

## Haagse Gedragscode tegen Proliferatie van Ballistische Raketten

Aan de Voorzitter van de Tweede Kamer der Staten-Generaal  
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Den Haag

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In zijn brief van 26 oktober 2001 (kamerstuk 21 531 nr. 5), bracht mijn ambtsvoorganger u op de hoogte van de stand van zaken met betrekking tot de ontwerp Gedragscode tegen de proliferatie van ballistische raketten. Hierbij wil ik u graag verslag doen van de meest recente ontwikkelingen, te weten de formele inwerkingtreding van deze Gedragscode tijdens een ceremonie in Den Haag.

Op 25 en 26 november 2002 vond in Den Haag onder mijn voorzitterschap de *Launching Conference of the International Code of Conduct against Ballistic Missile Proliferation* plaats. Op 25 november werd in de Ridderzaal deze Gedragscode tegen de proliferatie van ballistische raketten (ICOC) formeel van kracht verklaard. Dit gebeurde in aanwezigheid van hoge vertegenwoordigers van 78 landen en van de Verenigde Naties. Op dat moment hadden in totaal 93 landen uit alle werelddelen, waaronder de gehele EU, de VS, Libië en Rusland, de ICOC onderschreven.

Op 26 november vond, eveneens onder Nederlands voorzitterschap, de eerste werkvergadering plaats van partijen bij de ICOC. Tijdens deze vergadering werden een aantal aspecten gerelateerd aan de implementatie van de Code besproken. Belangrijke besluiten waren de benoeming van Nederland als eerste Voorzitter van de ICOC, voor de periode van een jaar, en van Oostenrijk als administratief contactpunt onder de Code ("Immediate Central Contact"). Tevens werd bij deze gelegenheid door partijen voorgesteld de ICOC voortaan de "Haagse Gedragscode" te noemen.

De conferentie was het succesvolle sluitstuk van een intensieve EU-campagne om de Gedragscode door zo veel mogelijk landen te laten aanvaarden. Voorbereidende bijeenkomsten in Parijs (februari 2002) en Madrid (juni 2002), gevolgd door consultaties door het Deense EU-voorzitterschap, gingen aan de ceremonie ter gelegenheid van de formele inwerkingtreding van de Gedragscode vooraf.

Van de landen die deelnemen aan het Missile Technology Control Regime (MTCR), het forum waar de Code in eerste instantie was uitgewerkt, ontbreekt voorsnog alleen Brazilië als partij bij de Code. Als schaduwzijde dient te worden vermeld dat de meeste landen met een ballistische raketten capaciteit buiten het MTCR de ICOC nog niet hebben onderschreven, ondanks intensieve diplomatieke inspanningen van vooral de EU, Australië en Japan. Een deel van deze landen heeft problemen met bepaalde aspecten van de Gedragscode, zoals de maatregelen gericht op openheid en de bevestiging van het belang van universaliteit van bestaande verdragen tegen massavernietigingswapens. Andere, vooral "niet gebonden" landen, richten hun bezwaren tegen het feit dat de Gedragscode buiten de VN om tot stand is gebracht.

Voor de EU was wat betreft dat laatste punt doorslaggevend de omstandigheid dat de Geneefse Ontwapeningsconferentie al geruime tijd in een patstelling verkeert en dat -ook los daarvan - de kans op een onderhandelingsresultaat in VN-kader op redelijk korte termijn miniem zou zijn geweest. De urgentie van het probleem van proliferatie van ballistische raketten vereiste derhalve een alternatieve aanpak. Dat laat onverlet dat de VN ook inzake non-proliferatie van ballistische raketten een rol te spelen heeft. Ik heb dit in mijn openingsinterventie op de Conferentie ook duidelijk gemaakt. De interventie treft u bijgevoegd aan.

De "Haagse Gedragscode" is het eerste multilaterale non-proliferatie-instrument op het gebied van (ballistische) raketten. De Gedragscode behelst geen verbod op ballistische raketten, maar roept op tot terughoudendheid bij het ontwikkelen, testen, inzetten en verspreiden ervan. Bovendien introduceert de Code een aantal vertrouwenwekkende maatregelen, waaronder de vooraankondiging van raketlanceringen, om wederzijds wantrouwen en onzekerheid te voorkomen. Voor uw informatie is de tekst van de Gedragscode als bijlage bij deze brief gevoegd. Deze tekst, alsmede een actueel overzicht van landen die de Gedragscode onderschrijven, is tevens te vinden op [www.minbuza.nl/english](http://www.minbuza.nl/english).

