



الجامعة الإسلامية العالمية إسلام آباد
INTERNATIONAL ISLAMIC UNIVERSITY ISLAMABAD

ETHICAL CONDUCT POLICY

Ethical Conduct of International Islamic University's reputation for excellence in the community and the nation is sustained by the commitment embodied in its mission statement "to transform the society by promoting education, training, research, technology, and collaboration for reconstruction of human thought in all its forms on the foundations of Islam".

All teachers, students, researchers and members of the academic community are expected to act with honesty, trust, fairness, respect and responsibility and will not breach academic integrity. Executive officers, staff, employees, and others acting on behalf of the university are expected to maintain the highest ethical standard, observing applicable policies, law, regulations and professional standards. The absence of a specific guideline or instruction covering a particular situation does not relieve an individual of the responsibility to apply the highest ethical standards when reacting to that situation. Actions in accordance with these standards will be upheld by the university.

All executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the university hold positions of trust, and should conduct their activities accordingly. They must abide by university conflict statements, striving to avoid conflict between private and official responsibilities. Activities that impair or appear to impair the ability to perform their duties or affect independence and objectivity of judgment in the discharge of responsibilities to the university should be avoided. IUI supports an environment in which harassment of others is not tolerated. Use of positions of authority to influence others to perform inappropriate or illegal acts, or violate regulations and university policies will not be allowed.

To comply with relevant laws, grant and contract requirements, regulations, policies and all applicable university and professional standards is imperative. No unethical practice will be condoned on the grounds that it is "customary" or that it serves worthy or honorable goals. All concerned have a responsibility to ensure that all funds received are used prudently, ethically, and for their designated purposes. Neither tangible nor intangible assets of the university may be used for personal or illegal gain. Permission must be obtained for personal use of facilities and equipment, in compliance with applicable procedures. It is imperative that those with access to confidential, proprietary, or private information not make unauthorized disclosures or use of this information.

All concerned are expected to report violations of these or other applicable standards to appropriate university officers and authorities e.g., the employee's supervisor, senior sectional heads, university's audit, Academic Council, Board of Advance Studies & Research, Selection Boards and Board of Governors. Confidentiality of individuals reporting violations of these standards will be maintained whenever possible.

Dr. Huthal bin Hamoud Al-Otaibi
President



HIGHER EDUCATION COMMISSION

H-9, ISLAMABAD, PAKISTAN, Website: <http://www.hec.gov.pk>

Prof. Dr. Zia Ul-Qayyum
Executive Director

Ref No. SECDIV/MoFA/R&ID/HEC/1
January 16, 2024

Subject: Awareness and Compliance with SECA-2004 Act

Respected Heads of the Institutions,

'Export of Goods, Technologies, Materials and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act' of 2004 (SECA-2004) regulates the export of goods, services, and technology to safeguard national security, foreign policy, and economic interests. To institutionalize the operations under SECA-2004, the Strategic Export Control Division (SECDIV) was established. The export controls rules and regulations may limit researchers from freely sharing certain information, equipment, software with individuals or international destinations requiring universities to setup SECA compliance system and strike a balance between national security interests and academic freedom of knowledge sharing. In this context, copies of the SECA-2004 Act, SECDIV's Internal Compliance Program (ICP) Guidelines, and Export Controls List 2022 are enclosed for your kind consideration.

2. Foregoing in view, and to institutionalize compliance protocols under SECA-2004 Act, the following actions at HEIs are proposed:

✓ a) Existing Ethical Institutional Review Boards (IRB) at universities undertake meticulous reviews of research proposals before submission to national and international funding bodies, to ensure that all research adheres to ethical guidelines. Given the scope of the board, it may be mandated to ensure that all current and future research and research projects being executed by universities abide by SECA-2004 regulations and guidelines.

Website b) Universities to spread awareness regarding SECA-2004's legal obligations concerning research activities and linkages within all academic and research constituencies of universities.

OK c) Compliance against associated guidelines/protocols will be ensured under any international collaboration between faculty/researchers and students. HEIs are to issue directives to all faculty and students to ensure strict compliance with ICP guidelines.

HRMD + Acad d) Contracts for appointment of faculty and admission forms for student intake at universities may be suitably modified in conformity with modalities under SECA-2004.

3. It is our collective responsibility to abide by our state laws and avoid any potential legal repercussions. We are confident that with your leadership and support, we can establish a robust framework that not only complies with export control laws but also promotes the highest standards of research integrity and ethics. I request your kind and personal support in setting up the requisite system and sharing a report in this regard within a fortnight please.

With best regards,

Yours sincerely,

(Prof. Dr. Zia Ul-Qayyum)

Vice Chancellors/Rectors of Public and Private Sector Universities



International Islamic University Islamabad

Ethical Standard Policy IIU



Office of Research Innovation and
Commercialization

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Vision, Mission, Core Values

Preamble

1. Vision and Mission of IIU

1.1 Vision and Mission

Vision

To be an excellent University in diversity, knowledge, research, and innovation for the benefit of society and the Muslim *Ummah*.

Mission

To transform the society by promoting education, training, research, technology, and collaboration for the reconstruction of human thought, in all its forms, on the foundations of Islam.

1.2 Core Values

1.2.1 Islamic Character:

At IIU, we uphold the fundamental Islamic values that accurately reflect all facets of our organization. We work to foster a culture where people engage in ways that uphold the values of empathy, modesty, honesty, and ethical behavior. Our dedication to upholding Islamic Character guarantees that our decisions are informed by Islamic principles, fostering justice, fairness, and respect for all IIU community members as well as those outside of it. By upholding Islamic principles, we hope to create an environment that fosters moral uprightness, spiritual development, and overall holistic growth, raising people who are exemplary Muslims in every way.

1.2.2 Quality and Excellence:

At IIU, quality and excellence are fundamental to our goal. We are committed to giving our students an exceptional educational experience that goes above and beyond expectations and equips them to succeed in their chosen industries. Our demanding academic standards, extensive curriculum, and eminent professors all demonstrate our dedication to excellence. We cultivate an atmosphere that promotes innovation, critical thinking, and constant development, enabling our students to become leaders, scholars, and agents of constructive change. We strive to produce graduates who make significant contributions to society and maintain IIU's status as a centre of academic excellence through our unwavering commitment to greatness.

1.2.3 Diversity and Inclusiveness:

At IIU, we understand the crucial role that diversity and inclusiveness play in creating a dynamic and stimulating learning environment. We welcome people with all backgrounds, ethnicities, and viewpoints, promoting an environment of respect and understanding. We believe that variety fosters innovation, broadens minds, and stimulates the interchange of ideas, resulting in a more thorough and all-encompassing education. By embracing inclusiveness, we work to build a welcoming environment where each person feels respected, included, and empowered to contribute their unique skills and insights to IIU's overall development and success.

1.2.4 Integrity and Transparency:

Integrity and transparency are the cornerstones on which our institution is built. In all of our endeavours, we uphold the greatest standards of morality, responsibility, and honesty. We think it's important to develop an atmosphere in which moral principles are upheld and trust is encouraged. To maintain openness, justice, and efficient communication within the IIU community, transparency is crucial. By upholding the values of honesty and openness, we hope to establish solid bonds founded on trust, foster an atmosphere of justice and fairness, and uphold the highest ethical standards throughout all of our dealings.

1.2.5 Creativity:

At IIU, we value creativity as a crucial component of both intellectual and human development. We support our teachers and students to question received wisdom, engage in critical thought, and experiment with new ideas. We want to encourage intellectual curiosity, problem-solving skills, and the development of ground-breaking ideas by promoting a culture of creativity. We think that creativity produces ground-breaking findings, original solutions, and improvements in our understanding of the world. Through our dedication to fostering creativity, we enable people to break new ground, accept change, and advance society and the Muslim *Ummah*.

Section 2: Code of Ethical Conduct for Research

2.1 Research Integrity

2.1.1 Plagiarism:

At IIU, plagiarism is strictly forbidden because it violates the values of academic integrity and intellectual honesty. All thoughts, statements, and efforts contributed by others must be properly acknowledged and cited by researchers. Whether deliberate or inadvertent, plagiarism erodes the validity of research and frustrates the quest for knowledge. Researchers must do complete literature reviews, correctly cite their sources, and give proper acknowledgement to uphold the highest standards of academic honesty.

2.1.2 Fabrication and Falsification of Data:

Data fabrication and falsification are grave ethical violations that undermine the basis of scientific inquiry. IIU researchers are required to conduct all data collection, analysis, and reporting with the utmost honesty and integrity. Falsification refers to the manipulation or omission of data to present an intended result, whereas fabrication refers to the creation or alteration of data. These actions undercut the accuracy and legitimacy of research findings. It is the responsibility of researchers to ensure the correctness and integrity of their data and to present their findings in an honest and unbiased manner.

2.1.3 Research Misconduct:

IIU will not allow research misconduct, which includes but is not limited to plagiarism, fabrication, falsification, and other unethical practices. Throughout the study process, researchers are expected to uphold the strictest ethical standards. Investigations will be conducted and the proper disciplinary measures will be taken for any willful or careless violation of these standards. IIU is dedicated to preserving an atmosphere for study that values morality, honesty, and the quest for knowledge for the benefit of society.

2.1.4 Authorship and Acknowledgment:

Based on significant contributions to the research endeavor, authorship and recognition in research papers should be assigned. It's crucial to acknowledge and give credit to all those who have made significant intellectual contributions..When determining authorship, researchers should follow accepted standards, such as those set forth by the International Committee of Medical Journal Editors (ICMJE). Any disagreements over authorship or recognition should be settled amicably and openly through conversation among the concerned scholars.

