

1 Ballistic Missiles under Contemporary International Law

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5 **Abstract**

6 This article attempts to shed light on the incomplete and soft international legal framework
7 regulating the Ballistic Missiles, and the tools that the international community uses to
8 strengthen it, such as the international sanctions imposed by the Security Council on some
9 countries that develop this type of missiles, and the unilateral sanctions commanded by some
10 countries such as the United States of America. This is all in order to evaluate this
11 framework, identify its shortcomings and try to present a specific vision for its development.

14 **Index terms**— ballistic missiles, UN security council resolutions, international sanctions, hague code

15 **1 Introduction**

16 The development of ballistic missile programs of all types ??1 In fact, the imposition of international sanctions is
17 usually seen as a quick tool to achieve compliance with international legal rules, but on the other hand, it shows
18 or reveals the weakness of the legal framework or the set of rules regulating a particular issue, as is that the case
19 with ballistic missiles. The review of the legal framework regulating ballistic missile programs clarifies that it is
20 a framework tainted by the ambiguity and the deficiency. The legal framework regulating ballistic
21) is considered a great challenge, impeding the achievement of international peace and security. Especially
22 since these missiles are capable of carrying nuclear warheads and reaching far regions of the planet. Therefore,
23 once some countries were involved within the development of ballistic missile programs, such as North Korea
24 and Iran, the international community, represented in the UN Security Council, quickly took a set of decisions
25 that imposed sanctions on these two countries, as they constitute a threat to international peace and security
26 through their actions and Activities to develop nuclear and ballistic missile programs. However, this, of course,
27 does not undermine the peaceful uses of these missiles, which are mainly represented in the exploration of outer
28 space. 1 () Ballistic missiles can be classified into five classes based on the range: near range (less than 300 km),
29 short range (300 to 1,000 km), mediate range (1,000 to 3,000 km), intermediate range (3,000 to 5,500 km), and
30 intercontinental range (more than 5500 km). missile programs is quite incomplete and soft, which in turn leads to
31 the existence of many loopholes that countries are trying to exploit to develop ballistic missile programs, and use
32 them not only for peaceful purposes, but for military purposes as one of the deterrence tools recognized among
33 states. Despite the danger of these missiles to global stability, some countries are still working on developing
34 them, ignoring the extent of their danger, and disregarding the relevant UN Security Council resolutions. This
35 indicates the fragility and weakness of the international legal framework regulating these missiles, and its violation
36 by some countries.

37 **2 I. The Emergence and Development of Ballistic Missile Pro- 38 grams**

39 The interest in the use of missiles and rockets in warfare goes back to Sir William Congreve since 1800, in the
40 context of his concern to develop the capabilities of the British Army on the battlefield. However, the real
41 development of these weapons did not appear sufficiently until the twentieth century, specifically in the midst
42 of the Second World War. The first ballistic missile manufactured in Nazi Germany during this war was the
43 V-2 missile, which was invented by Walter Dornberger and Werner von Braun, and was first utilized in 1944

