

# **Low key launch of Hague code of conduct against ballistic missile proliferation**

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## **Introduction**

On November 25-26, an international conference in the Hague marked the inauguration of a new global instrument against the proliferation of ballistic missiles: the Hague Code of Conduct Against Ballistic Missile Proliferation (HCC). The full text of the Code is reproduced in Annex 1. The number of Subscribing States to the Code currently stands at 93 – as listed in Annex 2.

During earlier negotiations the draft Code was known as the International Code of Conduct against Ballistic Missile Proliferation (ICOC). It was changed to 'The Hague Code of Conduct' to underline the important role of the city of The Hague as the world's legal capital.

Very few decisions were taken at the conference, which was part ceremonial launch (day one) and part closed discussion by the Subscribing States on how to implement the Code (day two).

The Netherlands was appointed as the first Chair of the Code for a period of one year, and one of the important tasks for the Chair will be to expand the number of Subscribing States. Austria was appointed administrative Central Contact for the Code, and will collect and disseminate the confidence building measures submissions and receive and announce the subscription of additional States to the Code. Subscribing States also agreed to have regular meetings, and a technical meeting is planned for Spring 2003.

## **Ballistic missile proliferation**

Germany first developed ballistic missiles in their military form during World War II. The V-2, which was powered only during the first part of its flight, was the world's first operational ballistic missile with a range of just over 300km. Over the last 60 years, ballistic missiles have become a key strategic weapon of modern deterrence and warfare, and can be used to carry conventional, chemical or nuclear warheads. Ballistic missiles can also be used as launchers for civilian space projects.

Today, intermediate-range ballistic missiles (IRBM) can reach targets up to 2,400km away, while intercontinental ballistic missiles (ICBM) have a range of many thousands of kilometres. The key US offensive ballistic missiles are the Minutemen ICBMs, which are launched from silos, and the submarine-launched Tridents, which replaced the earlier Polaris and Poseidon. All currently deployed ballistic missiles can be equipped with Multiple Independently Targetable Re-entry Vehicles (MIRVs), which permit one booster to carry several warheads, each guided to a separate target. The former Soviet Union completed the first operative ICBMs in 1958, and the United States, reacting to a supposed 'missile gap', gained overwhelming missile superiority by 1962. In terms of accuracy and payload, this supremacy was never relinquished.

In an effort to stop the proliferation of ballistic missiles, the United Kingdom, France, United States, Italy, Canada, Japan and Germany (the G7 states) established the Missile Technology Control Regime (MTCR) in 1987. The MTCR is a voluntary co-operative undertaking between states to limit the proliferation of nuclear, and (since January 1993) chemical and biological-capable missiles with a range of over 300km. It works through the national enforcement of agreed guidelines to control exports of equipment and technology that could be used to build such missiles. Since 1987, the membership of the MTCR has increased to 32 states.[1]

There are several major weaknesses in the MTCR. First, it is not a treaty and is not legally binding. Second, not all the suppliers of missile components and technology are in the regime (e.g. China, North Korea, Iran, India and Pakistan are suppliers who operate outside of the MTCR, although China has pledged to work within MTCR guidelines). Third, the regime contains no provisions for reducing existing missile stockpiles, and fourth, it denies dual-use technology to developing countries for peaceful purposes.

In the early 1980s only the Soviet Union and the seven original member states of the MTCR had the capability to export whole ballistic missile systems. Today, however, it is estimated that 31 nations have an operational short-range ballistic missile capability (with a range up to 600km), with North Korea, Iran, Iraq, Syria and Libya identified by the United States as particular 'states of concern'.<sup>[2]</sup> However, none of these so-called states of concern currently possess missiles able to reach the United States, although part of the territory of NATO (i.e. Turkey) is within range of short-range missiles from Syria, Iran and Iraq.

