

THE MISSILE TECHNOLOGY CONTROL REGIME (MTCR)¹

Alberto E. Dojas

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*Dear Ms. Pamela Durham,
Dear Delegates and Colleagues:*

Let me thank very warmly the US Department of State and the German Federal Office of Economics and Export Control for making this Conference possible in such a wonderful location as Singapore: it's a real pleasure to be here today and to have the honor to participate in this Round Table on Multilateral Regimes.

Ambassador Roberto García Moritán, actual Chairman of the MTCR, asked me to convey his most warm welcome to this Conference and to express his willingness to inform any foreign Government about the Regime, his aims and procedures.

As I'm sure all of you have already visited the MTCR website², I think we may quite rapidly recall that the MTCR is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction. The MTCR is also aimed at preventing and reducing the risk of WMD delivery systems falling into the hands of terrorist groups, illicit networks and individuals. In order to address such common concerns, countries participating in the Regime seek to coordinate national export licensing efforts.

The MTCR was originally established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom and the United States. Since that time, the number of MTCR partners has increased to a total of thirty-four countries, all of which have equal standing within the Regime³. New members are accepted by consensus, after considering if the new member would strengthen international

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¹Presentation made at the "12th Strategic Trade Conference: Building the Network of Non-Proliferators", Singapore, May 24th, 2011.

²<http://www.mtcr.info/english/index.html>.

³Argentina (1993), Australia (1990), Austria (1991), Belgium (1990), Bulgaria (2004), Brazil (1995), Canada (1987), Czech Republic (1998), Denmark (1990), Finland (1991), France (1987), Germany (1987), Greece (1992), Hungary (1993), Iceland (1993), Ireland (1992), Italy (1987), Japan (1987), Luxembourg (1990), Netherlands(1990), New Zealand (1991), Norway (1990), Poland (1998), Portugal (1992), Republic of Korea (2001), Russian Federation (1995), South Africa (1995), Spain (1990), Sweden (1991), Switzerland (1992), Turkey (1997), Ukraine (1998), United Kingdom (1987), United States of America (1987).

non proliferation efforts, demonstrates a sustained and sustainable commitment to non proliferation, has a legally based effective export control system that puts into effect the MTCR Guidelines and procedures, and administers and enforces such controls effectively.

The Regime holds an annual Plenary Meeting chaired on a rotational basis. The Plenary host becomes the Chair of the MTCR for the period extending to the next Plenary. Last Plenary took place in Buenos Aires, Argentina, in April 2011; thus, Ambassador Roberto García Moritán is chairing the Regime until the next Plenary Meeting.

Three other Meetings hold sessions on an ad hoc basis: the Technical Experts Meetings (TEM), the Information Exchanges (IEM) and the Enforcement Expert Meetings (EEM).

The MTCR has no secretariat. Distribution of the Regime's working papers is carried out through a Point of Contact (POC), the functions of which are performed by the Ministry of Foreign Affairs of France.

Intersessional consultations take place monthly through POC meetings in Paris, occasionally reinforced with capitals-based officials.

All MTCR decisions are taken by consensus.

The aim of the MTCR is to restrict the proliferation of missiles, complete rocket systems⁴, unmanned air vehicles⁵, and related technology for those systems capable of carrying a 500 kilogram payload at least 300 kilometers, as well as systems intended for the delivery of weapons of mass destruction (WMD), without disrupting legitimate trade or impeding national space programs as long as such programs could not contribute to delivery systems for weapons of mass destruction.

In practical terms, missile non proliferation is achieved through export controls, which are mainly put into force both by the application of certain criteria (political concerns; the recipient state missile and space programs; end use assurances and proliferation risks) called "guidelines" together with a list of particular items relevant for proliferating purposes, contained in the "MTCR Equipment, Software and Technology Annex".

Thus, the Regime rests on adherence to common export policy guidelines applied to an integral common list of controlled items. Usually, exports of listed items require previous authorization from a non proliferation state agency or authority that certifies if guidelines and lists are applicable to a concrete export case, presented by the exporter.

⁴Includes ballistic missiles, space launch vehicles (SLVs), and sounding rockets.

⁵Includes cruise missiles, drones, UAVs, and remotely piloted vehicles (RPVs).

However, the MTCR does not take export licensing decisions as a group. Rather, individual partners are responsible for implementing the Guidelines and the Annex on the basis of sovereign national discretion and in accordance with national legislation and practice.