2.1.5 Data Management and Sharing:

Sharing and managing data are essential components of conducting responsible research. Researchers at IIU should make sure that research data is securely stored, organized, and documented at all times. Data backup, secrecy, and adherence to data protection laws are all examples of good data management practices. Furthermore researchers should think about sharing their data according to ethical and legal constraints. Sharing data upholds the rights and privacy of research subjects while fostering openness, cooperation, and the advancement of science.

2.2 Informed Consent

2.2.1 Participant Consent:

At IIU, we place a high value on respecting the autonomy and rights of study participants. Before they participate in research investigations, individuals must give their informed consent. The objective, methods, potential hazards, rewards, and voluntary nature of the study must all be clearly and completely disclosed by the researchers. The chance to inquire should be provided so that participants can decide whether or not to participate. By ensuring that participants are informed of the study's goals, their rights, and any potential ramifications, informed consent promotes trust, transparency, and ethical conduct in research.

2.2.2 Consent for Minors and Vulnerable Populations:

Additional measures must be put in place to protect the rights and well-being of vulnerable populations, such as minors when they are included in the research. IIU researchers are required by law to seek informed consent from both the participants and their legal representatives.. Adequate precautions should be taken to guarantee that the information presented is appropriate for the ages of the intended participants and easy to comprehend. Upholding ethical standards, safeguarding their well-being, and fostering fair participation in research all depend on respecting the vulnerabilities and unique circumstances of children and other vulnerable populations.

2.2.3 Withdrawal of Consent:

The right of research volunteers to leave a study at any moment without suffering negative effects is part of respecting their autonomy and agency. IIU requires that researchers explicitly inform participants that their voluntary participation may be terminated at any time without cause or consequence. Researchers should stop working with individuals as soon as they decide to withdraw their consent and stop using any data that has been gathered from them. Maintaining the dignity, wellbeing-, and rights of participants throughout the study is improved by respecting their right to withdraw.

2.3 Human and Animal Research

2.3.1 Ethical Review and Approval:

The ethical evaluation and approval of any research involving human and animal subjects is a top priority at IIU. To ensure adherence to established standards and laws, researchers are required to submit their research plans to the appropriate ethical review committees. These committees provide an extensive analysis of the research's ethical implications, taking into account issues including participant welfare, informed consent processes, potential dangers, and benefits. Ethical review and approval are vital precautions to guarantee that research involving people and animals adheres to the highest ethical standards and supports the rights and welfare of everyone engaged.

2.3.2 Inclusion of Ethical Considerations:

IIU researchers must take ethical issues into account when doing research and deal with them when they come up. This includes making sure that research is conducted honorably, with regard to human dignity, and in line with all applicable laws and regulations. The protection of participant privacy and confidentiality, minimizing discomfort or potential injury, providing fair treatment, and access to research opportunities are only a few examples of the many topics covered by ethical considerations. IIU researchers enhance knowledge while preserving the highest ethical standards by thoughtfully pondering and incorporating ethical ideas into their research.

2.3.3 Care and Welfare of Animals:

IIU recognizes the importance of maintaining the highest standards in animal welfare during research. Researchers must comply with relevant regional, governmental, and international standards for animal care and use in studies. This entails minimizing discomfort, pain, and misery as well as providing suitable housing, nutrition, and veterinary treatment. When alternatives to animal testing are available, researchers should use them. They should also make sure that any animal research is carried out with the utmost respect for the welfare and ethical treatment of the animals involved. IIU researchers show their dedication to ethical research practices by placing a high priority on the treatment and well-being of animals.

2.4 Confidentiality and Data Protection

2.4.1 Privacy and Data Security:

~~Protecting study participants' data and respecting their privacy are top priorities.~~ Protecting the privacy and data of study participants is a top priority at IIU. Researchers must put strong privacy and data security procedures in place to safeguard the confidentiality and integrity of research data.. This covers data protection laws compliance, secure storage, encryption, and access controls. Personal information about participants should be handled with the highest confidentiality and used only for the designated study goals. IIU researchers support the trust, confidence, and integrity of the research process by protecting privacy and data security.

2.4.2 Anonymity and Confidentiality of Participants:

IIU emphasizes the significance of protecting research participants' anonymity and confidentiality. Researchers must take the necessary precautions to safeguard participant identities and personal data both during data collection and in any ensuing publications or reports. Unless express approval is acquired for sharing, any data that might be used to identify participants should be handled with the highest confidentiality. Respecting participants' anonymity and confidentiality helps to ensure that research is conducted ethically, protects their right to privacy, and promotes truthful and open involvement in studies.

Section 3: Code of Ethical Standards in Teaching

3.1 Respect for Students

3.1.1 Fairness and Impartiality:

At IIU, we place a high value on treating every student equally and impartially. In order to ensure that students are judged fairly and on the basis of their merit and effort, teachers should offer equal chances for learning and growth. Transparent grading standards, uniform evaluation procedures, and impartial treatment of all pupils are all aspects of fairness. Teachers encourage an inclusive and encouraging learning environment that respects the rights and dignity of every student by acting fairly and impartially.

3.1.2 Non-Discrimination:

IIU is dedicated to supporting an inclusive learning environment. No matter a student's race, ethnicity, gender, religion, or any other protected trait, teachers are required to uphold the values of equality and non-discrimination. It is against the law to discriminate in any way, including through bias or favouritism. To ensure that every student feels respected and encouraged in their academic endeavours, teachers should actively promote inclusivity, diversity, and equal opportunity.

3.1.3 Respect for Diversity:

At IIU, diversity is valued and appreciated. Teachers are urged to foster an inclusive learning atmosphere that values the variety of students' backgrounds, life experiences, and viewpoints. Teachers promote open discussion, critical thinking, and cross-cultural understanding by creating a respectful environment. The acceptance of diversity enhances the learning experience, fosters tolerance, and cultivates students into global citizens who value and appreciate cultural and racial diversity.

3.2.1 Preparedness and Competence:

IIU teachers are expected to be knowledgeable about their subject area, prepared, and conduct themselves in a professional manner. They should keep up with developments in their profession, maintain a solid knowledge base, and deliver engaging and educational lectures. Students obtain a high-quality education and have faith in their professors' knowledge when they are prepared and competent.

3.2.2 Avoidance of Exploitation and Harassment:

The learning atmosphere must be safe, respectful, and free from any kind of abuse or harassment on the part of the teachers. They should abstain from actions that might damage or exploit pupils physically, psychologically, or academically. Teachers should create a climate of respect, trust, and support where students should feel free to express themselves without worrying about being harassed, bullied, or subjected to inappropriate behavior..

3.2.3 Maintaining Academic Integrity:

Academic integrity must be upheld by IIU instructors in all instructional procedures. They ought to support students' inventiveness, critical thinking, and moral conduct. Any type of academic dishonesty, including plagiarism and cheating, should be strongly discouraged by teachers. Teachers foster a culture of honesty,

integrity, and intellectual advancement among their pupils through modelling and encouraging academic integrity.

3.3 Student Evaluation and Assessment

3.3.1 Fair and Transparent Evaluation:

Assessments and evaluations of students should be done by teachers in a fair and open manner. Students should be informed clearly and concisely about evaluation criteria and grading standards. Assessments should align with the learning objectives and offer students a useful feedback system to monitor their development. Fair and open transparent evaluation procedures foster a culture of trust, inspiration, and continuous development.

3.3.2 Avoidance of Bias and Favoritism:

When assessing students' work, teachers must make an effort to be impartial and free of favoritism. Evaluations must be unbiased and devoid of any personal preferences or biases. Teachers must assess students' performance in accordance with specified standards and offer constructive, unbiased feedback. Teachers ensure a fair and impartial learning environment that supports students' skills and overall development.

3.3.3 Feedback and Guidance:

Giving timely and helpful feedback is a crucial component of effective instruction. Teachers should provide students with relevant, insightful and motivating feedback that advances their learning and abilities. Additionally, they ought to be accessible to offer direction and support when responding to the queries and worries of the students. Teachers help students grow, create confidence, and promote a culture of continual learning by providing feedback and direction.

Section 4: Use of University Resources

4.1 Responsible Use of Facilities and Equipment

4.1.1 Authorized Access and Usage:

To guarantee the effective and sustainable operation of university buildings and equipment, appropriate use is essential. Only those with proper authorization, such as faculty, employees, and students, who have a genuine need to use the facilities and equipment, should have access to them. Use or access by unauthorized parties is strictly forbidden. We promote responsible use of resources and maintain a secure environment for teaching, learning, and research by adhering to authorized access and usage standards.

4.1.2 Proper Handling and Maintenance:

To ensure their durability and best performance, university buildings and equipment must be handled and maintained properly. When using the facilities and equipment, users should take care to adhere to the rules and regulations. To address any problems and avert any harm, routine maintenance, inspections, and repairs should be carried out promptly. We encourage sustainability, cost-effectiveness, and a supportive atmosphere for academic endeavours by assuming responsibility for the proper handling and upkeep of university resources.

4.1.3 Reporting of Damage or Misuse:

All IIU community members have a responsibility to immediately report any incidents of misuse or damage to university property. By reporting such instances, it is possible to address the situation and stop additional injury or misuse while taking the proper action. By disclosing damage or abuse, we help to ensure that university resources are used responsibly, preventing unneeded wear and tear and promoting a culture of accountability and stewardship.

