

## **Pakistan**

Elaborate legal, administrative and law enforcement measures are in place to prohibit non-State actors to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Where required, these measures have been further strengthened.

The Import and Exports (Control) Act, 1950 Act No. XXXIX of 1950. This Act authorizes the Federal Government to prohibit, restrict or control the import or export of goods and regulate all practices and procedures connected therewith. Section 5(1) of the Act provides for penalty of an individual, without prejudice to any confiscation to which he may be liable under the provisions of the Customs Act 1969-(IV Of 1969), as applied by sub-section (3) of this Act, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004" was passed by National Assembly on 14<sup>th</sup> September, 2004 and by the Senate on 18th September, 2004. The Act received the assent of the President on 23rd September, 2004 and entered into force the same day. The Act further strengthens controls on export of sensitive technologies particularly related to nuclear and biological weapons and their means of delivery. Salient elements of the new Export Control Act include:

- Controls over export, re-export, transshipment and transit of goods, technologies, material and equipment covered. Prohibition of the diversion of controlled goods and technologies.
- Wide jurisdiction (also includes Pakistanis visiting or working abroad).
- Provide for an authority to administer rules and regulations framed under this legislation. Also provides for the establishment of an Oversight Board to monitor the implementation of this legislation.

Comprehensive control lists and catch all provisions.

- Licensing and record keeping provisions.
- Penal provisions: Up to 14 years imprisonment and Rs.5 million fine or both, and on conviction, offender's property and assets, wherever they may be, shall be forfeited to the Federal Government. Right of appeal provided for.

For the purposes of the Export Control Act, the authority rests with the Federal Government and the Federal Government, as and when necessary, may -

- (a) make such rules and regulations as are necessary for implementation of this Act
- (b) delegate authority to administer all activities under this Act to such Ministries, Division, Departments and Agencies as it may deem appropriate
- (c) establish a government Authority to administer export controls established under this Act
- (d) designate the agency or agencies authorized to enforce this Act
- (e) establish an Oversight Board to monitor the implementation of this Act
- (f) require licenses for exports from Pakistan of goods and technology, and the re-export of goods and technology that originated in Pakistan.

Moreover, officials of the designated agency or agencies are authorized to inspect consignments declared for export and review, acquire or confiscate records or withholding an export license under this Act. The Federal Government may vest any investigatory powers and powers of arrest authorized by law in officials of the customs administration or other appropriate agencies.

Customs and other law enforcement agencies keep a tight vigil along borders, seaports and airports. Special training to detect sensitive materials is being imparted to the customs and law enforcement officials. Border controls have been further strengthened and scanners and detection equipment is being installed on entry/exit points.

Pakistan is a state party to the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC). Pakistan is in full compliance of these conventions. Pakistan is also an active member of OPCW activities. Pakistan fully supports the establishment of a Verification Protocol of BWC in order to strengthen the full implementation of the Biological Weapons Convention.

Section 4 of the Export Control on Goods, Technology, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004 provides for development/updating, as necessary, of Control Lists of goods and technologies subject to licensing requirements under the Act.

In view of Pakistan's experience in implementation of various treaties regimes including CWC, CPPNM and BWC and its elaborate legislative framework in the safety and security of nuclear technology and material, Pakistan is in a position to provide assistance, as appropriate, in response to specific requests, to the states lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of the Security Council Resolution 1540 (2004). Requests for assistance from the Government of Pakistan should be sent through the Permanent Mission of Pakistan to the United Nations, New York.

Pakistan fully complies with Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC) – both are non-discriminatory disarmament treaties.

Pakistan remains fully committed to the strengthening of the Biological Weapons Convention including the establishment of a Compliance regime through a Protocol. Pakistan will continue to follow up the discussions at the 2006 Review Conference.