

THE HCoC AND AFRICAN STATES

HCoC Issue Brief – December 2020

In brief

While both ballistic programmes and the risk posed by these systems remain very limited on the African continent, **ballistic missiles inherently constitute a global risk** – due to their range and destructive potential. Instruments such as the HCoC, which **seek to limit the proliferation of such systems, are therefore relevant** for African countries.

41 African states have subscribed to the HCoC as of November 2020, and 4 out of the 5 most recent HCoC subscribing states are African: Lesotho (2017), Togo (2019), Equatorial Guinea (2020) and Somalia (2020).

The HCoC could hold several benefits for African states, including **opportunities for space development**: as space capabilities are increasing on the continent, the HCoC could provide a useful and relevant framework.

About the Hague Code of Conduct

Adopted in 2002, the Hague Code of Conduct against Ballistic Missile Proliferation (HCoC) is a politically binding instrument aiming to limit the proliferation of weapons of mass destruction (WMDs) delivery vehicles. Composed of a set of transparency and confidence-building measures, the HCoC is the only existing multilateral instrument to focus on WMD delivery vehicles. Signed by 93 states at its inception, the HCoC has now reached 143 subscribing states (as of December 2020).

When subscribing to the HCoC, states commit to **abide by a set of UN treaties and international conventions on space security**; to submit an **annual declaration** regarding ballistic missile capacities and national policy on non-proliferation and disarmament treaties and instruments; and to send **pre-launch notifications** prior to any missile or space launch. Documents are uploaded onto a dedicated online platform (available for subscribing states only) managed by Austria, which acts as the HCoC Immediate Central Contact. Subscription to the HCoC is free of charge.

While subscribing states are asked to exercise 'maximum restraint' in the development of ballistic capacities, it should be stressed that they are **proscribed neither from possessing ballistic missiles nor from pursuing space launch activities**. Subscribing to the HCoC also enables states to **gain access to information** shared by other subscribing states, and to **demonstrate their political commitment** to non-proliferation and disarmament.

History of ballistic activities and programmes in Africa

Very few ballistic programmes have been conducted on the continent, and most of them have since been dismantled:

Egypt¹ is today considered the **only African state to have an active ballistic missile programme**. Among the first developing countries to pursue ballistic missile technologies, Egypt showed interest in these weapons as soon as in the 1950s. With the assistance of the Soviet Union and North Korea, Egypt first

imported capabilities. In parallel, it sought to develop limited indigenous capabilities from the 1980s onwards. Today, the country possesses a **limited ballistic arsenal composed of short-range missiles**. It is not a member of the HCoC nor of the Missile Technology Control Regime (MTCR) and declared it would not join either regime until Israel does so.

Name	Range (km)	History	Status
Scud-B	300	Procured from Soviet Union in 1970s and then produced indigenously*	Around 100 deployed*
Project T	450	Deployed jointly with North Korea	Around 90 deployed*
Scud-C*	500-550	Procured from Soviet Union*	Unknown

Figure 1. Egypt's current ballistic missile arsenal (Source: NTI)
*Reportedly

Libyaⁱⁱ showed an **interest in acquiring ballistic capabilities from the 1970s** and until the country's abandoned all WMD programmes in 2003. Like Egypt, Libya first sought to import ballistic systems before trying to develop indigenous production capacities. Although it received help from several countries including China, the DPRK, Germany and Iran, none of Libya's indigenous missile programmes produced tangible results. Libya destroyed and/or reduced the range of most of its missiles in 2003 by the time it joined the HCoC. Yet some systems were preserved and used in the civil war in 2011.



Captured Scud-B in Libya, 2013.
(Credits: A. Bourdain)

South Africaⁱⁱⁱ developed **ballistic missile capabilities from the 1970s** onwards, as part of its nuclear weapons programme. A successful test launch took place in 1989. However, following the end of the Apartheid regime at the beginning of the 1990s, **South Africa dismantled its ballistic missile programme** (together with its nuclear weapons programme). The country has since joined both the MTCR and the HCoC.

