

Today's BBL Seminar No.944

"Export of Defense Items, the German Experience (compared with Japan): Controversial issues"

2015/03/30

Time: 12:15–13:45

**This BBL Seminar is CLOSED to the members of the PRESS.*

Speaker: Harald HOHMANN (Attorney (Partner), Hohmann Rechtsanwälte)

Comentator: WATAI Rikako (Professor, Keio University Law School)

Moderator: KAZEKI Jun (Director, Security Export Control Policy Division, Trade and Economic Cooperation Bureau, METI)

Abstract:

Two Cases are the starting point: One German company wants to export protective vests to Vietnam, Thailand, Kazakhstan and the other tanks to Saudi Arabia. Could the German export agency refuse to give the export license since it considers these countries as "repression States"? Could a Member of the German Parliament address questions to the German government whether it intends to decide in favor or against such an export license?

The legal principles of the EU and Germany for export of weapons are compared with those of the Japanese New Three Principles, as well as their historical background. Several principles are the same, while a few differences remain (especially concerning human rights). The presentation highlights the controversial positions within Germany (especially by German companies and NGOs). Concerning the content of these principles, there are some critical comments in Germany, such as: These principles remain ambiguous, there is no level-playing field and this is possibly not hard law. How could this critique be removed? Was the review procedure used for a total reform of the EU principles? A second chain of critical comments has to do with the secrecy of the German application procedure and the missing transparency for the public. The presentation takes two recent bills by German parties and asks how realistic their implementation chances are. Especially the conflict between Parliament and Government is largely solved by a recent decision of the German Constitutional Court: What does this mean in practice? And are parliamentary committees useful for more transparency?

Concerning the two starting cases, we show under what conditions States could be regarded as "repressing States" and goods be regarded as "repression goods". Additional aspects are questions, whether a class action by an NGO for human rights concerns are allowed and what Parliament can ask the Government. This presentation of the German experience shows possible ways for Japan how to deal properly with the sensitive issue of exporting defense items.

Speaker's Profile:

Dr. Harald Hohmann is attorney in the law-firm Hohmann Rechtsanwälte in Büdingen near Frankfurt (www.hohmann-rechtsanwaelte.com) with a worldwide network of co-operation partners, a "leading name in export control law" (JUVE handbook German Commercial Law Firms) with excellent contacts to EU and US export agencies. He is advising companies in Germany, EU countries, Switzerland, USA, Japan and China on EU/US export law, EU/US customs law, international contract law and other business law. He has published seven books on international trade/export control law, he gives seminars in various countries and is Senior Lecturer at the University of Frankfurt/Main

- Quoting today's speakers: **Prohibited**
- Please switch off your mobile phone during the seminar.
If you need to respond to a phone call, please do so outside this room.
- No photography or recording, please.
- When you pose a question at the QA session, please kindly identify yourself.
Please make your question clear and simple.
- We appreciate your cooperation in filling out the questionnaire.

The law firm for international business law

Hohmann
Attorneys

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RA Dr. Harald Hohmann

Hohmann Rechtsanwälte, Büdingen (Germany)
RIETI, Brown Bag Lunch, Tokyo 30 March 2015

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