

national norms by the EU and its Member States related to the non-proliferation of WMD, in particular United Nations Security Council Resolution 1540 of 2004.⁴ This Resolution, under Operating Paragraph III, calls on States to take and enforce appropriate and effective measures for export controls including their delivery systems and related measures such as trans-shipment control and financing⁵. It is particularly designed to prevent the involvement of non-State actors in the proliferation of WMD. Unfortunately, the implementation of this Security Council Resolution remains uneven with respect to the establishment of export control mechanisms. Based on a review in 2016, the UN Security Council therefore underlined the need to strengthen national export control measures for materials related to nuclear, chemical and biological weapons. The 2016 Resolution asks States that have not done so to start developing effective national control lists at the earliest opportunity.⁶

In the first instance, in 2004, EU outreach activities had a modest start with a pilot project, implemented by SIPRI, prior to the inception of the IfS. Work focused mainly on three countries in South East Europe. As can be seen from the figure below, activities were gradually scaled up. Over the course of the years, the geographical scope and the applied methodology were extended.

4 UNSCR 1540 (2004) of 28 April 2004 on non- proliferation of weapons of mass destruction.

5 For further explanations see for example, Viski, Andrea, United Nations Security Council 1540, A universal model?, in *Modelling Dual-Use Trade Control Systems, Security and Non-Proliferation*, Vol 10, Brussels, 2014, p. 101.

6 UNSCR 2325 (2016) of 15 December 2016, point 14. See also the final document on the 2016 comprehensive review of the status of implementation of Resolution 1540 (2004), December 2016.

DEVELOPMENT OF THE EU Export Control DU OUTREACH PROJECTS

PP04 3 countries 2005 Implemented by SIPRI	PP05 5 countries 2006-2007 Implemented by BAFA	PP06 8 countries 2007-2008 Implemented by BAFA
LTP1 18 countries 2008- 2010 Implemented by BAFA	LTP2 28 countries 2011-2013 Implemented by BAFA	LTP3 23 countries 2013-2014 Implemented by BAFA
EUP2P-Global 20 countries 2015-2017 Implemented by EF MS consortium	EUP2P-CoE46 10 countries 2015-2017 Implemented by EF MS consortium	EUP2P-CoE38 2countries 2015-2019 Implemented by BAFA

Successive programmes started to include activities in many regions worldwide and mainly worked on the basis of a so-called Five Pillar Approach covering issues related to relevant matters such as the legal framework, licensing, customs, awareness raising and sanctions. It took a considerable time to ensure that this work met international requirements, did reflect best international practice and at the same time did satisfy the conditions and specific requirements of partner countries. The collaboration focused on primary legislation in the field of export controls as well as sharing practical experiences in such areas as goods identification and licensing.

Recently, this approach was fine-tuned so as to become more tailored to the specific needs of a country or region. (See below)

To date, the global EU P2P programme works in 34 countries in 6 regions of the world with a focus on the countries of the Western Balkans and those countries belonging to the EU's neighbourhood policy. The global programme is executed by a consortium led by Expertise France. It includes the French Ministry of Economy, Industry and Numerics, represented by the Export Control Office

on Dual-Use Goods (SBDU), King's College London, the Swedish Inspectorate of Strategic Products, French and Belgian Customs, the National Nuclear Laboratory (UK) and the University of Liege.

The global programme ensures tailored activities addressing the specific needs of the partners at national and regional levels. A so-called 3WH-approach is applied: Why? Who? What? and How? This methodology focuses on reconciling the need for national specific circumstances to be addressed in the field of dual-use trade and the necessity to set certain standards of effectiveness and efficiency so as to achieve recognition of a fully functional control system by other stakeholders, such as suppliers. The four elements, which form the core of a comprehensive export control system, can be used as consecutive steps for the elaboration or the strengthening of controls.

How does this work in practice? Upon the basis of an in-depth analysis of the specific situation, a roadmap is drawn up with each of the partner countries. At the same time a European Union Common Training Toolkit (EUCOTT) is developed. This is a comprehensive set of training materials that cover all aspects of strategic trade controls. The tools are used in a tailored way depending on the country's level of export control. The kit contains various modules.

A second more country-specific EU P2P programme is managed by the German Federal Office for Economic Affairs and Export Control (BAFA). It provides for long-term experts to be posted "in country," currently in Jordan and in Kazakhstan. The approach of this programme is very much focused on practitioners and the carrying out of peer-to-peer consultations.

The two EU P2P Export Control programmes on dual-use items are managed by the European Commission's Directorate General (DG) for International Cooperation and Development DG (DEVCO), with support from the European External Action Service (EEAS) and the Commission's Joint Research Centre.

2. WHAT HAS CHANGED?

The time has now come to further reflect on future design such as the scope and methodology of any such outreach program, taking into account the more than 10 years' experience of executing such activities. This reflection is necessary for a number of reasons given that export controls are key to counter WMD proliferation:

1. The continual shifts in the global security environment. There is a growing nexus between various security threats, making a tapestry of entrenched and emerging threats following from globalisation. They are interlinked and transnational⁷. It is becoming increasingly clear that threats such as misuse of CBRN materials, cybercrime and terrorism are becoming more and more intertwined. To further illustrate this, the December 2015 Plenary meeting of the Wassenaar Arrangement “underlined the importance of further strengthening export controls... to prevent the acquisition of ... dual-use goods and technologies by terrorists”⁸. In order to provide a concrete framework for collective EU commitment to the fight against proliferation, the European Union adopted the so-called EU New Lines for Action. The document as endorsed by Council Conclusions in 2008 as well as in 2010 and 2013 includes on actions such as the review and strengthening of export controls on dual-use items. Concerns are expressed and an increase of vigilance as regards “...protecting the access to proliferation-sensitive knowledge” and “...further strengthening protection of our

7 Statement made by H.E. Kim Won – soo, UN Under Secretary – General for disarmament affairs during the Third EU Non – Proliferation and Disarmament conference, Brussels, 3 November 2016.

8 Idem Staff Working Document, page 6.

scientific and technical assets against unintended transfers of sensitive technology and know-how, including dual-use items...⁹”

2. Continuing rapid scientific and technological developments. Science and technology drive innovation. However, new high-technologies such as cloud computing, robotics, autonomous systems (industry 4.0), Unmanned Aerial Vehicles (UAV), additive manufacturing, bio- and nanotechnologies (miniaturisation) could be used for malicious purposes. More research institutes and private companies are involved in developing such technologies. In addition, the dividing line in each of these technologies between civilian and military purposes is becoming increasingly blurred. Their peaceful use must be ensured¹⁰;
3. The changes in global supply chains and increased interconnection mean that the development and production of dual-use items take place in a series of steps across many countries and entities. In addition, intangible technology transfers and new forms of financing and financial transfers need increased attention from a non-proliferation point of view. Also “Big Data”, which is beyond the capability of commonly used software tools to capture, curate, manage, and process, is another example of a new field which may be potential dual-use critical and which needs new forms of control mechanism to improve resilience against cyber-attack.
4. The risk remains high that non-State actors may acquire, develop, traffic in/or use of nuclear, chemical and biological weapons and the means of delivery resulting from rapid

9 http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/139067.pdf.

10 *Idem*, page 3.

advances in science, technology and international commerce.¹¹ Threats are becoming more hybrid.¹² There are changing commercial relationships – particularly thanks to e-commerce – that might impact the effectiveness of export controls;¹³

5. Signs of outreach fatigue. In some countries, there is insufficient (political) will to cooperate. At a practical level, it is often the same institutions per country being addressed every time, leading to a situation that the same persons are trained or even over-trained, sometimes by competing programmes. Moreover in some cases, (i) there is insufficient trust among agencies to mutually cooperate and/or (ii) the necessary administrative reforms do not advance quickly enough, thus hampering the effectiveness of outreach activities. In some countries, due to scarce resources the necessary infrastructure is still lacking, making training difficult.
6. The policy context is changing. In a number of recent policy documents the following relevant statements were made:
 - A call for continuation of outreach activities on export controls done in the framework of UNSCR 2325 of December 2016;¹⁴
 - The need to continue to support export control activities in partner countries under the framework of the EU Global Strategy for the European Union’s Foreign and Security Policy,’ published in June 2016 by the EU High Representative for Foreign Affairs and Security Policy. The proliferation of WMD is a growing threat. The EU

11 Idem UNSCR 2325, page 1.

12 See Joint Framework on Countering Hybrid Threats, 6 April 2016, JOIN (2016)18 final.

13 Idem Staff Working Document, page 6.

14 Idem UNSCR 2325,, pages 4 and 6.

will support export control regimes, promote common rules inside the EU, and support export controls in partner countries;¹⁵

- The recast of EU regulation on dual-use export controls as proposed by the European Commission on 28 September 2016. The purpose of the recast is to strike a balance between ensuring a high level of security and adequate transparency, and maintaining the competitiveness of European companies and legitimate trade in dual-use items. The EC proposal acknowledges the importance of outreach activities and contains a new legal article relating to the need for reciprocal exchange of information with partner countries in a number of specified areas.¹⁶

7. Other policy documents such as on the revised Neighbourhood policy and on the renewed partnership with the countries of Africa, the Caribbean and the Pacific that asks for mutual cooperation on security and non-proliferation issues.¹⁷ They also point to the blurring of frontiers between external and internal security threats in Europe. The ACP partnership should strengthen the joint commitment to combat the proliferation of WMD, including control of dual use items; fight the illicit manufacture, transfer, circulation, excessive accumulation; and limit the uncontrolled spread of small arms and light weapons. This could be done through the implementation of the Economic Partnership Agreements (EPA) which will address

15 European Union Global Strategy, page 42.

16 Proposal for a Regulation of the European Parliament and of the Council setting up a Union regime for the control of exports, transfer, brokering, technical assistance, and transit of dual-use items (recast) of 28.9.2016, COM (2016) 616 (final), Article 27. In comparison to the 2009 legislation the new proposal has added the notion "technical assistance" to the title.

17 Review of the European Neighbourhood Policy, Brussels, 18 November 2015 Join (2015) 50 final and A renewed partnership with the countries of Africa, the Caribbean and the Pacific, Strasbourg, 22 November 2016, Join (2016), 52 final.

export control dual use matters also at regional level with the aim of including security related matters in the early stages of economic development.

- a. Multilateral Export control regimes will continue to be an essential framework for non-proliferation. Consequently, the EU has updated the EU dual-use export control list and brought it into line with the framework of international non-proliferation regimes and export control arrangements¹⁸. The EU as a global actor might need to consider building on more common approaches in the international export control regimes as regime decisions clearly affect common security and market interests.

