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# Navigating Dual-Use: A Comparative Study of Export Control Frameworks in the United Arab Emirates and the United Kingdom

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**ABSTRACT**

This article presents a comprehensive comparative analysis of the export control regulatory frameworks in the United Arab Emirates (UAE) and the United Kingdom (UK). The primary objective is to evaluate their respective effectiveness in preventing the proliferation of weapons of mass destruction (WMD) and regulating the transfer of dual-use technologies. The UAE, a nation that has rapidly emerged as a global economic hub, has incrementally developed its export control regime, transitioning from initial international commitments towards a more robust compliance-oriented approach [1]. This development has been driven by both strategic necessities and a growing recognition of its international responsibilities [3]. In contrast, the UK possesses a long-established and highly sophisticated export control system, serving as a significant reference point due to its entrenched adherence to international non-proliferation treaties and its active participation in various multilateral export control regimes. This study systematically examines the foundational legislative instruments, the practical mechanisms of enforcement, and the persistent challenges encountered by both countries in their efforts to control the export of sensitive goods, technologies, and services. It underscores the dynamic and adaptive nature required of export controls in response to an ever-evolving geopolitical landscape, rapid technological advancements, and complex global supply chains. The analysis highlights critical areas where both nations have demonstrated success and where further refinement and international collaboration are imperative to fortify the global non-proliferation architecture.

**Keywords:** Dual-use goods, export control, UAE, United Kingdom, comparative study, trade regulation, national security, non-proliferation, international law, strategic trade controls.

## INTRODUCTION

In an increasingly interconnected global economy, the effective regulation of cross-border transfers of goods and technologies has become paramount, particularly concerning items that could contribute to the proliferation of weapons of mass destruction (WMD) and their delivery systems. Export controls serve as a critical national and international instrument in this endeavor, encompassing a range of government regulations designed to restrict the movement of certain sensitive goods, software, technology, and services to foreign entities [2]. The foundational rationale underpinning such controls is multifaceted, primarily focused on safeguarding national security interests, fulfilling international non-proliferation obligations, and contributing to regional and global stability.

The United Arab Emirates, characterized by its rapid economic growth and strategic geographical location at the crossroads of international trade, has faced increasing impetus to develop and strengthen its national export control regime. Historically, the UAE's engagement with non-proliferation export controls has evolved significantly. While early efforts were rooted in a commitment to international norms, the practical implementation has reflected a "strategic dilemma" inherent in balancing economic openness with security imperatives [3]. Over the past decade, the UAE has made substantial strides in moving beyond what has been described as the "slippery slope of rational inaction" concerning proliferation risks [4], progressively adopting a more proactive stance. This shift reflects a concerted effort to achieve "universal compliance with nonproliferation export control standards" [5], a crucial development in light of contemporary concerns about the dual-use nature of advanced technologies, especially in the digital age, where traditional control mechanisms may struggle to keep pace with innovation [11].

The United Kingdom, on the other hand, stands as a mature example of a state with a robust and comprehensive export control system. Its framework is deeply embedded in its long history of industrial and military development, and it actively participates in and often leads various multilateral export control regimes. The UK's approach to export controls is intrinsically linked to its national security objectives and broader foreign policy, with a clear

aim to control the flow of technology, equipment, and support crucial for its defense and security interests [10]. The UK's extensive experience provides invaluable lessons regarding the complexities of designing, implementing, and rigorously enforcing effective export controls, particularly in the intricate domain of advanced technologies and dual-use items.

This article undertakes a comprehensive comparative analysis to illuminate the distinct yet increasingly convergent paths taken by the UAE and the UK in establishing, maintaining, and evolving their respective export control regimes. By meticulously examining their legislative foundations, practical implementation challenges, and ongoing developments, this study aims to identify and articulate best practices. Furthermore, it seeks to highlight areas where improvements can be made, particularly offering insights relevant to emerging economies like the UAE, as they continue to fortify their roles in the global non-proliferation architecture.

## MATERIALS AND METHODS

This research employs a qualitative comparative analysis methodology, systematically drawing information from a diverse range of authoritative sources. These include primary legal and governmental documents, official reports, a comprehensive review of academic literature, and relevant news articles specifically pertaining to export control regulations and their implementation in both the United Arab Emirates and the United Kingdom.