The threat to regional stability and ultimately global security from the proliferation of ballistic missiles is made worse, as has been evident since 11 September 2001, by the danger that these weapons could fall into the hands of terrorists. Concerns over the proliferation of ballistic missiles capable of delivering WMD among states of concern and non-state actors have also triggered renewed interest in the development of missile defences, particularly in the United States.<sup>[3]</sup> However, as the Dutch Advisory Council on International Affairs recently concluded, "the United States is the only NATO ally that has a strong view on the threat from ballistic missiles".<sup>[4]</sup>

## **Key elements of the Code**

In its original structure, the MTCR was not meant to halt missile proliferation, but to slow it down until a more comprehensive regime was put in place. The Hague Code of Conduct is a promising first step towards filling this gap: in developing a primary multilateral instrument for preventing ballistic missile proliferation. Like the MTCR, it is a politically binding document rather than an article of international law, but is intended to address some of the MTCR's shortcomings, not least in its intention of universality.

The Code is the product of seven years debate and dialogue and builds upon earlier in-depth discussions among some one hundred nations at meetings in Madrid in June and Paris in February this year.<sup>[5]</sup> The European Union strongly supported the initiative from the start and took upon itself the task of bringing this process to a successful conclusion before the end of 2002. In particular, the Danish EU Presidency conducted intensive consultations in the lead up to the Hague conference. Of all the initiatives taken so far to prevent the continuing proliferation of ballistic missiles, it is the most concrete and advanced.<sup>[6]</sup>

The Code calls for greater restraint in developing, testing, using, and spreading ballistic missiles. It does not prohibit states from owning ballistic missiles nor from benefiting from the peaceful use of outer space. But to increase transparency and reduce mistrust among Subscribing States, it provides a number of general rules and introduces confidence-building measures, such as the obligation to announce missile launches in advance. Each country that has endorsed the Code must specify its national policy regarding ballistic missiles and space launches, including civilian ones.

The Subscribing States recognize that other measures will need to follow, at the United Nations and elsewhere.

## **Opinions of the subscribing states: US differences to the fore**

Most (approximately 85) of the 93 Subscribing States attended the ceremonial launch in the Hague, and around half of them opted to make a brief statement on the first day of the conference. As would be expected, all the speeches were supportive of the Code and several sought to draw attention to specific national or regional security concerns or objectives. For example, several of the statements from African delegates drew attention to the need for militarily advanced nations to redirect military R&D spending to the promotion of equity and justice throughout the world; the UK delegation stressed that

inspections represent the “last chance” to peacefully resolve the conflict in Iraq; Bulgaria, a country that has been accused of lax export control practices in the past, took the opportunity to showcase its national export control reforms and make the case for MTCR membership; and Argentina outlined a number of criteria for assessing the peaceful use of missile launches and satellites, while simultaneously announcing its own nascent space programme plans.

The most substantive statement, however, came from John Bolton, US Under Secretary of State for Arms Control and International Security – the full text of which is reproduced as Annex 3. While Bolton also affirmed US support for the Code – calling it a “concrete demonstration” of the international community’s determination to find more ways to address WMD proliferation, and stating that the United States has “high confidence in its future potential” – he also highlighted a number of qualifying factors and reservations to this support.

First, the Code (and other multilateral efforts, such as the MTCR) is only one element of the US strategy against missile proliferation. Another element of that strategy is the development of a missile defence system. The US Administration sees all these efforts as “complementary” and “mutually reinforcing”.

Second, with regard to implementation work, Bolton noted that the US plans “to make pre-launch notifications and annual declarations pursuant to the ICOC based upon current US proposals in its negotiations with the Russian Federation on a Pre-Launch Notification System, including the question of which launches are to be notified.” These proposals are part of the 1998 US-Russian Strategic Stability Cooperation Initiative. At the same time, he pointed out that the United States “reserves the right in circumstances of war to launch ballistic missile and space-launch vehicles without prior notification.”

Over the longer term, Bolton wants the bilateral US-Russian system to be “multilateralized” and suggests that it “might provide the mechanism by which all ICOC subscribing states exchange pre-launch notifications”.