3. WHAT SHOULD BE DONE NOW?

The EU has substantial experience in outreach activities for export control of dual-use items in partner countries. In the area of dual use export controls, the EU's single most significant comparative advantage over other donors lies in the broad interest of using the "tried and tested" EU dual-use list.

At the same time a number of circumstances have changed: (i) the security environment is more complex, interconnected and multifaceted; (ii) new technologies require adequate responses; (iii) there is an increased intertwining between the various global security threats; (iv) various policy frameworks ask for substantial partner-to-partner cooperation in export controls; and (v) the issue of outreach fatigue including lack of willingness to cooperate in

18 Latest update of the Dual Use list 2016: http://trade.ec.europa.eu/doclib/docs/2016/october/tradoc_155059.pdf.

some countries as well as lack of effectiveness needs to be addressed. Meanwhile (vi), with the recast of the EU regulation on export controls, the EU *acquis* in this area is changing.

These matters require that the future approach to export control in partner countries needs to be reworked, especially in view of outreach activities. Export control remains essential in the fight against proliferation of WMD.

The EU should with respect to partner countries:

1. Engage with partner countries on export control issues with partner countries within the broader context of the objectives as put down respectively in Association Agreements, Partnership and Cooperation Agreements as well as in the framework of other bilateral agreements.
2. Seek stricter application of the so-called EU non-proliferation clauses as being part of the contractual relations between the EU and relevant countries, Association Agreements; Partnership and Cooperation Agreements.¹⁹ Issues of export control including outreach should figure more prominently on the agendas of the Association/Cooperation Councils and other joint bodies as well being part of systematic bilateral consultations. EEAS and EU delegations should play a more prominent role in these matters. This should also include a better coordination within EU delegations for example between political and operational sections to ensure a more strengthened and coherent approach towards partner countries. In cases of substantial lack of progress on the establishment of effective export control mechanisms, a policy of conditionality could be considered for example in relation to financial support provided under Financial Development Cooperation.

¹⁹ In November 2003, the Council of the European Union adopted the non-proliferation clause, also known as the weapons of mass destruction (WMD) clause.

3. The scope of the outreach should be broadened. Export controls remain essential but the increasing linkages and intertwining of the various forms of global threats require a broader approach. Therefore in mutual cooperation with partner countries, greater emphasis should be put on discussing organisational issues whereby various agencies work more closely together and exchange information to build mutual trust between them. For example, the strengthening of links with border control activities would be a logical step. The acquired experience under the EU's CBRN²⁰ Centres of Excellence Risk Mitigation Programme, applied in 54 countries worldwide, should be taken into account. There should be a stronger embedding of export control issues in the programme. Export control should be a more systematic part of the regional Round Table meetings under this initiative.²¹ The creation of "regional champions" can broaden regional awareness and support, and helps partner countries to better assimilate know-how and advice. In addition, the Science Centres in Ukraine and in Kazakhstan should further step up their activities in export control issues assisting the various users of this policy such as scientists and engineers in their applications.
4. The present tailor made approach as established in the various roadmaps should be continued. However, their content should be discussed more widely with the partner countries thereby focusing more on the obstacles and the way forward to achieve deeper administrative reforms in the countries concerned with the aim of achieving an integrated approach in export controls. There should be a deeper analysis of the actors

20 CBRN means Chemical, Biological, Radiological and Nuclear materials.

21 For further information on the EU CBRN Risk Mitigation Centres of Excellence Initiative, see www.cbrn-coe.eu. The aim of the initiative is to develop an integrated CBRN policy in line with international standards.

including senior management, their motivations and interests in the administrative reform process. A «culture» of change and collaboration has to be promoted. Further investment in State structures remains a high priority. Moreover, apart from providing a mutual exchange of subjects of common interest - such as the recast of EU legislation, the functioning of the procurement channel under the Iran Nuclear Deal, the consequences of free trade zones and various technical matters - the outreach should be more thematically based, addressing issues such as: “terrorism and export control”; “cybercrime and export control”; “nuclear respectively bio and chemical security and export control...” The issue of intangible transfers i.e. transmission of software and technology by electronic media, the matter of new cyber-tools (cyber-surveillance technologies) and new forms of financial transactions such as Bitcoin are among other topics that are to be addressed.

5. The partners to be addressed in partner countries should be extended. Activities should be more focused on the users of export control systems by scientists, investors, private business persons, bankers, financiers, brokers, IT specialists and other partners involved in the business development chain. Awareness-raising activities should be stepped up;
6. The working modalities should change. Seminars and workshops should be the exception instead of being the rule. Peer-to-peer reviews, contacts and consultations should be systematic. Training should take place on the basis of case studies and table-top exercises, screening exercises should promote the role of various agencies in terms of competence, functioning, resources and mutual cooperation. EU experts should be deployed in more countries for longer periods to further ensure direct hands-on cooperation. Individual experts coming from the most advanced partner countries should play a greater role

in the execution of the programme. They must play a mentor role in their region. In exceptional cases training equipment and software should be supplied.

4. IN CONCLUSION

Today's global security threats are broad and shifting. They are growing in number and in complexity. All achievements in the last decades including e.g. international technology exchange, open markets, enhanced trade flows are under scrutiny, taken in to account current security challenges. The European Commission with its recast proposal of September 2016 has taken bold steps to respond to these challenges by modernising the EU's existing control provisions as well as control systems. This mind set should extend further, to the modernisation of outreach and cooperation with partner countries. Existing non-proliferation networks should be used for developing effective export control systems. The practical suggestions in this article will serve the purpose of nurturing the further evolution of the EU's outreach approach from export control to strategic trade controls and hence security cooperation.

Export Control Capacity building: An Analysis of US and EU Assistance Programs

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1. INTRODUCTION

Since United Nations Security Council resolution 1540 came into effect in 2004, capacity building programs have assisted countries worldwide in meeting the requirements of “appropriate” and “effective” implementation of the resolution’s operating paragraphs. This is especially true of the export control field, where resolution 1540 created an international legal requirement for all UN Member States to “establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such [items.]”^{1,2} While significant resources from the major providers of export control capacity building have been devoted to outreach activities, less attention has been given to a comprehensive analysis of structure, resources, training methodology, project/program decision-making mechanisms, coordination, progress, visibility and sustainability.

This chapter analyses some of these aspects as they pertain to the two largest export control capacity building programmes, that

1 UNSCR 1540.

2 For a standard definition of export controls and strategic trade controls, please see STR issue 1. Note here that the term “export control” is used in this chapter due to the use of this term by most EU and US capacity building programs, even if the term “strategic trade” is also used in certain contexts. This diversity of terminology use reflects a still lingering question regarding accepted practice not just at the EU and US level, but worldwide.

of the European Union and the United States. While many other assistance providers carry out activities in this field, the US and the EU are by far the most important in terms of resources and impact. The analysis presented in this chapter will consider and process the differing models of capacity building and link these ramifications for outcomes and areas of potential cooperation.

This analysis proves rather complex due to the unique qualities of the strategic trade field, which is at once highly inter-disciplinary as well as politically, economically and strategically sensitive, often to the detriment of coordination and communication between both providers and recipients of outreach. Yet it is exactly because of the delicacies involved, and their consequences on the effectiveness of the resources used and objectives sought, that comparative analysis crystallises specific areas of synergy as well as the realities and challenges of export control capacity building.

2. DEVELOPMENT AND STRUCTURE

US strategic trade control outreach activities have been in place since the fall of the Soviet Union and the subsequent need to control the movement of sensitive materials, equipment and technology from post-Soviet and Eastern European post-Soviet satellite States. These programs, originally under the US Department of Defense, provided technical assistance focused on bringing export controls systems up to international standards and establishing the capability to interdict illicit trafficking in Weapons of Mass Destruction (WMD) and related materials, delivery systems, dual-use items and conventional weapons.³ In 1998, the EXBS program was established within the Department of State's Bureau of International Security

3 The EXBS Program, US Department of State, <https://2001-2009.state.gov/documents/organization/113710.pdf>.

and Non-proliferation (ISN)-Office of Export Control Coordination (ECC) and expanded US activities worldwide, with outreach taking place in five continents and around 64 countries to date.⁴

While EXBS is the largest US capacity building program in the strategic trade area, other programs under different US departments and agencies also have outreach in this domain under their mandate.⁵ The Department of Energy's National Nuclear Security Administration's (NNSA) International Non-proliferation Export Control Program (INECP) works with countries on creating "robust strategic trade control systems consistent with international norms," to "detect and prevent the illicit procurement of equipment, materials, and technological know-how by States and terrorist organizations seeking to develop weapons of mass destruction (WMD)." While the program is under the NNSA, its mandate includes not just nuclear but all materials, equipment and technology in the WMD context.⁶

Both EXBS and INECP utilize expertise and support from other US departments and agencies with strategic trade control responsibilities, including:

1. **Department of Commerce:** The Bureau of Industry and Security (BIS) within the Department of Commerce regularly cooperates with US outreach programs due to its predominant role in US licensing, enforcement, policy guidance, and national compliance training;
2. **Department of Defense:** International Counter-proliferation Programme and Proliferation Prevention Programme;
3. **Department of Homeland Security;**
4. **Department of Justice.**

4 Ibid.

5 www.sipri.org/sites/default/files/research/disarmament/dualuse/pdf-archive-att/pdfs/sipri-arms-trade-control-capacity-building-lessons-from-dual-use-trade-controls.pdf.

6 The NNSA also implements projects such as the Second Line of Defense.

The ISN/ECC of the State Department has the mandate to coordinate all US strategic trade control capacity building activities, specifically through chairing the Interagency Working Group on Non-proliferation Export and Border Control Assistance (IWG) in order to ensure an integrated approach. The IWG also coordinates the experts involved in outreach activities from the US private sector, academia and non-governmental organisations. In addition, the IWC coordinates the activities that take place under EXBS and INECP. One example is collaboration between both programmes in providing commodity identification (CIT) training to border enforcement officials. Coordination further takes place through the EXBS Advisor Program. EXBS Advisors are stationed in US embassies in certain partner countries and act as national or regional points of contact to support strategic trade control activities. The Advisors, in addition to working directly with partner countries stakeholders, plan and coordinate US outreach activities. There are currently around twenty EXBS advisors covering forty countries.⁷

The EU implements export control capacity building in a significantly different manner from the US, in part due to its development and structure. The EU, similarly to the US, began its first programs related to this area after the Cold War, with projects such as the “Technical Assistance Programme Stimulating Partnerships between the EU and the Community of Independent States,” (TACIS) that lasted from 1991-2012.⁸ The dedicated EU programme on export controls is however younger than the US programme, having begun its first export control pilot project in in 2005.⁹ Previously, individual EU Member States provided bilateral export control cooperation or ad hoc technical assistance in

7 <https://www.state.gov/t/isn/ecc/c27918.htm>.

