



The Hague Code of Conduct and China

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The Hague Code of Conduct

China is currently the main ballistic missile possessor and spacefaring nation which remains outside the Hague Code of Conduct against Ballistic Missile Proliferation (HCoC). This can be explained by China's traditional opacity regarding its deployment of strategic missiles, but also its exports of ballistic systems or technologies abroad. This absence is nonetheless problematic for a regime based on voluntary transparency and confidence-building which aims at universality.

While China remains an important supplier of missile technologies, it has over the years officially tried to ensure that these activities were consistent with international regimes and has announced efforts to curb illicit transfers. Moreover, it has been publicly displaying an image of a responsible nuclear power, promoting its policy of no-first use of nuclear weapons and its limited arsenal as proof of its restraint. This positioning would be consistent with a reconsideration of the Chinese position towards the HCoC, a decision that can be encouraged by regular engagement with subscribing states on this topic.

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GLOSSARY

- ALIT:** Aerospace Long-March International Trade
- CACDA:** China Arms Control and Disarmament Association
- CALT:** China Academy of Launch Vehicle Technology
- CASC:** China Aerospace Science and Technology Corporation
- CASIC:** China Aerospace Science and Industry Corporation
- CBM:** Confidence Building Measure
- CMC:** Central Military Commission
- CPMIEC:** China Precision Machinery Import-Export Corp.
- ELC:** Export Control Law
- FRS:** Fondation pour la Recherche Stratégique
- HCoC:** Hague Code of Conduct against Ballistic Missile Proliferation
- ICBM:** Intercontinental Ballistic Missile
- INF:** Intermediate-Range Nuclear Forces Treaty
- IRBM:** Intermediate Range Ballistic Missile
- MOFA:** Chinese Ministry of Foreign Affairs
- MRBM:** Medium Range Ballistic Missile
- MTCR:** Missile Technology Control Regime
- PLA:** People's Liberation Army
- SOE:** State-Owned Enterprise
- SRBM:** Short Range Ballistic Missile
- TEL:** Transporter-Erector-Launcher
- UNGA:** United Nations General Assembly
- UNPoE:** United Nations Panel of Experts
- UNRCPD:** United Nations Regional Centre for Peace and Disarmament
- WMD:** Weapons of Mass Destruction

Introduction

The International Code of Conduct against Ballistic Missile Proliferation – hereafter referred to as the HCoC or the Code – counts 143 subscribing states to date, including the main ballistic and space powers such as the United States (US), Russia, France, India and Japan. Yet a key player possessing the world's most dynamic ballistic missile development programme has not joined this multilateral transparency and confidence-building instrument: China.

Today, China is one of the world's leading ballistic powers. The country's progress in this area has been considerable and rapid. In 1955, following the return to China of Qian Xuesen, father of the Chinese ballistic missile programme, the 'Two Bombs, One Satellite' deterrence programme was launched. Despite the loss of Soviet scientific and technical support, and the political uncertainties and economic crises caused by the Great Leap Forward and the Cultural Revolution, the country tested its first ballistic missile (DF-1) in 1960, and then put a satellite into orbit with its Long March 1 launcher in 1970.

Over sixty years later, the imposing military parade of October 2019 allowed China to present new weapons systems including the DF-41, a mobile intercontinental ballistic missile (ICBM), and the DF-ZF, a hypersonic glider. China is now one of the main innovators in both the military and civilian spheres and has one of the most diversified ranges of ballistic missiles in the world since, unlike the US and Russia, the country has not been constrained in its

development of intermediate-range missiles. In 2018 and 2019, it has carried out more space launches per year than any other country. In 2020, it carried out 39 launches, compared to 44 by the United States and 17 by Russia.¹ It is also very active in the launch of ballistic missiles for testing purposes, although these activities do not receive any publicity. The lack of participation of China to the HCoC is therefore a clear weakness for the regime. This paper aims at understanding the rationale for China staying out of the Code and aims at putting forward ways to engage with Beijing to overcome its reluctance to participate in this transparency instrument. It analyses its recent positions taken on arms control and CBMs, as well as recent developments in the field of ballistic missiles. In a second part, it explores the evolution of Chinese policies on the transfer of missile systems or components and the strategic considerations involved. It emphasises specifically the ambiguous relationship between China and the Missile Technology Control Regime (MTCR).

This paper concludes by a renewed call to engage with China to show the benefits of transparency measures in the field of ballistic systems, whether it involves sales to partners or the deployment and testing of long-range systems. The participation of Chinese experts to recent activities on the HCoC organised by the Fondation pour la Recherche Stratégique (FRS) on behalf of the European Union is a hopeful sign of a shared willingness to pursue this dialogue.

1. Stephen Clark, 'U.S. companies, led by SpaceX, launched more than any other country in 2020,'

Spaceflight Now, 5 January 2021.

A silent non-member: China's HCoC avoidance strategy

The silence of the Chinese authorities regarding the HCoC is unsurprising. It is not in China's interest to directly oppose and criticise the Code, but rather to avoid all mentions of it in its communications. Since it wishes to be discreet about its ballistic capabilities, there is no immediate benefit to it joining a Code that makes transparency one of its cardinal principles. At the same time, Beijing has no strong argument for not joining a Code that has increasingly broad normative support and is ultimately not very restrictive. Studying Chinese strategic thinking, academic articles and the general press, and discussions with Chinese experts help to explain this position.

Official communications reduced to the bare minimum

In November 2019, Ambassador Fu Cong, Director General of the Arms Control Department of the Chinese Ministry of Foreign Affairs (MOFA) stated in Moscow that *'China will stand with the majority of the international community, by firmly advocating multilateralism, by preserving and enhancing the international arms control and non-proliferation regime.'*²

In spite of their professed voluntarism, Chinese officials avoid talking about the



Amb. Fu Cong, Director General of the Arms Control Department of the Chinese Ministry of Foreign Affairs. Credits: Chinese MOFA.

HCoC, which is the culmination of the international community's efforts to regulate the proliferation of ballistic missiles capable of carrying weapons of mass destruction. Thus, there have been no public references to the HCoC for nearly a decade—whether in speeches to international organisations such as the First Committee of the United Nations General Assembly (UNGA) in New York or the Conference on Disarmament in Geneva, in major conferences on proliferation, or in statements published on the Chinese government's websites. Since the Code was adopted in 2002, the MOFA has issued only two official statements relating to it. In 2004, during the discussion on the first resolution in support of the Code at the UNGA, China presented its official position, which appeared to be entirely consensual:

'China agrees with the non-proliferation

2. 'Remarks by H.E. Mr. Fu Cong, Director-General of the Department of Arms Control of the Ministry of Foreign Affairs of China on "The Future of Arms Control and Non-Proliferation Regime" at the 2019 Moscow Non-Proliferation Conference', Foreign

Ministry of the People's Republic of China, 8 November 2019, available from https://www.fmprc.gov.cn/mfa_eng/wjtb_663304/zjzg_663340/jks_665232/jkxw_665234/t1714403.shtml.

objective of the HCoC, and participated in the discussions about the draft Code. Since some of China's concerns had not been solved during that discussion, China didn't join the HCoC. However, China will continue the exchanges of views with all sides, including the HCoC Member States, making joint efforts to prevent the proliferation of ballistic missiles.

China all along supports non-proliferation, and advocates continuously strengthening international non-proliferation efforts through dialogues and cooperation with universal participation. In this process, the role of the United Nations should be fully utilized'.³

China expressed a similar point of view in a brief statement in 2011. It did not explain the motivations for its refusal to join the Code, making this statement all the more paradoxical:

'The Hague Code of Conduct against the Proliferation of Ballistic Missiles (HCoC) was established in The Hague in November 2002. The HCoC is aimed at promoting missile nonproliferation through transparency and Confidence Building Measures (CBM). Until today, the HCoC has 134 member states.

China opposes the proliferation of Weapons of Mass Destruction (WMD) and their means of delivery, and exercises strict export control on missile-related items and technologies. China's policy on missile

nonproliferation is in line with the principle and purposes of the HCOC. China is willing to maintain engagement and exchange with HCoC members and strengthen the cooperation in the field of missile non-proliferation'.⁴

Since then, on top of Beijing's official silence, Chinese political leaders have never justified their votes on UNGA resolutions mentioning the Code. Positive votes in favour of the resolutions from 2004 to 2008

Resolution	Year	Chinese vote
A/RES/59/91	2004	Yes
A/RES/60/62	2005	Yes
A/RES/63/64	2008	Yes
A/RES/65/73	2010	Abstained
A/RES/67/42	2012	Abstained
A/RES/69/44	2014	Abstained
A/RES/71/33	2016	Abstained
A/RES/73/49	2018	Abstained
A/RES/75/60	2020	Abstained

Figure 1: China's voting record on HCoC UNGA resolutions from 2004 to 2020

have been followed by a series of abstentions since 2010. This abstention has become systematic on the part of China, even though these resolutions received support far beyond the countries that have joined the HCoC. In 2020, 176 countries voted in favour of the resolution, i.e. 33 more than the number of signatories to the Code; only 10 countries abstained, including China, Syria and Pakistan.

It is worthy of note that China participated in an EU-funded virtual regional seminar on

3. 'Statement by the Chinese delegation on the Resolution L.50 Entitled "Hague Code of Conduct against Ballistic Missile Proliferation",' Foreign Ministry of the People's Republic of China, 26 October 2004, available from http://www.china-un.ch/eng/dbtyw/cjtk_1/cjthsm/t167955.htm.