Third, Bolton also used the conference as an opportunity to highlight non-compliance by certain states with other WMD non-proliferation regimes. (Only the British and French delegations made similarly explicit statements, with the former stressing the need to “confront persistent cheaters”, citing Iraq and North Korea as examples). He pointed out once again that Iraq, North Korea, Iran, Libya and Cuba are violating their commitments to the 1972 Biological Weapons Convention. This led Libya, the only one of the five named countries represented in the Hague meeting, to exercise a right of reply, in which the charges were firmly denied and counter-claims were made about US non-compliance. In his earlier statement, the head of the Libyan delegation, Minister of Foreign Affairs Abdurrahman Shalgham, had called for the Code to include provisions to “ban and destroy all missiles capable of delivering WMD”, and that the provisions should apply to “all states, irrespective of capability”. He also suggested a name change to “International Code of Conduct to Prohibit the Production, Use, Stockpiling and Transfer of Ballistic Missiles”. This was in keeping with Libya’s, and much of the non-aligned movement’s position, in public at least, of calling for the destruction of all WMD.

Fourth, while speaker after speaker stressed the need to encourage non-subscribing states to join the Code, John Bolton struck up a less conciliatory tone. Having drawn attention to the “grave threat” to the integrity of the 1968 Nuclear Non-Proliferation Treaty from North Korea’s admission to enriching uranium for nuclear weapons, he went on to argue:

*Surely, none of us wants this disdain and disregard to happen to the new ICOC. That is why we are not concerned about the states that have chosen not to subscribe to the code. Far better to know who is actually prepared to live under its terms, and who is not. Far better to know who is truly serious about stopping the proliferation of ballistic missile technology and the risk that such technology could be used to carry weapons of mass*

*destruction against innocent civilian populations.*

Although several other Subscribing States may share some of these US concerns, as stated earlier, only the UK and France were prepared to voice them during the opening ceremony. The willingness on the part of the US delegation to do so reflects the growing confidence of a US Administration seeking to set a new agenda in international affairs. It is an agenda that places less emphasis on non-proliferation and more on unilateral measures such as sanctions, pre-emption and the deployment of technically advanced weapon systems, including missile defences, as advanced in the Nuclear Posture Review and Quadrennial Defence Review. However, it must be stressed that the non-proliferation architecture has been sufficiently robust to limit the 'problems' to just five 'states of concern'.

## Future challenges

There are two key future challenges: increasing the number of Subscribing States and deepening the scope and nature of the Code.

**Towards universality:** All of the UN member states except Iraq have been invited to subscribe to the Code, which will be submitted to the United Nations for information purposes. The ultimate goal is to reach a multilateral agreement that is open to all countries, including those that are not party to the MTCR or the Nuclear Non Proliferation Treaty. Involving 'states of concern', however, might come at a price. The United States in particular has been unwilling to compromise where countries it has labelled as part of the 'axis of evil' are concerned. Syria and North Korea chose not to attend either the Paris or Madrid meetings, while Iran – an active participant in the Paris talks – pulled out of the Madrid meeting at the last minute. Iraq was excluded from all the prior discussions. Libya, as noted above, although a Subscribing State, hardly sees eye-to-eye with the United States on some of the fundamental issues.

In addition to the 'states of concern', many other ballistic missile-capable states including Brazil, China, India, Israel and Pakistan remain outside the Code for the time being (although all were party to the earlier discussions).[7] At this stage, the Code appears to offer too little to such states with ballistic missile programmes to make subscription worthwhile. With no tangible incentives on offer, either in terms of technology assistance for peaceful space development programmes or in the form of negative security assurances (through an agreement not to use ballistic missiles against states that abstain from ballistic missile programmes), it is difficult to see many of these states joining the Code any time soon. Moreover, adding such provisions to the Code seems unlikely, since technology transfer in exchange for giving up ballistic missile programmes is not an approach viewed favourably by Washington.