8 “TACIS,” European Press Release, europa.eu/rapid/press-release_MEMO-92-54_en.htm.

9 export-control.jrc.ec.europa.eu.

the chemical, biological, radiological and nuclear (CBRN) field.¹⁰ The 2004 initiative to form a dedicated EU programme on export control outreach was a response to United Nations Security Council resolution 1540 as well as an outcome of the 2003 EU Strategy against the Proliferation of Weapons of Mass Destruction (WMD), which underscored the EU's "commitment to strong national and internationally-coordinated export control" through the "strengthening [of] export control policies and practices within its borders and beyond, in co-ordination with partners. The EU will work towards improving the existing export control mechanisms. It will advocate adherence to effective export control criteria by countries outside the existing regimes and arrangements."¹¹

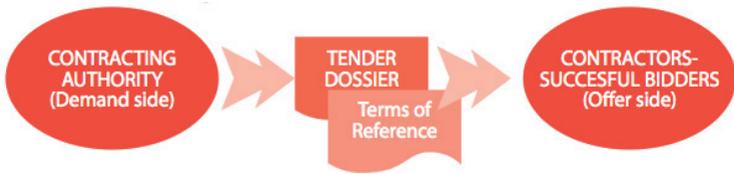
As mentioned above, US capacity building programmes are implemented directly, for the most part, by US governmental agencies, relying upon experts from other organisations as necessary. The EU export control outreach programme, by contrast, has since its inception used EU Member State "service providers," to use the formal EU terminology, individually or as a consortium, to implement projects. In the export control domain, the EU Directorate General for Development and Cooperation (DG DEVCO) provides the terms of reference for EU external assistance projects, which it publishes openly as Calls for Tender.

10 <https://www.sipri.org/sites/default/files/research/disarmament/dualuse/pdf-archive-att/pdfs/sipri-arms-trade-control-capacity-building-lessons-from-dual-use-trade-controls.pdf>.

11 "EU Strategy against Proliferation of Weapons of Mass Destruction," <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015708%202003%20INIT>.

Figure 1

EU Bidding Process for European Projects*

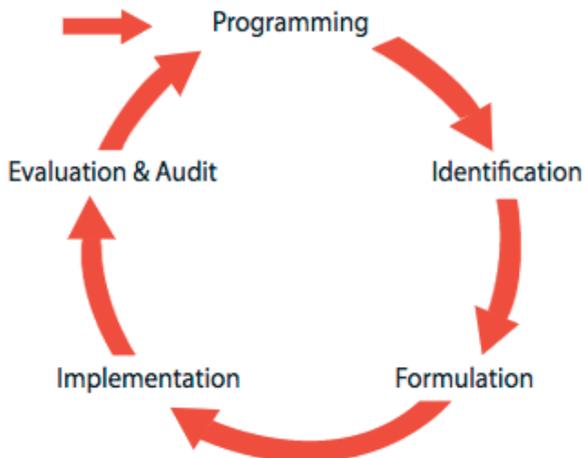


* <http://www.evropa.gov.rs/Evropa/ShowDocument.aspx?Type=Home&Id=526>

This process forms part of a phased and structured approach to EU external assistance projects, formerly known as Project Cycle Management (PCM) phases (see Figure 2). The phases include programming, identification, formulation, implementation and evaluation and audit.

Figure 2

EU Project Cycle Management Phases*



* <http://www.evropa.gov.rs/Evropa/ShowDocument.aspx?Type=Home&Id=526>

DG DEVCO, with cooperation from other European Commission DGs, is primarily responsible for the programming, identification, formation and to some extent the evaluation and audit phase of export control outreach projects, while the successful service provider is responsible for implementation, overseen by DEVCO. Potential service providers go through a neutral bidding process to win contracts for the “implementation” phase that have ranged from 1-3 years for export control projects. DG DEVCO has ultimate decision making power regarding project activities, funding and other decisions, however day-to-day implementation of projects is in the hands of the chosen service provider.

The first EU export control outreach project was implemented by the Stockholm International Peace Research Institute as service provider, and from 2006 implementation was taken over by the German Federal Office for Economic Affairs and Export Control (BAFA), which implemented several projects commonly referred to in the dual-use export control field as “Long-term Programmes” (LTPs). As of 2017, there are three concurrent EU dual-use export control outreach projects, one implemented by BAFA and two implemented by a consortium comprised of service providers from different EU Member States and led by Expertise France.¹²

3. RESOURCES

There are inherent challenges in comparing two vastly different capacity building programs that are important to keep in mind. First, the US budget for such activity is vastly larger than that of the European Union. For example, the 2016 budget for the US Export Control and Border Security (EXBS) program was 58.7 million USD from the Foreign Operations Appropriations Act, and

12 <http://www.cbrn-coe.eu/Projects/TabId/130/PagelD/2/PgrID/543/PID/543/CategoryID/12/CategoryName/Projects/Default.aspx>.

this figure does not take into account the budget for other US programs such as the International Non-proliferation Export Control Program (INECP) under the Department of Energy's National Nuclear Security Administration or other activities undertaken by, for example, the Department of Commerce's Bureau of Industry and Security.¹³

The EU budget for strategic trade outreach projects, over a two/three year timeframe, is approximately EUR 7 million.¹⁴ The money comes from the Instrument contributing to Stability and Peace (IcSP), which is an EU instrument that supports security initiatives and peace-building activities in partner countries that, including not just export control, totals over 250 projects in 70 countries with a budget of EUR 2.3 billion for 2014-2020.¹⁵ The money used from the IcSP on export control is divided between several different projects under different contracts, and utilizing, at times, different service providers. The budget for one project can range from EUR 1-3 million on average. The IcSP took over in 2014 from the Instrument for Stability (IfS) which had funded previous EU outreach projects since 2006 with around EUR 14 million devoted to dual-use export control capacity building for the period 2007-13.¹⁶

One ramification of the IcSP taking over from the IfS in 2014 was that, structurally, all export control capacity building projects were brought under the specific funding envelope of the EU CBRN Centres of Excellence (CoE). While in principle this change indicates a mere shift of administrative details regarding the funding instru-

13 <https://www.state.gov/t/isn/ecc/> It should be noted that EXBS activities include outreach on border security.

14 <http://www.cbrn-coe.eu/Projects.aspx>.

15 http://ec.europa.eu/dgs/fpi/what-we-do/instrument_contributing_to_stability_and_peace_en.htm.

16 Council of the European Union, Six-monthly progress report on the implementation of the EU Strategy against the proliferation of weapons of mass destruction (2012/II), Official Journal of the European Union, C39, 9 Feb. 2013.

ment, in practice this meant that the EU export control projects began to follow the structure, coordination and communication apparatus of the CoE initiative.

4. SUBSTANCE AND METHODOLOGY

The US approach to export control outreach revolves around establishing and strengthening five “pillars”:

1. Comprehensive Legal/Regulatory Frameworks;
2. Effective Licensing Procedures and Practices;
3. Enforcement Techniques and Equipment;
4. Government Outreach to Industry;
5. Interagency Coordination.

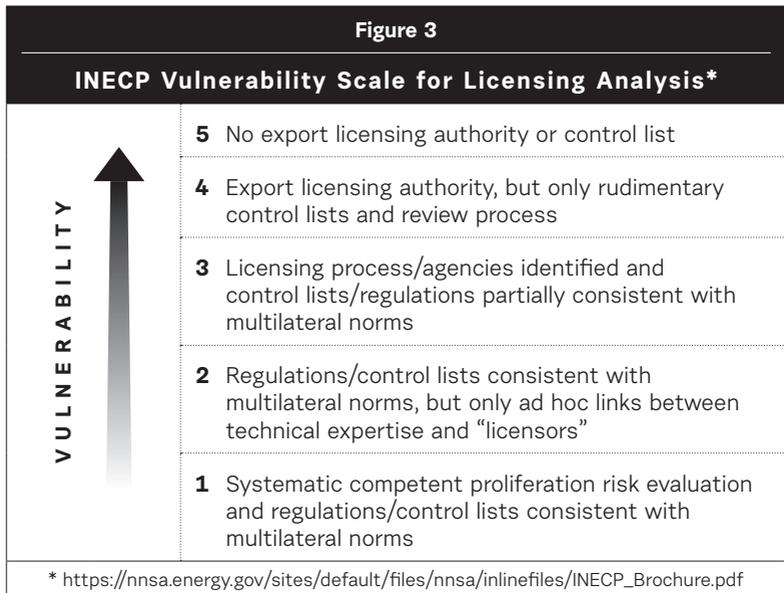
Project activities are centred around creating impacts in these five areas. For example, under the comprehensive legal/regulatory frameworks pillar, EXBS supports workshops and exchanges that facilitate the drafting, adoption and implementation of export control laws and regulations.¹⁷ In addition to activities, a substantial portion of the EXBS budget goes towards the provision of equipment to partner countries.

The US INECP program uses a slightly different approach in its activities. Engagement with partner countries is “based on vulnerability assessments of three export control system elements in accordance with the norms and benchmarks established by various treaties and multilateral arrangements of the international non-proliferation regime.” These include:

1. Enterprise compliance;
2. Licensing Analysis;
3. Enforcement.

17 “US Assistance Programs for Export Control Development,” EXBS, US Department of State.

Partner country adherence to each of these elements is assessed against a vulnerability scale of five levels (see Figure 3).



As noted above, the State Department’s Office of Export Control Cooperation is responsible for coordination between the different US programs through, in part, through the Interagency Working Group on Non-proliferation Export and Border Control Assistance (IWG). It is important to consider, as a starting point for measuring export control capacity building outreach impact, how the varying approaches implemented by the two US programmes is perceived at the partner country level.