3 II. THE INTERNATIONAL LEGAL FRAMEWORK REGULATING BALLISTIC MISSILES

44 to attack the English capital -London ??2 In the beginning, the Soviet Union focused on developing a missile
45 system that is capable of attacking European targets, but this tactic changed in 1953, when the trend was to
46 develop an intercontinental ballistic missile capable of carrying hydrogen bombs that had been developed at that
47 point. Indeed, the Soviets succeeded in building the R-7 missile, the first successful test of which was conducted
48 on August 21, 1957. This missile was the world's first ICBM, with a) . During World War II, more than 3,000
49 V-2 missiles were launched against Allied cities. Since then, the major countries have been interested in this sort
50 of missiles. for example, the Union of Soviet Socialist Republics and the United States of America were able,
51 after a decade, to design intercontinental ballistic missiles (ICBMs), capable of reaching the other side of the
52 world, by counting on the Nazis technology and designs, most notably the V-2 missile design. range of more than
53 6000 km. While in the United States of America, there was no real priority at first to develop intercontinental
54 ballistic missiles. This matter changed a lot with the Soviet Union testing the first hydrogen bomb on November
55 22, 1955, as Washington began to be interested in the Atlas D missile program ??3 Moreover, China was able
56 to develop the first intercontinental ballistic missile in 1965 (Dongfeng missile "DF-4"), with an estimated range
57 of 5,500 to 7,000 km. It then replaced it with the DF-31 missile, which was first tested in 1999 and deployed
58 in 2009. Additionally, China has been working on developing the DF-41 missile, which has an estimated range
59 of 12,000-14,000 km, and underwent its first test in 2012. In parallel, China is developing submarine-launched
60 ballistic missiles, called JL-2, which was also tested in) , which entered military service on September 1, 1959,
61 after undergoing a number of successful tests on November 28, 1958, and July 9, 1959. These missiles and their
62 launchers were used in the development of space exploration programs in both the Soviet Union and the United
63 States of America. For example, it was the R-7 launch pad that contributed to the successful launch of Russia's
64 first satellite into space, Sputnik, on October 4, 1957. The Atlas, Redstone, Titan, and Proton missiles were also
65 the basis of the USA space launch systems.

66 In the context of the Cold War and the frantic arms race between the two superpowers, the number of
67 intercontinental ballistic missiles and submarine-launched ballistic missiles (SLBMs) was constantly increasing in
68 both the United States and the Soviet Union. For example, in 1967, there have been 1,054 ICBMs and 656
69 SLBMs in the United States. With the increase in the cost of deploying these missiles, the two powers entered
70 into discussions to limit strategic arms, which resulted in the conclusion of a number of bilateral agreements,
71 such as the SALT and START treaties, which will be mentioned later.

72 In addition, some other countries have developed ICBM capabilities since the 1970s. France began developing
73 and operating some ballistic missiles in 1971, like the M1 underwater missile, and the S2, a strategic surface-
74 to-surface missile. France currently has M45 and M51 ballistic missiles, as well as submarine-launched ballistic
75 missiles. Also, Israel began the process of developing the "Jericho" ballistic missile program in 1963, which
76 resulted in the Jericho 1 missile in 1971, a short-range ballistic missile. The Jericho 2, a long-range solid-fuel
77 ballistic missile system, with an estimated range of 7,800 km, was tested from 1987 to 1992. Finally, the Jericho
78 3, which has a payload capacity of 1,000 kg and a range of more than 5,000 km.

79 2012. This is beside to the various missile programs of other countries, such as the United Kingdom, India,
80 North Korea, Iran, South Korea, Taiwan, Pakistan, Iraq, Egypt, Germany, Ukraine and Argentina ??4 Perhaps
81 the foremost important ballistic missile programs at the moment are the Iranian and North Korean missile
82 programs. North Korea began its missile program in 1998, when it announced that it had used a Taepodong-1
83 missile to launch North Korea's first satellite. This missile was the initial stage for the development of a long-
84 range missile, the Taepodong-2, whose first test was conducted in July 2006. Although the missile failed the test,
85 it is believed that its range could reach 5,900 km, making it the first intercontinental ballistic missile for North
86 Korea. International pressure and trade sanctions have not complimented Pyongyang for developing, improving
87 and diversifying its missile and nuclear fleet, as its nuclear program, announced in 2003, focuses on developing
88 nuclear warheads for short, medium and long-range ballistic missiles. North Korea's arsenal consists mainly of
89 short-range Scud missiles and a number of longer-range Nodong and Taepodong missiles () . ??) . North Korea
90 has also contributed to the development of ballistic missile programs in a number of countries through the export
91 of this type of missile or the transfer of related technologies. In November 2010, the United Nations Committee
92 of Experts ??6) revealed that there is an exchange of ballistic missile technology between North Korea and Iran,
93 Syria and Myanmar. This cooperation resulted in the transfer of missile components as well as ready-made
94 missiles to Iran, such as the BM-25, Shahab 1, 2, 3 and designing and construction of a thermal reactor in Deir
95 Ezzor ?? 7 It goes without saying, that this cooperation helped Iran to develop its ballistic missile program since
96 1987, by trying to develop the Shahab 1 missile with a range of 1,000 km, which was improved in the Shahab 2
97 version with a range of up to 2,000 km, and which was first tested in 2006. Also, cooperation has led Between
98 Iran and North Korea to develop the Shahab-3 missile with a range of up to 1,280 km. Among other missiles
99 developed by Tehran: the Kosar missile, which was based on the Russian RD-216 engine and has a range of up
100 to 5,000 km (