Sources for the United Arab Emirates include:

- Primary Legislation: Federal Law No. 12 of 2008 concerning the regulation of strategic goods [8], which represents the fundamental legal instrument governing export controls within the UAE.
- Academic and Policy Analyses: Scholarly works and specialized reports that chronicle the evolution and practical challenges of export controls in the UAE. Key contributions include analyses by Bryan RE focusing on the developmental trajectory from commitments to compliance [1], insights from Douglas MS et al. on why states develop nonproliferation export controls [2], and McGovern E's examination of the UAE's "strategic dilemma" in export control implementation [3].
- News and Governmental Statements: Reports, such as those by Horner D, acknowledging the UAE's recognition of the imperative for specialized Emirati staff within its regulatory and enforcement bodies [6].

Sources for the United Kingdom include:

- Primary Legislation: The Export Control Act 2002 [9], which constitutes the cornerstone of UK export control law.
- Subsidiary Legislation: Various Statutory Instruments that provide granular detail and specific regulations, including The Export Control Order 2008 [16] and The Export Control (Amendment) (No. 3) Order 2010 [12]. Additionally, the Explanatory Memorandum to the Export of Radioactive Sources (Control) Order 2006 [18] was consulted for specific sectoral controls.
- Official Government Publications: Strategic documents from the UK Ministry of Defence, such as "National Security through Technology: Technology, Equipment, and Support for UK Defence and Security" [10], which outlines the broader context of UK controls. The UK Department for Business, Innovation & Skills' "Consolidated EU and National Arms Export Licensing Criteria" [14] provides essential guidelines for licensing decisions.
- Parliamentary Oversight: Reports from parliamentary bodies, specifically the Committees on Arms Export Controls [17], which offer critical scrutiny and insights into the practical application and effectiveness of UK arms export policies.
- Academic and Policy Analyses: Scholarly and policy-oriented discussions on UK export controls, encompassing the review of the EU Common Position on Arms Exports [15] and examinations of the challenges posed by emerging technologies, such as those related to "uncontrolled global surveillance" [11] and the exposure of surveillance methods [13]. Comparisons of nonproliferation export controls across various countries, including the UK, by Beck MD et al. [7] were also considered.

The collected data was systematically reviewed, categorized, and synthesized to facilitate a direct and robust comparative analysis. This approach allowed for the identification of convergent and divergent aspects, highlighting the respective strengths, weaknesses, and unique characteristics of each nation's export control system. The analysis was structured around several key dimensions:

1. Legislative Foundations: A detailed examination of the primary legal acts and subordinate regulations that form the bedrock of export controls in both jurisdictions.
2. Scope and Coverage of Controls: Identification of the specific categories of goods, software, technology, and services subjected to control, with a particular focus on dual-use items and WMD-related materials and technologies.
3. Licensing Procedures and Criteria: An overview of the application, review, and approval processes for export licenses, alongside the criteria applied in making licensing determinations.
4. Enforcement Mechanisms and Penalties: A comparison of the operational frameworks for compliance monitoring, investigation of violations, and the prescribed penalties for non-compliance.
5. International Cooperation and Multilateral

Engagement: Assessment of each country's engagement with international non-proliferation efforts and its active participation in key multilateral export control regimes.

6. Challenges, Adaptations, and Future Directions: A discussion of the practical difficulties encountered in implementing and enforcing export controls, particularly in the context of rapidly evolving technologies, complex global supply chains, and the imperative for continuous regulatory adaptation.

**RESULTS**

1. Legislative Frameworks and Foundations:

- United Arab Emirates: The seminal piece of legislation governing export controls in the UAE is Federal Law No. 12 of 2008 concerning the regulation of strategic goods [8]. This law was a pivotal step, establishing a national legal framework for controlling the import, export, re-export, transit, and brokering activities involving dual-use items and WMD-related materials. While a significant achievement, early assessments characterized its emergence as a "practical manifestation of a strategic dilemma" [3], reflecting the ongoing challenge of full and consistent implementation within a burgeoning trade environment. The law also paved the way for the establishment of a National Committee for Strategic Goods, tasked with high-level policy formulation and overarching oversight.

- United Kingdom: The UK's export control legislation is primarily underpinned by the Export Control Act 2002 [9]. This Act provides the necessary legal authority for the imposition of controls on the export of strategic goods and technologies. It is supplemented by a series of detailed Statutory Instruments, with The Export Control Order 2008 [16] being a principal example, which specifies the controlled goods and destinations and outlines the comprehensive licensing requirements. The UK also operates under the framework of the "Consolidated EU and National Arms Export Licensing Criteria" [14], which, while subject to ongoing adjustments post-Brexit, reflects its historical alignment with broader European export control policies and commitment to human rights and international law.

