

# *The Hague Code of Conduct on Ballistic Missile Proliferation*

Workshop on How to Strengthen the Hague Code of Conduct

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1. Background: how it started
2. The HCOC content
3. Implementation and results achieved so far
4. Possible ways for improvement

- Existing regimes are limited:
  - American-Soviet/Russian Treaties, 80s and early 90s, and INF, 1987 > bilateral
  - MTCR, 1987 > export: « supply » side
  
- End 90s: renewed interest
  - North Korean missile overflies Japan (1998)
  - USA: re-launch of antimissile defence program
  
- Several initiatives at international level to respond to increasing missile proliferation, recognized as a threat to international security

- Among them: ICoC (2000) by MTCR members
  - Adopting a complementary approach: “demand” side
  - Providing an universal character to the Code
  - Setting no formal link with MTCR : different philosophy
  
- 25th-26th November 2002: 93 countries signed HCOC (today: 130 subscribing states)
  
- The first multilateral instrument devoted to the non-proliferation of ballistic missiles.

### Important recognition by 130 states (Preamble):

« the increasing of regional and global security challenges [is] caused, inter alia, by ongoing proliferation of ballistic missiles capable of delivering WMD ».

#### 1. Set of general principles

- Need to prevent and curb the proliferation of BM strengthening existing multilateral disarmament and non proliferation mechanisms;
- Recognition that States *should not be excluded from using the benefits of space for peaceful purposes*, on the condition that space launch vehicles programmes are not used to conceal BM programmes;
- Need of *transparency* measures to enhance confidence among States.

### 2. Set of (modest, not legally binding) commitments

- To ratify, accede or otherwise abide by the three « classic » treaties on the use of Space;
- To exercise *maximum possible* restraint in the development, testing and deployment of BM and to reduce, *where possible*, national holdings of such missiles;
- To exercise the *necessary vigilance* in the consideration of the assistance to Space Launch Vehicle programs in other countries in order not to assist countries developing WMD.

### 3. (not exhaustive list of) transparency and confidence building measures

- Annual Declarations > BM policies and information
- Pre-Launching Notifications > launches and tests
- Invitations to visit land (test) launch sites

### ➤ Implementation

- Commitments: difficult to verify and assess
- Transparency and CBMs:
  - ✓ Limited results for pre-launch notifications, about 20% of launches were pre-notified (in 2008).
  - ✓ Good result for Annual Declarations (in 2008).

### ➤ Final Result:

- Enhanced confidence, increased perception of security:  
Impossible to quantify and difficult to assess, still very important.

### ➤ Critics to the Code:

- Scope (why not cruise missiles, UAVs?)
- Not legally binding nature (is it realistic to look for it?)
- Absence of means of verification (necessary? comparison with open sources!)
- Lack of incentives to adhere/ disincentives to develop BM
- Lack of institutional links to the UN



### ➤ Where is there room for improvement?

- **Universalisation**

- ✓ Starting from bilateral/regional agreements?
- ✓ Effectiveness to create incentives
- ✓ Flexibility?
- ✓ Promote UN recognition
- ✓ Absence of linkage with the MTCR

- Further development
  - ✓ Scope
  - ✓ Direct link to UN institutions
- Implementation of transparency measures
  - ✓ Annual Declarations: Lead by example; provide a standard format?
  - ✓ Pre-Launch Notifications: Lead by example, provide a standard format?  
Are they incentives or disincentives? Flexibility?

## Conclusion

- HCOC is an important first step of a multilateral effort to curb proliferation of BM
  - It has limits, some of them intrinsic
  - It is a young tool and there is room for improvement... starting from its full implementation by subscribing states.