4. 'The Hague Code of Conduct against Ballistic Missile Proliferation,' Foreign Ministry of the People's Republic of China, Apr. 7, 2011, available from https://www.fmprc.gov.cn/mfa_eng/wjb_663304/zjzg_663340/jks_665232/kjlc_665236/wkdd_665246/t410752.shtml.

the HCoC organised by the FRS and the United Nations Centre for Peace and Disarmament in Asia (UNRCPD) in December 2020; an event that gave China an opportunity to discuss its perceptions of the Code off-the-record. This kind of format could provide an alternative to official forums for engaging with China on the issue in the current context.

A lack of awareness in the Chinese expert community

The HCoC is generally less publicised and commented on in international publications than the MTCR. References to HCoC are almost non-existent in the Chinese literature, whether in academic publications or in the general press. The CNKI, China's national academic database, does not even reference the term HCoC.⁵

One rare reference to the Code is from two researchers at the Shanghai Institutes for International Studies. They refer to the HCoC to criticise the draft International Code of Conduct for Outer Space Activities, describing the former as useless and incapable of preventing the proliferation of

ballistic systems, as it is not legally binding and does not include key countries such as Brazil and India (the article was written in 2013, before India joined the Code in 2016).⁶

Another article on Xin Lang Wang – a Chinese news aggregator – confuses the HCoC with the MTCR,⁷ and a 2019 press article briefly states that, unlike the US, which has withdrawn from the Intermediate-Range Nuclear Forces Treaty (INF Treaty),⁸ China may not be part of the HCoC but shares its objectives de facto since the country is committed to non-proliferation of WMD. This argument is debatable, both because the HCoC has no link to the INF Treaty, and because China does not fully share the Code's objectives of transparency and confidence-building.

Finally, in 2021, a paper noted the usefulness of the MTCR and HCoC but assessed that they were 'far from sufficient.' The authors especially regretted the limited scope of the Code.⁹ Apart from these rare exceptions, there is therefore a lack of discussion in Chinese publications on the issue of missile test notifications, which is one of the HCoC's major contributions to

5. '防止弹道导弹扩散海牙行为准则 or海牙行为准则 sometimes also called 反弹道导弹扩散国际行为守则, i.e. International Code of Conduct against Ballistic Missile Proliferation.

6. Qun Cheng and Qisong He (程群 and 何奇松), 'International Code of Conduct in Space - Games and Perspectives' (国际太空行为准则--博弈与前景), *Shanghai Institutes of International Studies*, September 2013, available from <http://www.siis.org.cn/Research/Info/71>.

7. The article states that China should circumvent the spirit of the regime by exporting guided rocket systems instead of ballistic systems in order to legally exceed the 500 kg payload and 300 km range limits, underlining the author's misunderstan

ding of the ballistic issues. 'Why are Chinese rockets becoming tactical missiles for small countries?' (中国火箭炮为何成为小国的战术导弹?) *Sina.com* (新浪网), 14 October 2018, available from http://k.sina.com.cn/article_6394380956_17d22829c00100brt9.html%60.

8. 'Why did the INF Treaty want to destroy intermediate-range ballistic missiles?' (《中导条约》为什么要销毁中程弹道导弹?) *Siwapu*, 16 May 2019, available from <http://www.siwapu.com/junshi/22499.html>

9. 'A Chinese Perspective on Missile Developments in the Asia-Pacific: Non-paper,' *IJSS*, March 2021.

transparency and stability. This general lack of knowledge of the Code and its contribution to non-proliferation underscores the need for its subscribing states, and organisations such as the European Union, to raise Chinese awareness through outreach activities.

A refusal to be too transparent about ballistic capabilities

China maintains a strategic opaqueness about its armed forces and in particular its deterrent capabilities, of which ballistic capabilities are the keystone. Beijing is not opposed in principle to transparency in relation to armaments but believes that such transparency must be differentiated and selective in order to limit the potential negative implications for its security. It thus differentiates between ‘two dimensions to transparency: “number” and “doctrine”’.¹⁰

China is particularly concerned about the disclosure of information concerning its nuclear and conventional arsenal, in terms of both the number and specific features of weapons and delivery systems. Unlike other nuclear powers with nuclear weapons, the country has never published estimates of its nuclear and ballistic missile arsenal, for example. Although military parades are an important way for the authorities to divulge information,¹¹ China does not communicate a great deal about the specific nature of its systems. And yet

Name	Type	Payload	Entry into service
DF-11/ CSS-7	SRBM	Dual	1990s
DF-11A/ CSS-7 Mod 2	SRBM	Dual	1990s
DF-11AZT	SRBM	Conventional	2010s
DF-12/ CSS-15	SRBM	Conventional	Unknown
DF-15/ CSS-6	SRBM	Dual	1990s
DF-15A/ CSS-6 Mod 1	SRBM	Dual	1990s
DF-15B/ CSS-6 Mod 3	SRBM	Conventional	2000s
DF-15C/ CSS-6 Mod 2	SRBM	Conventional	2000s
DF-16/ CSS-11 Mod 1	SRBM/MRBM	Conventional	2010s
DF-16A/ CSS-11 Mod 2	SRBM/MRBM	Conventional	Unknown
DF-16B/ CSS-11 Mod 2	SRBM/MRBM	Conventional	Unknown
DF-17	MRBM/HGV	Conventional	2010s
DF-21/ CSS-5	MRBM	Dual	1990s
DF-21A/ CSS-5 Mod 2	MRBM	Conventional	1990s
DF-21B/ CSS-5 Mod 3	MRBM	Conventional	Unknown
DF-21C/ CSS-5 Mod 4	MRBM	Conventional	2000s
DF-21D/ CSS-5 Mod 5	MRBM/ASBM	Conventional	2000s
CH-AS-X-13	ALBM	(?)	Under development
DF-26	IRBM/ASBM	Dual	2010s
DF-4/ CSS-3	IRBM/ ICBM	Nuclear	1970s
DF-5/ CSS-4	ICBM	Nuclear	1980s
DF-5A/ CSS-4 Mod 2	ICBM	Nuclear	1980s
DF-5B/ CSS-4 Mod 3	ICBM	Nuclear	2010s
DF-5C	ICBM	Nuclear	Under development
DF-31/ CSS-10 Mod 1	ICBM	Nuclear	2000s
DF-31A/ CSS-10 Mod 2	ICBM	Nuclear	2000s
DF-31AG	ICBM	Nuclear	2010s
DF-41/ CSS-20	ICBM	Nuclear	2010s
JL-2/ CSS-N-14	SLBM	Nuclear	2010s
JL-3	SLBM	Nuclear	Under development

Figure 2: China’s ballistic missile arsenal, 2021

10. Statement by Director-General FU Cong at the EU Non-Proliferation and Disarmament Conference, Ninth EU Non-Proliferation and Disarmament Conference, 13 November 2020, available from https://www.fmprc.gov.cn/mfa_eng/wjbxw/t1832223.shtml

11. During the military parade for the 2019 bank holiday, for example, the government unveiled the DF-41, the DF-17 equipped with the DF-ZF glider

Beijing insists on the transparency of its intentions by presenting its general defence policy and key elements of its nuclear doctrine, notably in its various white papers. According to Wu Riqiang of Renmin University, China is even '*the world's most transparent country when it comes to making clear the conditions under which it would use nuclear weapons*'.¹²

Yet this transparency has limits and preconditions, by the authorities' own admission. At the 2010 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference (RevCon 2010), China stated that '*transparency should be guided by the principle of "undiminished security for all"*,¹³ and in a 2019 statement by its ambassador to the Conference on Disarmament added ambiguously that a '*necessary precondition for transparency is*

that countries have sufficient mutual trust [and] respect each other's security concerns'.¹⁴ China thus maintains transparency about its intentions but ambiguity about its capabilities, which Chinese leaders see as a means of maintaining strategic stability between China and the other nuclear superpowers.¹⁵ This duality is all the more important to guarantee the survivability and effectiveness of a limited Chinese nuclear power. China therefore prefers '*secrecy over transparency*'.¹⁶

This approach, which is justified from both a political and a military point of view, faces growing demands for transparency, particularly from the United States and the international community.¹⁷ The Final Document of the 2010 RevCon, for example, calls on all nuclear-weapon states to further

and the DF-100. See Antoine Bondaz, Stéphane Delory and Geo4i, 'The military parade for the 70th anniversary of the PRC: a revealing example of Chinese strategic power,' *Images Stratégiques*, FRS, no. 1, September 2019, available from <https://www.frstrategie.org/en/publications/strategic-imagery/military-parade-70th-anniversary-prc-revealing-example-chinese-strategic-power-2019>

12. Riqiang Wu, 'How China Practices and Thinks About Nuclear Transparency,' in Bin Li, ed., *Understanding China Nuclear Thinking*, Carnegie Endowment for International Peace, 2016, available from https://carnegieendowment.org/files/ChineseNuclearThinking_Final.pdf.

13. 'Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons,' report submitted by China to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, May 3-28, 2010, available from https://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/31

14. 'Chinese Ambassador for Disarmament Affairs Criticized the US Proposition of "Nuclear Transparency",' Permanent Mission of the People's Repu-

blic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, 23 May 2019, available from <http://www.china-un.ch/eng/dbtyw/cjjk/t1665742.htm>.

15. Hui Zhang, 'Discussion of China's Nuclear Transparency Options,' *Belfer Center for Science and International Affairs*, Harvard University, 1 July 2001, available from <https://www.belfercenter.org/publication/discussion-chinas-nuclear-transparency-options-0>.