2. Scope and Coverage of Controls:

- United Arab Emirates: The UAE's control lists are designed to encompass "strategic goods," a category broadly defined to include dual-use items and technologies that possess the potential to contribute to WMD programs. These lists are generally harmonized with key international control regimes, such as the Wassenaar Arrangement, the Nuclear Suppliers Group, and the Australia Group. The intent is to prevent both overt and covert proliferation activities across a wide spectrum of sensitive items.

- United Kingdom: The UK maintains an exceptionally broad and granular scope of control. This extends to military goods, a comprehensive range of dual-use items (including associated software and technology), and goods specifically designed for torture. The UK's national control lists are meticulously aligned with, and often exceed, the requirements of all major international export control regimes. Furthermore, specific legislation exists for highly sensitive items, such as The Export of Radioactive Sources (Control) Order 2006 [18]. The UK's regulatory reach also explicitly covers brokering activities and intangible transfers of technology, showcasing a holistic approach to controlling proliferation risks [17].

3. Licensing Procedures and Criteria:

- United Arab Emirates: The UAE has developed a centralized licensing process managed primarily by the Ministry of Foreign Affairs and International Cooperation. This process often necessitates extensive inter-agency coordination to ensure comprehensive review. License applications undergo rigorous scrutiny, particularly concerning the identification of the ultimate end-user and the intended end-use of the goods – a critical step in mitigating diversion risks. While significant strides have been made in refining this process, enhancing its efficiency and transparency remains an area of ongoing development and maturity [1].

- United Kingdom: The UK employs an exceptionally rigorous and well-established licensing system, administered by the Export Control Joint Unit (ECJU). All license applications are meticulously assessed against the "Consolidated EU and National Arms Export Licensing Criteria" [14]. These criteria encompass a broad array of considerations, including adherence to international humanitarian law, the potential impact on regional stability, and overarching national security interests. The UK's system is characterized by its strictness and a general "presumption of denial" for exports deemed to pose a significant risk of diversion or misuse, particularly those with WMD proliferation concerns.

4. Enforcement Mechanisms and Penalties:

- United Arab Emirates: Federal Law No. 12 of 2008 includes specific provisions for penalties and sanctions against violations of export control regulations [8]. Enforcement responsibilities are primarily vested in customs authorities and other designated national agencies. While the legal framework for enforcement is in place, the practical challenge lies in the continuous development of a robust enforcement infrastructure, including the recruitment and training of specialized personnel with the requisite technical and legal expertise [6].

- United Kingdom: The UK possesses a strong and proactive enforcement record. HM Revenue & Customs (HMRC) and national police forces play a central role in investigating and prosecuting breaches of export controls. The Export Control Act 2002 empowers authorities to levy substantial penalties, including significant fines and terms

of imprisonment, for non-compliance [9]. The UK's enforcement capabilities are significantly bolstered by sophisticated intelligence gathering, cross-border investigative cooperation, and a capacity for proactive intervention against illicit proliferation networks.

5. International Cooperation and Multilateral Engagement:

- United Arab Emirates: The UAE has increasingly demonstrated its commitment to global non-proliferation efforts. It is a state party to the Nuclear Non-Proliferation Treaty (NPT) and actively engages with various international organizations and initiatives aimed at strengthening global export control capabilities. Its commendable progression "from commitments to compliance" in this domain has been widely acknowledged [1].

- United Kingdom: The UK is a vocal and influential proponent of multilateral export control regimes. It is an active and leading participant in the Wassenaar Arrangement, the Nuclear Suppliers Group (NSG), the Australia Group, and the Missile Technology Control Regime (MTCR). The UK plays a significant role in shaping, strengthening, and implementing the guidelines and common control lists of these regimes, contributing substantially to global non-proliferation efforts. The UK's unwavering commitment to these regimes is a fundamental pillar of its national security strategy [10]. Furthermore, the UK actively contributes to the review and strengthening of broader European export control policies, as evidenced by discussions around the EU Common Position on Arms Exports [15].

6. Challenges, Adaptations, and Future Directions:

- United Arab Emirates: A predominant challenge for the UAE lies in managing the rapid expansion of its trade and technology sectors. This rapid growth, while economically beneficial, can inadvertently create vulnerabilities and pathways for illicit transfers of sensitive items. The continuous development of a highly skilled and adequately resourced workforce dedicated specifically to export control enforcement and technical assessment remains critical [6]. Moreover, the inherently dynamic nature of dual-use technologies, particularly those emerging from the digital age, presents a constant challenge for regulatory frameworks to remain relevant and effective [11, 13].