4.2 Data and Information Security

4.2.1 Protection of Sensitive Information:

To protect the privacy and confidentiality of people and organizations connected to IIU, safeguarding of the sensitive information is of utmost significance. Users of university resources are required to follow accepted guidelines and recommended practices for data security. This involves guarding against unauthorized access to, loss of, or disclosure of sensitive data such as personally identifiable information, financial information, research findings, and other data. We retain the confidence of our stakeholders, assure adherence to legal and ethical standards, and reduce the risk of data breaches by placing a high priority on protecting sensitive information.

4.2.2 Secure Storage and Transmission:

To avoid loss, manipulation, or unauthorized access to data or information, secure storage and transfer are crucial. When storing or transmitting sensitive data, users should use encryption, access controls, and secure communication routes. The danger of data loss or unauthorized disclosure should be reduced by implementing data backups and frequent security updates. By providing secure storage and transmission, we protect against cyber threats, uphold stakeholder trust, and preserve the integrity and confidentiality of information.

4.2.3 Compliance with Data Protection Regulations:

When accessing university resources, compliance with data privacy laws is a key necessity. Regarding data protection, privacy, and security, users are required to abide by all applicable laws, rules, and institutional policies. This includes acquiring the required consent for data gathering, ensuring that data transit and storage comply with legal requirements, and responding effectively to data breaches or other problems. By adhering to data privacy laws, we demonstrate our dedication to moral behavior, responsibility, and the prudent use of university funds.

4.3 Intellectual Property

4.3.1 Ownership and Rights:

The ownership and rights pertaining to creative and scholarly works at IIU are governed by the principles of intellectual property and IP policy. Researchers, faculty, and students are expected to respect intellectual property rights, such as copyrights, patents, and trademarks. Original works produced by people when they were affiliated with IIU should be acknowledged and safeguarded. It's crucial to give credit where credit is due and acknowledge who owns any intellectual property. We encourage creativity, innovation, and appreciation for intellectual contributions within the IIU community by supporting the principles of intellectual property rights.

4.3.2 Copyright Compliance:

Respecting authors' rights and ensuring the legal use of works protected by copyright depend on compliance with copyright laws. When using copyrighted content outside the scope of fair use principles, users of

university resources must abide by copyright laws and regulations and obtain the necessary permits and licenses. The original creators should be acknowledged with appropriate reference and acknowledgement. By encouraging copyright compliance, we support moral principles, safeguard intellectual property, and promote an atmosphere of academic honesty and appreciation for artistic creations.

4.3.3 Invention Disclosure and Patenting:

IIU researchers and innovators are encouraged to share their original ideas to safeguard and advance their intellectual property rights. The examination and protection of fresh inventions via patents or other suitable procedures is made possible by invention disclosure. To ensure that the necessary procedures are followed for the protection, commercialization, and distribution of intellectual property, researchers should promptly disclose their inventions to the relevant office at IIU. We promote innovation, enhance knowledge, and facilitate the potential social effect of research and development by promoting invention disclosure and patenting.

Section 5: Conflict of Interest and/or Commitment Related to Research

5.1 Disclosure of Conflicts of Interest

IIU understands the value of openness and honesty in scientific inquiry. We require all teachers, staff, and researchers to report any conflicts of interest that might develop throughout the course of their research activities to uphold the highest ethical standards. This includes any financial or interpersonal ties that could be able to sway their work's objectivity and impartiality. Furthermore, we anticipate people to declare any institutional connections that can lead to conflicts of interest.

5.1.1 Financial Interests

It is crucial that people disclose any financial interests that might be viewed as a conflict of interest to maintain the integrity of their study. This includes any financial commitments, grants, sponsorships, royalties, and other financial relationships that could affect the research process or give the impression of doing so. We can guarantee that our study is conducted with the highest degree of objectivity and trustworthiness by being open and honest about our financial interests.

5.1.2 Personal Relationships

We are aware that interpersonal interactions may affect the objectivity of research. We therefore ask people to report any personal connections that can lead to conflicts of interest. This includes connections with relatives, close friends, coworkers, or anybody else with whom the research may have a personal or professional relationship that could jeopardize its objectivity. We can address any potential biases and uphold the highest standards of research ethics by revealing such affiliations.

5.1.3 Institutional Affiliations

Research conflicts of interest can also result from institutional relationships. We anticipate people to disclose any connections they may have with other organizations—such as consultancies, advisory positions, or directorships—that could affect their research activity. This openness enables us to assess and resolve any potential conflicts that may result from these ties, guaranteeing the objectivity and impartiality of our research.

5.2 Management of Conflicts of Interest

At IIU, we are committed to handling conflicts of interest appropriately in order to protect the reliability and validity of our research. The following steps have been put in place to address conflicts of interest:

5.2.1 Transparency and Disclosure

Transparency is a priority for us, and we count on everyone to accurately and swiftly declare any conflicts of interest. We can proactively detect and handle any potential conflicts that may emerge throughout the research process by encouraging a disclosure-friendly workplace. Maintaining our stakeholders' trust and assuring the validity of our research findings depend heavily on open disclosure.

5.2.2 Recusal from Decision-making

Individuals engaging in conflicts of interest should withdraw from any decision-making procedures where their impartiality may be jeopardized. This involves taking part in committees that evaluate grants, research, and other decision-making organizations. We can maintain objectivity and avoid any improper impact on study results by excluding people with conflicts from these processes.

5.2.3 Mitigation Strategies

When conflicts of interest are unavoidable, we employ mitigating measures to lessen their negative effects on research integrity. These tactics might entail the creation of oversight committees, the execution of independent evaluations, the maintenance of transparency in research methodology, or cooperation with outside specialists for impartial assessment. We hope to uphold the highest ethical standards and credibility in our research endeavours by implementing such mitigating techniques.

IIU is dedicated to protecting the integrity, neutrality, and credibility of our research efforts and will do so by adhering to the rules specified in this policy. We think we can keep the confidence of our stakeholders, guarantee the reliability of our research findings, and significantly advance knowledge in our areas of specialization by aggressively managing and disclosing conflicts of interest.

Section 6: External Research Fundraising

6.1 Compliance with Funding Guidelines

IIU upholds a strong commitment to adherence to financing rules when doing external research fundraising. We make sure that every fundraising endeavour complies with the strictest moral principles, both in terms of the financial sources and the suggested research projects. This entails researching about potential sponsors to assess their credibility and moral standing as well as weighing the ethical ramifications of taking money from specific sources. To keep the confidence of our stakeholders and the larger research community, we place a high priority on transparency and integrity in our fundraising activities.

6.1.1 Alignment with Ethical Standards

When examining prospects for external research funding, we carefully assess how well the proposed studies correspond with our ethical principles. We evaluate if the study questions, approaches, and prospective results are consistent with our fundamental beliefs. While prioritizing studies that could benefit society, we adhere to ethical standards for data collection, participant consent, and general research conduct. We protect IIU's standing as a research organization by assuring compliance with our ethical standards.

6.1.2 Appropriate Use of Funds

At IIU, using external research funding ethically and sensibly is crucial. To ensure that funds are used for their intended purposes and in accordance with the guidelines established by the funders, we carefully monitor and distribute them. To prevent the misuse or theft of funds, we have stringent financial control measures in place, and we keep thorough records of all financial transactions associated with research programmes. We uphold our dedication to accountability and transparency in our research endeavors by guaranteeing the proper use of funding.

6.1.3 Reporting and Accountability

We appreciate how crucial accountability is when raising money for external research. To keep sponsors informed about the status and results of the research projects they have financed, we have put in place reporting methods. These reports are created in a timely and transparent manner, offering thorough details on the use of money, milestones reached in the research, and any major discoveries or implications. We strive to build confidence and preserve enduring relationships with our funders by upholding a high standard of transparency and accountability.

6.2 Ethical Collaboration

Our external research efforts at IIU place a high priority on ethical collaboration. We give partnerships and collaborations a higher priority when they support our research goals and are consistent with our basic principles. We carefully choose our collaborators based on their knowledge, standing, and dedication to ethical research methods. We carry out due diligence to evaluate the moral character and compatibility of possible partners before entering into cooperation. By doing this, we can ensure that our partnerships are founded on common principles and a shared commitment to carrying out research in an ethical and responsible manner.

6.2.1 Partner Selection and Due Diligence

We carry out extensive due diligence to evaluate potential partners' ethical status and reputation before choosing them for external research collaborations. We assess their prior research endeavours, track record, and adherence to ethical standards. We give preference to collaborators who share our dedication to upholding moral principles and carrying out socially beneficial research. We want to encourage collaborations that are based on trust, integrity, and a shared commitment to ethical research practices. To that end, we carefully choose our collaborators and perform due diligence.

6.2.2 Alignment with IIU Policies and Values

Collaborations with outside researchers must be in line with IIU policies and values. We make certain that prospective partners are aware of and committed to upholding our moral principles, rules, and code of behaviour. In terms of participant permission, data security, and ethical research practices, we openly convey our expectations. We can maintain continuity in our research efforts and uphold the highest ethical standards in all of our collaborations by ensuring that they align with our principles and beliefs.

6.2.3 Monitoring and Oversight

For all external research collaborations, we put monitoring and oversight procedures in place to guarantee continuing adherence to ethical standards. To guarantee that joint projects are conducted in accordance with ethical standards, we regularly assess their development. Monitoring data gathering procedures, analyzing research methodology, and evaluating the research's effects on stakeholders and the society are all included in this. We can swiftly address any ethical concerns and safeguard the integrity of our research collaborations by maintaining strict monitoring and oversight procedures.

We are dedicated to performing external research fundraising efforts in a responsible, open, and ethical manner by incorporating these concepts into IIU's ethical standard policy. We strive to uphold our commitment to research integrity, accountability, and the advancement of knowledge in a way that benefits society as a whole by adhering to funding guidelines, guaranteeing responsible use of money, and encouraging ethical collaborations.

