**Questionnaire 3: Establishing a baseline for Vietnam on implementation of international standards and practices for strategic trade controls for Weapons of Mass Destruction (WMD) and WMD-related materials**

QUESTIONS RESPONSES

(*answer each question “Yes” or “No” and provide evidence/explanation for your response)*

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| **International Obligation, Standard, “Best Practice” [Source]**  [Source in red text legally binding according to international law] | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| ***Licensing-Related*** |  |  |  |
| Controls on (including license requirements for) the export and re-export of all types of WMD materials (including dual-use materials)?  [UNSCR 1540, OP 3(d)] |  |  |  |
| Controls on (including license requirements for) transits for all types of WMD materials (including dual-use materials)?  [UNSCR 1540, OP 3(d)] |  |  |  |
| Controls on (including license requirements for) transshipments for all types of WMD materials (including dual-use materials)?  [UNSCR 1540, OP 3(d)] |  |  |  |
| Controls on (including license requirements for) the extra-territorial re-transfers of sensitive dual-use items and technologies?  [UNSCR 1540, OP 3(d) reference to “end-user controls”] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]** | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| The requirement to obtain delivery verification (via import certificate or otherwise) of exported WMD and WMD-related materials?  [UNSCR 1540 OP3(d) reference to “end-user controls”] |  |  |  |
| National controls lists for the following types of WMD and WMD-related materials:  a. Chemicals? [UNSCR 1540, OP 3(d); CWC]  b. Biological agents and pathogens [UNSCR 1540, OP 3(d); BTWC]?  c. Chemical Weapon (CW)/Biological Weapons (BW) dual-use production equipment [UNSCR 1540, OP 3(d); Australia Group (AG)]?  d. Nuclear materials and reactors (Trigger List Items) [UNSCR 1540, OP 3(d); NPT Articles I, II, and III.2; IAEA INFCIRC 254; and Nuclear Suppliers Group (NSG)]?  e. Dual-use nuclear materials? [UNSCR 1540, OP3(d); NSG]  f. Missiles (delivery systems)? [UNSCR 1540, OP3(d); Missile Technology Control Regime (MTCR)]  g. Missile-related Items/technology? [UNSCR 1540, OP 3(d); MTCR] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]**  [Sources in red text are legally binding according to international law] | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| The establishment, maintenance, and publication of national control lists of WMD and WMD-related materials?  [UNSCR 1540, OP 6] |  |  |  |
| Controls on financing that could contribute to the proliferation of WMD or WMD-related materials?  [UNSCR 1540, OP3(d)] |  |  |  |
| The establishment and maintenance of lists of prohibited entities and persons to be used in export license decision-making (end-user controls)?  [UNSCR 1540, OP3(d)] |  |  |  |
| Controls on (including license requirements for) brokering of WMD and WMD-related materials?  [UNSCR 1540, OP3(d)] |  |  |  |
| Controls on (including license requirements for) the transportation of WMD and WMD-related materials?  [UNSCR 1540, OP3(d)] |  |  |  |
| Working with and informing industry and the public regarding their obligations under WMD-related laws and regulations  [UNSCR 1540, OP8(d)] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]** | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| Targeted financial sanctions to comply with the United Nations Security Council Resolutions (UNSCRs) relating to the prevention, suppression and disruption of proliferation of weapons of mass destructions (WMD) and its financing  [Financial Action Task Force (FATF)] |  |  |  |
| The “catch-all” concept (authority to restrict trade of unlisted items when there is knowledge or reason to believe the items are destined to an unauthorized purpose)?  [NSG; AG; MTCR; WA] [UNSCR 1540, OP3(d) reference to end-user controls] |  |  |  |
| Controls on (including license requirements for) intangible transfers of dual-use items and technologies (technical data and assistance transferred through interpersonal exchanges, including via phone, email and other digital means)?  [NSG; AG; MTCR; WA] |  |  |  |
| A license review process that includes the assessment of the WMD proliferation risk associated with the export/re-export, transit/transhipment, brokering, and intangible technology transfer of WMD and WMD-related materials?  [NSG; AG; MTCR; WA] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]** | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| An interagency mechanism and process that draws on cross-governmental expertise to make decisions on WMD and WMD-related material license applications  [International “best practice”] |  |  |  |
| Controls on (including license requirements for) the extra-territorial re-export of sensitive dual-use items and technologies?  [International “best practice” – assurances set forth in end-user certificates] |  |  |  |
| Designated government agency or agencies as the authorized export and domestic re-export control licensing body for each of the types of WMD materials (dual-use materials)?  [International “best practice”] |  |  |  |