**Deepening the Code:** The Code does very little to address the fundamental problem of a lack of global standards and norms for regulating the use of ballistic missiles – for deciding on what is an acceptable or unacceptable use of ballistic missile technology. Thus, the Code will need to build on the transparency and confidence building mechanisms and establish further norms and standards, including the prohibition of their use. A ban on medium and short-range missiles, for example, might be developed in the first instance in specific regional contexts. Current discussions among the Andean Pact nations for a missile-free zone fit such a model, but it will also be important to reach similar agreements in regions of tension, particularly the Middle East and South Asia.

## Conclusions

The Code offers an opportunity to combat the proliferation of ballistic missiles through a cooperative, multilateral agreement. There are clearly shortcomings in the current system

of arms control and non-proliferation, and especially regarding delivery systems such as ballistic missiles. These need to be dealt with in order to ensure the credibility of the system.

In creating a Code that is acceptable to MTCR members, and especially the United States, the resulting document is rather thin on substance. However, its importance as a multilateral initiative should not be overlooked, and the opportunity for developing regional or bilateral measures in the spirit of the Code will add to its significance.

## Endnotes

[1] For more information on the MTCR, see [http://projects.sipri.se/expcon/mtrc\\_documents.html](http://projects.sipri.se/expcon/mtrc_documents.html)

[2] Besides the five countries mentioned above, Algeria, Armenia, Azerbaijan, Belarus, Bulgaria, the Democratic Republic of Congo, the Czech Republic, Egypt, Georgia, Hungary, India, Israel, Kazakhstan, South Korea, Pakistan, Poland, Romania, Saudi Arabia, Slovakia, Taiwan, Turkmenistan, Ukraine, the United Arab Emirates, Vietnam, Yemen and the Federal Republic of Yugoslavia have an operational short-range ballistic missile capability. See D.A. Wilkening, 'Ballistic Missile Defence and Strategic Stability, Adelphi Paper, n.334, New York: Oxford University Press.

[3] For up-to-the-minute information on the missile defence debate, sign up to BASIC's free email service: Missile Defense Update at <http://www.basicint.org>

[4] Advisory Council on International Affairs (AIV), An Analysis of the US Missile Defence Plans: Pros and Cons of Striving for Invulnerability, AIV, No.28, August 2002.

[5] Aidan Harris, 'International Code of Conduct Against Ballistic Missile Proliferation, BASIC Notes, 18 July 2002. See [http://www.basicint.org/pubs/Notes/2002international\\_code.htm](http://www.basicint.org/pubs/Notes/2002international_code.htm)

[6] Other proposals for controlling ballistic missiles include the Russian Global Control System (GCS) initiative. While the GCS also aimed to promote international transparency, it went further than the Code by proposing incentives for countries that decide not to acquire ballistic missiles, such as access to satellite launch facilities. See BASIC Notes, *ibid*.

[7] China had wanted to attend the Hague launch under an 'observer' status, but this request was refused on the basis of wanting to keep up the pressure on non-subscribing states to join by only allowing countries to attend that had signed the Code.

## Annex 1

### Hague Code of Conduct against Ballistic Missile Proliferation

Preamble

The Subscribing States:

Reaffirming their commitment to the United Nations Charter;

Stressing the role and responsibility of the United Nations in the field of international peace and security;

Recalling the widespread concern about the proliferation of weapons of mass destruction and their means of delivery;

Recognizing the increasing regional and global security challenges caused, *inter alia*, by the ongoing proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction;

Seeking to promote the security of all states by fostering mutual trust through the implementation of political and diplomatic measures;

Having taken into account regional and national security considerations;  
Believing that an International Code of Conduct against Ballistic Missile Proliferation will contribute to the process of strengthening existing national and international security arrangements and disarmament and non-proliferation objectives and mechanisms;  
Recognising that subscribing States may wish to consider engaging in co-operative measures among themselves to this end;

1 Adopt this International Code of Conduct against Ballistic Missile Proliferation (hereinafter referred to as 'the Code');