16. Gregory Kulacki, 'China's Nuclear Arsenal: Status and Evolution,' *Union of Concerned Scientists*, 2011, <https://www.ieim.uqam.ca/IMG/pdf/ucs-chinese-nuclear-modernization.pdf>.

17. 'China's lack of transparency regarding the scope and scale of its nuclear modernization program, however, raises questions regarding its future intent as it fields larger, more capable nuclear forces.' 'Military and Security Developments Involving the People's Republic of China 2020,' U.S. Department of Defense, *Annual Report to Congress*, August 2020, available from <https://media.defense.gov/2020/Sep/01/2002488689/-1/-1/1/2020-DOD-CHINA-MILITARY-POWER-REPORT-FINAL.PDF>.

increase transparency in order to build confidence between countries. The biennial UNGA resolutions supporting the Code stress that the Code *'contributes to enhancing transparency and building confidence among states'* and underlines the importance of *'further steps in this direction.'*¹⁸

Article 4 of the HCoC outlines the main transparency measures required by the Code. It requires subscribing states to make an annual declaration outlining their ballistic missile policies, a request that appears to be a constraint for China, which sees this as potentially undermining its deterrence. Indeed, as part of the required

annual declaration, joining the HCoC could potentially lead to sharing currently classified information with other subscribing states, such as estimates of the number of weapons held, operational deployments, or even the location of missile bases.¹⁹ China, out of excessive caution, may believe, as Bin Li points out, that *'certain facets of nuclear transparency may facilitate hostile intelligence activities aimed at identifying the weakness of a nuclear weapon system, thereby helping to exploit such weaknesses through the design of countermeasures.'*²⁰

Yet China is currently the country that conducts the greatest number of ballistic tests. According to reports by the United

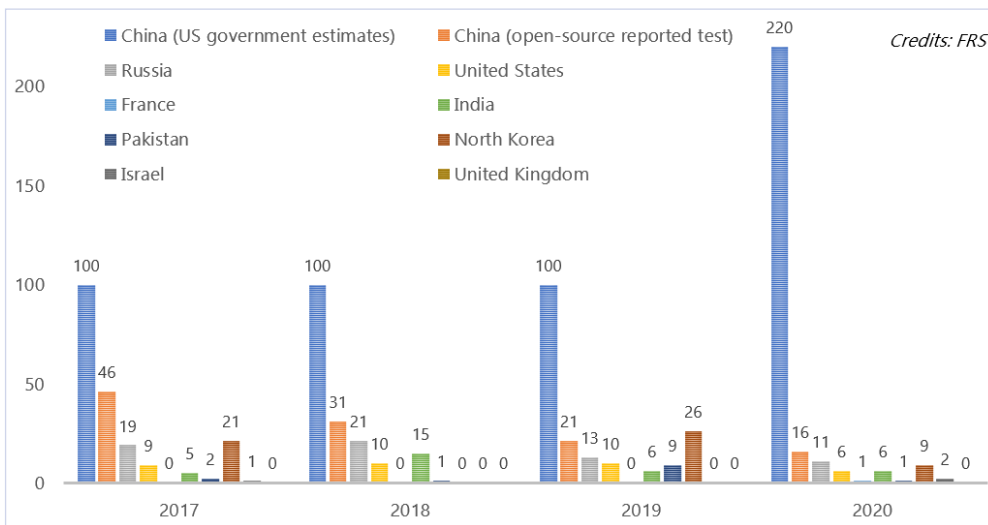


Figure 3: Estimated number of ballistic missile tests by nuclear-weapon possessor states (2017-2020)

18. 'The Hague Code of Conduct against Ballistic Missile Proliferation,' Resolution adopted by the General Assembly on 5 December 2018, A/RES/73/49, 12 December 2018.

19. It should be noted that the Code does not specify the level of information to be included in the 'annual declaration' and that subscribing states currently have very different interpretations and practices regarding this obligation. Although it is not techni-

cally and formally mandatory to disclose information that is not currently public, there could be a form of peer pressure to go beyond a very generic declaration.

20. Bin Li, 'China and nuclear transparency,' *SIPRI*, 2003, available from <https://www.sipri.org/sites/default/files/files/books/SIPRI03Zarimpas/SIPRI03Zarimpas03A.pdf>.

21. 'China fires over 100 missiles in 2019, far more

States government,²¹ China tested up to 100 missiles in 2019 and 220 in 2020.²² The vast majority of these tests are not officially reported, either in terms of their number or nature. Under Article 4, however, participation in the HCoC requires states to provide annual information on the number and generic class of ballistic missiles launched and to exchange pre-launch notifications. Signing the Code would therefore have a dual effect: forcing China to be more transparent about its tests, but also highlighting the considerable disparity between China and the other ballistic powers. There is also a general feeling in China that pre-launch notifications could be misused to provide too much strategic information at the regional and international level, including by giving foreign powers extra warning for gathering intelligence on Chinese tests.²³

Yet China maintains an interest in pre-launch notifications as a confidence-building mechanism with some countries. In 2010, Beijing signed a limited bilateral pre-launch notification agreement with Russia; one that is little-known but supported at the highest political level. President Putin described the agreement as '*a very important step towards enhancing mutual trust and strengthening our strategic partnership*,' while the Chinese daily Global Times stressed '*the special relationship*

Agreement between the Government of the Russian Federation and the Government of the People's Republic of China, 21 October 2010

Recognising the importance of establishing a mutual notification regime for ballistic missile and space launches based on the principles of trust, mutual benefit, equality and interaction, [...] decide that [...] each of the Parties shall provide the other Party, through the authorized bodies of the Parties, with notifications of upcoming and completed launches of ballistic missiles and space launch vehicles.

*between the two countries [...] as the launches of ballistic missiles are core state secrets rarely disclosed with other countries.*²⁴ The agreement remains, however, the least ambitious of the existing pre-launch notification agreements (the American-Soviet agreement of 1988, then the American-Russian agreement of 2000 and the Indo-Pakistani agreement of 2005). The Sino-Russian agreement defines ballistic missiles restrictively as delivery vehicles with a range exceeding 2000 km (Article 1) and limits notification on the Chinese side to delivery vehicles launched towards Russia (north, north-west, northeast), with similar restrictions applying to Russian launches (Article 2). In addition, each party may decide not to give prior notification of a test in '*exceptional cases*'

than U.S.,' *Kyodo News*, 29 February 2020, available from <https://english.kyodonews.net/news/2020/02/50ceb602df35-china-fires-over-100-missiles-in-2019-far-more-than-us.html>.

22. Michael R. Pompeo and Marshall Billingslea, 'China's Nuclear Build-Up Should Worry the West,' *Newsweek*, 4 January 2021, available from <https://www.newsweek.com/chinas-nuclear-madness-opinion-1558342>.

23. Interview by the authors.

24. Luke Champlin, 'China, Russia Agree on Launch Notification,' *Arms Control Today*, November 2011, available from <https://www.armscontrol.org/act/2009-11/china-russia-agree-launch-notification>.

25. Notifications are expected at least 24 hours before the launch (Article 5). The agreement was entered into for a period of ten years (Article 13). The Russian Duma approved the agreement in

and 'special situations'.²⁵ The agreement expired in December 2020 but was renewed by the two parties for an additional ten years.²⁶

A desire to avoid constraints on ballistic developments

On a general level, China systematically seeks to put forward a form of restraint both in terms of nuclear strategy (no first use) and in terms of developing its nuclear arsenal. As such, the country seeks to differentiate itself from the other major nuclear powers, particularly the United States. This opposition was clearly stated during the EU Non-Proliferation and Disarmament Conference of November 2020 by Chinese Director-General Fu Cong.²⁷ This distinctive position is all the more apparent given the recent decisions taken by the Trump administration in the sphere of arms control. In terms of ballistics, however, Chinese restraint is much less obvious, and Beijing does not intend to be constrained in the development of its future weapons systems. China's stance on the

trilateralisation of the INF Treaty is indicative in this respect.

On 6 August 2019, the Director General of the Department of Arms Control and



DF-21A, one of the Chinese MRBM. Credits: China Military

Disarmament of the Chinese MOFA organised an exceptional press conference to criticise the United States decision to withdraw from the INF Treaty. In particular, he rejected the underlying accusations that Beijing's reluctance to join the Treaty was one of the main reasons for the US withdrawal.²⁸ For China, the real objective of

October 2010, and it entered into force on 16 December 2010, meaning that the period of validity expired in December 2020. This bilateral framework appeared to be most appropriate for China, in particular to reduce the danger posed by ballistic missile systems and reduce the risk of accidental use of nuclear weapons, although implementation of the instrument has been called into question, in particular the very short period of notice given by China before notifications are sent out. See 'Соглашение между Правительством Российской Федерации и Правительством Китайской Народной Республики об уведомлениях о пусках баллистических ракет и космических ракет – носителей,' 21 October

2010, available from <http://docs.cntd.ru/document/902196991>.

26. 'Russian Defence Minister Sergei Shoigu met via video link with Chinese Defence Minister Wei Fenghe,' Ministry of Defence of the Russian Federation, 15 December 2020.