101 3 II. The International Legal Framework Regulating Ballistic 102 Missiles

103) .
104 It can be said that the international legal framework regulating ballistic missiles is soft and nonbinding, because

105 there is no international agreement yet that prohibits or restricts the use of ballistic missiles for military purposes.
106 Even as for the bilateral agreements signed between the United States of America and the former Soviet Union
107 to limit strategic arms, its situation has become bleak in light of the withdrawal of the United States of America
108 from most of them, as well as the termination of some of them.

109 Anyway, we can talk about the international legal framework regulating ballistic missiles through the following
110 three points:

111 4 a) International Legal Framework

112 This framework relates to The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC) or the
113 soft Law. This Code is the only international instrument regulating ballistic missiles. Therefore, the United
114 Nations General Assembly took the initiative to recognize this Code as an important component of the broad
115 international framework of agreements aimed at preventing the proliferation of weapons of mass destruction and
116 contributing to arms control and disarmament, given the growing regional and global security challenges posed
117 by the proliferation of ballistic missiles. This Code came into force on November 25, 2002 ?? 10 The Code aims to
118 contribute to strengthening international peace and security by encouraging global efforts to curb the proliferation
119 of ballistic missiles, as one of the most popular means of transportation for weapons of mass destruction such
120 as nuclear warheads 11 . The reason behind the concluded of this Code was the development of ballistic missile
121 programs by the People's Republic of Korea (North Korea) and the Islamic Republic of Iran in the 1990s.
122 This has led members of the Missile Technology Control System to re-evaluate their strategy to limit ballistic
123 missile proliferation, by restricting access to related technologies. The Missile Technology Control System ??12) ,
124 established in 1987, plays an important role in limiting the proliferation of WMD delivery systems by restricting
125 exports of missiles capable of delivering at least 500 kg payload, and missiles that deliver chemical, biological or
126 nuclear weapons as well as the necessary technologies ??13 Indeed, the Code was concluded and became consist
127 of a set of general principles, modest commitments, and limited confidence-building measures, which aim to try
128 to limit the proliferation of ballistic missiles and increase transparency and confidence among nations in this
129 area. This means that this Code is based on an informal political understanding between countries that seek
130 to limit the proliferation of ballistic missiles and the technological capabilities needed to possess them. Hence,
131 the Code depends primarily on its enforcement on voluntary political compliance rather than on submission
132 to international treaties that bind its parties () . As a means of limiting the proliferation of weapons of
133 mass destruction, the 34 member states of this system, with the support of the European Union, proposed the
134 establishment of a politically binding code to combat ballistic missile proliferation, in order to encourage the
135 international community to be more transparent regarding the development of ballistic missiles and peaceful
136 space programs. In addition, the purpose of concluded this Code was to serve as a warning system before making
137 launching operations of this type of missile. Given the possibility of using ballistic missiles for peaceful purposes
138 such as launching satellites and space exploration, it was agreed to develop this Code in a consensual manner and
139 to be based on the voluntary implementation of states. () The Missile Technology Control System (MTCR), is an
140 informal consortium or coalition of 35 countries including France, the United States of America, Italy, Germany,
141 Canada, Japan and Britain, aims to limit the proliferation of missiles and unmanned aerial systems capable of
142 delivering 500 payloads kg with a minimum distance of 300 km, as well as systems intended for the delivery of
143 weapons of mass destruction. For more, please review the official website of this coalition at the following link:
144 <https://mtcr.info/public-documents/>. ??3 -Nicolas Kasprzyk et al., (2016). The Hague Code of Conduct against
145 Ballistic Missile Proliferation: Relevance to African states, Institute for Security Studies: Policy brief, pp. 1-2.
146 14 -Ibid, p.3.