Algeria^{iv} acquired in 2017 short-range SS-26E/Iskander from Russia, a system that is not designed to carry WMDs.

Ballistic missiles: a threat for Africa?

The ballistic risk may not appear imminent in Africa, given that the continent is almost entirely free from WMDs. However, there is a strong rationale for African states to join the HCoC. Indeed, **ballistic systems are still used by states and non-state actors** in Africa (Libya, 2011) or neighbouring regions (Houthis in Yemen). Systems are illegally conveyed in waters bordering the continent, especially in the Gulf of Aden. **Disparities in border controls** and **difficulties in controlling maritime zones** increase the vulnerability of African states as potential recipients of, or transit zones for, such systems.

Finally, missiles of intercontinental ranges remain coupled with WMDs and could cause **global disruption**, which the HCoC aims to prevent. Countries with fragile economies may suffer disproportionately from such uses. Overall, Africa is both directly and indirectly exposed to the ballistic threat.

HCoC subscription and implementation on the African continent

With 41 subscribing states, 76% of African states have subscribed to the HCoC, which is slightly higher than the world average (73%). While the rate of subscription to the HCoC in Africa has been broadly similar to the global rate of subscription, it is worth noting that **4 out of the 5 most recent HCoC subscribing states are African**: Lesotho (2017), Togo (2019), Equatorial Guinea (2020) and Somalia (2020).

African states also broadly support UN General Assembly resolutions in support of the HCoC, with 94% of those that took part in the last vote (A/RES/75/60 in December 2020) approving it.

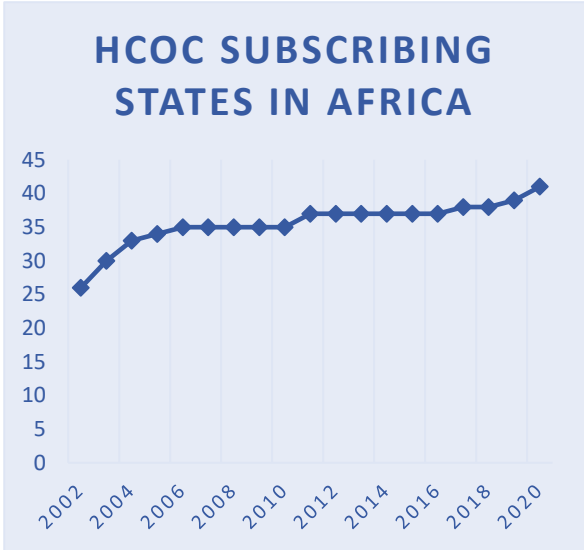


Figure 2. Number of HCoC subscribing states in Africa (2002-2020)