De grootste uitdagingen voor Nederland als Voorzitter van de Gedragscode, zijn de verdere uitbreiding van het aantal partijen bij de Code ("outreach") alsook het op korte termijn operationeel maken van de Code, waaronder het nader uitwerken van de vertrouwenwekkende maatregelen die onder de Code zijn voorzien. Met het oog op dit laatste, is in de eerste helft van 2003 een eerste technische intersessionele bijeenkomst van partijen voorzien.

De Haagse Gedragscode is niet het eerste of enige initiatief tot wapenbeheersing op het gebied van raketten. De Code is wel het eerste concrete normstellende instrument dat als basis kan dienen voor verder werk op het terrein van raket non-proliferatie, ook in VN kader. Betrokkenheid van de VN werd door partijen bij de Code dan ook onderstreept. Nederland zal de Gedragscode binnenkort ter informatie aan de Verenigde Naties en andere relevante internationale organisaties aanbieden.

Het spreekt vanzelf dat de regering alles in het werk zal stellen om van het Voorzitterschap van de Haagse Gedragscode tegen Proliferatie van Ballistische Raketten een succes te maken.

De Minister van Buitenlandse Zaken

Mr. J.G. de Hoop Scheffer

## International 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:
  - a) 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;
  - b) Recognition of the importance of strengthening, and gaining wider adherence to, multilateral disarmament and non-proliferation mechanisms;
  - c) 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;
  - d) Recognition that participation in this Code is voluntary and open to all States;
  - e) 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);
  - f) 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;
  - g) Recognition that Space Launch Vehicle programmes should not be used to conceal Ballistic Missile programmes;
  - h) Recognition of the necessity of appropriate transparency measures on Ballistic Missile programmes and Space Launch Vehicle

n) 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:

a) 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);

b) 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;

c) 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;

d) 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;

e) 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:

a) 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:

i) 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);

ii) 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;

iii) 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;

b) Subscribing States could, as appropriate and on a voluntary basis, develop bilateral or regional transparency measures, in addition to those above.

c) 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:

- a) Hold regular meetings, annually or as otherwise agreed by Subscribing States;
- b) Take all decisions, both substantive and procedural, by a consensus of the Subscribing States present;
- c) 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

List of Subscribing States

**ANNEX**

**LIST OF SUBSCRIBING STATES**

Afghanistan	25 November 2002
Albania	25 November 2002
Argentina	25 November 2002
Australia	25 November 2002
Austria	25 November 2002
Azerbaijan	25 November 2002
Belarus	25 November 2002
Belgium	25 November 2002
Benin	25 November 2002
Bosnia and Herzegovina	25 November 2002
Bulgaria	25 November 2002

Burkina Faso	25 November 2002
Cameroon	25 November 2002
Canada	25 November 2002
Chile	25 November 2002
Colombia	25 November 2002
Comores	25 November 2002
Cook Islands	25 November 2002
Costa Rica	25 November 2002
Croatia	25 November 2002
Cyprus	25 November 2002
Czech Republic	25 November 2002
Denmark	25 November 2002
El Salvador	25 November 2002
Estonia	25 November 2002
Finland	25 November 2002
France	25 November 2002
Gabon	25 November 2002
Georgia	25 November 2002
Germany	25 November 2002
Ghana	25 November 2002
Greece	25 November 2002
Guinea	25 November 2002
Holy See	25 November 2002
Hungary	25 November 2002

Iceland	25 November 2002
Ireland	25 November 2002
Italy	25 November 2002
Japan	25 November 2002
Jordan	25 November 2002
Kenya	25 November 2002
Kiribati	25 November 2002
Latvia	25 November 2002
Libyan Arab Jamahiriya	25 November 2002
Lithuania	25 November 2002
Luxembourg	25 November 2002
Madagascar	25 November 2002
Malta	25 November 2002
Marshall Islands	25 November 2002
Mauritania	25 November 2002
Micronesia (Federated States of)	25 November 2002
Monaco	25 November 2002
Morocco	25 November 2002
Netherlands	25 November 2002
New Zealand	25 November 2002
Nicaragua	25 November 2002
Niger	26 November 2002
Nigeria	25 November 2002
Norway	25 November 2002

Palau	25 November 2002
Papua New Guinea	25 November 2002
Paraguay	25 November 2002
Peru	25 November 2002
Philippines	25 November 2002
Poland	25 November 2002
Portugal	25 November 2002
Republic of Korea	25 November 2002
Republic of Moldova	25 November 2002
Romania	25 November 2002
Russian Federation	25 November 2002
Rwanda	25 November 2002
Senegal	25 November 2002
Seychelles	25 November 2002
Sierra Leone	25 November 2002
Slovakia	25 November 2002
Slovenia	25 November 2002
South Africa	25 November 2002
Spain	25 November 2002
Sudan	25 November 2002
Suriname	25 November 2002
Sweden	25 November 2002
Switzerland	25 November 2002

