



Daniel KEOHANE

**CHALLENGES IN MISSILE NON-PROLIFERATION – MULTILATERAL APPROACHES
The Hague Code of Conduct against Ballistic Missile Proliferation**

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Is missile proliferation a problem?

All speakers agreed that missile proliferation is a problem, and one that is growing. But they argued that governments do not pay enough attention to the problem. Although 35 governments are pursuing ballistic missile programmes with a range of over 150 kilometres, only a few countries have indigenous ballistic missile programmes. Thus, it is transfers of technology, not indigenous technology, which causes surprises. But a few speakers asked why do governments want ballistic missiles? It is not to sit at a table but because they perceive a real threat to their security. In other words, governments must not forget the root causes of regional tension, which leads some governments to believe that they need ballistic missiles.

Some speakers suggested that the ongoing debate about missile defences misses the point. This is because missile defences are relatively untested and the threat of proliferation is not confined to ballistic missiles; it also includes other types of missiles, such as cruise missiles, which require much greater attention from governments. There is a huge discrepancy in missile norms, as some governments have agreed to inform each other about their ballistic missile tests, but not their cruise missile tests.

Arms control treaties and frameworks

All speakers agreed that arms control treaties have a role to play in curbing missile proliferation and that governments need global frameworks for tackling this issue. But is this an issue of disarmament, or of the spread of weapons-of-mass-destruction (WMD)? WMD may be illegitimate, but ballistic missiles per se are not. Most of the 35 governments that have ballistic missiles have not signed any of these treaties or agreements (such as the Hague Code of Conduct). Some speakers said that some governments who are party to arms control regimes are practicing double standards. This is because they are telling other governments how to behave, for instance with nuclear technology, but they are not living up to their own treaty obligations. Other speakers mentioned the important role of bi-lateral treaties and agreements, mentioning the example of India and Pakistan. Others pointed out that regional agreements could potentially play a role, for example in the Middle East.

However, one complicating factor is not only the proliferation of ballistic missiles, but also the spread of cruise missiles, nuclear technology and potentially chemical, biological and radiological technology. In addition governments cannot use the same agreements (such as the Hague Code of Conduct) to cover different types of technologies. For instance, Inter-continental Ballistic Missiles (ICBMs) and Surface-to-Air missiles (SAMs) cannot be covered with the same agreement both on a

technical and/or regional basis. A number of speakers said that the world needs a new multi-lateral and treaty-based approach to disarmament and non-proliferation. Or at the very least an over-arching framework, which includes all the existing arms control treaties and agreements.

The Hague Code of Conduct against ballistic missile proliferation

All speakers agreed that the Hague Code of Conduct (HCoC) is in a difficult situation. A number of reasons for this difficulty were discussed. Some speakers pointed out that since the HCoC was born out of the Missile Technology Control Regime (MTCR) some governments perceive it as an exclusive venture. In that sense the HCoC has had a ‘baggage problem’, since it is not negotiated at the UN. Also, the HCoC was criticised by some speakers for not covering important areas of co-operation such as technical co-operation, and it should ensure that it does not affect a governments’ peaceful use of space technology, especially space-launch-vehicles (SLVs). In this sense the HCoC has had an image problem, signing it should be seen by governments as contributing to development of norms not giving something up.

However, on a more positive note, a number of speakers said that governments should not underestimate the normative value of the HCoC, to set basic standards on the control of ballistic missile technology. Plus the HCoC can increase transparency and predictability with its pre-launch notifications (PLNs) and annual declarations (ADs). But this depends on all subscribing states submitting their PLNs and ADs, which has not been the case so far. And the HCoC is a useful forum, even if annual meetings are not always used enough to discuss concerns and encourage greater co-operation between subscribing states.

Thus, a central question for debate was how should governments move forward with the HCoC? There was a discussion over which steps subscribing states to the HCoC should prioritise: implementation of the HCoC’s measures, such as the modalities for pre-launch notifications; broadening the scope of the HCoC, for instance to cover cruise missiles as well as ballistic missiles; universalising the HCoC by encouraging more governments to sign it.

