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Chairman's Working Paper

At the Paris Conference in February 2002, there was agreement on a wide range of issues regarding the Draft International Code of Conduct against Ballistic Missile Proliferation, as indicated in the draft below. However, delegations have still not reached final agreement on the **bracketed text** below:

Draft International Code of Conduct against Ballistic Missile Proliferation

The Subscribing States to this International Code of Conduct against Ballistic Missile Proliferation (hereinafter referred to as "the Code");

Recognizing the increasing security challenges caused by the ongoing proliferation of ballistic missile systems capable of delivering weapons of mass destruction;

Resolve to respect and implement the following:

A. Principles:

1) Recognition of the need to prevent and curb the proliferation of ballistic missile systems capable of delivering weapons of mass destruction and the need to undertake appropriate international endeavors, including through the Code;

2) Recognition that adherence to, and full compliance with, disarmament and non-proliferation norms build confidence as to the peaceful intentions of states;

3) Recognition that participation in this Code is voluntary and open to all States;

[4) Recognition that all States must be able to continue to reap the benefits of the utilization of space for peaceful purposes in ways that do not contribute to the proliferation of ballistic missile systems capable of delivering weapons of mass destruction;]

5) Recognition that space launch vehicle (SLV) programs should not be used to conceal ballistic missile programs, considering that there are similarities between both types of programs in terms of technology, facilities and expertise;

[6) Recognition of the necessity of appropriate transparency measures on ballistic missile programs and SLV programs in order to avert misinterpretation and increase confidence and to promote non-proliferation of ballistic missiles and ballistic missile technology.]

B. General Measures

1) To exercise maximum possible restraint in the development, testing and deployment of Ballistic Missiles capable of delivering weapons of mass destruction, including, where

possible, to reduce national holdings of such missiles, in the interest of global and regional peace and security;

[2) To exercise the necessary vigilance in the consideration of assistance to SLV programs in any other country so as to prevent contributing to delivery systems for weapons of mass destruction, considering that such programs may be used to conceal ballistic missile programs;

3) Not to support or assist any ballistic missile program in countries which might be developing or acquiring weapons of mass destruction in contravention of the obligations under, and norms established by, the disarmament and non-proliferation treaties.]

C. Cooperation

1) Subscribing states resolve to consider engaging, on a voluntary and case-by-case basis, in cooperative measures with Subscribing States who choose to eliminate their existing ballistic missile and/or SLV programs, as appropriate, and who commit to forgo such programs in the future.

[2) Cooperative measures would be arranged on a case-by-case basis between those Subscribing States requesting such cooperation and those Subscribing States willing and able to provide it.

3) Cooperation between Subscribing States could take various forms, the nature of which would depend on what is requested by the recipient and what could be offered by the provider(s).

4) Measures should be taken on bilateral and multilateral basis to promote and ensure the security of States that renounce national missile programs.]

D. Confidence Building Measures

1) Subscribing states resolve to implement transparency measures as follows, with an appropriate and sufficient degree of detail, to increase confidence and to promote non-proliferation of ballistic missiles:

i) With respect to Ballistic Missile programs to:

**[- make an annual declaration providing an outline of their Ballistic Missile policies. Examples of openness in such declarations might be relevant information on Ballistic Missile systems and land (test-) launch sites;
- provide annual information on the number and generic class of Ballistic Missiles launched during the preceding year.]**

ii) With respect to expendable Space Launch Vehicle programs, and consistent with commercial and economic confidentiality principles to:

**[- make an annual declaration providing an outline of their Space Launch Vehicle policies and land (test-) launch sites;
- provide annual information on the number and generic class of Space Launch Vehicles launched during the preceding year;
- consider, on a voluntary basis (including on the degree of access permitted), inviting international observers to their land (test-) launch sites.]**

iii) With respect to their Ballistic Missile and Space Launch Vehicle programs to:

[- exchange pre-launch notifications on their Ballistic Missile and Space Launch Vehicle launches and test flights. These notifications should include such information as the generic class of the Ballistic Missile or Space Launch Vehicle, the planned launch notification window, the launch area and the planned direction.]

2) Implementation of the above Confidence Building Measures does not serve as justification for the programs to which these Confidence Building Measures apply.

[e) Relations to Other International Agreements and Regimes]