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DECLARATION OF THE GOVERNMENT OF ARGENTINA

REGIME FOR SENSITIVE EXPORTS

The attached text of the Declaration of the Government of Argentina on a Regime for Sensitive Exports, made by the President of Argentina on 27 April 1992, is being circulated for the information of Member States at the request of the Permanent Mission of Argentina.

4380/2/225

President of the Nation, Argentina

**DECLARATION OF THE ARGENTINE GOVERNMENT ON A
REGIME FOR SENSITIVE EXPORTS**

The proliferation of weapons of mass destruction poses a serious threat to peace and security in the world and is one of the great challenges facing us today. All States should present a firm and united front in their attempts to check it.

With this in mind, Argentina, which has reached a high level of development in certain particularly sensitive fields, feels it is its obligation to establish effective controls for exports which might have a bearing on the production of such weapons. Therefore, the Executive Power has on this day established a regulatory code for foreign sales of any materials, equipment, technology, technical assistance and services relating to nuclear or missile technology, and of chemical substances which might be used in the production and deployment of missiles and nuclear, chemical and bacteriological weapons.

The new regulations do not unduly restrict legitimate commerce, but incorporate international criteria and bring our arrangements in this respect into line with the controls established by other countries. Other effective international criteria which might be developed in the future will also be successively incorporated into our national legislation.

This far-reaching measure should help extend markedly the access we have to high-level technology via international co-operation.

DESCRIPTION OF THE NEW REGIME

(A) General criterion

It will be mandatory to obtain prior authorization for exports covered by the new regulations.

Applications will be analysed case by case, and the final decision will take account of Argentina's firm commitment to the non-proliferation of weapons of mass destruction, international considerations (individual and regional level, etc.), and the specific conditions of each concrete case.

(B) Scope

1. Nuclear equipment and materials

Prior issue of a licence will be required for the export of reactors and enriched uranium, and of plants, equipment and components for the conversion and enrichment of uranium, the reprocessing of nuclear fuel, the production of heavy water, and the fabrication of nuclear fuel. The materials included in this category are natural and depleted uranium, thorium, enriched uranium, plutonium, nuclear-grade graphite, deuterium and heavy water and radioactive isotopes.

Within this framework:

- As a general rule, exports of materials, equipment, technology, technical assistance and/or services related to the conversion and enrichment of uranium, fuel reprocessing, the production of heavy water and the fabrication of plutonium will not be authorized;
- Exports of reactors and enriched uranium, or related technology, may be authorized on condition that a bilateral agreement on nuclear co-operation for peaceful purposes is in force with the country involved. In addition, the latter should: (a) be party to a full-scope safeguards agreement with the IAEA; (b) specifically confirm that the material exported by Argentina will not be used for any activity related to nuclear explosives; (c) implement suitable safety standards for the exported materials; and (d) agree to request permission from the Argentine Government before transferring the exported material, or material derived from that material or produced by reprocessing that material;
- The same criterion will be applied to nuclear technical assistance, and to the export of certain non-nuclear products which could be used for non-peaceful nuclear developments. The list of these dual-use products will be drawn up by the National Commission for the Control of Sensitive Exports and Military Material;
- Any transfer in the nuclear field which is not regulated by the above paragraphs to countries which have not signed full-scope safeguards agreements with the IAEA will require prior issue of an export licence;
- The National Executive Power will review the export contracts and agreements in the nuclear field which predate this new legal framework, with a view to reaching a decision within a space of 30 days as to whether they can remain in force.

2. Missiles and missile technology

- We have arranged that the lists of products and criteria recommended in the so-called "Missile Technology Control Regime" (MTCR), which Argentina decided to adhere to on 29 May 1991, will be incorporated in the national legislation. That list includes products which the country has produced or imported, or which it might produce in the future.
- The export, re-export or transfer of any material, equipment, technology, technical assistance and/or services included in the Annex to the MTCR will require prior issue of a licence.
- As a general rule, exports, re-exports or transfers which might contribute to the development of missiles will not be authorized. This category includes exports which might be used to develop special launching vehicles, in accordance with the MTCR.

3. Chemical and bacteriological weapons

- The new regulations specify that prior authorization must be obtained for exports, re-exports or transfers of certain chemical substances, or families of substances, which have a dual use and which can serve as a basis for the production of chemical and/or bacteriological weapons.
- Prior issue of a licence will be required for exports, re-exports or transfers of a number of chemical substances used commercially which could be used to manufacture chemical weapons. These substances, most of which are called "precursors", have been identified internationally. Not all of them are regularly produced within this country.
- As a general rule, exports, re-exports or transfers of chemical substances, including toxins, which might be used to produce chemical and/or bacteriological weapons will not be authorized.

(C) Obligation of exporters

Any person exporting any chemical substance or material, equipment, technology, technical assistance and/or services not specifically covered by the new regulations will be obliged to obtain an export licence if they know or suspect that the export will be or could be used in projects or activities connected with weapons of mass destruction.

(D) Sanctions

Any export and/or export authorization which does not comply with the terms of this Decree will incur the appropriate sanctions under the Customs Code, without thereby excluding the possibility that such non-compliance might constitute a crime under the Penal Code. In addition, the Executive Power will be proposing to the Honourable Congress of the Nation that specific sanctions be incorporated in the Penal and Customs Codes to check violations of the export standards relating to weapons of mass destruction.

(E) Participation of Argentine citizens

- As a general rule, the Executive Power will not authorize either the direct or indirect involvement of officials or employees of the State in projects or activities in third countries which are connected with weapons of mass destruction.
- Moreover, the direct or indirect involvement of individuals or firms in such projects or activities will be discouraged.

(F) Co-ordination with other countries

Argentina will co-ordinate with other States its policies on exports which might contribute to the production of weapons of mass destruction, with a view to consolidating an effective international control system in this field.

(G) Reports to Congress

The Executive Power will report regularly to the Honourable Congress of the Nation on the applications which have been received for sensitive exports and exports of military material, and on the licences which are being granted or denied in this respect under the new regulations.

(H) National Commission for the Control of Sensitive Exports and Military Material

- The new regulations bring into being the National Commission for the Control of Sensitive Exports and Military Material, which replaces the former Commission for Policy Co-ordination on the Export of Military Material (Decree 1097/85). This body will retain the powers of its predecessor, and it will have additional powers relating to the control of nuclear, missile, chemical and bacteriological exports.
- The Commission will promote the various regulatory measures required in various fields for the application of the new Regime for Sensitive Exports.