2 Resolve to respect the following Principles:

- 1 Recognition of the need comprehensively to prevent and curb the proliferation of Ballistic Missile systems capable of delivering weapons of mass destruction and the need to continue pursuing appropriate international endeavours, including through the Code;
- 2 Recognition of the importance of strengthening, and gaining wider adherence to, multilateral disarmament and non-proliferation mechanisms;
- 3 Recognition that adherence to, and full compliance with, international arms control, disarmament and non-proliferation norms help build confidence as to the peaceful intentions of states;
- 4 Recognition that participation in this Code is voluntary and open to all States;
- 5 Confirmation of their commitment to the United Nations Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States taking into particular Account the Needs of Developing Countries, adopted by the United Nations General Assembly (Resolution 51/122 of 13 December 1996);
- 6 Recognition that states should not be excluded from utilising the benefits of space for peaceful purposes, but that, in reaping such benefits and in conducting related cooperation, they must not contribute to the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction;
- 7 Recognition that Space Launch Vehicle programmes should not be used to conceal Ballistic Missile programmes;
- 8 Recognition of the necessity of appropriate transparency measures on Ballistic Missile programmes and Space Launch Vehicle programmes in order to increase confidence and to promote non-proliferation of Ballistic Missiles and Ballistic Missile technology;

3 Resolve to implement the following General Measures:

- 1 To ratify, accede to or otherwise abide by:
  - the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967),
  - the Convention on International Liability for Damage Caused by Space Objects (1972), and
  - the Convention on Registration of Objects Launched into Outer Space (1975);
- 2 To curb and prevent the proliferation of Ballistic Missiles capable of delivering weapons of mass destruction, both at a global and regional level, through multilateral, bilateral and national endeavours;
- 3 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;
- 4 To exercise the necessary vigilance in the consideration of assistance to Space Launch Vehicle programmes in any other country so as to prevent contributing to delivery systems for weapons of mass destruction, considering that such programmes may be used to conceal Ballistic Missile programmes;
- 5 Not to contribute to, support or assist any Ballistic Missile programme in countries which might be developing or acquiring weapons of mass destruction in contravention of norms established by, and of those countries' obligations under, international disarmament and non-proliferation treaties;

#### 4 Resolve to implement the following:

1 Transparency measures as follows, with an appropriate and sufficient degree of detail to increase confidence and to promote non-proliferation of Ballistic Missiles capable of delivering weapons of mass destruction:

1 With respect to Ballistic Missile programmes 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, as declared in conformity with the pre-launch notification mechanism referred to hereunder, in tiret iii);

2 With respect to expendable Space Launch Vehicle programmes, 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, as declared in conformity with the pre-launch notification mechanism referred to hereunder, in tiret iii);
- \* consider, on a voluntary basis (including on the degree of access permitted), inviting international observers to their land (test-) launch sites;

3 With respect to their Ballistic Missile and Space Launch Vehicle programmes 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 Subscribing States could, as appropriate and on a voluntary basis, develop bilateral or regional transparency measures, in addition to those above.

3 Implementation of the above Confidence Building Measures does not serve as justification for the programmes to which these Confidence Building Measures apply;

#### 5 Organisational aspects Subscribing States determine to:

1 Hold regular meetings, annually or as otherwise agreed by Subscribing States;

2 Take all decisions, both substantive and procedural, by a consensus of the Subscribing States present;

3 Use these meetings to define, review and further develop the workings of the Code, including in such ways as:

- establishing procedures regarding the exchange of notifications and other information in the framework of the Code;
- establishing an appropriate mechanism for the voluntary resolution of questions arising from national declarations, and/or questions pertaining to Ballistic Missile and/or Space Launch Vehicle programmes;
- naming of a Subscribing State to serve as an immediate central contact for collecting and disseminating Confidence Building Measures submissions, receiving and announcing the subscription of additional States, and other tasks as agreed by Subscribing States; and
- others as may be agreed by the Subscribing States, including possible amendments to the Code

## Annex 2

(at inauguration of the Code, 25-26 November 2002)