The EU approach, similarly to the US one, may differ depending on the service provider used for project implementation, whom are free to use their own approaches granted that they are accepted and approved by DG DEVCO. BAFA, similarly to EXBS, uses a pillar approach to project implementation, subject to the requirements of partner countries through a tailored approach:

1. Legal;
2. Licensing;
3. Customs;
4. Awareness;
5. Sanctions.¹⁸

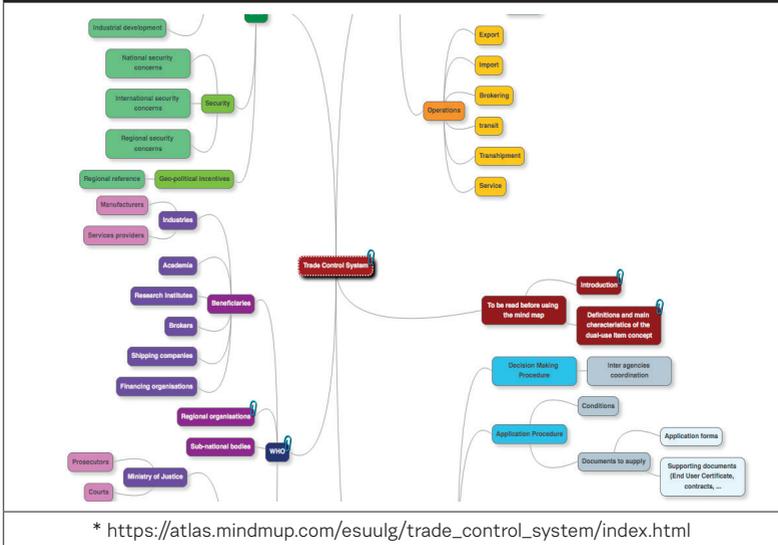
The consortium led by Expertise France, meanwhile, has employed a methodology developed by the European Commission's Joint Research Centre (DG JRC) and the University of Liege's European Studies Unit (ESU) entitled the 3WH approach. The approach consists of four elements of a comprehensive export control system and gives flexibility to implementers and partner countries regarding the design and the implementation of their export control program.¹⁹ The myriad elements can be visualized as a Mindmap, a sample of which can be seen in Figure 4.

18 George Pietsch, "EU Cooperation in Export Control," Eschborn, 2011, https://export-control.jrc.ec.europa.eu/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=260&language=en-GB&PortalId=0&TabId=98.

19 "A New Methodology to Review or Elaborate a Trade Control System," <http://www.esu.ulg.ac.be/index.php?serv=49&m=pub>.

Figure 4

Sample of W3H Mindmap Elements*



5. CONCLUSION: US AND EU EXPORT CONTROL ASSISTANCE PROGRAMMES: RAMIFICATIONS

There are several important factors to consider that stem from the varying aspects of the US and EU programmes analysed so far in this chapter. These factors are important to consider because their analysis may highlight areas where the effectiveness of individual projects or the overall global effort to promote export control implementation worldwide can be strengthened. While programmes may differ based on resource constraints, methodologies or other factors, the overall objective of strengthening non-proliferation export controls is a shared one and should be kept in constant and

clear focus when formulating and implementing outreach. This section will highlight some of the main differences describes so far and their ramifications.

5.1. **Perception by Partner Countries**

The approaches to methodology and substance used by each export control capacity building project, be it a US or EU project, differ. While on the one hand this is a natural consequence of different programming priorities, it should be a point of inquiry whether different implementation approaches and methodologies employed by each project affect the perception, and beyond that, the prioritization of export control elements, by project partner countries. Take the EXBS and BAFA pillar approaches, for example. If a country would be a partner under both programs, how would the difference in the substance of the pillars affect the country's perception of what a comprehensive export control system should look like? Or, as in the case of the EU, a partner country sees a change in the service provider providing export control assistance, with one having a different methodology from the other, does that hinder, especially over time, progress towards implementation?

This issue is further magnified in consideration of the vagueness of the one internationally legally binding instrument mandating national implementation of export controls, UNSCR 1540. As the language of the resolution requires “appropriate” and “effective” implementation, national interpretation of what those terms require in the EU and US translate to varying approaches undertaken by countries worldwide. While the 1540 Committee has drafted a matrix identifying specific measures that indicate compliance with the resolution language, the measures are not universally accepted.

This begs the natural question: Would it be possible, or even make sense, for the individual programmes within the US and the EU, and beyond that, for the US and EU globally, to aim for a uniform approach to export control capacity building, in order to present a united and uniform message to all countries regarding the way to

effectively implement non-proliferation export controls? While there may not be a right or wrong answer to this question, it is important to consider it in the context of the many approaches that currently exist.

5.2. In-Country Personnel

The consequence of the vastly different resources available under the US and EU programmes is that while the US and the European Union are the two biggest players in the export control capacity building arena, the US has far greater resources that it can commit to its programme. Funding EXBS Advisors, for example, is one example of the US capacity building strategy that cannot be implemented under the EU projects to a great degree due to the resources involved. Having country-based advisors allows the US to work closely with partner country and regional stakeholders, developing trust and relationships useful for mutual cooperation. The setup also allows for a higher level of information to feed back to programme directors and analysts based in the US due to the regular communication between the Advisors and US embassy officials (Advisors are based in the embassies).

This model was tested under the EU programme as well. The EU CBRN CoE Project 38, “Export Control Outreach for Dual-use Items in Jordan and Kazakhstan,” funded the deployment of “long-term experts” in both partner countries, as part of a new EU approach to project implementation. However, except for a key expert originating from the region that formed part of Project 43, “Export Control Cooperation in South East Asia,” the EU has not used further country-based advisors or experts as part of its projects, and the use of in-country project representatives by the EU is nowhere near the in-built, almost essential role of EXBS Advisors under the US programme.

5.3. Grouping Export Controls with Other Areas

One important nuance that differentiates the US and EU programmes is the grouping of the US export control project together

with border security activities – hence the name Export Control and Border Security. These two areas are conceptually and practically linked and in many instances, it is important for export control stakeholders to be in communication or work directly with border security stakeholders. The US is therefore able to situate project activities across this broader spectrum of supply chain security and non-proliferation. In the EU, border security projects are differentiated from export control projects. While these projects come from the same IcSP funding envelope, they are implemented by different service providers, under, in some cases, different European Commission Directorate Generals, and largely without coordinating with export control project implementation service providers.²⁰ Some EU border security outreach projects are devoted exclusively to the radiological/nuclear field, while others, which have been under the CBRN CoE framework, have been more comprehensive.

Interestingly, the US and the EU, through the Border Monitoring Working Group (BMWG), and with the added party of the International Atomic Energy Agency (IAEA), cooperate and share information regarding plans and programmes to be implemented in cooperation with partner countries to combat the illicit trafficking of nuclear and other radioactive material that is out of regulatory control.²¹ The BMWG has been successful in this mission, and with time and constant building of trust and experience between the parties, lasting models of coordination, communication and cooperation have been established. A similar attempt in the export control field has been made between the EU and the US, although perhaps due the broader scope, lack of an overarching

20 <https://ec.europa.eu/jrc/en/news/strengthening-global-nuclear-security-support-tajikistan>.

21 "The Border Monitoring Working Group as a model for multilateral collaboration," <https://ec.europa.eu/jrc/en/publication/border-monitoring-working-group-model-multilateral-collaboration>.

international body such as the IAEA, and other factors, this group has not yet reached the level of the BMWG in terms of achieving commonly set objectives.

5.4. **Top-down or Bottom-up?**

One issue that both US and EU programmes grapple with is the balance between formulation and implementation of outreach projects being fed by a top-down or bottom-up process. In practice, this means the difference between how much partner country input, situation and preferences influence project programming. From this perspective, the US and the EU have vast experience and insight into the “proper” implementation of export controls and as providers of assistance, are positioned to explain and promote their models of doing so to assistance recipients. However, because countries differ in their profiles as well as their proximity to specific supply chain and proliferation vulnerabilities, the US and EU models of implementation may not be appropriate in each case. This observation is underscored, for example, by the very situation of the European Union itself, where one common dual-use export control regulation directly applicable to all Member States is implemented differently in each.

While all assistance projects strive for the appropriate balance between bottom-up and top-down approaches to capacity building, partner country input could help work towards the right balance.

5.5. **Conclusion**

The most effective and efficient use of resources, approach to implementation, and other factors is a constant work in progress for all export control assistance projects, and it is unlikely that a clear-cut answer exists with regards to most questions. However, exploring capacity building experiences with regards to the issues highlighted in this chapter may be a useful point of communication and reference in any cooperation exercise that takes place between assistance providers.

Non-proliferation Outreach: An NGO perspective

Valerie Lincy

Wisconsin Project on Nuclear Arms Control

1. EVOLVING RULES, ADAPTING OUTREACH

The role of non-governmental organizations in conducting outreach on non-proliferation expanded in response to U.N. Security Council resolution 1540 of April 2004, and further increased with U.N. resolutions on Iran and North Korea. Previously, civil society generally played a traditional advocacy role centered on supporting the legal requirements and norms of the non-proliferation regime, and in particular State commitments under the nuclear non-proliferation treaty (NPT). Subsequent to resolution 1540, civil society began playing a greater operational role, not only promoting best practices with regard to export control, but providing advice and assistance to governments and companies with implementation. U.N. resolutions extending and expanding the mandate of resolution 1540 encouraged such a contribution, most explicitly in U.N. Security Council resolution 2325 of December 2016. In it, the Security Council committee for resolution 1540 (1540 Committee) was encouraged to draw upon civil society expertise in conducting outreach and in assisting States with implementation.¹

1 United Nations Security Council resolution 2325, S/RES/2325 (December 15, 2016), [http://undocs.org/s/res/2325\(2016\)](http://undocs.org/s/res/2325(2016)).

The Wisconsin Project on Nuclear Arms Control's outreach has mirrored this evolution. In the late 1980s and early 1990s, the Wisconsin Project uncovered what it assessed to be dangerous sales of strategic goods to countries suspected of developing weapons of mass destruction and publicized those sales. This advocacy was aimed at compelling States to strengthen their export control systems through public exposure. Early examples of this advocacy include Norway's heavy water sales to Israel² and Western European sales of nuclear and missile technology to Iraq.³ The Wisconsin Project increasingly coupled advocacy with outreach and, in 1995, in response to the U.S. Department of Commerce's Enhanced Proliferation Control Initiative (EPCI), began conducting outreach directly to U.S. companies. EPCI required exporters to seek a license if they knew or had reason to know that a potential customer was connected to proliferation, even if the technology itself did not require a license.⁴ Such "catch all" controls placed a burden on U.S. exporters. At the time, there was no reliable public source of information about end users of concern. NGO research focused on countries and programs of concern for proliferation but not on individual entities supporting those programs. The Wisconsin Project created the Risk Report to mitigate this burden, providing open source profiles of entities contributing to proliferation. The Wisconsin Project also conducted outreach to companies on how to use the Risk Report to help implement new export screening

2 Gary Milhollin, "Who Controls the Israeli Bomb?," *Arbeider Bladet*, January 21, 1987, available at <http://www.wisconsinproject.org/who-controls-the-israeli-bomb/>.

3 Douglas Jehl, "Who Armed Iraq? Answers the West Didn't Want to Hear," *New York Times*, July 18, 1993, available at <http://www.wisconsinproject.org/who-armed-iraq-answers-the-west-didnt-want-to-hear/>.