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PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, SEPTEMBER 27, 2004

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 25th September, 2004

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 23rd September, 2004, is hereby published for general information:

ACT No. V OF 2004

to provide for export control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery systems;

WHEREAS the Islamic Republic of Pakistan—

- (a) is determined to safeguard its national security and foreign policy objectives and to fulfill its international obligations as a responsible nuclear weapon State;
- (b) as a party to the Chemical Weapons Convention has promulgated the Chemical Weapons Convention Implementation Ordinance, 2000 (LIV of 2000); and

(111)

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- (c) is committed to prevent proliferation of nuclear and biological weapons and missiles capable of delivering such weapons;

AND WHEREAS to achieve the aforesaid objectives it is necessary to strengthen controls on the export, re-export, transshipment and transit of goods and technologies, material and equipment related to nuclear and biological weapons and missiles capable of delivering such weapons;

AND WHEREAS it is expedient to provide for export control on goods, technologies, material and equipment related to nuclear and biological weapons and their delivery systems;

It is hereby enacted as follows:

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004.

(2) It extends to the whole of Pakistan.

(3) It applies to—

- (a) every citizen of Pakistan or a person in the service of Pakistan within and beyond Pakistan or any Pakistani visiting or working abroad;
- (b) any foreign national while in the territories of Pakistan; and
- (c) any ground transport, ship or aircraft registered in Pakistan wherever it may be.

(4) It shall come into force at once.

2. **Definitions.**— In this Act unless there is anything repugnant in the subject or context,—

- (a) "basic scientific research" means theoretical or experimental work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts;
- (b) "biological weapon" means any weapon designed to kill or harm or infect people, animals or plants on a large scale through effects of the infectious or toxic properties of a biological warfare agent;

- (c) "delivery system" means missiles exclusively designed and adapted to deliver a nuclear or biological weapon;
- (d) "development" means any activity or phase prior to production and may include or relate to design research, design analysis, design concept, assembly and testing of prototypes, pilot production schemes, design data, the process of transforming designed data into product configuration design and integration design or layout;
- (e) "equipment" means an assembly which may comprise electrical, electronic, mechanical, chemical and metallurgical components, including those used in manufacturing or pilot plants, used in the production of nuclear and biological weapons;
- (f) "export" means—
 - (i) shipment, transfer or transmission of goods or technology out of the territory of Pakistan; and
 - (ii) a transfer of goods or technology within Pakistan with the knowledge or intent that the goods or technology will be shipped, transferred or transmitted to an unauthorized recipient outside Pakistan;
- (g) "goods" means any article natural or man-made substance, material supply or manufactured product, including inspection and test equipment except technology;
- (h) "material" means materials used in the production of nuclear and biological weapons and their delivery system;
- (i) "nuclear-weapon" means any weapon designed to kill or cause destruction or harm people on a large scale through the effects of a nuclear explosion;
- (j) "re-export" means export of an item from any end user State or entity after having imported any goods or technology covered under this Act from Pakistan to any other State or entity;
- (k) "services" means providing training and technical assistance including intangible transfer such as disclosure of technical data relating to the purposes of this Act;

(l) "technology" means any documents including blueprints, plans, diagrams, models, formulae, tables, engineering designs or specifications, manuals or instructions, necessary for the development and production of nuclear or biological weapons, and their delivery systems, Including on-the-job training, expert advice and services attached therewith except—

(i) any document or information that is in the public domain or is related to basic scientific research and other peaceful applications of such technology including that related to its application for protective purposes; and

(ii) any application of the grant of a patent or any other form of protection for inventions or for the registration of a design in each case under the law of the Islamic Republic of Pakistan or any other country or under any treaty or international conventions to which Pakistan is a party or any document necessary to enable any such application to be filed, made or pursued;

(m) "transit" means transportation through the territory of Pakistan by land, air or amphibious means of transportation; and

(n) "transshipment" means shipment through ports of Pakistan.

3. **Authority.**—(1) For the purposes of this 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, Divisions, 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; and

(f) require licenses for exports from Pakistan of goods and technology, and the re-export of goods and technology that originated in Pakistan.

(2) Officials of the designated agency or agencies are authorized to inspect consignments declared for export and review, acquire or confiscate records of persons engaged in the exporting or holding an export license under this Act, with the same powers in respect of exports in contravention of any provision of 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.

4. Control Lists.—(1) The Federal Government shall maintain Control Lists, to be notified separately, of goods and Technologies subject to licensing requirements under this Act.

(2) The control lists shall be reviewed periodically, and revised or updated, as required by the Federal Government and notified accordingly.

(3) The Federal Government shall notify all licensing requirements and procedures.

(4) The Federal Government shall control export, *re*-export, transshipment, transit of goods, technologies, material and equipment, subject to the provisions of this Act, which may contribute to the designing, development, production, stockpiling, maintenance or use of nuclear and biological weapons and their delivery systems.

(5) Nothing in this Act shall be construed to restrict or prohibit basic scientific research in Pakistan or other peaceful applications or relevant technologies.

5. Licensing.—(1) The Federal Government shall frame and notify the licenses required under this Act, and also adopt and notify the procedures under which such licenses shall be approved or rejected.

(2) Licenses for export of goods and technologies for peaceful applications may be approved unless the Government determines that the export would be in contravention of the provisions of this Act.

(3) An exporter is under legal obligation to notify to the competent authority if the exporter is aware or suspects that the goods or technology are intended, in their entirety or in part, in connection with nuclear or biological weapons or missiles capable of delivering such weapons.

(4) Nothing in this Act shall be taken to prohibit the export of licensed goods and technology, provided that all conditions attached to the said license are complied with.

6. **Record keeping.**—(1) All exporters shall maintain records of all transactions and report these to the designated authorities.

(2) Any Government agency or department involved in export licensing procedure shall keep records of their recommendations and decisions. Such records shall be made available to other agencies or departments involved in export licensing, upon request.

7. **Offences, etc., to be tried by a Court of Session.**—Any person who contravenes any provision, or attempts to commit or abets the commission of an offence, under this Act or any order, rules and regulations framed thereunder shall be tried by a Court of Session only upon complaint in writing made by an officer of the Federal Government authorized in this behalf by the Federal Government.

8. **Offences and penalties.**—(1) Any person who contravenes any provision of this Act or any order, rules and regulations framed thereunder, or provides false information concerning matters governed by this Act to any of the agencies responsible for administering this Act, shall be guilty for an offence punishable on conviction by imprisonment for a term which may extend to fourteen years, or with fine not exceeding five million rupees or both, and on conviction offender's property and assets, wherever they may be, shall be forfeited to the Federal Government.

(2) Any person who attempts to commit or abets the commission of an offence under this Act shall be proceeded against in the manner as if he had committed such an offence.

(3) In case the offence is not serious for criminal proceedings, administrative actions, which may be determined from time to time, shall be taken against the individuals contravening any provision of this Act.

9. **Appeal.**— Any person sentenced under this Act may within thirty days of the decision prefer an appeal before the High Court having jurisdiction.

10. **Diversion of controlled goods or technologies to unauthorized use.**— Whenever the Federal Government determines that a recipient of controlled goods or technologies has knowingly diverted these goods or technologies to unauthorized use in violation of the conditions of an export license issued by the Government of Pakistan, the Federal Government or officials of the appropriately designated agency may deny—

(a) further export to that recipient of goods or technologies for a specified period for each offence; or

- (b) the recipient the privilege of exporting products into Pakistan for a specified period for each offence.

11. **Act not to derogate from other laws, etc.**—The provisions of this Act shall be in addition to, and not in derogation of, any law, rules, orders or notifications for the time being in force.

RAJA MUHAMMAD AMIN,
Acting Secretary.



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, DECEMBER 3, 2014

PART III

Other Notifications, Orders, etc.

GOVERNMENT OF PAKISTAN

MINISTRY OF FOREIGN AFFAIRS

NOTIFICATION

Islamabad, the 3rd October, 2014

No. 2(24)/2013-SECDIV(P).- In exercise of the powers conferred by Section 3 of the Export Control on goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act 2004 (Act No. V of 2004) the Federal Government is pleased to notify the following Internal Compliance Programme (ICP) Guidelines:-

ZAFAR ALI,
Director General (SECDIV).

(2603)

[5204(2014)/Ex. Gaz.]

Price: Rs. 20.50

**MINISTRY OF FOREIGN AFFAIRS
STRATEGIC EXPORT CONTROL DIVISION (SECDIV)
ISLAMABAD**

INTERNAL COMPLIANCE PROGRAMME (ICP) GUIDELINES

SECTION-1: COMMON GUIDELINES

Introduction

1. Proliferation of Weapons of Mass Destruction poses a threat to international peace and security. In pursuance of its commitment to non-proliferation, Pakistan has instituted a comprehensive legislative, regulatory and implementation system involving transfer of sensitive goods and technologies. *Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act – 2004* was passed by the National Assembly on 14 September 2004. The Act further strengthens controls over exports of sensitive goods and technologies particularly related to Nuclear and Biological Weapons and their means of delivery, and enables governmental controls over export, re-export, transit, and transshipment of goods, technologies, material and equipment related therewith.
2. Effective implementation of laws derives from shouldering respective responsibility on the part of Government as well as entities and individuals. The establishment of an effective institutional ICP provides a method of routinely screening transactions, contacts, and dealings etc, in order to eliminate suspicious approaches, thereby ensuring that only legitimate transactions proceed and the risk of breaching the law is minimized. The need for an effective ICP to avoid law violations has increased exponentially, driven by the increasing contacts between small businesses and foreign clients, increasing focus on stemming the flow of financial resources to terrorist organizations, and emergence of new and dual use technologies.
3. Self regulation contributes to overall effectiveness of the country's export control system. Relevant entities are urged to establish enforceable prohibitions against efforts by individuals/entities to assist others in acquiring the technology, materials, and knowhow needed to develop WMDs or their delivery systems.
4. ICP provides two significant benefits to an entity: it reduces the chances of law violations and may mitigate penalties in case of a minor offence. As per our system ICP is not a legally binding requirement nonetheless; entities are encouraged to set up ICP, and declare information on their compliance programme in export license. As part of export control practice, ICP involves risk detection, solving problems, and exporting in a responsible manner. However, ICP differs from one entity to another given the nature and size of the entity concerned. There are, however, a number of essential elements common to all programmes. Large entities including industries and manufacturing firms, multinationals, could adopt their own codes of conduct to combat proliferation problems. Nonetheless, it is important to understand that export authorization would be needed for sensitive goods and technologies regardless of the method of transfer.