27. Statement by Director-General FU Cong at the EU Non-Proliferation and Disarmament Conference, op. cit.

28. 'Briefing by Mr. FU Cong, Director General of the Department of Arms Control and Disarmament of Ministry of Foreign Affairs,' Foreign Ministry of the People's Republic of China, 6 August 2019, available from https://www.fmprc.gov.cn/mfa_eng/wjb_663304/zzjg_663340/jks_665232/jkxw_665234/t1686559.shtml.

the United States is to reject constraints imposed by bilateral treaties on the development of its ballistic capabilities. In late 2018, an editorial in the People's Daily stated that US withdrawal from the INF Treaty was merely further evidence of Washington's unilateralism and that the criticism directed at China was '*absurd*'.²⁹

From the Chinese perspective, the United States essentially seeks to retain '*unilateral security advantages*'³⁰ 'to negate the checks and balances between the major powers and establish a unipolar world.'³¹ During the 2019 Non-Proliferation and Disarmament Conference in Moscow on 8 November 2019, Director-General Fu Cong stated that '*the US is trying to contain and seek overwhelming military superiority over Russia and China in all fields and with all means imaginable*' and would therefore politicise arms control to this end.³² A researcher at the War Research Institute of the Academy of Military Science further developed this idea, adding that the Washington had added arms control to the American '*toolbox*' to counter China's emergence with the dual objective of '*regulating China's behaviour*' and '*limiting the country's military capabilities*'.³³

Yet China's categorical refusal of any trilateralisation of the INF Treaty is primarily because the ballistic missiles covered by the treaty are of major military interest, notably in the context of conventional deterrence strategies aimed at safeguarding Chinese regional zones of influence. Beyond the issue of the INF Treaty, however, China is regularly increasing the qualitative and quantitative level of its ballistic arsenal, a pattern that is widely reported in and supported by the official media. This was clearly illustrated by the highly publicised call from the Global Times editor-in-chief, Xijin Hu, in a May 2020 post on Weibo (China's equivalent of Twitter), for China to '*increase the number of its nuclear warheads to 1,000 in a relatively short period of time, including at least 100 DF-41s*'.³⁴ Without prejudging the evolution of China's arsenal, the centrality of ballistic weapons to China's security and the growing demands to strengthen the arsenal are therefore clearly in conflict with Article 3 of the Code, which calls on the parties 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*

29. Sheng Zhong (钟声), "Unilateral thinking is risk-taking thinking" (单边思维, 也是"冒险心态"), *People's Daily* (人民日报), 25 October 2018, available from http://paper.people.com.cn/rmrb/html/2018-10/25/nw.D110000renmrb_20181025_5-03.htm.

30. Yeliang Zhang (张业亮), 'Prospects for postponement of negotiations on the US-Russia New Start Treaty are slim,' (美俄《新削减战略武器条约》延期谈判前景暗淡) *World Affairs* (世界知识), no. 11, 2019.

31. Statement by Director-General FU Cong at the

EU Non-Proliferation and Disarmament Conference, op. cit.

32. Remarks by H.E. Mr. Fu Cong, op. cit.

33. Xi Luo (罗曦), 'Arms control issues are now on the agenda of Sino-American strategic dialogue,' (军控议题在中美战略对话清单上位置前移) *World Affairs* (世界知识), no. 9, 2019, available from <http://comment.csisnet.com/2019/0507/1316027.html>.

34. Hu Xijin, 'China needs to increase its nuclear warheads to 1,000,' *Global Times*, 8 May 2020, available from <https://www.globaltimes.cn/content/1187766.shtml>.

of such missiles.'

In this context, putting out any communications regarding its refusal to join the HCoC would tarnish the image that the Chinese authorities have maintained for many years of a power at the forefront of arms control and disarmament, particularly with regard to the countries of the Global South. This image of a responsible nuclear and ballistic power is reflected in the unprecedented efforts being made by Chinese diplomacy in this area, particularly in terms of public communications.³⁵

A final concern for China is that the Code could gradually be confused or equated with the MTCR and imply increasing control over the transfer of ballistic technology. It shares this perspective with other non-signatory states such as Brazil or Indonesia, which criticise the Code and see it as a cartel that denies emerging countries access to launch technology.³⁶ This position must be seen in the light of China's sometimes ambiguous attitude to the proliferation of missile technology, which has swung from clear scepticism towards export controls to a more committed approach that nevertheless remains cautious about binding mechanisms.

35. There was a sharp increase in the number of public speeches and official statements in 2019, with 17 statements published by the MOFA Department of Arms Control and Disarmament, compared with 6 the previous year.

36. Interview by the authors.

37. Wade Boese, 'Missile Regime Puts Off China,' *Arms Control Association*, November 2014, available from <https://www.armscontrol.org/act/2004-11/missile-regime-puts-china>.

China and missile proliferation: An area of enduring concern

In spite of its decision to remain outside multilateral mechanisms designed to curb the proliferation of ballistic systems, China is increasingly aware of the need to address this issue. The country's position is however characterised by ambiguity and a lack of clear legislation.

China's attitude towards the MTCR

China has long sought membership of the MTCR, maintaining that it voluntarily abides by the regime's original 1987 guidelines. China's unsuccessful bid to join the MTCR in 2004³⁷ failed due to objections from member states—especially the US—about China's missile capabilities, its proliferation record, and its export control standards.³⁸ Testimony from key US government officials confirms that Washington continues to worry about a '*serial proliferator problem*',³⁹ with the same entities in China continuing to export missile-related technologies to countries such as Iran and North Korea despite repeated protestations from the international community and Beijing's

38. Paula DeSutter, 'Testimony of Paula A. DeSutter Assistant Secretary of State for Verification, Compliance, and Implementation, Before the U.S. – China Economic Security Review Commission,' US Department of State, September 2006, available from https://www.uscc.gov/sites/default/files/06_09_14_desutter_statement.pdf.

39. *Ibid.*, p.3.

assurances that it is tightening its export control policies.

A review of the literature from state-linked academic institutions and think tanks reveals that Beijing views the MTCR as a key international non-proliferation instrument, at least ostensibly. Between 2006 and 2013, there was even a brief period of introspection and debate within Beijing's legal and economic policy circles, with many academics arguing for stronger domestic export control measures.⁴⁰ Many individuals, such as Xu Nengwu of the National University of Defense Technology, and Jin Saimei of Wuhan University, saw China's underdeveloped export control system as the rate-limiting step in Beijing asserting control over its technological development and export market, as well as a way for the country to obtain international acceptance and respect.⁴¹ Some academics even argued for policy transfer options based on European examples in controlling the trade in aerospace and rocket technology. Cai Gaoqiang and Gao Yang of Xiangtan

University argued that '*China should draw lessons from the successful experience of the European Union and standardise dual-use products trade.*'⁴²

Beijing's failed attempt to join the regime has however led to increased cynicism about the MTCR, similar to its position on other international non-proliferation regimes such as the Nuclear Suppliers Group (NSG). In 2012, Ren Yuanzhe of China's Foreign Affairs University wrote that '*as an international mechanism dominated by Western developed countries, (the) MTCR mainly serves the interests of these countries, especially the United States.*'⁴³ In 2016, Bin Lin of Beijing Normal University similarly questioned the legitimacy of the MTCR and argued for structural changes to the regime.⁴⁴ One of the latest official comments from China's MOFA was the typically short and matter-of-fact summary of its meeting with the MTCR Chair, Ambassador Dell Higgie, in October 2019.⁴⁵

Similarly to its cynical view of the NSG,

40. Nengwu Xu (徐能武) and Saimei Jin (金赛美), 'Political Leadership and Regime Formation: Outlet of Missile Proliferation Governance Regime,' (政治领导与机制设计: 导弹扩散治理机制的成长) *Journal of Harbin Institute of Technology* (哈尔滨工业大学学报), January 2009, available from; Tao Cheng (陈涛), 'Research on China's Military Trade Development Strategy,' (中国军贸发展策略研究) *China Economic & Trade Herald* (中国经贸导刊), vol. 3, 2010; Gaoqiang Cai (蔡高强) and Yang Gao (高阳), 'On the Improvement of Legal System for Aerospace Products Trade Control in China,' (论中国航天产品贸易管控法律制度的完善) *Journal of Beijing University of Aeronautics and Astronautics* (北京航空航天大学学报), March 2013.

41. Nengwu Xu (徐能武) and Saimei Jin (金赛美) op. cit.

42. Gaoqiang Cai (蔡高强) and Yang Gao (高阳), op. cit.

43. Yuanzhe Ren (任远喆), 'China and Missile Technology Control Regime: Process and Prospect,' (中国与'导弹及其技术控制制度') *International Discourse* (国际论坛), vol. 2, 2012.

44. Ibid, p. 39.

45. 'Director-General of the Department of Arms Control of the Foreign Ministry Fu Cong Meets with Chair of the Missile Technology Control Regime (MTCR),' Foreign Ministry of the People's Republic of China, October 2019, available from https://www.fmprc.gov.cn/mfa_eng/wjbxw/t1709951.shtml.

