
HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE PROLIFERATION (HCOC)

Signatures: 111 States.*

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 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. 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 would be no inspection system to assure compliance with the Code or sanctions for violating it.

Developments:

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 intercessional 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

* See Appendix VI

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.