Universalisation of the HCoC

A major topic for discussion was how to encourage more governments which have ballistic missiles (such as China, India, Iran, Israel, Pakistan) to sign the HCoC. Some speakers pointed out that India and Pakistan’s bilateral agreement on missile testing contained essentially the same measures as the HCoC. (One speaker mentioned that the India-Pakistan treaty is stricter than the HCoC and it is legally binding.) Thus, countries may wish to explore bilateral arrangements while considering signing the HCoC. Other speakers said that subscribing states should explain to non-subscribing states that signing up to the HCoC is not necessarily to endorse the MTCR. Plus subscribing governments should offer more incentives to non-subscribers.

The future of the HCoC

Most speakers agreed that the remit of the HCoC should be extended to cruise missiles. A few speakers asked if the HCoC should be made legally binding (it is currently a voluntary regime), to ensure that subscribing states live up to their obligations – which is one reason why the HCoC is not yet deemed attractive enough by some non-subscribing states. Plus, if the HCoC were to become legally binding, and/or modified, then this discussion should take place in the UN to encourage non-subscribers to get involved. Some speakers said that subscribing states should concentrate on implementation first, and then others would sign the HCoC; One speaker suggested a regional approach to implementation, for instance all EU-27 member-states submit ADs. ‘Universalising’ the HCoC, it was argued, should not be seen as a policy but as a desirable outcome of a stronger and better-implemented agreement. In other words subscribing states should make the HCoC more attractive by making it more effective.

LIST OF PARTICIPANTS

Hatem Hamad Ahmad ABDEL WAHED, Third Secretary, Ministry of Foreign Affairs, Tripoli

Pierre Cline AGIUS, Deputy Head of Mission, Permanent Mission of Malta, Vienna

Hossam Eldeen ALY, Director, Department for Disarmament Affairs, Ministry of Foreign Affairs, Cairo

Dorothea AUER, Ambassador, Head of Department of Disarmament, Arms Control and Non-Proliferation, Ministry for European and International Affairs, Vienna

Robert BASEJ, Ambassador, Ministry of Foreign Affairs, Ljubljana

François BERG, Alternate Permanent Representative, Permanent Mission of Luxembourg, Vienna

David BERTOLOTTI, Direction des Affaires Stratégiques, de Sécurité et de désarmement, Ministère des Affaires Etrangères, Paris

Marcus BLEINROTH, First Secretary, Permanent Representation, German Mission, Vienna

Sara BRANDT-HANSEN, Second Secretary, Embassy of Sweden, Vienna

Michael BROER, Legal Advisor, Federal Ministry of Defence, Berlin

Daniela BUDINOVA, State Expert, Arms Control and International Security Department, NATO and International Security Directorate, Ministry of Foreign Affairs, Sofia

Mark BURGESS, Director, World Security Institute (WSI), Brussels

Nicholas CRICOS, Counsellor, Permanent Mission of Greece, Vienna

Sergey DAVIDCHUK, Second Secretary, Ministry of Foreign Affairs, Moscow

Servando DE LA TORRE, Deputy Permanent Representative to the UN and International Organisations, Permanent Mission of Spain to the UN, Vienna

Joseph DEBONO, Member of Delegation, Permanent Mission of Malta, Vienna

Alexander DEYNEKO, Counsellor, Ministry of Foreign Affairs, Moscow

Marcel DICKOW, Research Fellow Volkswagen Foundation, European Space Policy Institute (ESPI), Berlin

Christian DOOMS, Conseiller, Mission permanente de Belgique, Vienne

Ivica DRONJIC, Minister Counsellor, Permanent Mission of Bosnia and Herzegovina to the UN, Vienna

Jaroslav DUCHEK, Non proliferation Department, Ministry of the Interior, Prague

Michael ELLEMAN, Senior Associate, Booz Allen Hamilton, Washington DC

Ahmet ERTAY, Ambassador, Permanent Representative, Permanent Mission of Turkey to the UN and other International Organisations, Vienna

Rabah FASSIH, Minister-Counsellor, Permanent Mission of Algeria to the International Organizations, Vienna

Per FISCHER, Special Adviser to the Minister for Foreign Affairs on Non-Proliferation, Ministry of Foreign Affairs, Copenhagen

Marie GERVAIS-VIDRICAIRE, Ambassador of Canada to Austria and Permanent Representative of Canada to the United Nations Organisations, Vienna

Annalisa GIANNELLA, Personal Representative on Non-Proliferation of Weapons of Mass Destruction to the Secretary General/High Representative, Council of the European Union, Brussels