147 In order to achieve the main objective of the Code of promoting confidence-building measures among signatory
148 States, the Code obligates the parties to accede to a number of international conventions and treaties relating
149 to the peaceful use of space, such as the 1967 Outer Space Treaty and the 1996 Declaration on International
150 Cooperation in the Exploration and Use of Space for the benefit and in the interest of all countries, taking
151 into account the needs of developing countries in particular. The Code also urges signatory states to prevent
152 the proliferation of ballistic missiles capable of delivering weapons of mass destruction by implementing prudent
153 export control policies, exercising maximum restraint in their development, testing and deployment, and, where
154 possible, limiting their possession. This is in addition to the voluntary commitment of signatories to submit
155 an annual declaration outlining their policy on ballistic missiles and space launch platforms, announcing their
156 respective launches during the year, and sending pre-launch notifications. Moreover, the Code encourages regular
157 visits to launch sites. As for countries that do not have missile or space programs, the Code urges them to submit
158 an annual declaration stating that they do not possess these programs to the Executive Secretariat ??15 Also,
159 in order to encourage dissemination of the Code, participating countries organize events to promote it during
160 international meetings, such as the NPT Review Conferences and the First Committee of the United Nations
161 General Assembly, which deal with global challenges and threats to international peace and security. It also
162 works to create links between UNHCR and other UN initiatives () . ??6) , such as the implementation of UN
163 Security Council Resolution 1540 (2004) ?? 17 However, one of the criticisms directed at the Code is that it has
164 little impact on the ballistic arms race, especially in Asia and the Middle East, because some of the most active
165 countries in the field of ballistic missiles have not signed it, such as: Brazil, Iran, Israel, North Korea, Pakistan
166 and Syria. In addition, some countries failed to submit their declarations to the executive secretariat, as this is

167 not mandatory. Moreover, the Code does not include restrictions on cruise missile programs that are increasingly
168 being developed to deliver nuclear weapons. However, it remains the only international instrument that aims to
169 delegitimizing, the development of ballistic missiles as it threatens international peace and security, especially
170 with regard to the transfer of weapons of mass destruction. Furthermore, most countries with missile or space
171 activities provide pre-launch notifications and annual updated announcements of their missile programs.

172 **5 b) Regional Legal Framework**

173 There is no concrete agreement at the regional level regarding ballistic missiles, but in this context, reference
174 can be made to the European Union draft for an international Space Code of Conduct. The European Union
175 developed the draft Code after United Nations General Assembly Resolution 61/75 of 6 December 2006, which
176 called on Member States to submit proposals on Transparency and Confidence Building Measures (TBCM) in
177 the context of preventing an arms race in outer space (PAROS) ??18) . The draft of this Code states a number of
178 things, including; Emphasizing the principles of the freedom to use outer space for peaceful purposes, maintaining
179 the security and safety of space objects in orbit, as well as giving due consideration to the right of other states
180 to explore and use outer space for peaceful purposes ??19 This Code applies to all outer space activities carried
181 out by States Parties, either alone or jointly with other States not party to the Code, as well as to the activities
182 of non-governmental entities under the jurisdiction of the State Party. Most importantly, the draft of this Code
183 obligated signatory states to comply with and promote treaties, declarations and other international obligations
184 relating to outer space, including The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC),
185 and other relevant General Assembly resolutions () .

186 **6 c) International Bilateral Treaties Signed between the United 187 States of America and the Former Soviet Union (The Russian 188 Federation)**

189) .