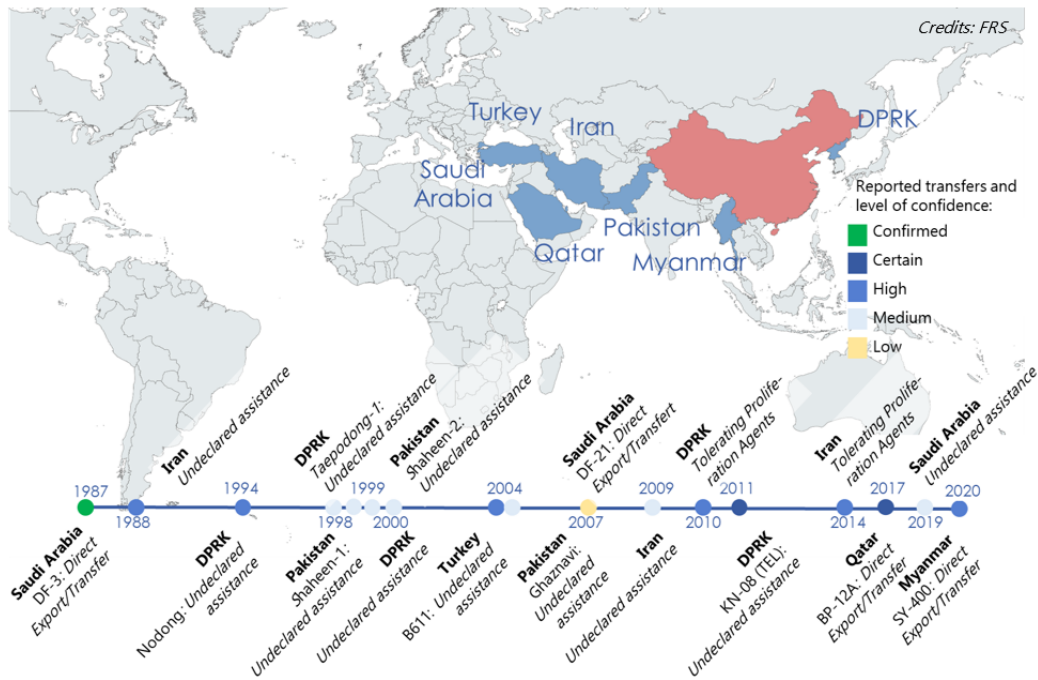


Figure 4: Chinese record on missile transfer and proliferation, 1987-2020

Beijing sees regimes such as the MTCR as a cartel of industrialised countries through which non-proliferation outcomes are achieved at the expense of the technological development of developing countries.⁴⁶ In line with the general themes of Chinese messaging and its position on multilateralism, Beijing increasingly advocates mechanisms that are universally accepted by the international community instead of smaller groups such as the MTCR.

Given its frustrated attempt to join the MTCR, China might have been expected to be more supportive of a multilateral mechanism such as the HCoC. Its choice to remain outside it may be seen as a lost

opportunity to promote the non-restrictive, normative and thereby aspirational aspects of the HCoC.

China's track record on proliferation

The growth of China's nuclear and missile programme has been an integral part of Beijing's nuclear and asymmetric missile strategy. The heyday of Sino-Soviet cooperation in 1950s accelerated the early development of China's missile programme. In 1958, Moscow sent technical assistance personnel and allowed academic

46. Weixing Hu, 'China's Nuclear Export Controls: Policy and Regulations,' *The Nonproliferation Review*, 1994, available from <https://>

www.nonproliferation.org/wp-content/uploads/npr/hu12.pdf.

exchanges. In 1959, China's first missile forces established initial operating capability with licenced production and substantial training and organisational support from the USSR.⁴⁷ Since then, China has been on the exporting end of many transfers of ballistic systems and technologies. Figure 4 provides an overview of publicly known, reported and rumoured incidents of Chinese involvement in ballistic and cruise missile programmes from the 1980s to 2020.

As this figure shows, China appears to have consistently disseminated missile technology components and sometimes full missile systems over the last few decades, even after its original statement in 1994 that it would abide by the terms of the MTCR. In particular, there have been substantial allegations and supporting evidence that Beijing has selectively exported missile technology and conducted weapon and/or technology transfers to many states, especially Iran, North Korea, Pakistan, Saudi Arabia, and Turkey. From the limited data available, we can see that direct exports of entire ballistic systems are however relatively rare, and tended to occur before 1994 and only to states with no declared

nuclear programme or aspirations – Pakistan being a clear exception. After this point, most recorded or alleged direct transfers did not contradict the formal limits of the MTCR. Yet this does not preclude Beijing from supporting states that may harbour nuclear ambitions via undeclared assistance, such as through selling sensitive missile technology or facilitating technology transfers.

◆ *Pakistan*

China has historically been Pakistan's primary supplier of missile-related technology.⁴⁸ Although the M-11, the base export model of the DF-11 short-range ballistic missile (SRBM), does not contravene the restrictions of the MTCR, its development coincided with the development of Pakistan's strikingly similar Ghaznavi and later Shaheen I missiles,⁴⁹ a 750 km-range derivative of the system that is well beyond the MTCR-accepted range.⁵⁰ Beijing is believed to have not only supplied parts of the missile, but also supported the establishment of a manufacturing facility for Pakistan's indigenous production of the missile.⁵¹

This led to the United States imposing

47. Zhihua Shen and Yafeng Xia, 'Between Aid and Restriction: The Soviet Union's Changing Policies on China's Nuclear Weapons Program, 1954-1960,' *Asian Perspective*, vol. 36, no. 1, 2012, available from <https://www.jstor.org/stable/42704782?seq=1>.

48. Wisconsin Project on Nuclear Arms Control, 'Pakistan Missile Update – 2003,' 2003, available from <https://www.wisconsinproject.org/pakistan-missile-update-2003/>.

49. Wisconsin Project on Nuclear Arms Control, op. cit.

50. Thazha Varkey Paul, 'Chinese-Pakistani Nuclear/ Missile Ties and Balance of Power Politics,' *The Nonproliferation Review*, vol. 10, 2003, available from <https://www.nonproliferation.org/wp-content/uploads/npr/102paul.pdf>.

51. R. Jeffrey Smith, 'China Linked to Pakistani Missile Plant,' *The Washington Post*, 25 August 1996, available from <https://www.washingtonpost.com/archive/politics/1996/08/25/china-linked-to-pakistani-missile-plant/5559b95e-bc99-4f25-92be-eceab627a6d7/>.

sanctions on certain Chinese and Pakistani entities that were involved in the transfer in 2000, but it agreed to lift them after Beijing pledged to cease the transfer.⁵² Despite China's assurances, it is reported to have continued to support Pakistan's indigenous missile capability. The 2,500 km-range Shaheen II is believed to be derived from the M-18. This two-stage export design is similar to the M-9, which was displayed in 1988, but quietly removed shortly after.⁵³ In 2000, a Chinese company reportedly delivered 12 shipments of missile components to Pakistan's Shaheen I SRBM and Shaheen II medium-range ballistic missile (MRBM) programmes. Later that year, the US Treasury Department sanctioned China Metallurgical Equipment Corporation (CMEC) for proliferation of MTCR Category II missile technology to Pakistan.⁵⁴

◆ *Saudi Arabia*

China's sale of its liquid-fuelled DF-3 to Saudi Arabia in the 1980s is widely documented.⁵⁵ After Washington refused to

sell Riyadh a similar capability, Saudi authorities decided to look for other providers and took great lengths to keep negotiations regarding the sale secret, meeting initially in neutral Malaysia, according to a Chinese Communist Party periodical.⁵⁶ When this was discovered, Washington predictably reacted negatively and enacted temporarily targeted sanctions on entities involved in the deal.

In 2014, US magazine Newsweek reported that Riyadh had procured DF-21 solid-



DF-3A, exported from China to Saudi Arabia.

Credits: Saudi Press Agency

52. 'Hatf-3 / Shaheen-I / M-11,' *Federation of American Scientists*, September 2000, available from https://fas.org/nuke/guide/pakistan/missile/hatf-3.htm#N_3_.

53. Missile Defense Project, 'Hatf 6 "Shaheen 2",' *Center for Strategic and International Studies*, 16 September 2016, available from <https://missilethreat.csis.org/missile/hatf-6/>.

54. Shirley A. Kan, 'China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues,' *Congressional Research Service*, 5 January 2015, available from <https://fas.org/sgp/crs/nuke/RL31555.pdf>.

55. 'Long Arrows flying to Foreign Lands: History of China's Surface-to-Surface Tactical Missile Ex-

port,' (飞往异域的长箭：中国地对地战术导弹出口史) *Sina Pictures* (新浪图片), December 2015, available from https://web.archive.org/web/20200818100015/https://photo.sina.cn/album_8_62085_39609.htm?ch=8&vt=4&hd=1.

56. Zhaoxiang Chen (陈肇祥), 'China's largest single arms export-China's "Dongfeng" missile export to Saudi Arabia,' (中国金额最大的单项军火输出——中国“东风”导弹出口沙特内幕), *Communist Party-Member Periodical* (共产党员), vol. 12, no. 26, 2011, available from <https://oversea.cnki.net/kns/detail/detail.aspx?FileName=GCDY201112037&DbName=CJFN2011>.

57. Jeff Stein, 'Exclusive: CIA Helped Saudis in Secret Chinese Missile Deal,' *Newsweek*, 29 January

fuelled intermediate-range ballistic missiles (IRBM) from Beijing in 2007.⁵⁷ The magazine stated that the sale had taken place with tacit approval from the United States on the proviso that US intelligence personnel could verify that the systems sold would not be capable of carrying a nuclear warhead.⁵⁸ Verifying this report has been difficult, as the original quote from a retired Saudi major general,⁵⁹ was later found unreliable. Chinese experts expressed their scepticism about this transfer.⁶⁰

In early 2019, geospatial intelligence (GEOINT) analysis from the James Martin Center for Nonproliferation Studies concluded that a solid-fuel production centre at al-Watah had been built in ways similar to Chinese facilities.⁶¹ This coincided with rumblings within the US House Intelligence Committee suggesting that the Trump Administration was aware of ongoing China-Saudi technical cooperation on missile technology.⁶²

2014, available from <https://www.newsweek.com/exclusive-cia-helped-saudis-chinese-missile-deal-227283>; 'Long Arrows flying to Foreign Lands: History of China's Surface-to-Surface Tactical Missile Export,' op. cit.

58. Zachary Zeck, 'China Secretly Sold Saudi Arabia DF-21 Missiles With CIA Approval,' *The Diplomat*, January 2014, available from <https://thediplomat.com/2014/01/china-secretly-sold-saudi-arabia-df-21-missiles-with-cia-approval/>.