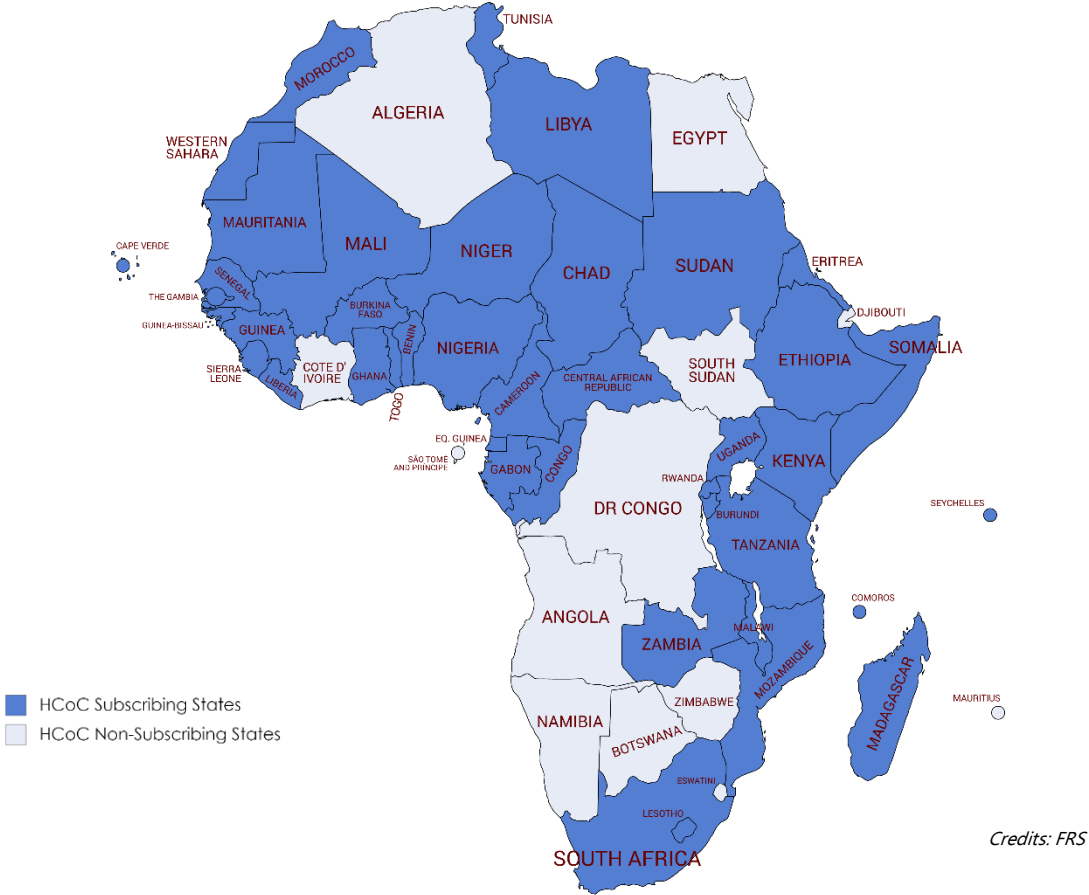


Figure 3. Map of HCoC subscribing states and non-subscribing states in Africa

While subscription rates to the Code is overall improving on the continent, **differences exist between sub-regions**: 93% of ECOWAS member states and 88% of CEN-SAD member states have subscribed to the HCoC, while only 56% of SADC member states have done so (Figure 4). Moreover, some **states which possess or have possessed ballistic capabilities are not yet part** of the HCoC, such as Egypt. Finally, the **rate of submission of annual declarations remains low** across the continent.

Regional Economic Communities (REC)	Number of member states	Number of HCoC subscribing states	% of HCoC subscribing states per REC
Arab Maghreb Union (AMU)	5	4	80%
Community of Sahel-Saharan States (CEN-SAD)	24	21	88%
Common Market for Eastern and Southern Africa (COMESA)	21	15	71%
East African Community (EAC)	6	5	83%
Economic Community of Central African States (ECCAS)	11	8	73%
Economic Community of West African States (ECOWAS)	15	14	93%
Intergovernmental Authority on Development (IGAD)	8	6	75%
Southern African Development Community (SADC)	16	9	56%

Figure 4. Number and percentage (%) of HCoC subscribing states per REC (November 2020)

HCoC subscription: what benefits for African states?

Committing to additional international security instruments such as the HCoC may face reluctance from some states. Some fear they may have to dedicate scarce resources to issues that are not prominent among their security priorities. Others may be wary of non-proliferation obligations that they perceive as impinging on their right to access to technologies. However, the **HCoC is cost-free** and requires a **very limited administrative burden** as states can use a standardised nil form for their annual declaration. In return, it provides an opportunity for African states to **gain information** shared *via* the restricted internet platform by other subscribing states on their missiles and launchers policy and on launches, as well as to **voice concerns** on matters on which they are usually not involved.

