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Author: Prof. Sang-Myon Rhee
Seoul National University, Korea, Republic of

MCTR AND THE NORMS OF INTERNATIONAL COOPERATION

Abstract

In spite of the mandate of the MTCR to curb the proliferation of unmanned delivery of the weapons of mass destruction (WMD), it has been a stringent barrier to the possible acquisition of outer space capabilities by emerging outer-space states. The MTCR has been detrimental to the development of the space program in developing countries. The U.S. export control laws implementing the MTCR 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 cartel 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 negatively in certain instances of international cooperation in space activities, as was apparent in making the cancelation of 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.