In addition, the exporting country should obtain from the importing country some undertakings before the transfer, such as:

- a statement specifying the use and end use location of the proposed transfer;
- an assurance explicitly stating that the proposed transfers will not be used for any activities related to the development or production of delivery systems for WMD;
- an assurance that a post shipment inspection may be made by the exporter or the exporting government.

MTCR membership does not involve an entitlement to obtain technology from another partner and no obligation to supply it.

At the domestic level, effectiveness of control rests in the build up of adequate institutions and procedures; trained enforcement agents and cooperation from private companies. Political leadership is critical at the very beginning of institutional building, until all sectors understand the importance of the new procedures and requisites that are being established. Cooperation among members usually plays an important role in the process, with the transfer of previous experiences and the necessary personnel training.

Similarly, member states pay great attention to encourage non member countries to actively participate in their efforts towards preventing proliferation. Cooperation is provided in different ways. On behalf of the MTCR, the chair pursues a range of contacts with non-partners. The regime also sponsors workshops and seminars and intensified dialogue concerning the MTCR goals and activities, with the focus on such topics as export controls, related legislation, transshipment and enforcement. Both the Chair and member countries assist at different kind of events where non proliferation is discussed, and promote its ideas and values. The MTCR website provides useful information to non-members, including basic documents supplied by members. Members also offer cooperation to any country wishing to put into force similar export control mechanisms.

MTCR efforts are complemented by the International Code of Conduct

⁴Further information on the Hague Code of Conduct is available on the site hosted by the Austrian Ministry of European and International Affairs: <http://www.hcoc.at/>. Austria serves as the Immediate Central Contact (Executive Secretariat) and therefore coordinates the information exchange within the HCOC framework.

against Ballistic Missile Proliferation (the Hague Code of Conduct)⁶, launched in The Hague in November 2002. The Code has today 131 subscribing states and is open to voluntary subscription by all countries. As in the MTCR, the annual Regular Meeting is chaired on a rotational basis: the Chair of the annual meeting becomes the HCoC Chair for the period extending to the next Regular Meeting.

By subscribing to the HCoC, members voluntarily commit themselves politically to provide pre-launch notifications (PLNs) on ballistic missile and space-launch vehicle launches (SLVs) and test flights. Subscribing states also commit to submit an annual declaration (AD) of their country's policies on ballistic missiles and space-launch vehicles, including annual information on the number and generic class of ballistic missiles and space launch vehicles launched during the preceding year.

Two principles of the HCoC are relevant to be mentioned here, because they state that adequate and responsible non proliferation policies do not impede peaceful uses of science and technology:

- The recognition that states should not be excluded from utilizing the benefits of space for peaceful purposes, but that, in reaping such benefits and in conducting related cooperation, they must not contribute to the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction;
- The recognition that Space Launch Vehicle programmes should not be used to conceal Ballistic Missile programmes.

So, MTCR and HCoC are complementary in their goals and philosophy.

There is a growing international awareness that non proliferation must be tackled together and multilaterally. Other mechanisms, such as the Proliferation Security Initiative and other bilateral and multilateral approaches, are playing important roles to impede illicit trade through control and enforcement. UNSC Resolutions and other conventional sources have given legally binding authority to the prevention and interdiction of proliferation, particularly in the case of international terrorism and illicit networks.

In his Address to the Buenos Aires Plenary Meeting, Ambassador Alberto D'Alotto, Secretary for External Relations of Argentina, said that:

"In today's international political environment, the MTCR continues to play a crucial role in global efforts to combat proliferation through strong cooperative mechanisms. Adequate identification of crucial goods and technologies; sophisticated export control capabilities and timely information sharing are vital tools for the success of the MTCR objectives.

We must be fully aware that technological innovation and a unified global market bring new opportunities to proliferate to illicit networks and other non cooperative actors. But, on the other hand, we must assure that the benefits of science and technology reach all segments of the international community. At the end, we are working for a better world not only through security, but also by trying to improve human development, particularly of those with the poorest standards of living”.

MTCR aims can be achieved not only by becoming members of the Regime, but also through international cooperation and a strong domestic political leadership; building up domestic capabilities and sharing relevant information with other countries. MTCR members are not only open for that cooperation, but are also willing to share their experience and resources to facilitate the adoption of non proliferation policies in every member of the international community. An active international engagement is needed to prevent that these sophisticated technologies and equipments may fall into the wrong hands. We must work together in a cooperative manner to avoid this lethal risk and have a better and a more peaceful world for everybody.

Thank you very much!

