Export Controls in Academia in Japan

University in the Global Competition Collaboration with the Society, Governance and Compliance

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Risks: Proliferation Concern

1. Continuing proliferation and circumventive activities by some concerned states

2. Sensitive technologies in universities and research institutes in Japan
   - Not researching military technologies does NOT mean not having technologies which can be used for military; dual use technologies
   - It is NOT rare that foreign universities or research institutes engage in developing military technologies

3. Internationalization
   - Foreign students are increasing in Japan
   - Joint researches with foreign institutes are increasing
Internal Control Program

- **Risks** of which universities or research institutes should take care cannot be ignored
  - Even if not willful, ignorance might not be accepted as an excuse

- Exporters including universities and research institutes must have internal control programs (ICPs) since Foreign Trade Law (FTL) was amended in 2009
  - Amendment of FTL as a wake-up call for universities
Challenges 1

• Universities and research institutes are developing their export controls through establishing ICPs

• Export? Control???
  – Universities and research institutes, especially researchers, don’t think that they export something
    • They are actually “exporters”
    • Technology transfer
  – Culture in universities and research institutes is just opposite to “control”
Challenges 2

• Need to explain export controls in their term
  – Focus on technology transfer
  – Duty of care or due diligence of research like intellectual property or gene recombination

• Best practices are based on experiences in industries
  – They cannot be always applied to universities
  – Organizational structure is quite different
    • Researchers are more independent than workers in industries

• Awareness raising > Order
Further Thoughts

• Sharing the same challenge of so-called “dual-use dilemma” among government, civil society and academia
  – X freedom vs. regulation
  – X government vs. academia
  – Need to establish “self-governance” in academia
    • Approach of the “Fink Report”

• Accountability should be important