- |                           |                        |                     |
|---------------------------|------------------------|---------------------|
| 1 Afghanistan             | 2 Albania              | 3 Argentina         |
| 4 Australia               | 5 Austria              | 6 Azerbaijan        |
| 7 Belarus                 | 8 Belgium              | 9 Benin             |
| 10 Bosnia and Herzegovina | 11 Bulgaria            | 12 Burkina Faso     |
| 13 Cameroon               | 14 Canada              | 15 Chile            |
| 16 Colombia               | 17 Comores             | 18 Cook Islands     |
| 19 Costa Rica             | 20 Croatia             | 21 Cyprus           |
| 22 Czech Republic         | 23 Denmark             | 24 El Salvador      |
| 25 Estonia                | 26 Finland             | 27 France           |
| 28 Gabon                  | 29 Georgia             | 30 Germany          |
| 31 Ghana                  | 32 Greece              | 33 Holy See         |
| 34 Hungary                | 35 Iceland             | 36 Ireland          |
| 37 Italy                  | 38 Japan               | 39 Jordan           |
| 40 Kenya                  | 41 Kiribati            | 42 Latvia           |
| 43 Libyan Arab Jamahiriya | 44 Lithuania           | 45 Luxembourg       |
| 46 Madagascar             | 47 Malta               | 48 Marshall Islands |
| 49 Mauritania             | 50 Monaco              | 51 Morocco          |
| 52 Netherlands            | 53 New Zealand         | 54 Nicaragua        |
| 55 Nigeria                | 56 Norway              | 57 Palau            |
| 58 Papua New Guinea       | 59 Paraguay            | 60 Peru             |
| 61 Philippines            | 62 Poland              | 63 Portugal         |
| 64 Republic of Korea      | 65 Republic of Moldova | 66 Romania          |
| 67 Russian Federation     | 68 Rwanda              | 69 Senegal          |
| 70 Sierra Leone           | 71 Slovakia            | 72 Slovenia         |
| 73 South Africa           | 74 Spain               | 75 Sudan            |
| 76 Suriname               | 77 Sweden              | 78 Switzerland      |
| 79 Tajikistan             | 80 The Former Yugoslav | 81 Timor-Leste      |
|                           | — Rep of Macedonia     |                     |
| 82 Tunisia                | 83 Turkey              | 84 Tuvalu           |
| 85 Uganda                 | 86 Ukraine             | 87 United Kingdom   |
| 88 United States          | 89 Uruguay             | 90 Uzbekistan       |
| 91 Venezuela              | 92 Yugoslavia          | 93 Zambia           |

## Annex 3

### International Code of Conduct Against Ballistic Missile Proliferation

**John R. Bolton**, US Under Secretary for Arms Control and International Security  
Remarks at the Launching Conference for the International Code of Conduct Against  
Ballistic Missile Proliferation

The Hague, The Netherlands  
November 25, 2002  
(Remarks as delivered)

Mr. Chairman, Ministers, Ambassadors, Distinguished Delegates:

I am honored to represent the United States of America as an initial Subscribing State to the International Code of Conduct against Ballistic Missile Proliferation (ICOC). The entry into effect today of the ICOC marks an important contribution to the international effort against the proliferation of ballistic missiles capable of delivering weapons of mass destruction (WMD) -- an effort that the United States has always strongly supported.

The large number of countries that have subscribed to the ICOC and are represented

here is a concrete demonstration that the international community has recognized and is looking for additional ways to address the proliferation of the most threatening means of delivery for weapons of mass destruction. It is no accident that the dangerous proliferation of ballistic missiles occurs predominantly in parallel with programs for nuclear, chemical, and biological weapons. International concern about such ballistic missile programs is heightened by the fact that weapons of mass destruction [WMD] programs also often exist in parallel with support for terrorist groups. Viewed in this context, it is clear why the proliferation of ballistic missiles threatens international peace and security on a worldwide basis.

The United States regards the proliferation of ballistic missiles capable of delivering WMD as a direct threat to the US, our deployed forces, our friends and allies, and our interests in key regions of the world.

The United States sees the International Code of Conduct against Ballistic Missile Proliferation as an important addition to the wide range of tools available to countries to impede and roll back this proliferation threat.

