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## HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE PROLIFERATION (HCOC)

**Signatures:** 130 States (June 2010)

**Membership:** Open to all States.

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC), formerly known as “The International Code of Conduct” (ICOC), was adopted at an international conference held on 25-26 November 2002 in The Hague. The HCOC, as a political initiative, is aimed at bolstering efforts to curb ballistic missile proliferation worldwide and to further delegitimize such proliferation. The HCOC is the only multilateral code in the area of disarmament which had been adopted in recent years, and is the only normative instrument to verify the spread of ballistic missiles. The Code does not call for the destruction of any missiles, it is simply an agreement between States on how they should “conduct” their trade in missiles.

The Code is meant to supplement the [Missile Technology Control Regime \(MTCR\)](#) but its membership is not restricted. Under the Code, States make politically binding commitments to curb the proliferation of WMD-capable ballistic missiles and to exercise maximum restraint in developing, testing, and deploying such missiles. Given the similarities between the technologies used in ballistic missiles and civilian rockets, the Code also introduces transparency measures such as annual declarations and pre-launch notifications regarding ballistic missile and space launch programs.

At the conference, Austria was appointed as the administrative Central Contact of the Code, coordinating the information exchange under HCOC. Subscribing States also decided to have regular meetings starting in the spring of 2003.

**Verification and Compliance:** The Code does not represent an effective and verifiable regime against ballistic missiles. Rather, it is a politically binding document, encouraging States to undertake limited measures such as annually reporting on their ballistic missile programs and alerting all other signatories before conducting ballistic missile tests. There is no attempt to commit signatories to legal obligations, with the focus remaining on broad principles rather than detailed action plans. There is no inspection system to assure compliance with the Code or sanctions for violating it.

### Developments:

**2011:** On 2-3 June in Vienna, the Subscribing States to the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC) held their 10<sup>th</sup> plenary meeting.

France, an outgoing Chair of the HCOC, reviewed the efforts made during the last year to reinforce the implementation of the Code among the Subscribing States and to gain more support and interest from the non-subscribing countries. During the meeting, Romania, elected Chair for 2011-2012, stated that it aims to accomplish a complete implementation of HCOC as well as to promote universalization of the Code during the time of its presidency. Republic of Korea was selected as the next Chair for 2012-2013.

During the meeting, the participants welcomed Iraq and Central African Republic as new members of HCOC.

The Subscribing States underlined the significance of UN General Assembly resolution 65/73 in support of the HCOC adoption by the UN at the last UN general Assembly.

Several Subscribing and Non-Subscribing States were invited in May to visit Europe’s Spaceport in Kourou in French Guyana.

**2010:** In May 2010, U.S. officials reportedly sent a confidential letter to the HCOC secretariat, announcing the U.S. agreement to provide pre-launch notifications for most of its missile and satellite launches. No further information was available from open sources.

The 9<sup>th</sup> Regular Meeting of the HCOC took place in Vienna on 31 May-1 June under the chairmanship of France. At the meeting, Romania formally announced its candidacy for the HCOC chairmanship for 2011-2012.

On 29 October, the United Nations Disarmament and International Security Committee (First Committee) adopted Resolution [A/C.1/65/L.45](#) on HCOC by a vote of 149-1-18. Among other measures, it welcomes progress made, invites all States that have not yet done so to subscribe to the HCOC, and encourages the exploration of further ways and means to

deal effectively with the problem of the proliferation of ballistic missiles capable of delivering weapons of mass destruction. The only State to vote against this resolution was Iran and of the five permanent members of the United Nations Security Council, only China abstained from voting.

**2009:** The 8<sup>th</sup> Regular Meeting of the HCOC was held in Vienna from 28-29 May under the chairmanship of Costa Rica.

**2008:** The 7<sup>th</sup> Regular Meeting of the HCOC was held in Vienna from 29-30 May under Hungarian chairmanship. On 28 October, the UN First Committee voted on draft Resolution [L.38 \(GA/63/64\)](#) which noted that 130 states have subscribed to the HCOC and invited states that had not yet subscribed to do so. The vote was 146-1-19 with only the Islamic Republic of Iran voting against the resolution. The Iranian vote served to protest that the HCOC was negotiated outside of the United Nations and did not involve all interested countries in the process. On 15 December, the European Council adopted a [decision](#) in support of the HCOC in the framework of the implementation of the [EU strategy against the proliferation of WMD](#).