190 In the 1970s, the United States of America "USA" and the Former Soviet Union entered into bilateral talks
191 to limit the strategic missiles manufacturing capable of carrying nuclear weapons. These talks resulted in the
192 signing of a number of agreements in this regard. The first agreements, known as SALT I and SALT II, were
193 signed by the United States of America and the USSR in 1972 and 1979, respectively, and were intended to
194 curb the arms race related to the production of long-range strategic ballistic missiles or intercontinental ballistic
195 missiles capable of carrying nuclear warheads ??21 18 signing of the Anti-Ballistic Missile (ABM) Agreement,
196 and the Protocol on Limitation of Strategic Offensive Weapons, at a summit meeting between Leonid Brezhnev
197 and Richard Nixon in Moscow on May 26, 1972. The Anti-Ballistic Missile Treaty made provisions to limit
198 anti-ballistic missile systems and obligated the two parties to maintain only two anti-ballistic missile complexes,
199 with a capacity of no more than 100 antiballistic missiles. This treaty also aimed to freeze the number of ICBMs
200 and submarine-launched ballistic missiles for five years. However, the United States of America withdrew from
201 this treaty in 2002 ??22 In addition to limiting the number the warheads carried by these missiles by no more
202 than 2,400 heads. However, the US Congress did not ratify this treaty due to the Soviet invasion of Afghanistan
203 () .

204 **7 23**

205 Then the START negotiations succeed the Strategic Arms Reduction Talks in the 1970s. These negotiations,
206 which began in 1982, aimed to make drastic reductions in missiles and nuclear warheads for each superpower.
207 START II was signed in 1991. When the collapse of the Soviet Union in 1991 led to the birth of four republics
208 that possess nuclear weapons, namely Russia, Belarus, Ukraine and Kazakhstan. These new countries had to
209 become parties to the First START Treaty. This aim was achieved by the signing of the Lisbon Protocol in May
210 1992. This Protocol obliged Belarus, Kazakhstan and Ukraine either destroy nuclear and strategic weapons or
211 hand them over to Russia. The first START treaty specified the warheads and ballistic missiles that Washington
212 and Moscow would be allowed to possess, and the treaty included a requirement for on-site investigations and
213 inspections and monitoring of ICBM production () .

214 The two parties also signed the Treaty on the Limitation of Intermediate-Range Nuclear Forces (INF)
215 in 1987. Under this treaty, the two parties pledged not to manufacture, test or deploy any ballistic, winged or
216 medium missiles, and to destroy all missile systems, whose medium ranges range between 1000-5500 km and
217 short ranges between 500-1000 km. Indeed, in May 1991, the two parties implemented the treaty, as the Soviet
218 Union destroyed 1,792 ballistic and winged missiles launched from the ground, and the United States of America
219 destroyed 859 missiles. However, the United States of America also withdrew from this treaty on August 2, 2019.
220 Washington reached the levels required for the second stage during 1997. This treaty terminated on December
221 5, 2009.

222 After the dissolution of the Former Soviet Union, negotiations continued between the Russian Federation and
223 USA for a further reduction in strategic arms, which resulted in the signing of the START II Treaty in 1993.
224 However, this Another round of negotiations began between Presidents Medvedev and Barack Obama ??25)

225 , after the termination of START I in 2009, to reduce strategic weapons to 500-1,000 warheads, and 1,500 -
226 1675 transport or delivery systems. Because of these negotiations, the New START Treaty was signed in 2010,
227 which assigned each side 1,550 strategic warheads, with no more than 700 ballistic missile launchers and nuclear
228 projectiles to be deployed. This treaty has been extended until February 4, 2026 ??26 In fact, the restrictions
229 imposed by this latter treaty were few compared to the levels set by the SORT agreement in 2002, at a rate of
230 30%. It also eased the investigation and monitoring procedures of the First START Treaty. However, this treaty
231 tightened inspection procedures for the respective sites ().

232 **8 27**

233 **9 III. International Sanctions Imposed on the Development of**
234 **Ballistic Missile Programs**
235).