Dennis M. GORMLEY, Senior Fellow, Monterey Institute of International Studies, Center for Nonproliferation Studies (CNS), Washington DC

Irina GORŠIČ, Counsellor, Ministry of Foreign Affairs, Ljubljana

Peter GOTTWALD, Ambassador, German Permanent Representative, German Mission, Vienna

Christopher GRIMA, Ambassador, Permanent Mission of Malta, Vienna

Zacharie GROSS, Représentant Permanent Adjoint, Représentation Permanente de la France auprès des Nations Unies et des Organisations Internationales, Vienne

Antonio GUERREIRO, Resident Representative of Brazil to the IAEA, Permanent Mission of Brazil to the International Organizations, Vienna

Hellmut HOFFMANN, Head of Division, Nuclear Disarmament and Non-Proliferation, Foreign Office, Berlin

Tariq Osman HYDER, Ambassador, Additional Foreign Secretary (UN&EC), Ministry of Foreign Affairs, Islamabad

António INOCÊNCIO PEREIRA, Minister-Counsellor, Deputy Permanent Representative, Permanent Mission of Portugal to the UN, Vienna

Jiří JURĚK, Desk Officer, Defence Policy Department, Ministry of Defence, Prague

Michael KEAVENEY, Desk Officer, Disarmament & Non Proliferation Department, Department of Foreign Affairs, Dublin

Daniel KEOHANE, Research Fellow, EU Institute for Security Studies, Paris

Martins KLIVE, Third Secretary, Permanent Mission of the Republic of Latvia to the UN, OSCE and other international Organisations, Vienna

Bernd KUBBIG, Project Director, Arms Control and Disarmament, Peace Research Institute, Frankfurt (PRIF), Frankfurt am Main

Hee-seog KWON, Counsellor, Mission of the Republic of Korea, Vienna

Johann-Raphael LASSMANN, Adviser, Department of Disarmament, Arms Control and Non-Proliferation, Ministry for European and International Affairs, Vienna

Mateja LAZNIK, Adviser, Ministry of Defence, Ljubljana

Jaak LENSMENT, Counsellor, Permanent Mission of Estonia to the UN, Vienna

Danhong LI, Attaché, Diplomat, China's Permanent Mission to the UN, Vienna

Sang-beom LIM, First Secretary, Mission of the Republic of Korea, Vienna

Gustav LINDSTROM, Senior Research Fellow, EU Institute for Security Studies, Paris

Barend Jacobus LOMBARD, Counsellor, Permanent Mission of South Africa to the UN, Vienna

Saideh LOTFIAN, Associate Professor of Political Science, Faculty of Law and Political Science, University of Tehran, Tehran

Rüdiger LÜDEKING, Ambassador, Deputy Commissioner of the Federal Government For Arms Control and Disarmament, Foreign Office, Berlin

Alexander MARSCHIK, Minister, Head of Unit for Nuclear Policy, Ministry for European and International Affairs, Vienna

Györgyi MARTIN ZANATHY, Ambassador, Permanent Representative, Permanent Mission of Hungary, Vienna

Erik MARZOLF, Direction des Affaires Stratégiques, Ministère de la Défense, Paris

Grigory MASHKOV, Deputy Director, DSAD, Ministry of Foreign Affairs, Moscow

Stuart MILLS, Senior Export Control Policy Advisor, Counter Proliferation and Arms Control, Ministry of Defence, London

Mircea MINDRUTA, Senior Advisor, National Agency for Export Control, Bucharest

Pedro MUÑOZ, Counsellor, Permanent Mission of Spain to the UN and International Organisations, Vienna

Thomas MÜTZELBURG, Nuclear Disarmament and Non-Proliferation, German Foreign Office, Berlin

Shingi NAGASHIMA, Director for International Export Control, Ministry of Foreign Affairs, Tokyo

Jamal NASEF, First Secretary, Saudi Arabian Embassy, Vienna

Götz NEUNECK, Research Advisor, Institute for Peace Research & Security Policy, University of Hamburg, Falkenstein

Ceta NOLAND, Senior Policy Adviser, Nuclear Affairs and Non-Proliferation, Ministry of Foreign Affairs, The Hague

Margaris PANTELIS, Expert, D. Directorate, Ministry of Foreign Affairs, Athens

Panayotis PAPADIMITROPOULOS, Special Adviser, Permanent Mission of Greece, Vienna

