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Peace in Space: Transparency and Confidence Building Measures (2)

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MCTR AND INTERNATIONAL COOPERATION IN SPACE ACTIVITIES

Abstract

The MTCR has been a stringent barrier to the possible acquisition of outer space capabilities by emerging outer-space states. The MCTR has been detrimental to the development of the space program in developing countries. The U.S. export control laws implementing the MCTR have been applied selectively in order to promote U.S. national security and foreign policy objectives, and consequently have discriminated against countries which are not favored. The policy adopted the supplier carter may not become international law, derogating the basic tenet of the Outer Space Treaty in spite of the deterrent role in restricting proliferation of the delivery system of WMD. It would be desirable for the world community to discuss the problematic hazy dividing line of the dual use issues, and seek after possibilities for providing concrete norms in the arena of international law. Probably one desirable way to crystallize a norm is to request the World Court to deliver an advisory opinion by the UN General Assembly initiated by some injured countries the arbitrary application of the problematic domestic law in international affairs. The MTCR, in spite of its partial contribution to non-proliferation of the delivery system of the ballistic missile, has rather worked in frustrating international cooperation in space activities, particularly in the Northeast Asia, as has been apparent in cancelling the 2001 launch contract between China and South Korea. Notably China, the third space power in the world, has not been allowed to join the MTCR despite her application in June 2004. Unfortunately, Chinese bid for a membership came at a time when she was receiving an increased pressure from the U.S. to clear off its policy regarding the alleged transfer of missile and nuclear technology to Pakistan. At that time, Pakistan's suspicious connection to North Korea in missile and nuclear assistance was notorious. In contrast, a Chinese bid for a membership of the Nuclear Supply Group of forty countries engaged in preventing the nonproliferation of nuclear technology became successful a week before. On April 28, 2004 China also took the positive posture in collaborating with other permanent members of the UN Security Council in adopting the resolution for the non-proliferation of the WMD, wherein the members expressed their intention that "proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security." The China's application to join the MCTR should be commendable in that it committed itself to the international community as a responsible missile power in the effort to contribute itself to the mandate of non-proliferation of WMD. The MTCR then gave a word to China that it would give "positive consideration" to its application. It has not known why the members of the MTCR have been unable to receive consensus in spite of the sincere dialogue between the two. Presumably some of the members demanded stronger commitment which should be reflected in her practice, due to the rumor that she had been involved in the North Korea/Pakistan connection in missile and nuclear trade. Once China refresh her previous image as a leader of the third world, and takes a transparent posture in dealing with non-proliferation of WMD and the possible delivery system, members of the MTCR would really take a positive consideration to join her in the group. It is also desirable that China should play an active role in resolving the issue of North Korean nuclear issues in the six-party talks, so that the international community would welcome her as one of the leading powers who should work together in curbing the nuclear proliferation. Once China joins the MCTR, the policies adopted there could be better enhanced to the level of international norms.