

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