**2007:** The 6<sup>th</sup> Regular Conference of Subscribing States of the HCOC was held in Vienna from 31 May to 1 June. Chairperson Ivica Dronjic of Bosnia and Herzegovina noted that in addition to the confidence building measures and the outreach activities, he would promote the Code in the Organization of Islamic Conference and the Non-Aligned Movement. Hungary was elected as the new Chair. The next regular meeting would be held between 29-30 May 2008 in Vienna.

**2006:** The 5<sup>th</sup> Regular Conference was held from 22 – 23 June 2006 in Vienna. As outgoing Chair of the HCOC, Philippine Ambassador to Vienna, Austria Linglingay F. Lacanlale opened the 5th Regular Meeting of the Subscribing States to the Code with a brief overview of the highlights of the two-year Philippine Chairmanship (details in 2005 developments). The conference considered various confidence building measures and deliberated the outreach activities that would support the universalization of the Code of Conduct. Morocco was elected as the new Chair. The new chairperson, Omar Zniber, noted that he would promote HCOC in the Middle East and Africa.

**2005:** The 4<sup>th</sup> Regular Conference of Subscribing States of the HCOC was held in Vienna in 2-3 June. The main topics discussed were the strengthening of confidence building measures, including annual dec-

larations of ballistic missile and space-launch vehicle politics, and the universalization of the code through outreach activities. Subscribing states also agreed on a draft text resolution for the UN General Assembly in the hopes of building upon the previous resolution passed on 2 December 2004. The Philippines was elected to continue as Chair of HCOC.

The United Nations General Assembly at its 60th session (2005) adopted resolution 60/62 which cited the HCOC as “a practical step against the proliferation of weapons of mass destruction and their delivery,” and invited non-subscribing states to subscribe to the code

An HCOC outreach seminar was held in Manila on September 10, 2005, seeking to heighten awareness of the HCOC and to encourage more Asian States to subscribe to the Code.

**2004:** Vienna held the 2nd Intersessional Meeting 23-25 June, at which the Philippines was elected Chair.

The 3<sup>rd</sup> Regular Conference took place in Vienna in November. It was decided at this meeting that the International Code of Conduct would be called the Hague Code of Conduct.

**2003:** The Second Annual Meeting was held 1-3 October in New York, and was chaired by Chile. Members agreed to continue working on universalization of the Code, as well as implementation issues. Annual declarations on space and ballistic missile policies were also discussed.

In Vienna on 23 June, an ad-hoc technical intersessional meeting held by the Subscribing States reported on issues relating to the implementation of the Code, specifically annual declarations on ballistic missile and space programs.

**2002:** At the February 2002 meeting in Paris, more than 80 States agreed on a slightly revised draft International Code of Conduct (as was agreed to at the 2001 MTCR Plenary meeting), with the hope of completing it by the end of 2002. Among the significant changes were fewer and less explicit references to existing disarmament and nonproliferation treaties, as well as the introduction of looser language with respect to the Code’s “obligations” (now referred to as “general measures”) and “incentives” (replaced by “cooperation” and “cooperative measures”). Outstanding issues included calls to delegitimize missiles and promote missile disarmament, the question of how to preserve the peaceful use of ballistic missile technology in space (space launch vehicles) without promoting ballistic missile proliferation, and the issue of long-range cruise missiles.

On 17-19 June 2002, delegations from nearly 100 countries met in Madrid to continue negotiations on the drafting of the International Code of Conduct against Ballistic Missile Proliferation. At the Madrid conference, countries provided additional comments and suggestions on the revised text transmitted by France. The number of countries attending the meeting surpassed that of the Paris meeting and included states with well-developed missile programs such as China, India, Israel, and Pakistan. However, Iran, which actively participated at the Paris meeting, decided not to attend at the last minute.

**2001:** At the Ottawa Plenary in September, the draft HCOC was adopted and the partners of MTCR decided that France would host a meeting to be attended by member and non-member countries early in 2002 to further discuss and finalize the draft Code of Conduct.

**2000:** At its plenary session in Helsinki in October, MTCR partners issued a draft International Code of Conduct, under which subscribing States would commit themselves to exercising maximum possible restraint in the development, testing, and deployment of ballistic missiles capable of delivering weapons of mass destruction. The draft Code contains principles, obligations, incentives, and confidence-building measures, including the announcement of planned missile launches, and transparency measures relating to missile policy and stockpiles. The subscribing States to the draft Code agreed to make an annual declaration with respect to ballistic missile programs, including an outline of their ballistic missile and space launch vehicle policies. The draft Code offers all countries outside the MTCR an opportunity to engage in a broader common effort to agree on an internationally binding Code of Conduct. According to the Code, cooperative measures would be arranged on a case-by-case basis between the countries requesting cooperation and those subscribing countries willing and able to provide it.

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