



# Multilateral Export Control Regimes

## Introduction

MECR are voluntary and non-binding agreements created by the major supplier countries that have agreed to co-operate in their effort to prevent and regulate the transfer of certain military and dual use technology. It aims at preventing the proliferation of Weapons of Mass Destruction (WMD).

- They are independent of the United Nations.
- Their regulations apply only to members and it is not obligatory for a country to join.
- India is now a member of three of the four MECRs, except the Nuclear supplier Group.

## There are currently four such regimes under MECR

- The **Nuclear Suppliers Group (NSG)**, for the control of nuclear related technology.
- The **Australia Group (AG)** for control of chemical and biological technology that could be weaponized.
- The **Missile Technology Control Regime (MTCR)** for the control of rockets and other aerial vehicles capable of delivering weapons of mass destruction.
- The **Wassenaar Arrangement** on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

## Nuclear Suppliers Group

- The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports.
- The NSG came into being as a response to the 1974 nuclear tests by India. There is a Trigger List and items from the list are forbidden to be exported to Non-NPT member countries.
- It has 48 participating governments. China is a member of the NSG but not of the Wassenaar Arrangement or the MTCR.
- **India is not a member of the NSG** because all its efforts were consistently blocked by China and some other members.
  - India's bid for membership being blocked on the ground of India **being a non-signatory to the nuclear non-proliferation treaty.**
  - China demanded for a non-discriminatory procedures for entry of the countries that haven't signed NPT.
  - China to further obstruct India's membership demand, had clubbed India's membership bid with that of Pakistan's. However, Pakistan's credentials for membership is extremely inaccurate.

## Australia Group

- The Australia Group (AG) is an informal forum of countries which, through the harmonisation of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons.
- The formation of the Australia Group (AG) in 1985 was prompted by Iraq's use of chemical

weapons during the Iran-Iraq War (1980-1988)

- Coordination of National export control measures assists Australia Group members to fulfil their obligations under the Chemical Weapons Convention and Biological & Toxin Weapons Convention.
- The Australia Group has a list of 54 compounds that are identified to be regulated in global trade. This list includes more items than the Chemical Weapons Convention.
- It has 43 members (including the European union). The members work on a consensus basis. The annual meeting is held in Paris, France.
- India joined the Australia Group (AG) on 19 January 2018.
- The Australia Group decided to admit India as the Group's 43rd Participant through a consensus decision.
- India's entry into the Group would be mutually beneficial and further contribute to international security and non-proliferation objectives.
  - The entry was expected to strengthen India's concerted bid for membership of Nuclear Supplier Group.

## Missile Technology Control Regime (MTCR)

- It is an informal and voluntary partnership among 35 countries to prevent the proliferation of missile and unmanned aerial vehicle technology capable of carrying greater than 500 kg payload for more than 300 km.
  - The members are thus prohibited from supplying such missiles and UAV systems that are controlled by the MTCR to non-members.
  - **The decisions are taken by consensus of all the members.**
- This is a non-treaty association of member countries with certain guidelines about the information sharing, national control laws and export policies for missile systems and a rule-based regulation mechanism to limit the transfer of such critical technologies of these missile systems.
- It was established in April 1987 by G-7 countries – USA, UK, France, Germany, Canada, Italy, and Japan.
- In 1992, the focus of the regime extended to on the proliferation of missiles for the delivery of all types of weapons of mass destruction (WMD), i.e., nuclear, chemical and biological weapons.
- **It is not a legally-binding treaty.** Hence, no punitive measures could be taken against non-compliance to the guidelines of the regime.
- These efforts of non-proliferation of ballistic missile systems had further been strengthened by **"The International Code of Conduct against Ballistic Missile Proliferation"**, also known as the **Hague Code of Conduct (HCOG)**, which was established on 25 November 2002 as an arrangement to prevent the proliferation of ballistic missiles with 136 UN member countries including India.
- **India was inducted into the Missile Technology Control Regime in 2016 as the 35<sup>th</sup> member.**
  - India has joined MTCR as a full member and also agreed to join the Hague Code of conduct which **bolstered its position as a responsible nuclear state** and strengthen its case for the **membership of Nuclear Suppliers Group.**
  - India can procure high-end missile technology and run joint programmes for development of unmanned aerial vehicles with other countries. eg. Procurement of theater missile interceptor "Arrow II " from Israel, military drones like "Avenger" from the USA etc.
  - India being a member of the regime will have some obligations like sharing critical information about its military and technological assets, consulting other member countries regarding the export of any MTCR items, especially those notified or denied by another partner.
- **China is not a member of this regime** but it had verbally pledged to adhere to its original guidelines but not to the subsequent additions.

