

EU outreach workshop in support of the Hague Code of conduct against Ballistic Missile Proliferation

Paris, 7th-8th July 2010

**Theme 3: Why and How to subscribe to
the Code**

1. Why subscribing to the Code

■ The main objectives of the Code:

- To comprehensively prevent and curb the proliferation of Ballistic Missile systems capables of delivering weapons of Mass destruction (WMD).
- To contribute to strenghten and to gain wider adherence to multilateral disarmement and non proliferation mecanisms.
- to build confidence and transparency as to the peaceful intentions of States and to reinforce international and regional security and stability.

1. Why subscribing to the Code

■ Subscribing to the Code:

- is giving a very strong political signal of being completely and actively involved in order to participate to international peace and security
- It is a complement to all other international instruments for being responsible player in international community.

1. Why subscribing to the Code

- **By contributing to enlarge the number of subscribing States, it contributes to reinforce all multilateral fora and other international and regional confidence building measures**

1. Why subscribing to the Code

- It also contribute to reinforce the linkage between the Code and the United Nations as it has already been recognized by several UNGA Resolutions on the HCOC (in 2004, 2005 and 2008) . Indeed, with 130 subscribing sates from all continents, almost all subscribing states are members of the UN.

1. Why to subscribe to the Code

1) Subscribing to the Code contributes concretely to all international and regional efforts to reinforce international and regional stability, peace and security in the context of current proliferation crises:

Through transparency and confidence-building measures: being a member of the Code and proceeding to prenotifications and providing annual declarations on spatial and ballistic activities:

- contribute to decrease the regional and international perception of threat through reciprocity;
- contributes to avoid eventual misunderstanding about the intentions of the neighbour States by providing PLNS;

1. Why subscribing to the Code

- contributes to give a clear message on the peaceful purpose of the ballistic and spatial programmes.
- Real universalisation of the Code will contribute to isolate the countries that have proliferation programmes on WMD.

1. Why subscribing to the Code

2) Subscribing to the Code doesn't hamper free access to peaceful uses of space and the development of future space capacities and programmes

- If these programmes are developed in accordance with all international obligations regarding non proliferation obligations (among others: NPT and UNSCR; ie: not contributing to development of WMD programmes)

As recognized by the Code itself :

« 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 »).

1. Why subscribing to the Code

3) Subscribing to the Code doesn't imply any further legally binding measures:

- **The Code is voluntary.** In consequence, Susbscribing States are obliged to implement it in good faith.
- It doesnt imply any national specific legislation or any financial burden.

1. Why subscribing to the Code

4) Subscribing to the Code doesn't imply many obligations:

- **Only one annual plenary session** that can be covered by the Permanent diplomatic Representation in Vienna
- **The plenary doesn't require technical contributions**, although Subscribing States are of course free to present such contributions if they want to.
- **Only one annual declaration** on space and ballistic activities
- Sending pre-launch notifications to the Austrian Point of contact in Vienna (for States who proceed to space and ballistic launches)

1. Why subscribing to the Code

■ 5) Subscribing to the Code and security issues

- The implementation of the measures of the Code, such as pre-launch notifications, especially by States with ballistic and space capabilities, shows that there are no security consequences by subscribing to the Code.
- On that point, for instance, air corridors in most cases are already reserved in case of launches: pre-notifying the launches within the Code is a political complement to that technical procedures.

1. Why subscribing to the Code

Being of Member of the Code doesn't imply many constraints :

a) For States without launch capabilities and with few administrative and financial resources:

- Being a Suscribing States and Subscribing to the Code is **cost-free**.
- The annual declaration can be completed very easily: **standard and simplified form of annual declaration** that only need to be authenticated by the National authorities each year in March.

1. Why subscribing to the Code

- **The regular functioning of the Code doesn't require any financial support or contribution** (no annual budget, all financial and administrative needs are covered on a grateful basis by the Austrian Ministry of Foreign Affairs).
- Attendance to the plenary session can be made by the Permanent Representation of the States in Vienna.

1. Why to subscribe to the Code

b) For States with spatial and/or ballistic capabilities:

- Annual follow-up of the Code **only requires few hours per month for a diplomat at the Foreign Affairs Ministry** (sending pre-notifications to the point of contact during the year, completing the annual declaration on spatial and ballistic activity and, eventually, preparing papers for the plenary sessions).
- **The regular functioning of the Code doesn't require any financial support or contribution** (no annual budget, all financial and administrative needs are covered on a grateful basis by the Austrian Ministry of Foreign Affairs).
- Attendance to the plenary session can be made by the Permanent Representation of the States in Vienna.

1. Why subscribing to the Code

- *Good reasons for subscribing the Code in case of having a space/ballistic missile programme*
 - It shows to the international community the intents of these programmes, in accordance with non proliferation obligations and the responsible character of such programmes.
 - It contributes to reinforce regional and international stability, transparency and confidence
 - It is not a strong constraint

1. Why to subscribe to the Code

- *Good reasons for subscribing the Code if the States doesn't have any space/ballistic programme:*
 - It shows a strong commitment to international peace and security
 - It doesn't hamper any future decision for developing such a programme, in accordance with all international obligations regarding non proliferation of WMD
 - It provides information about the activities of other Subscribing States in your area and outside having such programmes in full transparency and confidence and contributes in that way to regional and international stability.

2. How to subscribe

- Subscribing to the Code is very easy:
 - Sending any time (during the year or just before the annual plenary session) a **simple diplomatic Note Verbale to the Austrian Point of Contact in Vienna** (Foreign Affairs Ministry of Austria) presenting the decision to subscribe to the Code and to implement its measures.
 - This Note Verbale will be then transmitted by the point of contact to all the Subscribing States for information.

2. How to subscribe

■ *Before Subscribing:*

- The Point of contact and the presidency of the Code are at your disposal for any information on the Code or on how to subscribe.

Contact of the French Presidency of the Code:

In Vienna:

- French Representation to International Organisations in Vienna:
Mr. Lucien Scotti: lucien.scotti@diplomatie.gouv.fr

In Paris:

- French Ministry of Foreign Affairs: Departement of Stratgeic Affairs, Nuclear Disarmamement and non proliferation, 37 Quai d'Orsay, 75700 PARIS 07 SP, FRANCE :paola.debril-loiseau@diplomatie.gouv.fr

2. How to subscribe

■ *After Subscribing:*

- The Point of contact and the presidency of the Code are at your disposal for any information on the Code and on its implementation measures.
- Until the end of May 2011, end of the French presidency of the Code, **a point of contact will be designated in the following months in French Embassies in order to help States for any information on the HCOOC** and in order to help them if needed to implement the measures of the Code (especially regarding annual declarations that have to be sent by the End of March 2011).

Conclusions and next steps forward

- **Subscribing to the Code gives a very strong political support and signal** to fully contribute to international and regional peace and security, especially regarding the current international context (crises of proliferation, strong commitment to the NPT at the last Review Conference in NY in May 2010).
- **Subscribing to the Code doesn't hamper the development of space/ballistic programmes**, in accordance with international obligations on non proliferation of WMD.
- **Subscribing and implementing the measures of the Code is very easy, cost-free and doesn't imply any high constraints**

next steps forward

- United Nations General Assembly (UNGA) in october 2010 in New York
 - The EU, the point of contact and the French Presidency of the Code can organise any bilateral meeting if needed on the way to adhere if a decision is taken by the country.
- Additional bilateral meetings can be organized during the year in Vienna, Brussels or in Paris. Such Talks can be programmed in capitals too if needed.