Aim of the Guidelines

5. To assist entities, institutions, companies, exporters and others involved in the export chain in evolving an effective system of self regulation by establishing an

**Develop a compliance
culture**

effective export compliance programme within the entity/organization. If adequately implemented this would foster export control culture, facilitate export decision making, maintain consistency in policy/procedures, and enhance compliance with relevant export control laws. Violation of export laws could result in both criminal and administrative penalties and businesses/entities might lose lucrative market place or attract bad reputation.

6. These Guidelines are not exhaustive and entities/organizations may have specific requirements depending on the nature of business activities, resources, customer base, etc. However, these might serve as starting point for evolving an ICP that is flexible to cater for varying needs and future expansions.

What is Export and Export Control?¹

7. Export Control relates to Governmental restrictions on export of goods, materials, equipment, technologies, software, and/or sharing information and materials internationally or within Pakistan with the knowledge or intent of its being transferred or shipped outside by any means or method.


8. 'Export' means shipment, transfer or transmission of goods or technology out of the territory of Pakistan; and a transfer of goods or technology within Pakistan with the knowledge or intent that the goods or technology will be shipped, transferred or transmitted to an unauthorized recipient outside Pakistan.

What is an ICP?

10. ICP is an in-house mechanism that entities' adopt to facilitate compliance with national export control requirements. It is a set of policies, procedures and guidelines an entity/organization implements for minimizing the risk of law violations through a regulatory system wherein all the employees are aware of their responsibilities and obligations, and comply with the entity's policies and procedures on transfer of goods and technologies. An effective ICP protects business interests and minimizes the risk of law violation.

11. Every entity involved in export/transfer of sensitive goods/technologies/information/software should have an ICP that is tailor made to its unique requirement/business activities. An export applicant is required to furnish information on how ICP is implemented within the respective entity. This notwithstanding, there are certain key elements, which are relevant to all organizations whether small, medium or large.

12. It is also important to understand that there is no one-size-fits-all solution for designing and implementing an ICP. Nonetheless, ICP could assist in deciding whether export compliance responsibilities should be centralized under a single person, small/large team, or located within various departments. Depending on peculiar structure, size and environment, internal organizational structure, responsible for export control, could either be established as a stand-alone unit or as an additional task for an appropriate unit within the entity. This notwithstanding, export compliance unit should be independent of the sales and marketing departments and preferably work under direct supervision of the CEO.



**There is no
one size fits all**

¹ Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act-2004.

Key Elements of a Compliance Programme

13. An effective compliance within an entity is based on some key factors, which together contribute to efficacy of the programme. Some key elements are as under:-

- a. Management Commitment.
- b. Written Operational Guidelines and Procedures.
- c. Continuous Risk Assessment.
- d. Screening at each stage including initial negotiation, contracts, and actual export chain.
- e. Compliance Training and Awareness Raising.
- f. Cradle to Grave Export Compliance Security.
- g. Record Keeping.
- h. Procedures for Handling and Reporting Export Compliance Problems and Violations.
- i. Compliance Monitoring and Auditing.
- j. Follow Through and Corrective Action.
- k. Establish Good Working Relationship between Enterprise/Entity and Export Licensing Authorities.

Conceptualizing an ICP

14. As noted above, each entity should evolve a compliance programme that is unique to its requirement and business activities. In evolving an ICP, the following factors may be considered:-

- a. The nature of business activities.
- b. Size, organizational structure and resources.
- c. Sensitivity of the items and volume of exports/re-export etc, the scope, frequency and level of interaction involving possible transfer of sensitive information, technology, software, and services etc.
- d. Recipient, end users and other beneficiaries.
- e. Production and distribution network.
- f. Geographic location of the customers.

15. Internationally suggested elements for structuring an ICP are given below. However, the list is not exhaustive and entities involved in the export chain or interaction involving transfer of goods, technologies, information, software, and services could add on, based on their peculiar requirements:-

- a. **Management Commitment:** Establish written export compliance standards, devote sufficient resources, designate officials and set out compliance commitment (Example given at **Annex-I**).

- b. **Designate Officials with responsibility for implementing ICP:** Empowered and authorized Chief Compliance Officer (CCO) assisted by Compliance Managers(CM)/Compliance Officers (CO) as the case may be, or a Compliance Team (CT) may be designated, by the management, who should be responsible for structuring, setting up, functioning and overseeing implementation of ICP.
- c. **Evolve Formal Written ICP, Policies and Procedures:** Based on risk assessment, evolve a formal written ICP with manual of policies and procedures. Risk assessment is a continuous process for adapting ICP to confront emerging threats.
- d. **Set UP a Screening System:** A system to screen all enquiries, orders, brokers/freight forwarders/exporters, end users, and end use. 'Cradle to Grave' export compliance and screening system should be the focus.
- e. **Establish an Effective Product Classification Procedure:** Capitalize on the knowledge of subject matter experts. Product classification table given at **Annex-II**.
- f. **Order Processing and Shipping Procedure:** Should be established to monitor and track the whole process.
- g. **Compliance Training and Awareness:** Tailor made compliance and awareness training modules should be developed and implemented periodically.
- h. **Record Keeping:** Adherence to record keeping and regulatory requirements is important for effective monitoring and eventual investigation in case of possible violations. It may be noted that record keeping is mandatory according to Article 6 of Export Control Act-2004. Proper documentation of all decisions, minutes, and transactions should be kept, preferably for a period of at least ten years.
- i. **Compliance Monitoring and Periodic Audits/Assessments.**
- j. **Handle Compliance Problems:** Internal system for handling compliance problems including reporting and escalating export violations.
- k. **Taking Corrective Actions:** Completing appropriate corrective actions in response to export violations.



**Know your
product and
customer**

16. To summarize, important elements of an effective compliance system include elaborate structures and processes on Compliance Organization Structure, Corporate Commitment and Policy, Identification, Receipt and Tracking of Control Lists/Non-listed items having possible WMD uses, Re-Exports/Retransfers, Screening customers/carriers/country and possible diversion, Record Keeping/Audit/Monitoring, Training/Awareness Raising, Penalties/Punishments for Violations and Awards/Rewards for Best Compliance Standards.

Benefits of an ICP

17. ICP accrues many benefits to an entity and assists in compliance with laws, promoting market reputation while minimizing violation risks:-

- a. Enhance trust and confidence by reinforcing senior management commitment to compliance.

- b. Allocate responsibilities within an organization.
- c. Assist in taking correct decisions.
- d. Institute a system of checks, accountability and audits.
- e. Ensuring screening at all stages of the export/transaction chain.
- f. Facilitate processing of orders by indentifying items that would not require a license.
- g. Establishing trust of the licensing authorities.
- h. Streamline the process and reduce time of compliance processes.
- i. Reduce the chances of non-compliance and risk of inadvertent violation.
- j. Foster export control culture in employees and institution.
- k. Reduce time spent on compliance activities when employees have written instructions, tools and on-going training.

Importance of Public-Private Partnership

18. Today's proliferation threats are far more diverse and increasingly difficult to counter as goods and technologies with legitimate commercial use, frequently have military applications. The challenges of globalization spurred by fast paced technological developments, diffusion of technology, the changing proliferation patterns and the threat from non-state actors suggest that export controls on sensitive goods and technologies should be continuously evaluated and adapted.

19. Public-Private partnership is elemental in promoting and advancing Pakistan's non-proliferation and security (national/international) objectives and preventing diversion of goods and technologies, especially dual use items, or access thereto by state and non-state actors for destructive or harmful purposes. It is in this context that the individual/entities' or companies' role becomes important and require due diligence in evaluating its customers/clients and prospective transactions in order for it to contribute towards national security and foreign policy objectives.

20. Effective national export control system is possible if all stakeholders, including manufacturers of critical goods, exporters, freight forwarders, intermediaries, subsidiaries joint partners, engineers/scientists, and persons with technical knowhow recognize the need for such controls and support them with all resources available to them.

Developing an ICP Architecture

21. It is recommended that the CEO or his designated official/team representing all relevant organs of the entity, should first define scope and parameters of the proposed ICP based on the factors for conceptualizing an ICP (Paragraph 14 & 15 above). The team should follow a sequential process and recommend building blocks of the ICP architecture, which may include:-

- a. Export compliance commitment from the entity's senior management. A written statement communicating CEO/senior management's resolve for compliance,

Investment in compliance programme is investment in the entity's reputation and business sustenance

willingness to allocate adequate resources, and investment in instituting and implementing an effective ICP.