4 "Catch-All Controls," U.S. Department of State, accessed on May 26, 2017, <https://www.state.gov/strategictrade/practices/c43179.htm>; "BIS Annual Report - FY 1998" U.S. Department of Commerce, 36, available at <https://www.bis.doc.gov/index.php/documents/policy-guidance/928-bis-annual-report-fy-1998/file>.

requirements. This outreach focused on high-tech manufacturers in the United States, Europe and Japan, which at the time represented the primary supply-side of dual-use technology.

In 2003, the nuclear smuggling network run by Pakistani metallurgist Abdul Qadeer Khan was exposed. This network is illustrative of the change in the proliferation supply chain and the need to adapt export controls and outreach strategies in response. Khan worked with companies and individuals operating in Germany, Great Britain, Malaysia, Singapore, South Africa, Switzerland, Turkey, and the United Arab Emirates to several countries of concern.⁵ The network made clear that dual-use manufacturing was no longer concentrated in a limited number of countries. Yet emerging supplier States lacked an established export control system, and thus the ability to investigate and prosecute dangerous sales. The network also increased awareness about the role of transit or transshipment hubs as a means of masking the ultimate end use of sensitive items. The Khan network underscored the importance of engaging new States on export controls – those vulnerable to unwitting participation in an increasingly complex proliferation supply chain.

The adoption of resolution 1540 explicitly recognizes this complexity by requiring States to develop and maintain effective national export controls, covering not only direct exports but also transshipment, transit, re-exports, and financial and transport services.⁶ Such a system also must include “establishing end-user controls” and “establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regu-

5 “Press Release by Inspector General of Police in Relation to Investigation on the Alleged Production of Components for Libya’s Uranium Enrichment Programme,” Royal Malaysian Police, February 20, 2004, available at <http://www.iranwatch.org/library/government/malaysia/royal-police-office/press-release-inspector-general-police-relation-investigation-alleged-production-components-libya%E2%80%99s>.

6 United Nations Security Council resolution 1540, S/RES/1540 (April 28, 2004), [http://undocs.org/S/RES/1540\(2004\)](http://undocs.org/S/RES/1540(2004)).

lations.”⁷ The adoption of resolution 1540 raised the importance of export controls and linked the issue explicitly to curbing further proliferation of nuclear, chemical, and biological weapons and their means of delivery. The resolution increased the urgency with which States viewed the issue and the need to adopt or enhance export control laws. However, as with EPCI a decade earlier, the new rules did not provide States with specific implementation guidance.

The Wisconsin Project had been conducting export control outreach to governments since 2000, in cooperation with several U.S. government agencies. The first five years of the initiative aimed to improve strategic trade licensing and enforcement in former Soviet Republics and Central and Eastern Europe through capacity building and training. In the first year of this initiative, the Wisconsin Project provided the Risk Report to 65 officials involved in export controls from government organizations in Bulgaria, Lithuania, Moldova, Romania, and Slovenia. To address the needs and interests of this audience, the scope of the Risk Report was broadened to include seminal reference documents related to export controls, including multilateral export control regimes and U.S. export control regulations (EAR, ITAR, NRC), as well as explanatory information on dual-use goods. Following the adoption of resolution 1540, this outreach initiative was expanded to States in Asia, Latin America, and the Middle East. Resolution 1540, together with a growing concern about hybrid threats such as the use by terrorists of weapons of mass destruction, drove these States to adhere to international export control norms and to improve their national control systems.

7 Ibid.

2. FROM INTEREST TO IMPACT: ORGANIZING ENGAGEMENT FOR EFFECTIVE OUTREACH

The principal deliverable of Wisconsin Project outreach is access to the Risk Report. Providing access to open source profiles of entities linked to proliferation is part of an effort to build capacity among recipient States with regard to a variety of export control tasks, including end user screening, investigations, and targeting. The centralization of multiple sources of relevant reference information to support dual-use trade controls is aimed at promoting international export control and non-proliferation norms to new stakeholders, and thus enhancing international security.

As an NGO with a mission to inhibit trade from contributing to the proliferation of weapons of mass destruction, the Wisconsin Project only engages State Parties to the Nuclear Non-Proliferation Treaty (NPT). This is considered a baseline requirement that demonstrates a national commitment to nuclear non-proliferation. If a State already is a major supplier of nuclear or missile related technology, membership or adherence to the relevant multilateral supply regime is a further demonstration of commitment to non-proliferation. The Wisconsin Project assesses that these commitments increase the likelihood that its outreach activities will be useful and have a lasting impact.

A country-specific outreach strategy is then designed by the Wisconsin Project. As recognized by resolution 1540 and subsequent resolutions, States have a differing threat prioritization, a differing level of preparedness to mitigate these threats, and therefore face different challenges in terms of implementing dual-use trade controls. In designing an outreach agenda, the Wisconsin Project considers the status of the following criteria in each country: a legal and regulatory framework; a national control list; institutional authorities for export review and enforcement, trained experts assigned to such institutions, a dual-use manufacturing base, and in-country knowledge of dual-use technology. The Wisconsin

Project also seeks information on past outreach and any ongoing or planned efforts, particularly those that have dedicated personnel, such as the joint U.N. Office on Drugs and Crime-World Customs Organization Container Control Programme. The purpose of this review is to gain an understanding of the audience being engaged and the level of familiarity with export control and non-proliferation norms.

2.1. Outreach in States with a nascent strategic trade control system

States with few of these criteria are assessed to have a nascent dual-use trade control system. Resolution 1540 has raised the issue of such controls and these States are working to fulfill the resolution's requirements. The legal and regulatory framework undergirding controls generally is a patchwork of existing laws. There is often no, or low, in-country knowledge of dual-use technology within the government, and little or no dual-use licensing. Enforcement officials often have experience countering smuggling and investigating and prosecuting customs violations, but must learn to apply this experience to the realm of strategic trade. These States may have an emerging dual-use industrial base, or, more often, may be a strategic location used for transit or transshipment. In the former case, there are typically few government-led corporate outreach initiatives.

Organizing successful outreach in such States is challenging. Early outreach generally is focused on building regulatory and institutional capacity. However, drafting and passing a comprehensive law governing strategic trade can be a lengthy process. Progress is slow as various government agencies may seek to protect their authority in a new system. Set backs are frequent, due to elections, changing personnel, shifting priorities, and a concern that trade controls will slow development in countries seeking to grow their economies through exports. There can be a reflexive reluctance to control exports. For States on the periphery of the European Union,

however, EU membership serves as a compelling inducement to enact the prerequisite regulations for membership, include those related to trade controls. As described above, initial Wisconsin Project outreach focused on countries located in or on the periphery of the EU, somewhat obviating the need to explain the value or importance of robust strategic trade controls. For States in other regions, the incentives are less apparent, and the case must be made on an ongoing basis, not just as part of outreach activities. The lasting impact of outreach activities is undermined without sustained follow-up, as discussed below.

When the Wisconsin Project is asked to engage States with a nascent strategic trade control system, the focus is on promoting knowledge and use of internationally recognized reference resources contained in the Risk Report, though they may not be legally binding on a national level. For instance, introducing officials to the EU regulation on export controls and its list of dual-use items, and to the U.S. Consolidated Screening List of parties for which the U.S. government maintains some trade-related and financial restrictions. Wisconsin Project outreach also focuses on U.N. sanctions on Iran and North Korea and on the requirements related to implementing those sanctions. For instance, both programs include a list of individuals and entities sanctioned for contributing to proliferation, a travel ban on listed individuals, and specific restrictions on trade with both countries. Training and simulation exercises are designed to show officials how the Risk Report can be used to help implement U.N. sanctions.

Finally, there may be interest in screening related to proliferation-sensitive transactions among stakeholders not traditionally included in initial strategic trade control outreach. For instance, it is useful to engage central bank, ministry of finance, or other financial regulatory authorities in States that are members of the Financial Action Task Force (FATF) or its regional bodies. These States have a responsibility not only to combat money laundering and terrorist financing, but also proliferation finance. FATF

recommendations were broadened in 2012 in order to address “new threats such as the financing of proliferation of weapons of mass destruction.”⁸ Agencies regulating the transport sector are also relevant in early outreach efforts, particularly in States with a large volume of transit and transshipment. In addition, a number of non-governmental actors play a role in building robust controls on strategic trade and may be usefully engaged, including trade associations, research institutes, and universities. These sectors may offer a latent repository of technical expertise that could usefully inform governments developing a comprehensive strategic trade control system. Resolution 2325 of December 2016 acknowledges the value of engaging such parties.⁹

The Wisconsin Project has sought to engage these stakeholders in outreach to countries new to strategic trade controls. The response has been positive. Such a whole-of-government approach may help remove barriers to progress on regulatory reform, may counter reluctance by agencies traditionally responsible for trade controls and border security, or may amplify the effect of outreach to traditional stakeholders in customs and ministries of economy and trade.

2.2. **Outreach in States with established strategic trade control systems**

A whole-of-government outreach approach is more common in States assessed to have a well-established trade control system in place. In such States, a national list of controlled dual-use items exists, one or several agencies have official responsibility for licensing such items, and customs, border guards, and law enforcement agencies have the authority to inspect and interdict suspicious shipments, and to prosecute export control violations. The primary

8 “History of the FATF,” Financial Action Task Force, accessed on May 26, 2017, <http://www.fatf-gafi.org/about/historyofthefatf/>.

9 United Nations Security Council resolution 2325, S/RES/2325 (December 15, 2016), [http://undocs.org/S/RES/2325\(2016\)](http://undocs.org/S/RES/2325(2016)).

barrier to successful Wisconsin Project outreach – a lack of legal basis to integrate the Risk Report as a tool to support licensing and enforcement tasks – has been eliminated. Thus, outreach may be centered on showing officials how the Risk Report can help with these tasks, as one of several unclassified information sources.

For licensing officials, training-related outreach covers the implementation of “catch all” controls and explains how the Risk Report can be used to support such controls. Due diligence procedures in these States may be conducted to avoid supplying sensitive end users or supporting possible military end use. Entity profiles in the Risk Report describe links to military organizations or military-related work, include corporate hierarchy information so that officials may establish beneficial ownership and name related companies and persons. In addition, Wisconsin Project outreach encourages official to consult publicly available restricted party lists related to proliferation published by other governments, which are available in the Risk Report. In this way, outreach activities may reinforce knowledge sharing among governments.