## Wassenaar Arrangement

- The Wassenaar Arrangement is a voluntary export control regime. The Arrangement, formally established in July 1996, has 42 members who exchange information on transfers of conventional

weapons and dual-use goods and technologies.

- **Dual-use refers** to the ability of a good or technology to be used for multiple purposes - usually peaceful and military.
- The Wassenaar Arrangement has been established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies
- Wassenaar Arrangement's Secretariat is in Vienna, Austria.
- It has 42 member states comprising mostly NATO and EU states.
  - Participating States seek, through their national policies, to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities. The aim is also to prevent the acquisition of these items by terrorists.
  - Participating States are required to report their arms transfers and transfers/denials of certain dual-use goods and technologies to destinations outside the Arrangement on a six-monthly basis.
- It is a successor to the **Coordinating Committee for Multilateral Export Controls (COCOM)** from the Cold War era.
- The Wassenaar Arrangement has control lists that document the dual-use goods and technologies. These lists are updated regularly.
- The Wassenaar Arrangement Plenary is the decision-making body of the Arrangement.
  - It is composed of representatives of all Participating States and normally meets once a year, usually in December.
  - The position of Plenary Chair is subject to annual rotation among Participating States.
  - In 2018 the Plenary Chair was held by the United Kingdom, and in 2019 the Chair is held by Greece.
  - **All Plenary decisions are taken by consensus.**
- **India was inducted to the Wassenaar Arrangement on 7 December, 2017 as the 42<sup>nd</sup> member.**
  - **India joining the Wassenaar Arrangement** implies that India is also recognised to have dual use technology. There is an exchange of notes when countries meet in such arrangements. So, India will gain access to high technology which will **help to address the demands of its defence & space sectors.**

### **Benefits to India by becoming a member of a Multilateral export control regime:**

The membership of a multilateral export control regime is beneficial for India due to the following reasons:

- It would open the way for India to buy **high-end missile technology** from member nations for use in peaceful purposes like its **space programme** under the MTCR.
- India can export the most **advanced UAVs for use in security and counter-terrorism purposes** under the MTCR for example, the Predator drone from the USA.
- The **range of the Brahmos missile can be extended** beyond the 300km that it has been limited to under the MTCR.
- India will be a **part of the rule-making system** and will not only adhere to the rules but have a say in their formulation.
- It will allow India to **ensure that the waiver due to the Indo-US 123 Agreement (Civil nuclear agreement)** stays and is not modified. This can only be done if India becomes a member of the NSG.
- The membership of the MECRs also shows that India is a mature and responsible nation and strengthens its bid for other major reforms in the international order like **reform of the UNSC.**
- The fact that India was made a member of the Wassenaar Arrangement even though it is not a signatory to the Nuclear NPT shows the strict adherence to non-proliferation that India has maintained.
- It would allow **access to dual-use goods and technologies** under the Wassenaar Arrangement.
- It gives strategic significance to India's stance as now India is a member of three of the four MECRs

where China is not a member. This will allow India a better bargaining chip in its quest to gain a position in the NSG.

## Conclusion

Multilateral export control regimes today form significant decision making bodies in the global rules-based order. Membership to these not only allows greater technology and material access but enhances the credibility of a nation as a responsible member of the world order. India is poised to become a significant player in the world and thus requires a voice in these MECRs to further its claim as a rising power.

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