- b. CEO/senior management's commitment is a written formal policy document (Example given at **Annex-I**). This should include an introductory paragraph, importance of export controls for national security, foreign policy interests, and entity's reputation and sustenance of legitimate business, dual use risks statement, statement on proceeding against violations, and on whom to direct questions/queries within the set up.
- 1) Should be a formal declaration explicitly conveying that export/transfer of goods and technologies/software will not be pursued at the expense of compliance.
 - 2) Compliance is essential for entity/company's business interest and reputation.
 - 3) Every individual has compliance responsibility.
 - 4) Should be communicated to all individuals, contractors, middlemen, brokers, partners etc involved in export/transfer.
 - 5) The statement should be customized in a way appropriate for the entity/company.
- c. Formulate entity/organization's export control policy.
- d. Establish export compliance positions preferably under direct supervision of the entity's senior most executive, and may include CCO who should be in-charge of export controls (Head of Export Control and ICP), Administrators/Managers, Product Classification and Technical Experts etc.
- e. Resource allocation.
- f. Chalk out a plan for training, meetings, company/entity reports. Compliance posters prominently displayed at appropriate places are always helpful.
- g. Develop methodology of risk assessment covering each stage starting from export inquiry to actual shipment. Risks specific to the entity's products, technology, software, and activities should be listed.
- h. Institute a system of verifying your customer/interlocutor.
- i. Institute a system of incentive and rewards including punishments for violators. It may be stressed that export violations could draw a punishment that may extend to 14 years imprisonment and/or 5 million rupees fine, and confiscation of assets/property or both.
- j. Clear instructions on how export inquiries will be responded and in case of any doubt /question; who should be consulted.
- k. Based on the suggested approach above, the entity/organization should be able to develop a comprehensive ICP manual that outlines organizational policies, risk assessment, procedures of processing inquiries, research projects, export orders,

**Be alert for prohibited activities,
destinations and entities/persons**

accountability and checks at each stage of the transaction/transfer with adequate guidelines to enable decision making. Suggested elements of ICP manual are:-

- 1) This is a set of formal written policies and procedures.
- 2) A guidance document on all matters related to export compliance.
- 3) Should be kept up to date and consistent with the entity/organization's overall policies and procedure.
- 4) Based on relevant national laws, rules, procedure and policies.

Compliance Training

22. Export Control framework should include training modules for compliance in order to minimize the chances of inadvertent violations. All employees who are involved in export-related functions including top management, compliance officials, contractors, consultants, etc should fully understand export compliance responsibilities. Such training need to be job specific and focus on individual responsibilities, raising awareness on current laws/rules/regulations, licensing, proliferation risks, ways in which the entity's products can be misused, red flag indicators, auditing and detecting irregularities, etc.

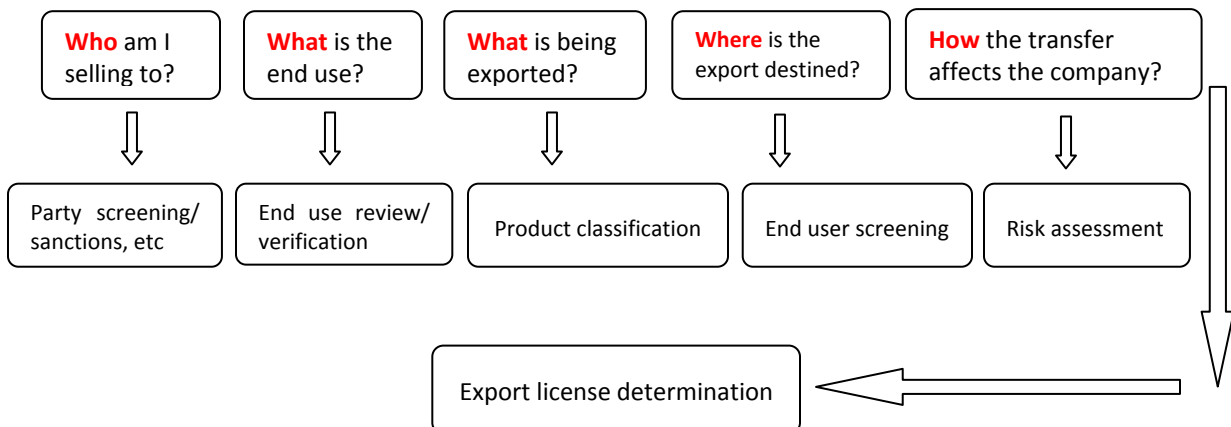
23. The training should be made interesting and encompass exercises, quizzes, and competitions. Separate training modules for basic, mid career, advance, and refresher trainings may be developed besides on-job-training and making use of information circulars/intranet, newsletters, etc for reminding individual responsibilities and sharing latest changes and developments.

24. Security awareness on marketing within and outside the country should also form part of compliance training for those involved in marketing the entity's products/services.

Everyone has a part to play in export compliance

Compliance Procedures

25. ICP is intended to institute a system of safeguards to prevent sale/transfer of sensitive goods technologies, software and information to unauthorized entities. Have procedures in place to guard against transfer/pilferage/theft/diversion of tangible and intangible sensitive goods and technologies at all stages including demonstration/exhibitions, manufacturing, production, transportation, marketing, post shipment verification, etc. In conducting screening for a proposed transaction, the questions identified in the following diagram may be deliberated:-



Commodity Classification

26. Commodity classification is critical for arriving at correct export decision; this also facilitates export application processing. Item's classification is based on SECDIV control lists, which are periodically reviewed. Entity's export control department must be aware of the latest edition of control lists, promulgated through Statutory Regulatory Order and, also posted on SECDIV web page. Every item on SECDIV control lists has SECDIV Classification Number called *Control Lists Classification Number* (CLCN).

27. SECDIV control lists categorize the goods and related technology it covers into ten categories, each subdivided into lists of specific items. Items are further arranged into five product groups, and each item is given a specific classification number called Control Lists Classification Number (CLCN). An example of how to classify an item is given at **Annex-III**.

28. Export control department of the entity should identify the most appropriate classification of the commodity, consulting entity's relevant technical experts, if required. For this, a team of relevant experts may be designated who should use a standard report format, developed by export control department, for recording their expert input/views on the most appropriate classification of the item in question. If the entity is uncertain of the exact classification of the item, the matter may be raised with SECDIV using the form at **Annex-IV**.

Catch All Controls

29. Any item, goods, technology, software, data, etc that is not specifically mentioned in the control lists but has possible use in WMDs or their delivery systems or if there are end user/use concerns, it would require export license under the 'Catch-All' control provided for in Article 5 (3) of the Act.

30. An exporter is under legal obligation to notify to the competent authority if the exporter is aware or suspects that the goods or technology are intended, in their entirety or in part, in connection with nuclear or biological weapons or missiles capable of delivering such weapons.

31. An authorization is also required from the GoP/SECDIV for the transfer of non-listed items where the exporter is informed by the competent authority or the exporter is aware that the items in question may be intended, in their entirety or in part, for use in connection with WMD activities.

32. **List of Countries/Entities/Individuals under Sanctions/or of Concern.** SECDIV, Ministry of Foreign Affairs may be consulted on case to case basis.

Record Keeping

33. Record keeping requirements mentioned in Article 6 of Export Control Act – 2004 apply to all transactions under the Act. Record should be located and be available for examination of the designated authority, when required. Regardless of the filing system used (manual, digital, electronic), an entity must be able to maintain, retrieve required documents, in the original form in which they were created or received. The record must also be capable of being produced on paper. In a computer based environment it is important to note that every employee/individual involved in the export business of the entity becomes a records manager responsible for ensuring that records can be located, easily shared, and are not at risk of being lost.

34. Inadvertent violations of export laws and regulations could occur during informal technical exchanges with foreign nationals, visitors or customers through telephone, facsimile, electronic mail, or in person. A system of documenting all such communications is considered

useful besides putting in place a system to prevent the release of controlled technology and software.

35. Maintain a back-up system for all electronic files. Record retention may also be clearly defined in contractual agreements with the importers, brokers, freight forwarders, etc.

36. Maintaining record of all license applications, processes, decisions, minutes etc is mandatory for all relevant governmental departments. It is also mandatory for the exporters to keep a complete record of their transactions, which is also liable to inspection by the designated authorities.

A Generalized ICP Framework

37. Generalized ICP framework is given at **Annex-V**, which could serve as a baseline for the entities/institutions to put together the building blocks of an effective compliance system appropriate to their requirement and need.

SECTION-2: SPECIFIC TO RESEARCH/ACADEMIC INSTITUTIONS

Measures Specific to Research/Academic Institutions

38. Export controls present unique challenges for academic and research institutions because they have to balance national foreign policy/security interests with traditional concepts of unrestricted academic freedom, publication, dissemination of research findings, etc. Academicians, researchers and administrators should understand the extent to which the export control laws and procedures apply/do not apply to their activities and to obviate the chance of unknowingly falling into exchange/transfer of sensitive goods, technologies, software, knowledge whether directly or through joint research projects. Export Control Act-2004 provides for basic definition of 'services' and 'technology' under Article 2 (k) & 2 (l) respectively.

39. The purpose of this part of the document is to provide some basic information to assist academic and research institutions, individuals/researchers including faculty and students, and relevant administrators to identify when and how export control provisions may apply and what mechanism should be put in place to prevent dissemination of sensitive knowledge, technology and equipment etc, in and outside the country especially involving 'deemed exports'.

40. Export control on Goods, Technologies, Materials, Equipment related to Nuclear & Biological Weapons and their Delivery Systems Act-2004 and other laws apply to tangible and intangible goods and technologies irrespective of the method of transfer. These laws equally apply to 'deemed exports' and disclosure of specific information inside or outside Pakistan. When the activities of institutions/researchers/individuals involve dissemination/transfer/exchange/export of those specific things, services, information, software etc they come under SECDIV regulatory controls and would require prior license/permission of SECDIV.