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Tanzania	25 November 2002
Tajikistan	25 November 2002
The Former Yugoslav Republic of Macedonia	25 November 2002
Timor-Leste	25 November 2002
Tunisia	25 November 2002
Turkey	25 November 2002
Tuvalu	25 November 2002
Uganda	25 November 2002
Ukraine	25 November 2002
United Kingdom	25 November 2002
United States	25 November 2002
Uruguay	25 November 2002
Uzbekistan	25 November 2002
Venezuela	25 November 2002
Yugoslavia	25 November 2002
Zambia	25 November 2002

**ICOC Launching Conference, The Hague 25-26 November 2002**

Opening Statement by the Netherlands Minister of Foreign Affairs

Excellencies, Ladies and gentlemen,

Let me warmly welcome you to the Netherlands. We are proud that so many have come to The Hague for the inauguration of the International Code of Conduct against Ballistic Missile Proliferation. The high level at which you have chosen to be represented here is testimony of the importance of the instrument that we will bring into effect here today. It also reflects the urgency of pushing back the spread of particularly powerful and dangerous delivery systems for weapons of mass destruction. I am particularly pleased that in this Hall of Knights representatives from countries all over the globe have gathered. Ballistic Missile proliferation is not limited to a particular region; its risks affect us all.

I wish to extend a special welcome to the representative of the Secretary-General of the United Nations. International peace and security are matters of global concern and the world's single-most important organisation in dealing with them are the United Nations. The increasing threat posed by the proliferation of weapons of mass destruction, their means of delivery and the possibility of these weapons falling into the hands of terrorists, forces the UN to try and find global answers where it can, and stimulate regional responses where needed. The Code itself also underlines the role and responsibility of the United Nations in this respect.



Why have ballistic missiles become the focus of so much attention and why is it urgent that we act in trying to better control them? Ballistic Missiles have been around ever since World War II. For most of the Cold War, ballistic missiles, in particular those with strategic ranges, were confined to a limited number of states. Since then, however, both their geographical spread and their average ranges have increased rapidly. Ballistic missiles have a number of characteristics that require special attention. They are rapidly deployable, reach their targets in a very short time-span, they are difficult to defend against and, for all of these reasons, create strategic leverage, all the more so when combined with weapons of mass destruction. These characteristics make the unimpeded spread of ballistic missiles a prime source for destabilising regional power equations. Through the almost inherent link with weapons of mass destruction ballistic missile proliferation has also become a major threat to international peace and security at large.

The present Code is not the only initiative to stem the proliferation of ballistic missiles. An increasing number of countries have policies in place to prevent systems, key components or relevant technologies from falling into the hands of proliferators or even terrorists. Within the UN, last year a panel of experts conducted in-depth discussions on the issue of missiles, including that of missile proliferation, leading to a report to the General Assembly.

This multi-faceted engagement of the international community with the ballistic missile issue is proof of the growing realisation that regional stability and international security stand to gain from norm building, proper non-proliferation conduct, transparency and confidence building measures.

In 1999 a number of countries, including the Netherlands, took the initiative to elaborate a politically binding instrument that would draw up norms regarding ballistic missiles capable of delivering weapons of mass destruction. Because of the urgency of the problem, an approach had to be taken that would provide early results and at the same time create a political instrument that would be able to attract as many countries as possible.

The European Union has been supportive of this initiative from the very beginning. Last year, the European Union decided to prepare the then draft Code of Conduct for universal adherence and committed itself to get the instrument up and running before the end of the year 2002. The ensuing process, conducted in a spirit of transparency and inclusiveness, resulted in a final text that you have all received and which will be brought into effect today.

The Netherlands has always been an active supporter of international efforts in the field of disarmament, arms control and non-proliferation. We believe in the fundamental value of multilateralism. We are proud that this Code will be "launched" here in The Hague, the UN's legal capital and home of the OPCW. We want this Code to grow. We want it to become universally adhered to. We regret that not all countries have been able to join the Code today. Some of them because they feel that ballistic missile proliferation is not a concern to them, others because they feel the Code does not address all of their concerns. Tomorrow, on the second day of our Conference, we, the Subscribing States, have to consider a number of questions pertaining to the implementation of the Code. I believe one of the major questions before us is how to engage those not present here today. We should try and convince them that the ICOC is beneficial to us all.

As I indicated in my invitation to you to come to The Hague, the present Code is a first step and, I should add, a modest one. For all the importance that we attach to it, the Code of Conduct needs to be followed up by other initiatives, in the UN and elsewhere. I express the hope that the Code will be the nucleus of an expanding framework of non-proliferation measures in the field of ballistic missiles. Most of all I hope that the entire international community will be united in working towards that goal.

I thank you for your attention.