I have taken the floor to explain the position of my delegation on the draft resolution L.5, entitled “the Hague Code of Conduct against Ballistic Missile Proliferation”.

Once again, we voted against this draft resolution for the following reasons:

HCoC is an offshoot of the MTCR, which is an exclusive and discriminatory export control regime that imposes restrictions on many of the goods, equipment, technologies and know-how for peaceful purposes.

HCoC is not and cannot be considered as an internationally negotiated text because it was drafted and adopted outside of the United Nations by some MTCR participants in a selective, non-transparent and unbalanced manner. Even when other countries are invited to participate at the final part of this process, almost none of their view are taken into account. Therefore, the result of this flawed procedure was crystal clear: developing a totally flawed Code of Conduct with serious substantive shortcomings.

While the existence and development of nuclear-armed ballistic missiles are the main threat to regional and global security, HCoC is totally silent about that threat and has failed to call for ending the development of nuclear-armed ballistic missiles by the possessor States. Accordingly, while HCoC practically acknowledges the possession of nuclear-armed ballistic missiles by a few MTCR participants, it aims at discouraging others from possessing conventionally-armed ballistic missiles in the exercise of their inherent right to security and self-defense.

The message that HCoC sends is clear: certain States have the right to develop, possess and use ballistic missiles of any type and other States, including those targeted by such missiles, must be prevented by all possible means from developing any type of conventionally-armed ballistic missiles, while there is no internationally accepted legal norm against the development and acquisition of ballistic missiles.

Another major shortcoming of the HCoC is that the right of all States to peaceful applications of outer space, including having access to necessary technology for Space Launch Vehicles (SLVs) has been ignored in its text, including by restricting and putting arbitrary conditions for assistance and cooperation in the area of SLVs for non-MTCR participants. It also deliberately does not recognize the difference between SLVs program and ballistic missiles program. Again the message is clear: certain States have such technologies and other States, at best, have the right not to be excluded from the peaceful uses of outer space and to exercise this right, they have no choice but to be dependent on those who have such technologies!

I confine my explanation only to these two major substantive shortcomings of the HCoC, and conclude, Mr. Chairman, by stressing that the issues related to missiles, including ballistic missiles, have to be addressed comprehensively, and in the overall context of general and complete disarmament, within which, nuclear disarmament and the total elimination of nuclear weapons remain the highest priority. The process started through the UNGA resolution on Missiles can be the best foundation for the progressive consideration of this highly complicated and multidimensional issue.