59. Ali bin Gharsan (علي بن غرسان), 'DFs "strengthens the deterrent arsenal"', «رياح الشرق» تعزيز ترسانة الردع و «الديابية الطائرة» OKAZ, September 2014, available from <https://web.archive.org/web/20201004204220/https://www.okaz.com.sa/article/946108>.

60. He Chao (贺超), 'Former CIA personnel wrote a book and broke the news, falsely claiming that China had sold nuclear bombs to Saudi Arabia,' (前中情局人员写书爆料 诬称中国曾向沙特卖核弹), Hanqiu, 9 June 2010, available from <https://>

◆ *North Korea (DPRK)*

In late 1998, the US National Security Agency (NSA) suspected the China Academy of Launch Vehicle Technology (CALT) of cooperating with North Korea's satellite development space programme.⁶³ It also reported that North Korea had developed the Nodong 1 and 2 in the 1990s with Chinese as well as Russian technical assistance.⁶⁴

In the early 2000s, Chinese companies reportedly transferred various items of equipment, such as accelerometers, gyroscopes and precision machining tools (CNC machines), critical to the production of missile subcomponents.⁶⁵ Sensitive exports from China to North Korea continued more recently. In July 2010, the Taiwanese authorities raided Ho Li Enterprises. This company had received orders since March 2007 from Dandong Fang Lian Trading Company in Dandong, China, with an alleged association with the

world.huanqiu.com/article/9CaKrnJnyAf

61. Jamie Withorne, 'Saudi Arabia's Suspect Missile Site and the Saudi Nuclear Program,' *James Martin Centre for Nonproliferation Studies*, March 2019, available from <https://nonproliferation.org/saudi-arabia-briefing-dc/>.

62. Phil Mattingly, Zachary Cohen and Jeremy Herb, 'Exclusive: US intel shows Saudi Arabia escalated its missile program with help from China,' *CNN*, 5 June 2019, available from <https://edition.cnn.com/2019/06/05/politics/us-intelligence-saudi-arabia-ballistic-missile-china/index.html>.

63. Shirley A. Kan, op. cit.

64. 'No Dong 1/2,' in James C. O'Halloran, ed., *IHS Jane's Weapons: Strategic 2015-2016*, 2015, p. 58.

65. Shirley A. Kan, op. cit.

North Korean military, for two dual-use, high-technology machine tools that ended up in North Korea earlier in 2010.⁶⁶ The report from the 2013-2014 UN Panel of Experts (UNPoE) on the DPRK also found that the Dalian Liaosin Trading Company had attempted to send graphite cylinders, electric cable, electromagnetic interference filters and charge-coupled device (CCD) cameras to North Korea.⁶⁷

While there have been many claims of the Chinese government's support for North Korea's missile programmes, publicly available information is limited.⁶⁸ What is known is the consistent pattern of North Korea using Chinese State-Owned Enterprise (SOE) manufactured trucks as transporter-erector-launchers (TEL) during its military parades. These TEL are likely to be deployed among its missile forces. The 16-wheel TEL for the KN-08 ICBM, for example, is likely to have originated from China. The UNPoE report on North Korea states that the suspected North Korean WS51200 TEL was produced as a 122-ton vehicle by the Hubei Sanjiang Space Wanshan Special Vehicle Company, part of

the China Space Sanjiang Group under the China Aerospace Science and Industry Corporation (CASIC).⁶⁹ The export occurred in 2011, under the denomination 'off-road trucks'. This pattern continued in the 2014 parade and again most recently in 2017, when the paraded Pukguksong-1 SLBM was shown to be transported on a TEL with the logo of Sino-Truk (another Chinese SOE) painted over, but still visible. According to analysis by the UNPoE, it matched the dimensions of the Sinotruk Howo 6x6 series truck. China's response to the Panel's request for information admitted that the SOE had exported civilian all-wheel-drive trucks but pointed out that at the time, between 2010 and 2014, they were '*not under embargo of the Security Council.*'⁷⁰

◆ *Iran*⁷¹

Since the sale of Silkworm cruise missiles in 1988, and its surface-to-surface technical cooperation agreements signed with Tehran,⁷² Beijing has long been suspected of providing technical assistance to Iran's Shahab series of missiles derived from North Korea's Nodong series.⁷³ In September 2009, Geoffrey Forden, an MIT

66. Shirley A. Kan, *op. cit.*

67. UN Panel of Experts on North Korea, Report UNSC S/2014/147, 2014, p.27, available from https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_147.pdf.

68. 'The Forex Effect. US Dollars, Overseas Networks, and Illicit North Korean Finance,' *C4ADS*, The Sejong Institute, 2017.

69. UN Panel of Experts on North Korea, Report UNSC S/2013/337, 2014, p.27, available from http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_337.pdf.

70. UN Panel of Experts on North Korea, Report UNSC S/2017/742, p.17, available from [https://](https://www.undocs.org/S/2017/742)

www.undocs.org/S/2017/742.

71. Jack Detsch, 'Suspected Iranian strikes raise US concerns over Chinese missile proliferation,' *Al-Monitor*, September 2019, available from <https://www.al-monitor.com/pulse/originals/2019/09/us-concern-china-missile-technology-iran.html>.

72. Elaine Sciolino, 'China Is Still Arming Iran, U.S. Says,' *The New York Times*, October 1987, available from <https://www.al-monitor.com/pulse/originals/2019/09/us-concern-china-missile-technology-iran.html>; John W. Garver, *China and Iran: Ancient Partners in a Post-Imperial World*, Seattle: University of Washington Press, 2006, pp. 54-55.

73. John W. Garver, *China and Iran: Ancient Partners in a Post-Imperial World*, *op. cit.*

The Hague Code of Conduct and China

Security Studies researcher, alleged that a series of classified Iranian government memos showed Chinese and North Korean involvement in Iran's missile programme, stating that government experts were '*present at all phases of production and flight testing.*'⁷⁴ Chinese commercial entities also have a long history of supplying missile materials and components to Iran,⁷⁵ the

most famous case being that of Karl Lee or Li Fangwei,⁷⁶ which has plagued international counter-proliferation efforts against Iran and been a prime sticking point between Beijing and Washington.

◆ Turkey

In 2004, it was revealed that China and Turkey had co-developed the B611, a 150

Figure 5: Chinese missile systems available for export

	Range (km)	Warhead (kg)	Year of public reference	Producer	Exporter	Customer
M-9	600	500	1990	CASC (China Academy of Rocket Motors Technology)	ALIT	
M-11	300	500	1992	CASIC (Sanjiang Space Group)	CPMIEC	Pakistan (1990s)
B611	150	480	2004	CASIC (Sanjiang Space Group)	CPMIEC	Turkey (1990s)
P-12	150	300	2006	CASIC (Sanjiang Space Group)	CPMIEC	
B611M	260	480	2006	CASIC (Sanjiang Space Group)	CPMIEC	
BP-12	200	480	2010	CASIC (Sanjiang Space Group)	CPMIEC	
BP-12A	280	480	2012	CASIC (Sanjiang Space Group)	CPMIEC	Qatar (2017)
SY-400	400	200	2008	CASIC (Sanjiang Space Group)	CPMIEC	Myanmar (2020)
M-20	280	480	2011	CASC (China Academy of Launch Vehicle Technology)	ALIT	

74. Geoff Forden, 'Secret Iranian Missile Memos,' *Arms Control Wonk*, September 2009, available from <https://www.armscontrolwonk.com/archive/302458/secret-iranian-missile-memos/>.

75. 'Nine Foreign Companies Sanctioned by U.S. for Supplying Chemical Weapons, Missile Materials to Iran,' *Nuclear Threat Initiative*, January 2006, available from [https://www.nti.org/gsn/article/nine-](https://www.nti.org/gsn/article/nine-foreign-companies-sanctioned-by-us-for-supplying-chemical-weapons-missile-materials-to-iran/)

[foreign-companies-sanctioned-by-us-for-supplying-chemical-weapons-missile-materials-to-iran/](https://www.nti.org/gsn/article/nine-foreign-companies-sanctioned-by-us-for-supplying-chemical-weapons-missile-materials-to-iran/).

76. Daniel Liu, 'Karl Lee, where is he now?,' *Project Alpha, King's College London*, 26 October 2018, available from <https://www.kcl.ac.uk/news/karl-lee-where-is-he-now>; Ian Stewart and Daniel Salisbury, 'Wanted: Karl Lee,' *The Diplomat*, May 2014, available from <https://thediplomat.com/2014/05/wanted-karl-lee/>.

km-range manoeuvrable SRBM as part of Project J, a cooperative endeavour allowed within MTCR restrictions.⁷⁷ According to Jane's, IDEX officials revealed that this missile was the result of a ten-year programme, with Roketsan customising and producing the Yildirim, in cooperation with China Precision Machinery Import-Export Corp. (CPMIEC), based on the B611 SRBM. It is unclear whether co-production halted with the B611 or the much more capable B611M. Following the initial cooperation, Turkey has since developed the design and the capabilities of the J-600T Yildirim-IV now largely surpass MTCR specifications.