The HCoC could also provide benefits in terms of space developments. As well as addressing ballistic missile launches, the HCoC covers space launches, given that the same technologies can be used for both applications (they have a 'dual-use' character). The HCoC recognises that '**states should not be excluded from utilising the benefits of space for peaceful purposes**' but offers a set of principles and a framework for declaring space launches. This can be of particular importance as developments in the field of space have increased in Africa in the past few years. An **African Space Agency** is being developed by the African Union (AU), and many states have already set up **national space agencies**.^v Several states have built satellites, including Ghana, Nigeria and South Africa, and current trends in space activities show that **satellites are getting smaller and cheaper** – while becoming more capable. Finally, the **potential applications are widespread**: better telecommunications and education, crop monitoring, infrastructure management, support in response to natural disasters, etc. While no satellite has been launched from the African continent so far, space launching capabilities are likely to be developed in the mid to long-term, and the HCoC could provide a relevant framework to establish the peaceful nature of these developments.

The HCoC within the arms control, disarmament and non-proliferation regime

Within the global arms control, disarmament and non-proliferation regime, African states have developed some distinct priorities – admittedly with varying levels of implementation:

A priority for Small Arms and Light Weapons (SALW) control. The main regional arms control challenge concerns SALW trafficking, thus efforts have understandably focused on implementing instruments such as the **Arms Trade Treaty (ATT)**, the **United Nations Programme of Action** to

Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UN PoA) and (sub-) regional SALW agreements.

A region committed to the elimination of nuclear weapons. 30 African states have already signed the **Treaty for the Prohibition of Nuclear Weapons (TPNW)**; and the **African Nuclear-Weapons-Free Zone Treaty** (Pelindaba Treaty), currently signed or accessed by 51 states and in force since 2009, prohibits states from conducting research on, developing, manufacturing, stockpiling, acquiring, possessing, or having control over any nuclear explosive device by any means anywhere.

A high-level of commitment in the field of non-proliferation. An **Additional Protocol to the IAEA Comprehensive Safeguards Agreement** entered into force in 43 states; and 47 have submitted at least one National Report as part of the implementation of **UNSC Resolution 1540 (2004)** which prevents states from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes.

The recognition by many African states that **non-proliferation has traditionally gone hand in hand with disarmament and development measures**.^{vi}

Institutions such as the African Union and the UN Regional Centre for Peace and Disarmament in Africa (UNREC) have been available to assist states with the implementation of the above instruments.

The HCoC therefore appears as a useful instrument to reinforce the non-proliferation and disarmament stance taken by African states. Africa is not exempt from the global threat posed by ballistic systems, nor from proliferation risks. The HCoC could also lead to increased security and development opportunities, notably in the field of space activities. As a result, subscription to the HCoC by African states that have not done so already should be encouraged.

ⁱ 'Egypt – Delivery Systems,' NTI, Last updated: January 2015, <<https://www.nti.org/learn/countries/egypt/delivery-systems/>>.

ⁱⁱ 'Libya – Delivery Systems,' NTI, Last updated: January 2015, <<https://www.nti.org/learn/countries/libya/delivery-systems/>>.

ⁱⁱⁱ 'South Africa – Delivery Systems,' NTI, Last updated: April 2015, <<https://www.nti.org/learn/countries/south-africa/delivery-systems/>>.

^{iv} 'Algeria,' NTI, Last updated: October 2021, <<https://www.nti.org/countries/algeria-5/>>.

^v 'Statute of the African Space Agency,' AU, <https://au.int/sites/default/files/treaties/36198-treaty-statute_african_space_agency_e.pdf>. The full list of space agencies in Africa can be found here: <<https://africanews.space/list-of-space-agencies-in-africa/>>.

^{vi} Nicolas Kasprzyk, Emmanuelle Maitre, Xavier Pasco and Noel Stott, 'The HCoC: relevance to African states,' *Policy Brief 90*, Institute for Security Studies, September 2016.