Peter PAUELS, Bundeswehr Verification Center Global Arms and Proliferation Control, Federal Ministry of Defence, Geilenkirchen

Tarja PESÄMAA, Counsellor, Ministry of Foreign Affairs, Helsinki

Andreas PHOTIOU, B Secretary, Alternate Representative, Permanent Mission of Cyprus to the UN, Vienna

Oleg POSTNIKOV, First Secretary, Permanent Mission of the Russian Federation to the International Organisations, Vienna

Grzegorz POZNANSKI, Head of WMD Non-Proliferation Division, Department for Security Policy, Ministry of Foreign Affairs, Warsaw

Filipe RAMALHEIRA, Disarmament and Non-Proliferation Unit, Ministry of Foreign Affairs, Lisbon

Niels Aadal RASMUSSEN, Minister Counsellor, Senior Analyst, Danish Institute for International Studies (DIIS), Copenhagen

José ROSELLÓ, Ambassador, Permanent Mission of Spain to the UN and International Organisations, Vienna

Robertas ROSINAS, Minister Counsellor, Permanent Mission of Lithuania to the International Organizations, Vienna

Thomas ROTH, Counsellor, Australian Embassy and Permanent Mission to the United Nations, Vienna

Adam RUTLAND, Missile Policy Officer, Foreign Office, London

Jojie SAMUEL, Deputy Head of Mission, Permanent Mission of Malaysia to the International Organizations, Vienna

Ignacio SANCHEZ DE LERIN, DOG Non-proliferation, Ministry of Foreign Affairs, Madrid

Enrique SAURA, Instituto de Investigaciones y tecnicas de las fuerzas armadas (C.I.T.E.F.A), Buenos Aires

Wilhelm SCHMIDT, Bundeswehr Verification Center, Global Arms and Proliferation Control, Federal Ministry of Defense, Geilenkirchen

Robert SCHMUCKER, President, Schmucker Technologie; Professor, Aerospace Department, Technical University, Munich

Yiftah S. SHAPIR, Director of the Military Balance Project, The Institute for National Security Studies (INSS), Tel Aviv

Jae Sung SHIM, WMD Policy Division, Ministry of National Defense, Seoul

John SIMPSON, Director, Mountbatten Centre for International Studies (MCIS), Division of Politics & International Relations, School of Social Sciences, The University Southampton, Southampton

Björn SKALA, Ambassador, Ministry of Foreign Affairs, Stockholm

Mark SMITH, Programme Director, Defence & Security, Wilton Park, Wiston House, Steyning

Robert STRAŽIŠAR, Senior Adviser, Ministry of Defence, Ljubljana

Zuzana ŠUTIAKOVÁ, Administrator, Council of the European Union, Brussels

Laszló SZATMÁRI, Senior Desk Officer, Defence Policy Department, Ministry of Defence, Budapest

Iassen TOMOV, Attaché, Permanent Mission of the Republic of Bulgaria to the UN, OSCE and other International Organizations, Vienna

Geneviève VAN ROSSUM, Conseillère, Représentation Permanente de la France auprès des Nations Unies et des Organisations Internationales, Vienne

Igor VISHNEVETSKY, Senior Counsellor, Permanent Mission of the Russian Federation to the International Organisations, Vienna

Aivars VOVERS, Ambassador, Permanent Mission of Latvia to the UN, OSCE and other International Organisations, Vienna

Moira WILKINSON, Counsellor, Permanent Mission of the Argentine Republic to the UN, Vienna

Andrew WOOD, Head of Export Control Policy, Counter Proliferation and Arms Control, Ministry of Defence, London

Terry WOOD, Counsellor and Alternate Permanent Representative, Canadian Permanent Mission to the International Organizations in Vienna

Mustafa YURDAKUL, Counsellor of the Permanent Mission of Turkey to the UN and other International Organisations, Vienna

Chavdar ZHECHEV, Ambassador, Permanent Representative, Permanent Mission of the Republic of Bulgaria to the UN, OSCE and other International Organizations, Vienna

Attila ZIMONYI, Minister, Deputy Head of Mission, Permanent Mission of Hungary, Vienna

Omar ZNIBER, Ambassador of the Kingdom of Morocco in Vienna, Permanent Representative, Embassy of the Kingdom of Morocco in Vienna/Permanent Mission, Vienna