◆ *Qatar*

One other recent example of a country receiving Chinese missile exports within the bounds of the MTCR may be Qatar. Chinese



BP-12A, exported from China to Qatar, displayed during Qatar National Day Parade, 2017. Credits: Flickr/tenfas.apk

missiles were first sighted on 18 December

2017 in Doha, when the BP-12A Chinese short-range ballistic missile system was featured during Qatar's National Day celebrations. With a range of 280 km and a payload capacity of 480 kg, export of these weapons does not violate the provisions of the MTCR.⁷⁸

◆ *Myanmar*

Finally, in 2020, it was reported that Myanmar had acquired the SY-400 system, with few details mentioned in the press.⁷⁹

Chinese missile export actors

Two state-owned industrial consortia, the China Aerospace Science and Technology Corporation (CASC) and the China Aerospace Science Industry Corporation (CASIC), handle the development, production and export of Chinese ballistic missiles. These two SOE were created in 1999 by splitting up the former Ministry of Aerospace Industry, China Aerospace Corporation, to stimulate innovation through competition. Competition remains currently limited, however, as the two companies have become relatively specialised. Conversely, new competition has come from other defence industry SOE, such as NORINCO, which produces heavy guided rockets.

77. 'B-611 / BP-12A / Toros / Yildirim,' *Global Security*, October 2013, available from <https://www.globalsecurity.org/military/world/china/b-611.htm>.

78. 'Qatar Displays Chinese Missile,' *Arms Control Association*, 1 March 2018, available from <https://www.armscontrol.org/act/2018-03/news-briefs/qatar-displays-chinese-missile>.

79. 'Myanmar to receive first batch of Chinese SY-400 short-range ballistic missiles,' *Army Recognition*, 6 April 2020, available from https://www.armyrecognition.com/april_2020_news_defense_global_security_army_industry/myanmar_to_receive_first_batch_of_chinese_sy-400_short-range_ballistic_missiles.html.

CASC is mainly in charge of supplying the space programme and intercontinental ballistic missiles, while CASIC develops medium- and short-range ballistic missiles, cruise missiles (the C700, C800 and CJ-ranges) and anti-aircraft defence systems. Each of the two groups has a subsidiary dedicated to commercial activities (import-export), the Aerospace Long-March International Trade Co. (ALIT) for CASC, and the CPMIEC for CASIC.

Within CASC, the China Academy of Rocket Motors Technology (4th Institute) produces SRBMs (DF-15 range and its derivative M-9) and the M-20 intended for export. While the M-9 does not appear to have been exported, the M-20, developed by CALT, was presented publicly by ALIT at the IDEX show in Abu Dhabi in 2011. To date, there is no information to indicate a sale.

Sanjiang Space Group (9th Institute), a subsidiary of CASIC based in Wuhan, specialises in tactical solid-propulsion missiles. It produces the DF-11 family and probably the new DF-16 supplied to the People's Liberation Army (PLA), as well as the M-11 (which is a DF-11 derivative), the B611/BP-12A series and the SY-400 for export. The CPMIEC is therefore the main Chinese company in charge of the export of Chinese missiles. The information available on CPMIEC is minimal, with references to the company almost entirely absent from the Chinese internet.

Missile export control strategy

These case studies spanning the past 20

years illustrate the four core pillars guiding China's approach towards missile proliferation and engagement with non-proliferation regimes:

Supporting the development of national defence capability and strategy

Export variants and capabilities are always derived following indigenous production. Missile exports, particularly in the 1980s and 1990s, have been utilised as ways to sustain the industrial capability and commercial viability of a critical defence industry. When Beijing embarked on a revenue-focused missile export strategy in the early 1990s, it attracted international condemnation. This was especially true when the defence industry developed capabilities the PLA's Second Artillery Corps had yet to seek a requirement for, and therefore had to look to foreign markets to sustain its production ability.

Limited and pragmatic engagement with international export control and non-proliferation regimes

Beijing wants to be respected as a responsible power but refuses to be held to account by restrictive international regimes that it cannot shape and that it considers skewed towards benefiting other states. China would prefer to maintain dialogue and engagement and retain a form of associate status with international non-proliferation regimes and treaties, but it appears to refuse to commit to regimes that actively restrict its capability development. If a capability is prohibited from being

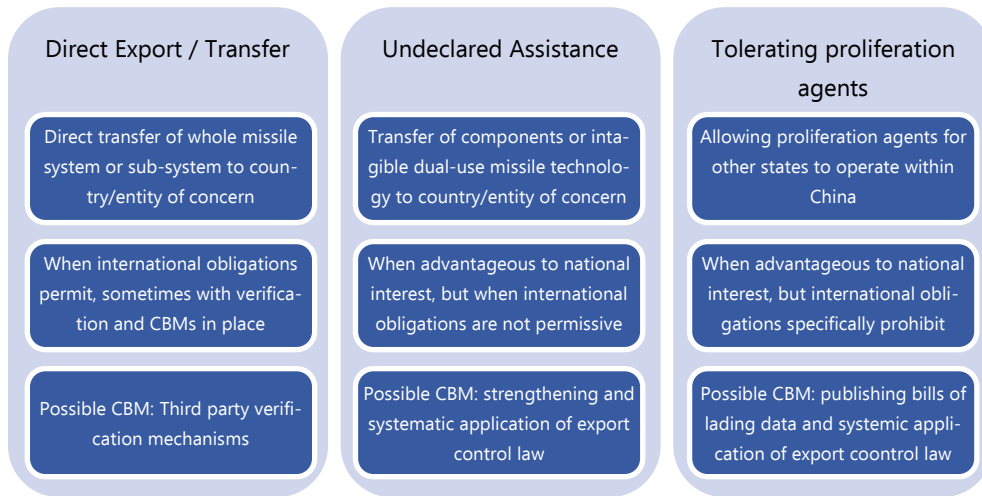


Figure 6: Chinese missile cooperation / export / proliferation strategies

exported to close strategic partners such as Pakistan, Beijing is more than willing to contravene such regimes and use clandestine means of export. Based on the confluence of the international normative environment and its centrality to Chinese strategic interest, the way China engages in missile proliferation can be further categorised into three distinct policy approaches. These strategies – though not unique to the country – have been effectively executed by China.

Direct transfer

China is open about the history of direct transfer of whole missile systems or sub-systems that took place when permitted under international normative obligations. The sales typically occurred through CPMIEC, which does not make missiles itself but acts as an intermediary for China’s two main missile manufacturers. China’s early export record to Saudi Arabia and Pakistan

are major examples of this kind of transfer. As for confidence-building mechanisms, China’s published records in the UN Register of Conventional Arms offer some basic information for verification.

Undeclared SOE sales and technical assistance

When China is faced with a less permissive diplomatic or international environment but still wants to pursue a missile cooperation programme, the historical record suggests that Beijing chooses to pursue undeclared assistance. Its provision of technical assistance typically comes in the form of unofficial experts cooperating or supporting other states’ programmes, and academic or technical exchanges between experts and research institutions. Other types of support appear to include sending dual-use components under civilian end-use declarations when such items are known to directly support missile programmes. China’s technical support for Pakistan’s

National Development Complex (NDC), if proven, as well as Beijing's consistent export of Chinese-made TEL capable trucks to North Korea, are prime examples of this strategy.

Building confidence to reduce the risk of this occurring requires action by both China and the international community. From the international community's perspective, a robust and systematically applied export control regime that is empowered by China's new export control law would help to reduce concerns around Chinese policies. This law should also include information on the decision-making mechanism linked to sensitive exports.

Tolerating proliferation agents

China's current centrality in global supply chains makes it an inevitable target for proliferation agents acting on behalf of foreign states to seek missile-sensitive materials and technology. US authorities have sanctioned individuals and networks such as Karl Lee and Luo Dingwen for sending missile components such as gyroscopes and optical sensors to Iran, while the Ma Xiaohong network⁸⁰ and recently indicted 28 North Korean and 5

Chinese nationals who allegedly created a web of 250 shell companies to launder \$2.5 billion USD in proliferation financing.⁸¹

Whether these proliferation agents have taken advantage of lax regulations and thus thwarted the Chinese authorities, or whether they are actively tolerated by Chinese law enforcement and export control authorities is ultimately a moot point. The end result remains that Beijing – be it due to lack of capacity or will – has thus far allowed the growth of a permissive environment for proliferation agents. Similarly, in relation to the issue of undeclared state support, the concerns of the '*serial proliferator problem*' would be reduced by the establishment of a robust and uniformly enforced export control law with explicit references to ballistic missile technology. Another key CBM would be the release of detailed trade data. Until 2018, China's General Administration of Customs allowed the release of detailed data on China's imports and exports.⁸² This gave international sanctions monitors, safeguards and export control authorities a level of transparency into Chinese trade flows. It is understandable that Beijing may not want to release full details of imports and exports. Nonetheless, greater detail on trade flows to and from key countries of

80. 'Four Chinese Nationals and Chinese Company Indicted for Conspiracy to Defraud the United States and Evade Sanctions,' Press Release – US Department of Justice, July 2019, available from <https://www.justice.gov/opa/pr/four-chinese-nationals-and-chinese-company-indicted-conspiracy-defraud-united-states-and>

81. US Grand Jury, 'Case 1:20-cr-00032-RC Document 1,' May 2020, available from <https://>

int.nyt.com/data/documenthelper/6971-north-korea-indictment/422a99ddac0c39459226/optimized/full.pdf#page=1.

82. Oceana Zhou and Eric Yep 'The curious case of China's missing trade data,' *S&P Global Platts Insight*, June 2018, available from <https://www.spglobal.com/platts/en/market-insights/blogs/oil/061518-the-curious-case-of-chinas-missing-trade-data>.

proliferation concern such as North Korea or Iran would significantly boost confidence that the Chinese authorities are serious about restricting the space in which proliferation agents can operate.