41. This may not be construed as restriction on teaching and dissemination of information on instruction in courses or general scientific, mathematical, or engineering principles, research and experimentation commonly taught in colleges and universities as part of fundamental research and education purposes. SECDIV license/permission would not be required if such information is in the public domain or involves basic scientific research. Text of Export Control Act-2004 and Control Lists is available at <http://www.mofa.gov.pk/secdiv/content.php?pageID=notification>, for which, SECDIV in the

Ministry of Foreign Affairs is responsible for licensing. It is advisable to check the latest lists of sanctioned/embargoed entities and individuals before venturing into a project that may be liable to export control regulations.

42. Export control laws may restrict researchers from freely sharing certain types of information with certain individuals. It also may restrict what equipment, software, and information can be released for international destinations. Penalties for violations of export control regulations can be quite severe.

How Does Something Become Export Controlled

43. A matter becomes export controlled if it involves goods, technologies/software, materials and equipment given in the control lists, or if there are destination concerns e.g. sanctions/embargoes, or if there are end use and end user concerns. If research involves export/transfer including 'deemed exports' of goods, technologies/software, materials and equipment mentioned in control lists, SECDIV approval would be required before such a transaction takes place.

Benefits of Compliance Programme for Academic/Research Institutions

44. Export control laws govern how certain information, technologies/software, services and commodities can be exported/ transferred. The scope of the regulation is broad and encompasses a variety of commodities that may have dual application and may include the fields of science, engineering, science and technology and apply to research and other academic activities regardless of the method of transfer/export. Non compliance could have serious consequences both for the institution and individuals and may include fines and possibly imprisonment. Compliance programme is the expression of the institutions' commitment to carry out its educational, research and other activities in compliance with all relevant laws and regulations. Some significant benefits of an effective compliance program are as follow:

- a. Instituting a culture that does not tolerate illegal or actionable behavior.
- b. Increasing the likelihood of early detection of an unlawful activity or conduct.
- c. Risk minimization.
- d. Enhance reputation, efficiency, and improve outcomes.
- e. Avert consequences of non-compliance.
- f. May reduce or mitigate penalties in case of inadvertent violation.
- g. Contribute towards national security and foreign policy interests.

Undertaking Research or Venturing into Areas involving Sensitive Information

45. Vast majority of activities, items and services do not require license. Only goods and technologies falling under Export Control Act 2004 and Control Lists issued there under, and in certain cases goods and technologies with commercial as well as possible WMD applications would require a license, even if not listed in SECDIV control lists (refer Article 5 (3) of the Act). While undertaking a research project or venturing into areas involving exchange/dissemination of critical goods, technologies/software or information, the following questions needs to be asked:-

- a. Does it involve sharing sensitive information, technology/software, services or equipment?
- b. Is it a joint project involving foreign nationals inside and outside Pakistan?

- c. Will it require physical export of some equipment, data, technology/software or components?
- d. Are there any contractual restrictions on dissemination of information and research results, etc?
- e. Does the project fall under one of the export-control technologies as given in the Act and Control Lists?
- f. Is the country, individual or entity with whom a joint project or collaborative activity is intended, under national and international/UN sanctions/embargoes? It is important to check with SECDIV, Ministry of Foreign Affairs if any such restrictions or sanctions exist.
- g. Does it require a license on the part of the individual or institution?

46. It is advisable that export control administrators of the research or academic institution informs, in writing, the researcher/individual/entity undertaking a specific project that involves or could result into sensitive information. Mandatory acknowledgement certification (Specimen at **Annex-VI**) should be submitted, to the compliance office, by the researcher/individual/entity.

47. Export of materials that could possibly be used in chemical or biological weapons such as human pathogens, animal pathogens, genetically modified microorganisms, and plant pathogens given in the control lists, are regulated under the export control laws. Individuals/departments/institutions planning to work with these materials should check with the appropriate institutional export control compliance officials as to the need for a license if the materials are to be exported/ transferred.

48. The fundamental research exclusion does not apply to export/re-export of materials, equipment, and technology that fall in the control lists. Actual shipment of these items is subject to SECDIV licensing, regardless of destination.

49. A best practice guide is at **Annex-VII**.

Setting up a Compliance Framework

50. It is important that academic and research institutions set up a system that is able to filter all research activities, publications or dissemination of information, data, technology/software, or articles and be responsible for export control matters. To prevent law violations it is important to create an institutional compliance program with a mandate to coordinate, monitor, implement, and improve compliance functions. Most institutions have compliance mechanisms in place however, on occasions it is either not formalized or focused in selected areas. As an additional function, the existing set ups could be adequately geared and mandated for export compliance as well.

51. Establish a compliance office or a compliance committee under a designated officer as Chief Compliance Officer/Director Compliance/Compliance Administrator.

52. If required, the compliance committee may be supported and assisted in its oversight responsibilities by a compliance officer in each subsidiary department/organization. Each compliance officer is responsible for the day-to-day operations of the compliance programme as it relates to his specific organization/area.

53. The designated official/administrator should be able to assist researchers and university administration in the identification and management assessment of export control matters.

54. He should be the official contact person for both the governmental agencies as well as the researchers with respect to the treatment of all the issues raised above, and may be assisted by a research/foreign visitors' coordinator.
55. If the designated official is not a technical expert, it would be advisable to set up a technical review committee to assist in terms of recommendation on assessment of the proposed activity/project as fundamental research or otherwise and to determine if a license would be required in line with the Export Control Act.
56. Set up a system for training/awareness raising on specific export control matters, for the administrators, researchers and expert committee members including general training cum awareness raising programme for students and faculty members albeit focusing on departments, individuals with high likelihood of receiving/involving in projects that trigger export regulatory requirement i.e. engineering, chemical/biological labs/research work, computer and space sciences, etc.
57. Develop and disseminate institutional policies and procedures on compliance with export control laws. Policies and procedures may also be developed for projects of high sensitivity involving foreign nationals and joint ventures. The development and distribution of written standards as well as policies and procedures that reflect the institution's commitment to compliance is important for effective implementation of export control laws.
58. Clear definition of roles and responsibilities would substantially assist in instituting an effective compliance mechanism.
59. Develop policies and procedures for the investigation of identified instances of non-compliance and initiation of appropriate corrective action and preventive measures. Appropriate disciplinary action should be taken against violators of the institution's policies and those trying to circumvent the system.
60. All departments should be able to provide their Annual Compliance Reports to the Compliance Office for compilation of the institution's overall Annual Compliance Report.

License acquisition may take a long time, so plan ahead

61. Institution's website is a useful tool to disseminate essential information on fundamentals of export control laws and institute's policy, procedures and compliance guidelines. Contact details for directing questions/inquiries would further assist individual researchers.

SECTION-3: CONCLUSION

62. When business entities/academic and research institutions/individuals/administrators are aware of regulations governing the transfer of proliferation-relevant technologies and items, understand how to comply with national strategic trade regulations, and possess tools such as internal procedures to screen potential customers and review proposed export deals, compliance with export regulations increases and the likelihood of illicit transfers is substantially reduced.

This Document Is Not and Should Not Be Used as Formal Legal Advice

Further Assistance/Inquiries

63. For further assistance or inquires SECDIV officials may be contacted on the following address/telephone numbers:-

Address: Strategic Export Control Division (SECDIV)

Ministry of Foreign Affairs, Islamabad

Phone: 051- 9266152

Fax: 051- 9266543

Website: <http://www.mofa.gov.pk/secdiv/> (The website has information on export control law, licensing and enforcement regulations, control lists, and policies/procedures on export/transfer of sensitive goods and technologies, etc).

Annex-I

Example of a Company/Organization's Policy Statement

(To be circulated to all relevant employees/individuals/entities and affirmation recorded periodically)

_____ (Name of the entity/organization) is committed to contribute towards the national policy of non-proliferation through effective compliance with Export Control on Goods, Technologies, Material and Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act-2004 and implementing regulations/policies/procedures issued by Strategic Export Control Division (SECDIV).

The _____ (Name of the entity/organization) and affiliated organs/individuals will not undertake any export business or indulge in transfer of sensitive goods, technologies, services and information etc, in contravention to national laws, policies and regulations on non-proliferation of nuclear, biological and chemical weapons or their delivery means including dual use items that are usable in weapons of mass destruction.

Failure to comply may result in the imposition of criminal and/or administrative penalties including termination of service of those involved in unauthorized transaction.

Particular attention must be given to transactions involving dual use/non-listed items usable in WMDs and their delivery systems including related technology/services, and release of technical information to foreign nationals, electronic transmission of data/software, etc.

Every employee of _____ (Name of the entity/organization) and affiliated entities/individuals whether in Pakistan or abroad are asked to take the matter seriously and support the entity/organization in pursuit of its genuine business interests, upholding reputation and sustenance of legitimate business activities.