Officials with enforcement-related responsibilities in these States often have developed or are developing internal risk management systems to support high volume screening and targeting. Such systems combine disparate sources of information, data mining, and the application of business intelligence techniques. They also are not exclusively focused on proliferation, but rather on identifying high risk transactions and ensuring supplying chain security. Wisconsin Project outreach seeks to integrate Risk Report data with these systems in order to ensure that they include robust screening specifically on proliferation- related risks.

Officials involved in export control-related investigations and prosecutions are an important audience for Wisconsin Project outreach as well. Investigations in these States are not often public and prosecutions remain an exception. The Wisconsin Project emphasizes the value of publicizing such work, as a demonstration of the seriousness with which a State takes such violations, and as a way

to deter similar behavior by other exporters. The well-documented, public process by which the U.S. government pursues such cases is used in outreach activities as a model. Case studies are used to illustrate both the red flags that led the government to investigate and the way in which proliferation procurement networks operate.

2.3. **Practical considerations in designing outreach activities**

Wisconsin Project outreach includes a combination of access to the Risk Report, director-level meetings, and instructional training activities for working-level officials in partner countries. As described above, these training activities have been undertaken since 2000 and have engaged States in an expanding geographical area and with an increasingly diverse set of responsibilities in trade controls and compliance. Based on this experience, several conclusions can be drawn that help inform Wisconsin Project outreach design and execution.

On a practical level, the format of outreach activities influences how they are received and their lasting impact. Classroom-style lectures for large audiences with dense take-away material may be appropriate for officials well-versed in trade control issues. However, this format is not conducive to novice or skeptical audiences. The Wisconsin Project generally seeks an audience of about 15 officials and, for working-level officials, a training environment that allows participants to take an active role. For an introductory Risk Report training, this includes a computer for each participant and a series of hands-on exercises conducted as a group and individually. To the extent possible, the training room is set up so that participants are facing each other and the presenter; this encourages interaction and exchange among participants who come from different agencies and may not often have the opportunity to interact with each other.

It is also important to identify and recruit appropriate officials for training, based on agency responsibilities in the State being

engaged. For instance, in some cases the intelligence agency or the ministry of foreign affairs has an explicit role in the licensing process. In some cases the investigative police play a role on the enforcement side, in other instances, border guards may be more appropriate.

The Wisconsin Project also seeks to engage office directors or managers in addition to conducting training activities. The purpose of such meetings is to establish buy-in from key officials so that they are more likely to encourage staff to integrate the Risk Report into daily work. These meetings provide an opportunity to explain the organization's background, research methods and approach, and to answer questions. Non-governmental organizations conducting outreach often must overcome reluctance, skepticism, or suspicion about their intentions from outreach recipients, and these meetings are a means of doing so.

The specific exercises or examples used during outreach activities should be adapted to the regional or threat exigencies of the State being engaged. For instance, training for export control officials in a State vulnerable to proliferation-related transit or transshipment might include case studies involving shipping or logistics firms. In States where customs has little experience with proliferation-related targeting and risk analysis, case studies involving illicit networks dealing in military and dual-use items as well as a variety of other contraband may be well received, demonstrating the frequent reliance on the same networks for different categories of illicit trade. States peripheral to the European Union would find relevant cases that relate to the implementation of EU sanctions programs.

3. POST-OUTREACH CHALLENGES: LASTING IMPACT, IMPROVING COORDINATION

In addition to the challenges of organizing outreach to fit the recipient State's strategic trade control system and delivering it successfully to the appropriate audience, major challenges persist in the post-outreach phase. For non-governmental organizations like the Wisconsin Project, measurable post-outreach impact is increasingly important to funders and governing boards as a measure of how well the organization is fulfilling its mission.

The primary challenge to ensuring post-outreach impact is an extension of the challenges encountered during the design and implementation phases described above: a mismatch between the priority of the implementer and the entity funding outreach activities and the priority of the recipient State. This mismatch limits the lasting efficacy of outreach in the absence of sustained follow-on engagement, as it allows recipients to return to "business as usual."

The Wisconsin Project seeks to address this issue by building in time to engage with officials following in-country training activities. Because Risk Report credentials are assigned on an individual basis, the Wisconsin Project is able to monitor and report on volume of use by person, by agency, and by country and to conduct targeted follow up in instances of low or no Risk Report use. Each official also receives regular email communication from the Wisconsin Project, within four weeks of in-country training and every month thereafter. These messages summarize content recently added to the database, provide an update on relevant regulatory changes within multilateral supply regimes, and report on developments of interest at the national level. The Wisconsin Project has also developed a series of online videos that explain how to search the Risk Report and provide an overview of database content. These videos may be used as remote training tools, for officials who attending training but need a refresher or for new staff assigned export licensing or enforcement responsibilities. In addition, the Wisconsin Project

uses the director-level meetings to establish a point of contact for each agency that is engaged and uses this contact to keep track of and address personnel changes.

Frequently rotating personnel at the working and director level is an additional challenge to ensuring the lasting impact of outreach. Remote training options and regular engagement by email can help mitigate this challenge but do not resolve it. A “train the trainer” approach may help, in which an objective of outreach is to instruct one or several officials in a specific set of responsibilities and to ensure that these officials are capable of instructing their colleagues. Another possibility is to cultivate (including through early outreach) a well-placed, higher-level official who can serve as a “national champion” for export controls. Such a person can coordinate in-country outreach to meet national needs, drive any regulatory changes, and develop a cadre of technical experts. In States engaged by the Wisconsin Project that have such a champion, Risk Report use has been sustained over time, across multiple agencies, and despite changes in personnel brought on by elections or by bureaucratic reorganizations.

Another means of reinforcing outreach is through mentoring among States. Resolution 1540 specifically encourages this practice. Wisconsin Project outreach has benefited from having early adopters of the Risk Report inform their colleagues in newly engaged States about how to use the tool. Joint training with officials from both mentored and mentoring States is an effective way to emphasize the collaborative nature rather than the assistance aspect of outreach.

There is also the challenge of “outreach fatigue.” As part of reporting on implementation, the 1540 Committee lists outreach activities in which Committee members participated. In its most recent report, the Committee lists some 170 such activities between

May 2011 and April 2016, and this list is by no means exhaustive.¹⁰ Yet a review of the seminars or conferences held speaks more to repetitive nature of outreach than to its impact. In States with a small number of officials comprising the target outreach audience, these officials may attend multiple, often similar activities in a single month. Or, to avoid this staff drain, States may elect to send less relevant staff to some outreach events, thus diluting their longer-term value.

Finally, there is a lack of coordination among implementers, which undermines individual outreach activities. The Wisconsin Project has often learned about other export control outreach when conducting its own in-country training. Greater coordination among implementers engaging a specific State could include periodic meetings to discuss messaging and goals or an online forum to share experiences about past engagement and ask questions. Such coordination would allow future outreach to capture lessons learned and to reinforce the work of other implementers. For example, best practice seminars on end user screening and identification could reference the Risk Report as a possible tool to support this work. Similarly, outreach related to commodity identification or the adoption of a national control list could point to the Risk Report as one source of information about these topics. Conversely, the Wisconsin Project could reinforce the message and tools of other implementers. This would create a virtuous circle of outreach over time and clarify and focus the overall message about the importance of export controls for the outreach recipient.

10 United Nations Security Council Letter dated 9 December 2016 from the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council, S/2016/1038 (December 9, 2016), http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2016/1038.

Promoting Trade and Security Objectives through a Trade Controls Outreach model

Christos Charatsis, Filippo Sevini

1. A CONCEPTUAL NOTE

Prior to setting our main questions, a conceptual clarification may be useful. On the one hand, dual-use trade controls as a trade measure pursuing security objectives contribute *de jure* and *de facto* to furthering both trade and security objectives. The relevant literature acknowledges the special role of dual-use trade controls in reconciling economic considerations with security and foreign policy options.¹ Trade controls are not the only trade instrument serving security objectives. Trade restrictive measures, the so-called sanctions, are another example of a measure having a dual-hatted role. Interestingly, sanctions can also relate directly to trade controls in cases involving the implementation of controls of dual-use items.² On the other hand, outreach activities can be helpful to universalise any given standard. The term outreach itself is somehow confusing, as it is used to describe awareness raising and capacity building activ-

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- 1 See, for example Kazuto Suzuki, "Between Trade and Security: EU's Export Control Regime and its Global Role," paper for EUSA Tenth Biennial International Conference, May 17- 19, 2007, Montreal, Canada; Panos Koutrakos, *Trade, Foreign Policy and Defence in EU Constitutional Law*, (Oregon: Hart Publishing, 2001); Anna Wetter, "Enforcing European Union Law on Exports of Dual-Use Goods, SIPRI Research Report: No 24, (Oxford: Oxford University Press, 2009).
 - 2 For an analysis of sanctions implementation through trade controls see the publication of the Chaudfontaine Group: Quentin Michel, Odette Jankowitsch-Prevor and Sylvain Paile-Calvo (eds.), *Controlling the Trade of Strategic Goods - Sanctions and Penalties*, Liege: European Studies Unit - University of Liege, 2016.

ities and related initiatives promoting cooperation among targeted stakeholders in both national and international settings. While this contribution primarily examines the role of outreach activities as a means of exporting trade standards to non-EU countries, we acknowledge and emphasize the interrelationship between trade and security imperatives in the context of dual-use trade controls.

In the upcoming sections, we briefly address two key questions. First, it is discussed whether trade control outreach activities represent a tool for developing trade standards. Second, it is examined whether there is a model for export control outreach activities and what actions could be taken to better articulate and reinforce the EU outreach paradigm. Our focus will be on the EU experience although most of the observations equally concern outreach programmes implemented by other donor countries and organisations.

2. EU OUTREACH AS A TOOL FOR SETTING TRADE STANDARDS?

In order to answer the first question, one could look at three elements: the motivations underpinning outreach activities, the content and impact of such programmes, and statistical analysis, with a view to identifying a correlation between the implementation of outreach activities and the establishment of closer trade relations.

2.1. Motivations for providing and receiving export controls support

Reducing the risk of proliferation of sensitive technologies and promoting regional security are the primary causes for implementing outreach activities in third countries. As also stated in the EU Partner to Partner Programme (P2P) web-portal, in order to strengthen international cooperation in the field of dual-use export controls (including national and regional capacity) it is necessary to take into account the balance between security and economic

considerations.³ This clarification comes as no surprise given that the implementation of trade controls can substantially benefit from the establishment of a global level playing field, whereby compliance costs and trade obstacles for compliant exporters are affordable, also taking into account the foreign availability of potentially controlled goods and technologies. This is the ultimate goal for any effective dual-use trade control system. Interestingly, the interconnection between trade and security objectives implies that countries with limited or no experience in implementing trade controls may be ready to invest in export controls upon the condition that this will lead to a closer trade relationship with a given country or community of countries enabling, for example, the country to host subsidiary branches and factories of foreign companies. The same also applies for countries that have a robust trade control system in place and aspire to strengthen collaboration with each other.