Implementation of the new export control law

Until 2020, China's export control system reserved an important role for the MOFA, which was responsible for interpreting China's international obligations and foreign policy. However, final decision-making power lay (at least in theory) with three interdepartmental party-political bodies: the Commission for Science, Technology and Industry for National Defence (COSTIND), the Leading Small Group for military exports,⁸³ and the Central Military Commission (CMC) 703 Committee.⁸⁴ To date, there is no publicly stated procedure for how administrative action in export control used to take place across government. Moreover, within the Communist Party's ranking system, Chinese state-run missile industry primes were at the same organisational authority as MOFA

and the Ministry of Commerce, the government organisation supposed to oversee and control their export activity. This dynamic system of interdepartmental politics means that institutional and personal influence could be powerful in swaying missile export decision-making.⁸⁵

This uneven institutional arrangement may explain some contradictions between Beijing's proliferation actions and its stated intent. It may also be the cause of some of the lax management of serial proliferators operating within and across its borders. It is easy to imagine that MOFA has not always been well-informed of all its sensitive exports and foreign interlocutors.⁸⁶ This may be true if some of the secret arms sales were decided within the PLA-led Leading Small Group for military exports, in which MOFA may not play a direct role. Only after consistent carrot-and-stick sanctions diplomacy during the 1990s did incremental changes in Chinese behaviour take place, with MOFA becoming slowly more empowered through diplomatic concessions and China's defence industry and commercial actors being slowly nudged towards compliance through sanctions.⁸⁷

83. 'National Defense Technology Industry Military Products Trade Work Conference Held in Beijing,' (国防科技工业军品贸易工作专题会在北京召开) National Defence Technology Industry Bureau (国防科工局), February 2012, available from https://web.archive.org/web/20200816191450/http://www.gov.cn/gzdt/2014-02/18/content_2611466.htm.

84. The 703 committee and the State Council Leading Small Group for military exports are likely to be the same group:

Evan S. Medeiros, 'Chasing the Dragon- Assessing China's System of Export Controls for WMD-Related Goods and Technologies,' *RAND Corp*, 2005, available from https://www.rand.org/content/dam/rand/pubs/monographs/2005/RAND_MG353.pdf; Evan S. Medeiros, *Reluctant Restraint: The Evolution of China's Nonproliferation Policies and Practices, 1980-2004*, *Studies in Asian Security*, Stanford: Stanford University Press, 2007.

85. Weixing Hu, op. cit.

86. Ibid, p. 8.

87. Evan S. Medeiros, *Reluctant Restraint*, op. cit.

Formalisation and centralisation of decision-making have been the hallmarks of Secretary General Xi Jinping's rule, and export control is no different. China's long-awaited new export control law (ECL) was adopted and entered into force in December 2020.⁸⁸ Implementation rules are still necessary for the law to be fully enforceable and these texts should be adopted by the end of 2021. The new ECL centralises decision-making and approval of transfer around the State Council and CMC, as was predicted from earlier drafts.⁸⁹ It includes stronger and more explicit re-export provisions that can be used to address the re-export of sensitive dual-use components. These new provisions could provide a legal basis for action to stop companies from procuring advanced components from the United States or Europe, and selling them for example to Iran, as occurred in the Karl Lee case. According to the institutional arrangements, the Ministry of Commerce will be first among equals in a loosely organised collective of export control bodies known as the 'State Export Control Administrative Departments.'⁹⁰

A more robust export control regime will not however immediately make Beijing a shining beacon of non-proliferation, if ever.

The law can certainly restrict the ability of foreign proliferation actors to procure critical components for missile- or nuclear-related items from China's vast industrial and technology base, but it will not change the overarching strategic rationale that has led Beijing to engage in missile cooperation and proliferation behaviour thus far.

Conclusion

China's refusal not only to join but to a large extent even to discuss the HCoC is unlikely to change in the short term. This position will however become increasingly difficult to defend politically, especially if the United States and other subscribing states officially and publicly invite China to join the HCoC.

First, the HCoC, although modest in its framework and scope, is an example of a multilateral CBM that internationalises a risk reduction mechanism and contributes to increased strategic stability. Since China has repeatedly advocated for strategic stability, subscribing to the HCoC would serve to limit international criticism and support its self-projected international image of a responsible country.

Second, while the HCoC cannot legally prevent the actual transfer of ballistic technologies and components, it

88. 'China Promulgates First Export Control Law,' *The National Law Review*, 4 December 2020, available from <https://www.natlawreview.com/article/china-promulgates-first-export-control-law>.

89. 'PRC Export Control Law, As passed by Standing Committee of the National People's Congress on October 17, 2020', Unofficial Translation Courtesy

of Covington & Burling LLP, available from https://www.cov.com/-/media/files/corporate/publications/file_repository/prc_export_control_law_2020_10_cn_en_covington.pdf; Chinese version available from <http://www.npc.gov.cn/npc/c30834/202010/cf4e0455f6424a38b5aecf8001712c43.shtml>.

90. The official term is '国家出口管制管理部门'.

nonetheless creates an internationally recognised non-proliferation norm for 143 subscribing states. Given China's concerning track record on missile exports, subscribing to the HCoC, or at least supporting it through a positive vote on future UNGA resolutions, could help China to bolster its non-proliferation credentials.

Third, although the HCoC does not replace a space code of conduct or a legally binding treaty on the weaponisation of space, it remains the only mechanism currently able to provide transparency on launches and space launch vehicles programmes. With the growth of space programmes in Asia, increasing the transparency of launches and clearing up ambiguity regarding the export of dual-use technologies is crucial for building strategic trust. This is especially important given China's opaque network of state-owned and aerospace industries.

As arms control is facing major obstacles today, there is a new focus on CBM, transparency measures and other initiatives that might limit the risk of escalation and strategic conflict between major powers. As such, China can adopt many potential strategic risk reduction measures. Joining a pre-launch notification mechanism is a good example. But China's current policy of maintaining a high level of secrecy around arsenals and deployments is at odds with the objective to increase transparency on force structures and policies. The resistance to pre-launch notification is therefore similar to that in other areas, such as transparency regarding the numbers of delivery vehicles deployed, exercises,

nuclear safety and security.

Here again, Chinese officials point out that this definition of strategic risk reduction is too limited, and that China is a major player in this field thanks to the adoption of a no first use policy, a doctrine which if credible by definition eliminates the risk of nuclear first strike and therefore contributes to strategic stability. China also highlights its participation in dialogues such as the P5. The constructive nature of certain Chinese proposals should be assessed and separated from purely communication-oriented proposals. The participation of Chinese officials in a meeting funded by the EU and organised by the FRS and UNRCPD in December 2020 is an encouraging step in this regard.⁹¹ □

91. 'Asian Regional Webinar,' HCoC Project, FRS, 18 December 2020, available from <https://>

www.nonproliferation.eu/hcoc/asian-regional-webinar/.

The Hague Code of Conduct and China

Annex: List of major arms control, disarmament and non-proliferation treaties to which China has acceded

Nuclear-related

- ◆ Convention on the Physical Protection of Nuclear Material (accession in February 1989)
- ◆ Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (accession in February 1991)
- ◆ Treaty on the Non-Proliferation of Nuclear Weapons (accession in March 1992)
- ◆ Convention on Nuclear Safety (signed in 1994, ratified in April 1996)
- ◆ Comprehensive Nuclear-Test-Ban Treaty (signed in September 1996 but not ratified)
- ◆ Additional Protocol to the Agreement between China and the IAEA for the Application of Safeguards in China (signed in December 1998, entered into force in March 2002)

Chemical-related

- ◆ Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (signed in January 1993, the instrument of ratification was deposited in April 1997)

Biological-related

- ◆ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (accession in November 1984)

In the conventional sphere

- ◆ Arms Trade Treaty (2020)

Space-related

- ◆ Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (instrument of accession deposited in December 1983)
- ◆ Convention on Registration of Objects Launched into Outer Space (accession in December 1988)

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Previously published

HCoC RESEARCH PAPERS

- ◆ Kolja Brockmann, 'Controlling ballistic missile proliferation—Assessing complementarity between the HCoC, MTCR and UNSCR 1540,' [HCoC Research Paper n°7](#), FRS, June 2020.
- ◆ Stéphane Delory, 'Ballistic missiles and conventional strike weapons: Adapting the HCoC to address the dissemination of conventional ballistic missiles,' [HCoC Research Paper n°6](#), FRS, January 2020.
- ◆ Stéphane Delory, Emmanuelle Maitre & Jean Masson, 'Opening HCoC to cruise missiles: A proposal to overcome political hurdles,' [HCoC Research Paper n°5](#), FRS, February 2019.

HCoC ISSUE BRIEFS

- ◆ Emmanuelle Maitre & Lauriane Héau, 'The HCoC and the Caribbean States,' [HCoC Issue Brief n°8](#), FRS, June 2021.
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Papers can be downloaded on the <https://www.nonproliferation.eu/hcoc/> website.

THE HAGUE CODE OF CONDUCT

The objective of the HCoC is to prevent and curb the proliferation of ballistic missiles systems capable of delivering weapons of mass destruction and related technologies. Although non-binding, the Code is the only universal instrument addressing this issue today. Multilateral instrument of political nature, it proposes a set of transparency and confidence-building measures. Subscribing States are committed not to proliferate ballistic missiles and to exercise the maximum degree of restraint possible regarding the development, the testing and the deployment of these systems.

The Fondation pour la Recherche Stratégique, with the support of the Council of the European Union, has been implementing activities which aim at promoting the implementation of the Code, contributing to its universal subscription, and offering a platform for conducting discussions on how to further enhance multilateral efforts against missile proliferation.

HCoC
The Hague Code of Conduct

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