For any inquiry/question on legitimacy of a transaction or reports and information on potential export control violations/non-compliance, please contact the designated authority given below:-

(Name, Designation, Phone, E-Mail, etc)

Annex-II**Product Classification Table**

Item	Description & Model*	Uses i.e. Commercial, WMD including Delivery Systems	Control Parameters of CL	Classification & CL description	Control Reference MECRs	Remarks
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*Complete specifications to be attached

Classification Assessment by the Compliance Officer

Date:

Signature
(Name, Designation, Stamp)

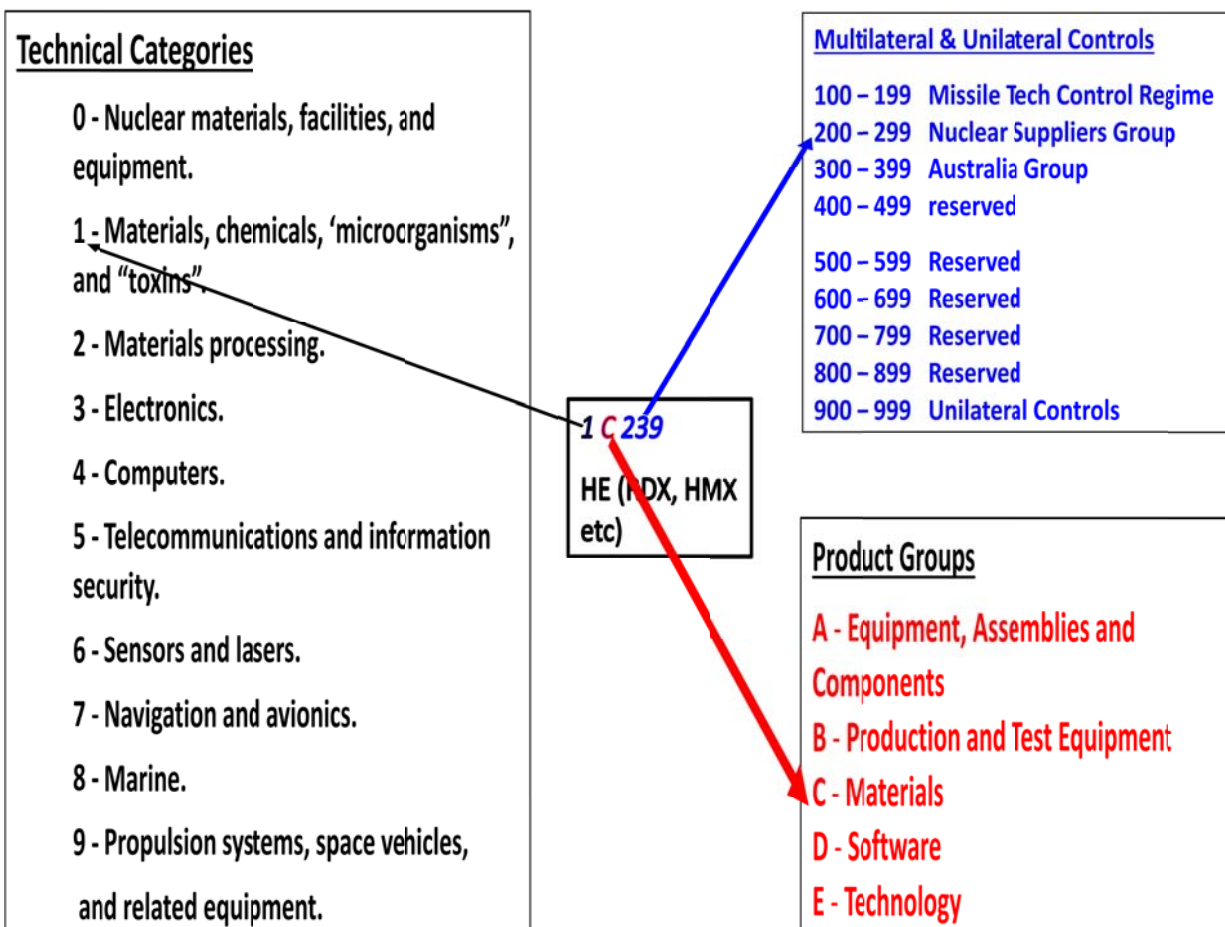
Final Classification Assessment By CCO

Date:

Signature
(Name, Designation, Stamp)

Annex-III

Control Lists Classification



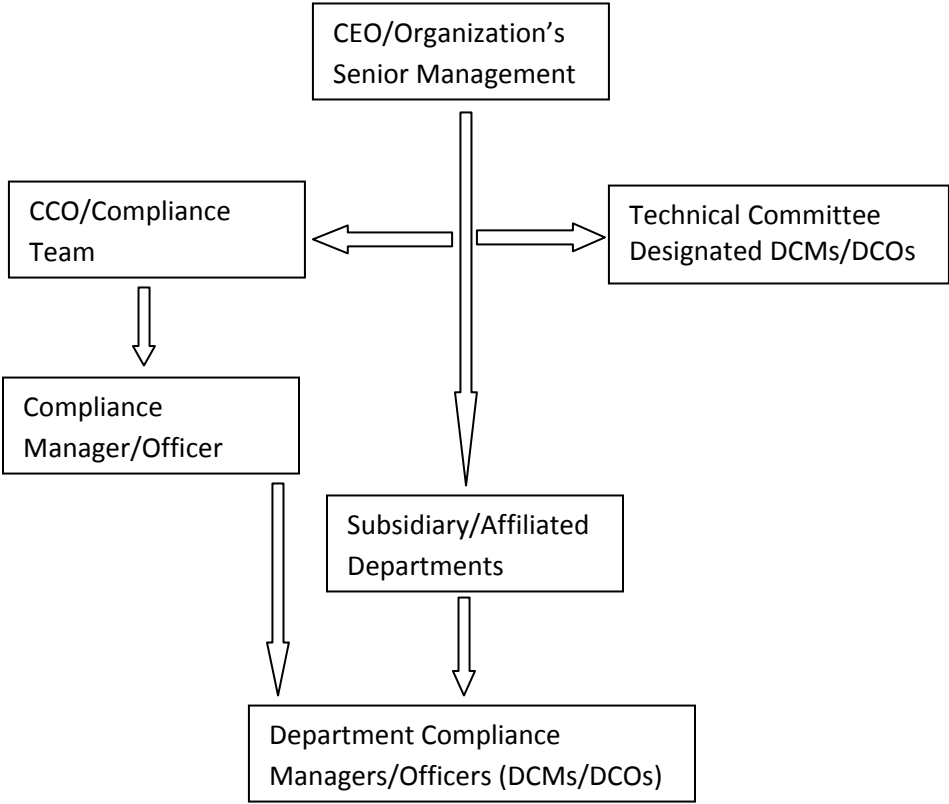
Annex-IV**Export Authorization Decision Template**

Item Description	Technical Specifications	CLCN	Route, Destination & Intermediate Countries	End-Use of the Item (Commercial and WMD?)	Stated End Use	End User Concerns/ Sanctions etc	License Required/Not Required	Remarks
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Remarks of CCO (Chief Compliance Officer)**Date:****Signature**
(Name, Designation, Stamp)**Decision by the CEO****Date:****Signature**
(Name, Designation, Stamp)

Annex-V

Generalized ICP Framework



Annex-VI

The University of _____ (or name of research institute)

Export Control Acknowledgement and Certification

I/We, the undersigned, acknowledge that it is unlawful under the Export Control on Goods, Technologies, Materials, Equipment related to Nuclear and Biological Weapons and their Delivery Systems Act -2004 (Act No V of 2004) and rules/regulations promulgated there under, to export, transfer or share (by any means viz tangible or intangible), goods and technologies mentioned in the control lists or those which could have possible use in nuclear and biological weapons or their delivery systems, without proper approval.

I/We also understand that an export license may be required from Strategic Export Control Division if any such item as mentioned above is to be transferred/shared with a person/entity within Pakistan who may ultimately export it using any means.

I/We understand that a laptop or any data storage device/gadget fall under the category of a 'controlled' item due to controlled information or software stored on the system and I/We will comply with all applicable export control laws, rules, and regulations. In such a case the institute/entity's compliance office will be approached for removing the 'controlled' data, and seeking certification to this effect.

I/We understand that I/We may be subject to civil and criminal penalties including imprisonment, for unlawful export and sharing of export controlled item, technology or information and therefore agree to take appropriate security measures and to contact the export compliance office before making any type of transfer/disclosure of export-controlled information to any person.

By signing below, I/We certify that I/We have understood my/our legal obligations under the export control laws including the _____ (name of the institution) policies/procedures and agree to comply with these. I/We also understand that failure to comply with export control laws, rules, regulations and policies may constitute just cause for disciplinary action, up to and including termination, as well as criminal prosecution.

Date: _____

Signature: _____

Name: _____

Designation: _____

Chief Compliance Officer: _____

Registrar: _____

Annex-VII

Best Practice Guide for Academic and Research Institutions

- Have designated officials to handle export control matters besides designating some faculty member as research/foreign visitors' coordinator.
- Widely disseminated institutional compliance policies and procedures.
- Setting up exclusive areas, with access control etc for research areas falling under export controls.
- Access control, securing computers/gadgets, documents containing sensitive information/data.
- Training in export control matters, laws, policies, procedures and making it clear when, where and how do they apply.
- Close liaison and coordination with officials of SECDIV for guidance and updates on the current export control policies, procedures and restrictive/sanctions lists.
- Compliance with proprietary rights and non-disclosure requirement of any parties involved in the project.
- Factoring in national export compliance requirement as part of contractual obligations for joint ventures or projects involving foreign nationals.
- Do not export any items, materials, or equipment, even at the request of a government sponsor, without consulting the institutions compliance officer.
- Take adequate precaution against 'deemed exports'.
- Never agree to contract language that requires you to provide indemnification for violations of the export regulations.
- Seek guidance before travelling to or undertaking research/project in sanctioned/embargoed countries or with denied persons.
- The University/entity shall conduct periodic risk assessments to evaluate and prioritize the compliance-related risks facing the more heavily regulated areas of the University/entity.
- Institution's website is a useful tool to disseminate essential information on fundamental of export control laws and institutes policy, procedures and compliance guidelines. Contact details for directing questions/inquiries would further assist individual researchers.