As an extremely powerful global trade actor, the EU has ample leverage in that regard. Indeed, the EU negotiates (as per its Common Commercial Policy and in accordance with the WTO rules) a variety of trade agreements such as:⁴

1. Trade agreements on the basis of Article 207 of the Treaty on the Functioning of the EU (TFEU) that can be preferential or non-preferential in kind;
2. Trade and economic cooperation agreements (preferential access to EU market, free trade areas, cooperation) under Article 207 TFEU in combination with another Article (usually Article 218) granting trade preferences and assistance on the basis of political conditions (e.g. human rights and rule of law);

3 EU P2P webpage on Export Control Programme for Dual-Use Goods: <https://export-control.jrc.ec.europa.eu/Home/Dual-use-trade-control>.

4 Neil Nugent, *The Government and Politics of the European Union* (Basingstoke: Palgrave Macmillan, 2010), 372-375.

Association agreements under Article 217 TFEU establishing an association involving reciprocal rights and obligations, common actions and special relations such as those with Turkey, Western Balkans and the members of the European Economic Area (EEA).

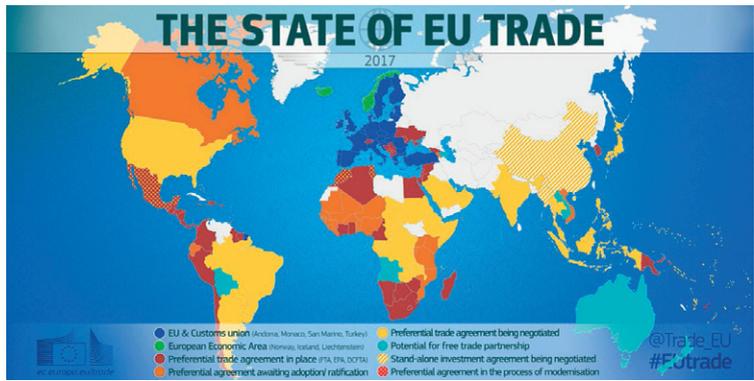
In addition to these types of trade agreements, the EU provides preferential access to its common market in the framework of its development policy (under Article 298 TFEU) seeking to eradicate worldwide poverty in a context of sustainable development. The enhanced EU's position in negotiating trade agreements, coupled with an ever expanding and politicised trade agenda, means that a number of non-strictly trade issues feature in trade talks.⁵ Such issues include safety and security standards, labour standards, environmental obligations, human rights and interestingly, non-proliferation imperatives. This joined-up approach in negotiating trade agreements has been consolidated as an important aspect of the Union's external relations in general. Indeed, the recently adopted Global Strategy for the EU's Foreign and Security Policy stresses that a political economy of peace requires an integrated approach, including a modernised policy on export controls for dual-use goods.⁶ Supporting cooperative regional orders and deepening tailor-made partnerships are further important elements complementing EU's external strategy related to trade objectives.

5 Ibid, 372.

6 EU, "Global Strategy for the EU's Foreign and Security Policy," June 2016, 31-32.

Figure 1

The State of EU Trade Agreements in 2017*



* Illustration from the DG Trade website, available in: <http://ec.europa.eu/trade/policy/countries-and-regions/agreements/>.

However, the extent to which the EU uses its relevance as a trade actor to achieve non-proliferation goals is unclear. The inclusion of the “WMD clause” in trade agreements may offer some leverage for requiring the prior assumption of commitments including the enactment of export control legislation and the enforcement of controls. That being said, different contributions during the Chaudfontaine seminar pointed to the limited effectiveness of the WMD clause so far in that regard.

Nevertheless, exporting and importing in conformity with internationally accepted standards and best practices is in the interest of both the EU and the recipients of outreach activities. On the one hand, from an economic perspective, the EU and its exporters wish to open up new markets for their products and services on the condition that certain security and economic guarantees are satisfied. On the other hand, recipient countries are willing to adhere to international norms and control lists defined by international export control regimes, enjoying also the economic privileges that

such an embracement can bring. This is particularly evident in the nuclear trade and cooperation. India's request to join the Nuclear Suppliers Group is a relevant example in that respect.

2.2. **The scope and content of outreach activities**

The second element under probation is the scope and coverage of the dual-use outreach activities. With the P2P programme, the EU seeks to export its "*acquis communautaire*" with regards to trade controls, which is none other than the dual-use regulation. As A. Van der Meer pointed out in the Chaudfontaine conference, the regulation and especially the EU list is the heart-piece of this "*acquis*". This is a reasonable approach. Setting common standards presupposes a common agreement on how to trade responsibly, and the EU regulation plays such a role all the more given that most of the principles and controls set in the regulation have been agreed in the framework of international regimes. Indeed, the EU offers a regional yet *sui generis* approach to building trade controls that can be of extra value for partner countries and regions concerned. For instance, the EU approach allows for some degree of flexibility and diversity in implementing trade controls nationally. Importantly, the implementation of EU outreach activities concerns all different trade control aspects and stakeholders involved promoting thereby common standards in trading and complying with the rules. Practically speaking, this means that the EU paradigm contributes not only to setting up - to the extent possible - effective legal frameworks and working mechanisms for enforcing controls but also it promotes indirectly common standards for exporters such as industry and academia.

What needs to be clarified is how the EU shares its model with its partners.⁷ The EU Global Strategy for Foreign and Security policy provides some inspiration on the right way to do so: “we will not strive to export our model, but rather seek reciprocal inspiration from different regional experiences”.⁸ In the same fashion, the P2P Programme does not seek to impose the EU trade control paradigm as a model to be followed invariably. Instead, it identifies jointly with the recipient countries unaddressed issues and needs, and provides solutions on the basis of EU best practices and experiences. Logically, the establishment of norms, best practices and guidance negotiated and agreed in an international setting such as in the framework of the export control regimes or as an initiative of the UN Resolution 1540 Committee could be of help to so-called outreach activities. The role of other international organisations having a bearing for export controls and being in position to set internationally refereed standards such as the WCO is also of relevance here.

2.3. **Tracking the relationship between trade and outreach?**

The contribution of outreach activities to setting trade standards can also be evaluated on the basis of statistical analysis, looking at the ex post outcome of outreach activities. Does the conduct of outreach activities lead to closer trade relations between donor and recipient countries? In essence, this question relates to the question of whether trade controls represent a condition for developing closer trade relations with third countries. Exploring such a question is a complex exercise for several reasons. If the scope of the exercise is broader and concerns trade in general, then it may

7 On the usefulness of the EU system as a standard for main aspects of trade controls (licensing, enforcement, awareness of main actors and sanctions) see: Sylvain Païle-Calvo, “EU Regulation + French Regulations = An Exportable Control Model?” in *Modelling Dual-Use Trade Control Systems*, ed. Odette J. Prevot, Sylvain Païle-Calvo and Quentin Michel (Brussels: P.I.E. Peter Lang, 2013), 211-219.

8 Global Strategy for the EU's Foreign and Security Policy, 32.

be feasible to make comparisons concerning the volume of trade before and after the conduct of trade controls outreach. However, such an approach is too broad. If one focuses on data concerning solely dual-use trade, it can be difficult to get accurate estimates due to discrepancies between dual-use codes and Harmonised System customs codes, although an assessment with expected uncertainty is possible.⁹

Verifying whether there is a correlation between increased trade relations and the conduct of outreach activities is also subject to another limitation. The selection of eligible countries for export controls outreach is done on the basis of a number of factors -- definitely security- and political-related ones--; thus, enhancing economic cooperation in dual-use trade is not always the primary objective served by an outreach activity.¹⁰

3. NECESSARY ELEMENTS FOR DEVELOPING AN OUTREACH MODEL

The second key objective for this contribution concerns the definition of a model for conducting outreach activities for trade controls. In doing so, we will draw inspiration from the current implementation of the EU P2P Programme highlighting elements that work well and aspects that need improvement. First of all, two clarifications are pertinent here. First, the term ‘model’ can be understood as a flawless reference standard with universal acceptance. Nonetheless, there is no perfect model for trade control outreach

9 For an overview of the issues concerning the correlation between customs codes and dual-use codes see: Renaud Chatelus and Pete Heine, “Improving the Integrity of the Global Supply Chain: Working with Compliant Business Partners,” *Strategic Trade Review* 3 (2016): 43-67;

Hyuk Kim, “Enhancing the Interface between the Harmonized System and Strategic Trade Controls,” *Strategic Trade Review* 3 (2016): 69-84.

10 For example, under the EU P2P programme some South-East Asian countries were proposed as cooperation partners for their regional role or because they are located on strategic trade routes, rather than the relevance of their trade volume.

activities as there is no “one-size fits all” model for implementing trade controls. That said, the EU list seems to represent a universal standard, or at least the basic synopsis of applicable dual-use controls used also by Americans and other outreach implementers. Second, the literature dealing with outreach activities for trade controls is very limited and research in this field relies primarily on insights from practitioners conducting or being subject to export controls outreach. Therefore, the analysis below attempts to define main elements for establishing and implementing outreach activities relying mainly on previous EU experience in this area.

4. A STRATEGY FOR OUTREACH ACTIVITIES

The EU’s cooperation programme on trade controls began in 2004 with only four members from South East Europe and has recently expanded to include thirty-two countries spanning six regions and three continents. Regardless of the size and scope of any outreach programme, defining a clearly articulated strategy responding to basic questions, such as what are the main principles and purposes to be promoted and in what ways is a *sine qua non* for going any further. In the EU, the main objective of the P2P Programme (to strengthen international cooperation and effectiveness in the field of export controls) is founded on EU strategies, action plans and ensuing laws, notably the dual-use regulation. In that view, the EU Security Strategy, the EU Strategy against the Proliferation of Weapons of Mass Destruction of 2003 and the recently adopted Global Strategy for the EU’s Foreign and Security Policy define the overall objectives of the EU, both as non-proliferation actor and global provider of cooperative support.¹¹ These

11 EU Council, “EU Security Strategy - A Secure Europe in a Better World,” Brussels, 12 December 2003;
EU Council, “EU Strategy against Proliferation of Weapons of Mass Destruction,” Brussels, 10 December 2003.

policy and legal texts reflect *inter alia* international non-proliferation commitments undertaken by the EU Member States pursuant to resolution 1540 and norms set in the framework of export control regimes. More broadly, given the blend of economic and security objectives that are of relevance to trade controls, the EU's outreach programme is designed in accordance with and in furtherance of the EU's Common Commercial Policy (CCP) and Common Foreign and Security Policy (CFSP).