- United Kingdom: Despite its highly developed system, the UK's export control regime faces persistent challenges, particularly in adapting to the rapid pace of technological innovation, such as the proliferation of cyber surveillance tools and other intangible transfers [11]. The escalating complexity of global supply chains, coupled with the ongoing need for enhanced transparency in arms exports, as frequently highlighted by parliamentary scrutiny [17], remains a key area of continuous attention and adaptation. The implications of Brexit on its intricate relationship with established EU export control mechanisms also represent an evolving and significant challenge. Both nations, irrespective of their current state of development, grapple with the overarching imperative of ensuring "universal compliance" [5] with nonproliferation standards and actively preventing the "slippery slope of rational inaction" [4] that can ultimately undermine the efficacy of global security frameworks.

**DISCUSSION**

The comparative analysis of export control frameworks in the United Arab Emirates and the United Kingdom reveals distinct trajectories and current states of development. The UAE, as a relatively recent entrant into the domain of comprehensive export controls, has demonstrated commendable progress in establishing a foundational legal and institutional framework. The enactment of Federal Law No. 12 of 2008 [8] represents a crucial legislative milestone, signaling a clear commitment to international non-proliferation norms. However, the path towards full operationalization of these controls is ongoing. This involves persistent challenges in building robust institutional capacity, ensuring consistent enforcement, and adapting to the accelerating pace of technological change and the growing complexity of international trade routes. Bryan's observation that the UAE is transitioning "from commitments to compliance" [1] is indicative of this positive, yet still maturing, developmental phase. The "strategic dilemma" identified by McGovern [3] aptly captures the inherent tension the UAE navigates between fostering its open economy and rigorously preventing proliferation.

In stark contrast, the UK exemplifies a highly mature and sophisticated export control system, deeply integrated into its national security architecture and firmly anchored by its extensive international obligations. The Export Control Act 2002 [9] and its extensive subsidiary legislation provide a robust legal and regulatory foundation, bolstered by a strong enforcement record and active, often leading, participation in multilateral export control bodies. The UK's rigorous licensing procedures and comprehensive parliamentary oversight [17] serve as a compelling model for effective and accountable control. Nonetheless, even for a highly seasoned player like the UK, significant challenges persist. These primarily revolve around the inherent difficulty of effectively controlling intangible technology transfers and continuously adapting to the rapid evolution of dual-use technologies, particularly those with surveillance capabilities [11, 13]. The ongoing review of the "Consolidated EU and National Arms Export Licensing Criteria" [14, 15] further underscores that even established systems must continually evolve to remain relevant and effective in a dynamic global environment.

A fundamental insight gleaned from this comparison is the shared imperative for both nations to continuously adapt

their export control frameworks to technological advancements. The issue of "uncontrolled global surveillance," highlighted by Maurer et al. [11], and the public exposure of sophisticated surveillance methods [13], unequivocally demonstrate that traditional, list-based export control categories may no longer be entirely adequate to capture the full spectrum of emerging threats. Both the UAE and the UK, regardless of their relative maturity in export control, must consistently refine their control lists, enhance their technical expertise, and intensify international collaboration to effectively address these constantly evolving challenges. The core principle of "complying by denying" [2], which emphasizes a proactive and preventive approach by states, underscores the critical role that robust export controls play in curbing proliferation. Ultimately, the sustained effectiveness of export controls in both the UAE and the UK, and by extension, globally, hinges on their ability to strike a judicious balance between facilitating legitimate international trade and rigorously preventing the diversion of sensitive goods and technologies for illicit and destabilizing purposes.

## CONCLUSION

The United Arab Emirates has demonstrably embarked on a significant and progressive journey to establish and fortify its national export control regime. This endeavor reflects a clear and growing commitment to global non-proliferation norms and practices. The commendable progress, from the establishment of foundational legislation to increasingly sophisticated practical implementation, is a testament to the UAE's dedication. The United Kingdom, with its deeply entrenched and comprehensive export control framework, provides a well-established and invaluable benchmark for robust and effective controls. Both nations, through their distinct yet converging efforts, contribute significantly to the overarching global objective of preventing the proliferation of weapons of mass destruction.

Moving forward, it is imperative for both the UAE and the UK to maintain and indeed accelerate their investment in refining their export control infrastructures. This includes enhancing inter-agency coordination, fostering greater transparency, and continuously adapting their regulatory frameworks to address the inherent complexities of modern international trade and the relentless pace of technological innovation. The shared imperative of "making 1540 work" [5] – referring to UN Security Council Resolution 1540, which mandates states to adopt legislation to prevent WMD proliferation – and actively guarding against the "tragedy of the commons" in non-proliferation [4], necessitates unwavering vigilance and intensified international cooperation. This comparative analysis definitively underscores that effective export controls are not static regulatory constructs but rather dynamic, evolving, and absolutely critical components of both national and international security.

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