

## The 21st Asian Export Control Seminar, February 26-28, 2014

Presentation by Ambassador Carlo Trezza, Chairman of MTCR

The uniqueness of MTCR rests on the fact that, unlike for weapons of mass destruction, there is no legally binding treaty dealing with missiles or other delivery means and there is currently no permanent international organization responsible for implementing missile provisions.

The main treaties are bilateral, namely between the US and Russia: INF, Start and the unilateral Presidential declarations of 1991. These agreements regard, respectively, strategic, intermediate and short range delivery systems.

The establishment of MTCR in 1987 was an early expression of the link between weapons of mass destruction and their delivery means.

In 1995 the NPT Review and Extension Conference resolution on the Middle East, called for an "effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective".

In 2003 a comprehensive approach towards WMDs and delivery means, was retained in the European Strategy against the proliferation of weapons of mass destruction. It remains at the heart of EU efforts on non- proliferation.

The principal UN document establishing a link between WMDs and their delivery means and indicating the proliferation of delivery means as a threat to international peace and security is UN Security Council Resolution 1540. It contains a definition of the term "means of delivery" which is not to be found in other texts. ("missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use").

The concept of proliferation of WMD delivery means as a threat to international peace and security is also part of the political heritage of the G8 group.

Missiles are the means of choice to deliver payloads with a high destructive capability: they have greater speed and survivability especially if they have to reach distant targets. Because they are costly and not reusable, they are normally used to perform these kinds of missions.

Manned systems (i.e. aircraft piloted by human beings) are not included in the category of WMD delivery means. The MTCR guidelines refer to delivery systems "other than manned aircraft". So does UNSC Resolution 1540

During the past 27 years MTCR has served as a unique instrument to curb missile proliferation. Its purpose is not to prevent countries from developing missile technology for peaceful purposes but to prevent their diversion towards destabilizing WMD programs.

Several countries have shelved their missile programs and even destroyed their ballistic missiles thanks to the existence of this regime.

Member states have tightened their export control legislation and have in some cases prosecuted individuals involved in illicit transfers of missile technology.

One of the most relevant features of MTCR is its human capital and the technical knowledge accumulated during the past decades. The contribution of the expert groups dealing with information exchange, licensing/enforcement and missile technical issues is invaluable.

Experts are the backbone of the Regime. Their knowledge and expertise are beneficial and available to the international community .

The establishment of MTCR, like other non-proliferation regimes, was originally seen with suspicion and considered the expression of a group of likeminded countries. This situation is now changing.

Not all its new members are part of the western-oriented original members. There is a greater attention on the part of the international community to MTCR thanks to its robust outreaching activity.

Many non-member countries have adopted the lists contained in the MTCR Annexes . The same goes for resolution 1540 and several other UN Security Council Resolutions.

In many instances MTCR member states have been requested by the UN to assist non-member countries in implementing these UN resolutions.

The MTCR held its latest plenary meeting in Rome from October 14 to 18, 2013. More than 250 delegates and experts gathered to review and evaluate the Regime's activities, seek to intensify the implementation of the MTCR provisions and to maintain vigilance over the transfer of missiles, their equipment and related technology. A consensual press release was issued at the end of the Rome plenary.

Although the MTCR does not seek universality, dialogue with non member countries was one of the main features of the Rome plenary. Dialogue should especially be developed with strategically- located countries possessing missile capacities.

In Rome views on issues related to future membership were also exchanged. As all decisions, decisions on membership are to be taken by consensus.

Developments in the Australia Group, NSG and Wassenaar Arrangement are relevant for MTCR: there are common "horizontal" issues, such as brokering, transshipment and invisible technology transfers, where coordination would be useful and duplications should be avoided.

The Hague Code of Conduct on Ballistic Missiles, which is an offshoot of the MTCR, is also relevant.

MTCR cannot work in a vacuum and ignore the juridical framework of existing Security Council resolutions regarding crisis situations such as DPRK and Iran which are relevant to the MTCR mandate. These issues were thoroughly discussed in Rome.

With the cooperation and flexibility of all delegations it was possible to construct a consensus on those issues and to agree on a common press release.

http://www.mtcr.info/english/index.htmlp