236 **10 F**

237 The international community uses the international sanctions system to force rogue states to stick by a certain
238 international rule, because in reality the use of international sanctions is due to a lack of respect for international
239 legal rules. According to the dangerousness of the production of ballistic missiles for military purposes to
240 international peace and security, the international community has set out to impose a number of sanctions on
241 countries that violate existing obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and
242 relevant UN Security Council resolutions, precisely North Korea and Iran When North Korea announced about
243 ending its suspension of missile tests on July 21, 2006, it tested a Taepodong-2 long-range ballistic missile,
244 which the UN Security Council confronted by adopting Resolution 1695, which demanded that North Korea
245 must suspend all activities related to its missile program () . ??9) . It also obligated all states to prohibit the
246 export or purchase of missile-related materials, goods and technology, and to prohibit the transfer of any financial
247 resources related to this program. But this decision did not deter North Korea from carrying out a nuclear test
248 in October 2006, after which the UN Security Council adopted Resolution 1718 ?? 30) , by which it demanded
249 that Pyongyang not conduct any further nuclear test or launch any ballistic missile, and suspend all activities
250 related to its ballistic missile program as well as the irreversible complete abandonment of all nuclear weapons and
251 nuclear programs. The Resolution also imposed a set of sanctions purposed to at forcing North Korea to return
252 to the six-party talks and comply with its denuclearization obligations ??31) , such as: obligating all countries
253 not to sell, supply or transfer a set of materials to North Korea, either directly or indirectly. These materials such
254 as any tanks, combat vehicles, artillery systems, aircraft, warships, missiles, missile systems and other related
255 items. Additionally, the Security Council established under this resolution a committee of experts on the Korean
256 nuclear program. After the collapse of the six-party talks with North Korea on April 5, 2009, and its launch of
257 the Unha-2 spacecraft into space, Western analysts believed that this vehicle was a Taepodong-2 ballistic missile,
258 so the Security Council issued a statement condemning this launch, and described it as a violation of Council
259 resolution 1718 (2006). But North Korea did not take this statement seriously and conducted a second nuclear
260 test on May 25 of the same year, so the UN Security Council adopted Resolution 1874, which repeated the
261 call for North Korea to abandon its nuclear and missile programs, tightened sanctions against it, and called on
262 countries to intercept ships believed to be involved in transporting prohibited goods ??32 Following Pyongyang's
263 third nuclear test in February 2013, the UN Security Council, in its resolution 2094, expanded the scope of
264 sanctions imposed on North Korea, especially those imposed on the financial sector, such as prohibiting financial
265 institutions in all countries from opening representative offices or bank accounts in North Korea and placing
266 restrictions on cash transfers to the Republic of North Korea ??33 On the level of unilateral sanctions, the
267 United States of America imposed many of them on some entities or institutions associated with North Korea's
268 nuclear program. For example, the Treasury Department sanctioned eight of these entities on August 30, 2010,
269 such as: Green Pine Associated Corporation, Korea Taesong Trading Company, and the Korea Heungjin Trading
270 Company. The Treasury Department also imposed sanctions on North Korea on February 23, 2020, described
271 as the most severe to force North Korea to stop its nuclear program, and these sanctions affected one person,
272 27 entities, 28 ships located or recorded in North Korea, China, Singapore, Taiwan, Hong Kong, the Marshall
273 Islands, Tanzania, Panama and Comoros Islands ().
274 The Council also imposed another set of sanctions under resolutions 2270 (2016), 2321 (2016), 2356 (2017),
275 2371 (2017), 2375 (2017), 2397 (2017), including, for example, a ban on the supply of crude oil or selling or
276 transferring it to North Korea, as well as all kinds of refined petroleum products.