| Controls on (including license requirements for) deemed exports (Transfer of know-how to foreign individuals when located in your territory) of WMD and WMD-related material technology?  [International “best practice”] |  |  |  |
| Classification of goods and technology as WMD and WMD-related materials  [International “best practice”] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]**  [Sources in red text are legally binding according to international law] | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| ***Enforcement-Related*** |  |  |  |
| Enforcement (including penalties for violations) of controls on exports and re-exports of WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
| Enforcement (including penalties for violations) of controls on transits and/or transhipments of WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
| Enforcement (including penalties for violations) of controls on brokering of WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
| Enforcement (including penalties for violations) of end-user controls on WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
| Enforcement (including penalties for violations) of controls on transportation of WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
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| **International Obligation, Standard, “Best Practice” [Source]**  [Sources in red text are legally binding according to international law] | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| Enforcement (including penalties for violations) of controls on financing of transactions and activities involving WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
| Enforcement (including penalties for violations) of border controls related financing of transactions and activities involving WMD and WMD-related materials  [UNSCR 1540, OP3(c) and OP3(d)] |  |  |  |
| Information sharing and cooperation among domestic and with international enforcement agencies in cases involving illicit WMD-related trade?  [UNSCR 1540, OP3(c)] Proliferation Security Initiative |  |  |  |
| Criminal penalties for criminal violations of STM laws and regulations  [UNSCR 1540, OP3(d)] |  |  |  |
| Administrative/civil penalties for civil violations of STM laws and regulations  [[UNSCR 1540, OP3(d)] |  |  |  |
| Enforcement of violations of targeted financial sanctions  [FATF, Recommendation 7] |  |  |  |
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| **International Obligation, Standard, “Best Practice” [Source]** | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| Interdiction of means of conveyance (land, air, and sea) with information or reason to believe they carry authorized WMD or WMD-related materials  [Proliferation Security Initiative (PSI) Statement of Interdiction Principles; World Customs Organization (WCO) Strategic Trace Control Enforcement (STCE) Implementation Guide] |  |  |  |
| Searching cargo and conveyances for WMD-related materials leaving and entering the country through ports of entry and exit  [PSI Statement of Interdiction Principles; WCO STCE Implementation Guide] |  |  |  |
| Detaining WMD-related materials leaving and entering the country through ports of entry and exit  [WCO STCE Implementation Guide] |  |  |  |
| Seizing WMD-related materials leaving and entering the country through ports of entry and exit  [PSI Statement of Interdiction Principles; WCO STCE Implementation Guide] |  |  |  |
| Post-shipment checks/audits on imports of WMD and WMD-related materials?  [WCO STCE Implementation Guide] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]** | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation/use of:** |
| Searching business premises and access records to investigate suspected WMD and WMD-related trade control violations  [WCO STCE Implementation Guide] |  |  |  |
| Prosecuting criminal cases concerning illicit trade in WMD and WMD-related materials  [WCO STCE Implementation Guide] |  |  |  |
| Requiring parties to keep records of their transactions and activities involving WMD and WMD-related materials for a specified period of time and to provide copies of those records to law enforcement authorities upon request?  [WCO STCE Implementation Guide] |  |  |  |
| Information-sharing between frontline enforcement agencies and STM licensing agencies  [International Best Practices, WCO STCE Implementation Guide] |  |  |  |
| National and local targeting and risk management profiles for frontline agencies that incorporate WMD, WMD-related materials, as well as end-users and countries of proliferation concern  [WCO STCE Implementation Guide] |  |  |  |
| **International Obligation, Standard, “Best Practice” [Source]** | **There is a current and clear legal basis/authority for:** | **There are government agencies (and procedures and tools/resource) responsible for:** | **There is current and consistent implementation of:** |
| Channeling/selectivity of export cargo based on risk profiles that incorporate WMD, WMD-related materials, as well as end-users and countries of proliferation concern  [WCO STCE Implementation Guide] |  |  |  |
| Enforcement of controls of intangible transfers of WMD and WMD-related material technology  [NSG; AG; WA] |  |  |  |
| Enforcement of controls on “deemed exports” of WMD and WMD-related material technology  [International “best practice”] |  |  |  |