

NON PROLIFERATION EXPORT CONTROL POLICY BY THE ARGENTINE REPUBLIC

*Argentine Delegation to the Seventh International
Conference on Export Controls
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The Argentinian arms control legislation, has been set up on the basis of principles governing the promotion of international peace and security, reaffirming important political positions and commitments of states, ensuring that arms are not transferred in violation of the purpose and principles of UN Charter.

Argentina exports controls derive from multiple authorities including :
Law and acts and Regulations on behalf of their subjects

The Decree 603/92 set forth the National Commission for the Control of Sensitive Exports and War Material, formed by the Ministries of Defence, Foreign Affairs and International Trade, and Economy, and by an officer of the competent Technical Agency in each case.

The Commission holds regular meetings with the General Direction of Customs to coordinate lists and adopt the required data in order to speed up exporting formalities.

The decree adopted the system of export licence and import certificates. The exporter of materials, equipment's and technologies, technical and/or services of war material, nuclear, chemical, biological and missile issues included in the Annex of this Decree should be legally bound to obtain the export licence.

In order to obtain more effective controls, Argentina incorporated the final user's certificate and the control after the sale of licence in war material.

Applications to exports controlled goods are dealt on a case by case basis. Argentinean controls differentiate between levels of technology and between port of destination in accordance with their respective non-proliferation policies.

Periodically, the lists are updated according to the parameters adopted in the plenary or conferences of different control regimes or agreements in which Argentina is member: CWC, BWC, WA, AG, NSG, TNP, MTCR.

It should be pointed out that the Decree 603/92 incorporates to the national legislation international non proliferation criteria whether they are war material, or dual use products, equipments or technology.

This Decree also incorporated the catch-all clause. The exporter of material, equipment, technical and services of war or dual use nature not included within its exhibits, shall be legally bound to obtain the export licence when it is known or suspected that the same shall be used in project or activities prohibited.

PROCEDURE

Exporters must forward the application on sensitive material Export to the Executive Secretariat of the Commission, which is managed by the General Direction of investments and Planning of the Ministry of Defence.

The steps to obtain the exporter license can be broken down into those steps:

Application submission
Previous analysis by the Secretariat
Classification verification
Technical and policy review
Interagency review
decision

Before authorizing the export, the exporter should submit an end user certified which must include the final user of the material and the obligation that it will not be reexported without authorization of the Argentine authorities.

The 20.429 Law empower the National Arms Registry to give the necessary authorization for transit, transport of conventional arms.

Import and export of firearms (small arms and light weapons), ammunitions, powder, explosives and related materials, shall obtain as well a previous authorization of the National Arms Registry to enter the argentinian territory

Those importers should be registered, and will be submitted to a previous local inspection.

By these regulations our customs controls all toxic chemicals, its precursors and mixtures of schedules 1 and 2 of the CWC.

Beyond the actual legislation Argentina is facing to enact a new law in which could comply with every control regime not related only to export and import issues, but also transit, transshipment, brokers and create penal legislation to legal or natural persons whose activities were against the law; to stressing the need for effective national mechanisms for controlling the transit of conventional arms, technologies, and to incorporate the Containers Security Control (CSI) and to dual use issues.

In addition We have to point out that the Argentina Customs, among their new initiatives, became to initiated negotiations to incorporate the containers security control (CSI) and MEGAPORTS to give to Argentina the better security among the import and export procedures, as well as better acceso to new markets

In addition, it is important to pointed out that the argentinian government has initiated negociations with the U.S: Department of Energy's National Nuclear Security Administration, through the Customs Administration and the Ministry of Foreign Affairs, to sign a Memorandum of Understanding to adopt the Megaports Initiative whose aim is to deter, detect, and interdict illicit trafficking in nuclear and other radioactive materials through the global maritime, as well as to incorporate the Containers Security Control (CSI).

Those new projects will give Argentina a better security among the import and export procedures, and better markets.