277 **11 34**

278 On the other hand, when Iran refused to abide by restrictions on its activities related to uranium enrichment,
279 ballistic missile development, and weapons transfers to terrorist groups () . ??5) , and as concerns grew
280 about the goals of Iran's ballistic missile program, the international community imposed a group of sanctions on
281 Iran. In 2006, the UN Security Council adopted Resolution 1737, which prohibited the supply of materials and
282 technology to Iran that might assist in nuclear activities or the development of nuclear weapons delivery systems,

283 and demanded countries to freeze the assets of certain companies and individuals ??36 The Council also issued
 284 a set of subsequent resolutions in this context, namely: Resolutions 1747 (2007), 1803 (2008), 1929 (2010), in
 285 which it demanded, in particular Resolution 1929, Iran "not to undertake any activity related to ballistic missiles
 286 capable of delivering nuclear weapons, including launches using ballistic missile technology, and that all States
 287 take necessary measures to prevent the transfer of technology or the provision of technical assistance to Iran in
 288 connection with such activities" ??37) . The Council also by these previous resolutions a set of sanctions on
 289 some companies and individuals involved in Iran's nuclear and missile programs. Among the companies covered
 290 by these decisions are: Shahid Hemmat Industrial Group (SHIG), Shahid Bagheri Industrial Group (SBIG),
 291 and Fajr Industrial Group (all entities affiliated with the Iranian Aerospace Industries Organization (AIO)).
 292 Other sanctions were also imposed on Ya Mahdi Industries Group, Parchin Chemical Industries, which produce
 293 solid fuel for rockets, Niru Battery Manufacturing Company, which manufactures power units for Iranian missile
 294 systems, Sanam Industrial Group, Electro Sanam Company, and Jozza Industrial Company ??38) . Although
 295 many governments took these decisions seriously, Iran described them as illegal, and thus refused to abide by
 296 them. Tehran has repeatedly violated these decisions and continued to pursue illicit procurement efforts, exported
 297 missile equipment and technology to its regional proxies, and conduct nuclearcapable ballistic missile launches
 298 ??39 In 2015, these previous resolutions were replaced by Security Council Resolution 2231, which coexisted with
 299 the Iran nuclear deal, or the Joint Comprehensive Plan of Action (JCPOA). The relevant resolution imposed less
 300 severity restrictions on Iran's missile program than its predecessors. As Iran is called upon it "not to undertake
 301 any activity related to ballistic missiles designed to be capable of delivering nuclear weapons". It also maintained
 302 sanctions on several key entities that support Iran's ballistic missile development. However, at the same time,
 303 it allowed member states to sell missiles and missile systems to Iran on a case-by-case basis if approved by the
 304 Security Council () . 40 Despite the obligations imposed by Security Council resolutions on Iran in this regard, it
 305 continued to illegal purchase materials used in the manufacture of these missiles, and even continued to conduct
 306 various tests of these missiles. Therefore, the United States of America imposed sanctions on a German bank
 307 owned by Iran as well as the Export Development Bank of Iran for enabling Iran's ballistic missile program
 308 to purchase) . The main reason for the weakness of the language of this resolution compared to the previous
 309 decisions is that it came as a compromise between the desire of the United States of America to impose more
 310 restrictions on Iran's ballistic missile programs, and the opposition of Russia and China to that direction. more
 311 than \$3 million in materials ??41) . Singapore also announced in March 2011 that it had intercepted a shipment
 312 of 18 tons of aluminum powder, which is likely to be used as solid fuel for Iranian ballistic missiles ??42 IV. An
 313 Assessment of the International Legal Framework Regulating Ballistic Missiles

314) . In fact, these sanctions did not keep Iran from carrying out a series of ballistic missile launches that
 315 occurred on August 20 and 25 2010, in October 2010, February 2011, June 2011, July 2012 and February 2015.
 316 With the United States withdrawal from the JCPOA in 2018, due to the nuclear agreement with Iran not
 317 adequately addressing missile proliferation and testing, Washington imposed sanctions on large sectors of the
 318 Iranian economy as part of a "maximum pressure" campaign that aimed, among other things, to curb Iran's
 319 missile program. However, it seems that this campaign did not yield real results, especially since Iran continues
 320 to develop its nuclear and ballistic missile program, indifferent to international or even unilateral sanctions.