One element of our strategy is multilateral efforts against missile proliferation, such as the ICOC and the Missile Technology Control Regime (MTCR). Another important element is missile defense. We view our missile defense efforts as complementary to, and consistent with the objectives of, the ICOC and the MTCR. Each seeks in different ways to protect us from the dangers posed by WMD and ballistic missile proliferation. We are now in the process of discussing with allies and friends, including the Russian Federation, cooperation on missile defense programs because our nation is hardly alone in needing the additional protection that such programs can provide. Missile defenses, the MTCR, and the ICOC play important roles in deterring and reducing missile proliferation, and the United States will be ready to work with members of the ICOC, and of the MTCR, to ensure that these complementary efforts are mutually reinforcing.

While an important new addition to the broad arsenal of non-proliferation measures, it is no secret that the ICOC has its limitations. For example, in taking on the political commitment pursuant to the ICOC to exercise maximum possible restraint in the development, testing and deployment of ballistic missiles capable of delivering weapons of mass destruction, the United States -- like other countries -- understands this commitment as not limiting our right to take steps in these areas necessary to meet our national security requirements consistent with US national security strategy. This includes our ability to maintain our deterrent umbrella for our friends and allies, and the capabilities necessary to defeat aggression involving WMD attacks. But all subscribing states will have the opportunity to discuss these issues in detail, and to participate in consensus decisions to evolve the text.

Most of this implementation work will concern the ICOC's requirements for pre-launch notification of subscribing states ballistic missile and space-launch vehicle launches and test flights. The United States intends to make pre-launch notifications and annual declarations pursuant to the ICOC based upon current US proposals in its negotiations with the Russian Federation on a Pre-Launch Notification System, including on the question of which launches are to be notified. For example, the United States reserves the right in circumstances of war to launch ballistic missiles and space-launch vehicles without prior notification.

Once implementation is completed, the notifications and annual declarations that the United States provides pursuant to the ICOC will be based upon the US-Russian Pre-Launch Notification System, to be established in connection with the US-Russian Joint Data Exchange Center. Over the longer term, we agree with the Russian Federation that the bilateral US-Russian system should be multilateralized. We hope, in turn, that such a multilateralized system might provide the mechanism by which all ICOC subscribing states exchange pre-launch notifications. We plan to keep all subscribing states informed

on the progress of the implementation of the US-Russia agreement on launch notification, and on the implications and opportunities that a multilateralized US-Russia Pre-Launch Notification System can present for the ICOC.

Some have been concerned that the ICOC is simply a political declaration and not legally binding. But surely the real issue is not the nature of the commitment, but the extent of the political will to comply with the code that signatories demonstrate. Too often in the arms control and nonproliferation fields, countries make a great public flourish about adhering to codes and conventions, and then, quietly and deceptively, do precisely the opposite in private.

In the context of the Biological Weapons Convention (BWC), for example, we know that several member states are violating their commitments to the treaty. To expose some of these violators to the international community, we have named publicly states the US government knows to be pursuing the production of biological warfare agents in violation of the BWC: including Iraq, North Korea, Iran and Libya, as well as Cuba, which we believe has at least a limited, developmental offensive biological warfare R&D [research and development] effort, and which has provided dual-use biotechnology to other rogue states.

Even as we speak, we face a grave threat to the integrity of the Non-Proliferation Treaty. North Korea brazenly admitted last month to having a program to enrich uranium for nuclear weapons. This egregious violation of its treaty commitments threatens the security of all nations, as well as the continued credibility of the Non-Proliferation Treaty.

Surely, none of us wants this disdain and disregard to happen to the new ICOC. That is why we are not concerned about the states that have chosen not to subscribe to the code. Far better to know who is actually prepared to live under its terms, and who is not. Far better to know who is truly serious about stopping the proliferation of ballistic missile technology and the risk that such technology could be used to carry weapons of mass destruction against innocent civilian populations.

In conclusion, Mr. Chairman, the United States places great value on the International Code of Conduct against Ballistic Missile Proliferation and has high confidence in its future potential. We pledge our full support to you and our fellow Subscribing States in the demanding tasks ahead. Thank you.