Likewise, the implementation of an outreach programme must evolve in accordance with all related policies and implementing instruments of the donor country or organisation. This approach has an added value for the coherence, comprehensiveness and credibility of the outreach programme as a whole. For example, in our test case, the P2P Programme is funded under the Instrument contributing to Security and Peace (IcSP)¹² and it is integrated to another major EU initiative in the area of international cooperation and development, the EU Chemical, Biological, Radiological and Nuclear (CBRN) Centres of Excellence Risk Mitigation Initiative, initiated in 2010.¹³ In this context, the EU export control outreach strategy should match and build upon all relevant EU security and economic strategies and instruments, since they all contribute to a synergetic framework of collaboration partnership for development and cooperation.

Apart from incorporating main principles and defining main purposes, an outreach project requires setting overall and specific

12 The IcSP is an EU instrument to support security initiatives and peace-building activities in partner countries. It was established in 2014 to take over from the Instrument for Stability (IfS). Part of the EU's new generation of instruments for financing external action, the IcSP focuses on crisis response, crisis preparedness, conflict prevention and peace-building. Information retrieved from: http://ec.europa.eu/dgs/fpi/what-we-do/instrument_contributing_to_stability_and_peace_en.htm; See also: EU Regulation No 230/2014 Establishing an Instrument Contributing to Stability and Peace, Brussels, 11 March 2014.

13 The CBRN CoE initiative supports, at national and regional levels, the reinforcement of the institutional capacity needed to fight against CBRN risks posed due to criminal, accidental and natural reasons. For additional information see: <http://www.cbrn-coe.eu/>

objectives for targeted countries and regions. Moreover, export control capacity building and cooperation activities need to be underpinned by robust management processes ensuring the effectiveness, sustainability and structured provision of assistance to beneficiaries. The progress towards the implementation of the objectives should follow the main principles of the project management cycle requiring proper planning, implementation, evaluation and adjustment of the programme on the basis of successes and shortcomings.¹⁴

5. DEFINING A PROCESS FOR IDENTIFYING ELIGIBLE COUNTRIES

An outreach strategy needs to be underpinned by a set of criteria or a methodology for selecting target countries or group of countries, as well as an action plan setting specific activities to be taken in those countries. The EU's experience in implementing export controls outreach programmes is again enlightening. Over the years, the selection of partner countries has taken place on the basis of different criteria and priorities. However, one set of factors have persistently shaped the selection process: security and geo-political considerations.

Security issues potentially threatening the international stability are key factors to consider when deciding on priority countries. Recent issues and crises may require immediate action and hence they can also force a cooperation programme to adjust priority countries due to recently identified non-proliferation concerns. In the EU, the CFSP conclusions summarised in the Council Working

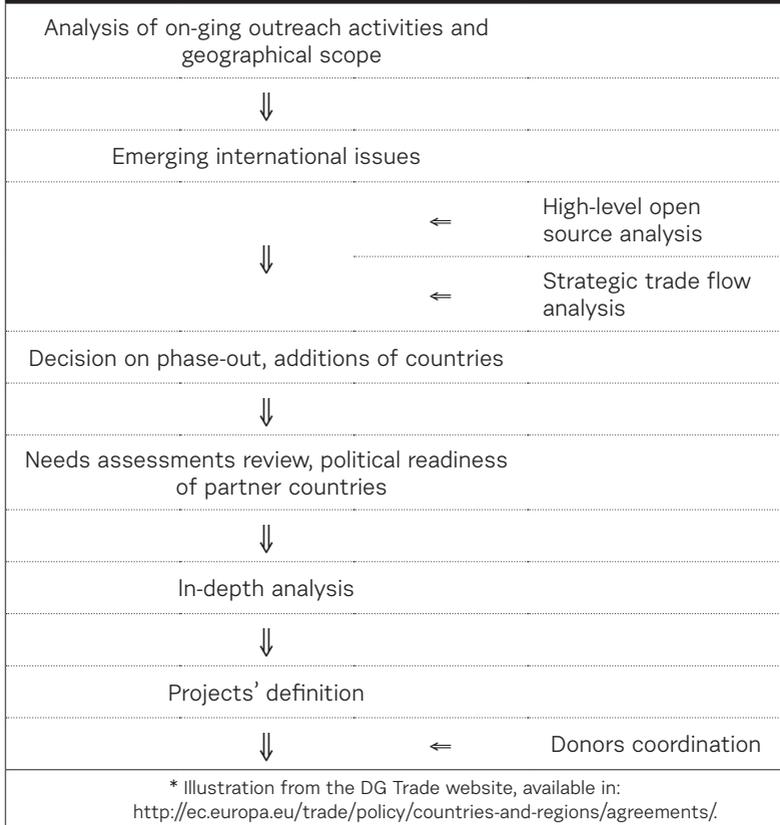
14 The Plan-Do-Check-Act (PDCA) cycle was originally developed by Walter Shewhart in 1940s, and it was popularized in 1950s by W. Edwards Deming. For an analysis of the evolution of the PDCA Cycle see: Ronald Moen and Clifford Norman, "Circling Back: Clearing up myths about the Deming cycle and Seeing How it Keeps Evolving," Quality Progress, American Society for Quality, 2010, retrieved from: <http://www.westga.edu/~dturner/PDCA.pdf>.

Party on Non-Proliferation (CONOP) reports may indicate priority and no-go countries. In terms of geopolitics, strategic issues such as the supply routes of raw materials and energy security or the existence of important transit and transshipment hubs can point to priority countries as well.

Overall, the selection of eligible partner countries is always the product of a complex process weighing a number of factors. Importantly, the existence of close political and economic relations has a value for both defining main countries of interest and providing entry points for contacting such countries and establishing export controls cooperation on the basis of a positive and fertile background.

Figure 2

A methodology for selecting priority countries



There is a variety of approaches in defining eligible countries for export control outreach activities. It is known for instance, that the US relies on a very comprehensive list of indicators against which they assess and identify eligible countries. The methodology spelled out in figure II includes all the key components that should be included in the decision-making process by donor countries/organisations to take up cooperation or, if necessary, suspend such efforts in eligible or recipient countries. In the first phase, the meth-

odology takes note of the progress achieved through outgoing and past outreach projects in partner countries including lessons learned. The first phase includes also a high-level analysis of a country's non-proliferation credentials, importance in terms of strategic weight (security, economic and political relations) and relevance to dual-use trade. For example, in the EU context, a country that is part of the EU's Neighbourhood Policy or a prospective member of the Union can possibly be placed higher among the priority countries for cooperation. Another example concerns the case of countries that do not constitute important trade partners in terms of exports/imports, but are crucial from a proliferation point of view because of their importance as transit and transshipment hubs or as known diversion points.

In the second phase, as long as a first selection of countries has taken place, a subsequent evaluation will assess the readiness of an eligible country to engage in cooperation and outreach activities. This second evaluation may examine whether, for instance, required institutions and other necessary conditions such as willingness by a country's government and a sustainable security level are in place for establishing or stepping up export controls cooperation. The last phase requires giving due consideration to the needs of the partner countries as identified in the joint preparation of the projects. In the EU, the needs assessment review taking place under the framework of CBRN CoEs Initiative concerns also export control aspects and hence represents a valuable source of information. In addition to this, taking stock of parallel activities by other outreach providers and coordinating with them is also a relevant action in this phase. For example, the EU and the US organise meetings to coordinate their efforts and inform each other on the progress of their outreach activities. In fact, there are instances where they also organise joint events for partner countries. A last remark concerns the delineation to groups of countries in accordance to their needs and state

of play of their export control system. In the EU for instance, the designation of eligible countries is based on a three-level grouping for start-up, intermediate and advanced countries.

6. SETTING AN ACTION PLAN FOR PARTNER COUNTRIES

The establishment of cooperation and the provision of assistance need to be done in a structured way and along clearly defined objectives for partner countries. In this regard, the EU P2P Programme has developed a basic methodology that can be of help for the definition of main and specific objectives at the beginning of a project, as well as for its constant evaluation on the basis of such objectives throughout the lifetime of a project. The so-called 3WH (why, who, what and how) approach follows a logical sequence in which key steps are defined from the first contacts with a partner country in order to lay the groundwork for producing results.¹⁵ In practical terms, the “why” aspect examines ways for raising awareness, clarifying motives and gaining as high level support as possible from a partner country. It also demands the active involvement of the concerned country’s authorities in acquiring a full view on why export controls are important and relevant to them. The “who” aspect aims at identifying relevant stakeholders and, among them, organisations/institutions that presently champion or could potentially further export controls in a given country or region. The “what” parameter concerns export control aspects that are relevant to the specific profile of the country or require improvement. For instance, a country may lack experience in enforcing transit and brokering controls or it might be weak in designing effective export control regulations. Finally, the “how”

15 For an introduction to the logic underpinning the 3WH methodology see: Odette Jankowitsch-Prevor, Quentin Michel, Sylvain Paile-Calvo (eds.), *Modelling Dual-Use Trade Control Systems*, (Brussels: Peter Lang, 2014), 251-257.

aspect intends to set specific initiatives (seminars, trainings, etc.) tailored to the needs and the profile of the country in question as identified in the previous phases.

7. CONCLUSION: WHAT ABOUT LESS OBVIOUS OR MISSING ELEMENTS?

The foregoing section presented the fundamental elements for conducting outreach activities in a structured and systematic way. Clearly, there are several other important elements to look at when designing, implementing and assessing an outreach programme such as:

1. Quality of material and online tools offered by donor countries;
2. Feedback and evaluation provided by the recipient countries after the conduct of an activity;
3. Domestic reporting mechanisms and tracking for assessing the progress of a country's export control efforts towards commonly defined objectives;
4. Ways to engage stakeholders and ensure the sustainability of the projects;
5. Indicators for measuring the overall progress of a project.

In addition, it is particularly important to conceive and adopt an effective communication strategy in furtherance of the main elements identified above and of the specific objectives set for a given project. Such a strategy could provide incentives and information to identified stakeholders, increase the visibility of an outreach programme within a target country and beyond, as well as clarify misconceptions about trade controls in general and the conduct of outreach activities in particular. While an effective communication strategy requires avoiding a prescriptive approach, it should find

ways of boosting the reciprocal exchange of information and the definition of main objectives on an equal footing with the recipient countries. A sound communication strategy from the very beginning can also contribute to better approach a country, and it is therefore important for it to be tailored to the targeted country's profile. Publicising the added value and the results of an outreach activity or project could further increase the status and acceptability of export controls and the non-proliferation cause within the country itself and more broadly.