321 It is so clear by reviewing the international legal framework regulating ballistic missiles that this framework
 322 is tainted by many shortcomings, foremost of which is the absence of an international agreement regulating the
 323 use of ballistic missiles for peaceful purposes or restricting or prohibiting their use for military purposes. This
 324 is clearly due to the absence of the international will necessary to reach a binding international treaty in this
 325 regard, and to the absence of transparency and the ineffectiveness of confidencebuilding measures between states,
 326 especially in light of the double standards at the international level. This appears distinctly in dealing with great
 327 sharpness, although Required, with the Iranian and Korean nuclear program, and leniency on the other hand
 328 with the nuclear program of Israel as well as its ballistic missile program. Which is shown by the imposition
 329 of many sanctions on Iran and Korea, and the failure of the international community to move, even an iota, to
 330 impose sanctions on Israel in this regard. Even at the level of bilateral international agreements signed between
 331 the United States of America and the Former Soviet Union or its successor, the Russian Federation, most of them
 332 have terminated either by their specified deadline, or by the withdrawal of the United States of America, as we
 333 have seen. This has serious repercussions for the arms race and for international peace and stability.

334 In addition, one of the shortcomings of this legal framework is that is mostly based on soft rules that are not
 335 binding on states. The Hague Code, which is the only international framework regulating ballistic missiles, not
 336 binding on states, but rather depends on mutual understanding and voluntary implementation. Hence, if one of
 337 the parties fails to implement the obligations contained therein, it will not bear any international responsibility.
 338 Therefore, this Code has not prevented some countries from continuing to develop their own ballistic missile
 339 programs. Moreover, If the international sanctions are effective in forcing countries to comply or abide by the
 340 international rule, they will remain selective measures -despite their importance -and are controlled by political
 341 rather than legal considerations. They also do not often bring tangible results and achieve the required deterrence,
 342 as they are subject in the first place to the political understandings of states in the UN Security Council, for fear
 343 of disrupting them using the Veto power.

344 In fact, in order to overcome these shortcomings, the international community should take the initiative
 345 to draw up a binding international agreement in this regard that takes into account the peaceful uses of

346 ballistic missiles. In this regard, it will not start out of nowhere, but may build on the steps that have been
347 achieved, especially the Hague Code of Conduct against Ballistic Missile Proliferation, which may constitute
348 the initial step towards establishing that agreement, especially if the Hague Code constitutes some specific
349 relevant customary international rules, which, Therefore, will facilitate the possibility of establishing a specific
350 international agreement. The international community should also be very keen to achieve collective international
351 interests, and put in mind the risks that may result from the use of this type of missiles so that it can put aside its
352 differences, and take decisions that truly reflect the international will away from political understandings. In fact,
353 this will not only come by reforming the decision-making mechanism in the UN Security Council to rationalize
354 the use of the Veto, but also by reforming the membership system in the Security Council as a whole.

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[Note:) .15 -17 -UN Security Council Resolution. 1540 (2004). S/RES/1540 (2004).]

Figure 1:

Figure 2:

28 -Anne-Marie La Rosa. (2008). Sanctions as a means of obtaining greater respect for humanitarian law: a review of their effectiveness. International review of the Red Cross, Vol. 90, No. 870, p.8.
29 -UN Security Council Resolution 1695 (2006). S/RES/1695 (2006). Paras. 2-4.
30 -UN Security Council Resolution 1718 (2006). S/RES/1718 (2006). Paras. 2-8.

[Note:) . 31 32 -UN Security Council Resolution 1874 (2009). S/RES/1874 (2009). Paras. 1-14.]

Figure 3:

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¹-Clayton K. S. Chun. (2006). Thunder over the Horizon: From V-2 Rockets to Ballistic Missile, London, Praeger Security International, pp.41-50.

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[Note:) .34]

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Figure 5: