TABLE OF CONTENTS

PREFACE ........................................................................................................................................................................... 1

Introductory notes and reflections on inherent differences between academic and policy writing ........................................................................................................................................................................... 2

PART I .................................................................................................................................................................................... 3

Ethnography: a brief introduction ........................................................................................................................................... 3
Myself, the United Nations and multilateral disarmament through an ethnographic lens ................................................................. 3
On reflexivity, material and access to elite spaces ................................................................................................................................. 4
On context and formality .............................................................................................................................................................. 5
On accounting for subjectivities and the negotiation thereof ........................................................................................................... 6
On informants and duality in affiliations ........................................................................................................................................ 7

PART II .................................................................................................................................................................................. 9

“ADDRESSING THE ISSUE OF MISSILES IN ALL ASPECTS UNDER UNITED NATIONS AUSPICES: A BRIEF INTRODUCTION TO CONTEMPORARY DEBATES AND ISSUES” ................................................................................................................................. 9
INTRODUCTION ........................................................................................................................................................................ 9
BACKGROUND: MULTILATERAL INITIATIVES TO ADDRESS MISSILES IN ALL ASPECTS ........................................................................................................................................................................... 9
CURRENT ISSUES RELATED TO BALLISTIC MISSILES AND MISSILE TECHNOLOGY ................................................................................................................................. 10
ASSESSMENT AND WAYS FORWARD FOR THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY ................................................................................................................................. 16
CONCLUSIONS ....................................................................................................................................................................... 16

LIST OF ABBREVIATIONS ....................................................................................................................................................... 17

BIBLIOGRAPHY ....................................................................................................................................................................... 18

PREFACE

The following tutorial project paper is compiled on the basis of an internship carried out at the United Nations Office for Disarmament Affairs (UNODA) at the UN Secretariat in New York. The internship was, in total, comprised of fifteen weeks of full-time work (approximately 600+ hours) during the time frame 11 January through 22 April 2016.

On the basis of the workload carried out as part of my position at the United Nations, this tutorial paper project has two primary thematic components. The first part of the project is primarily methodological and reflective in nature. This section of the paper outlines some of the more striking observations of a methodological nature reflected upon whilst emerged in this particular policy environment. This section also attempts to elaborate an ethnographic element of inquiry into the field and includes, inter alia, extracts of data gathered through observation and participant observation. As is thoroughly described directly in PART I below – this section relies on a methodology most aptly described as participant observation. Such data was primarily (albeit not exclusively) compiled whilst, formally, interning with the ‘Strategic Planning Unit’ (SPU) Branch of the UNODA during the period 21 March through 22 April 2016.

The second part of the tutorial project paper includes some of the research carried out as part of my internship duties whilst with the ‘Weapons of Mass Destruction Branch’ (WMDB) of the
UNODA during the timeframe 11 January through 18 March 2016. The project, described in greater depth under the heading PART II below, was assigned to me in consultation with UN colleagues and supervisor(s) on the basis of my individual research interests and the immediate needs of the branch and organization at large.

**Introductory notes and reflections on inherent differences between academic and policy writing**

With regard to the research piece included as PART II of the tutorial project, this was originally prepared as an internal UN document for subsequent review by UN supervisors and Department Head. Ultimately, as with all research prepared and compiled by the ODA at large, this was intended to eventually be circulated internally and within the wider multilateral disarmament community. In relation to this paper, however, the reader may note that the ways in which it was written differs significantly from a strictly academic paper. The UN research piece does not adhere to usual academic standards and is, accordingly, not structured as a strictly academic piece would be. In particular, a point of diversion is the inclusion of a section centered on theory or the application of a theoretical framework as such. Rather, the UNODA research paper is primarily structured around topical issue areas of particular concern to the Secretariat, the Office for Disarmament Affairs and, from a wider perspective, the larger context of the international disarmament community it serves.

Further, as is common practice in any UN context, it builds on previous UN publications, reports and summaries in ways that would be somewhat akin to plagiarism in a strictly academic context. However, such practices are commonplace within the UN system at large and subsequently encouraged by its international civil servant staff – including by my own supervisors at the ODA during my tenure there. Notably, this way of structuring publications, reports and treaty documents (in particular) is often greatly encouraged by merit of its multilateral membership. To this end, the United Nations auspices often seek to operationalize and utilize what is usually referred to “agreed-upon-language” – i.e. specific formulations in a given context to which all member states have previously agreed to. In turn, the application of terminology and wording considered ‘agreed-upon-language’ as such minimizes controversy and disagreements amongst states. This enables agencies to move forward and propel negotiations beyond such issues, rather than being consistently confined to old debates (c.f. Maran, 1996; Merry, 2006:43).

The reader may also note that the UN research project included as PART II also adopts a different reference system than the rest of the tutorial project. Again, this is due to the existing reference practices in place at the UN(ODA).

Lastly, whereas there have been significant developments since this topical piece was researched and written, empirical content remains valid as of end of March 2016 when the internship with the Weapons of Mass Destruction Branch ended. The research paper has only been moderately modified for purposes of general readability.

---

¹ Note, however, that the tutorial project has combined the bibliography list for both PART I and II into one unified section.
PART I

“The sudden and peculiar sound of plastic earpieces hitting metal hooks at the back of chairs and on top of desks as the session ends and diplomats hurriedly rush off to other undisclosed locations, or lingering to speak to one another, briefly, under the distinct hum of the air conditioning and video projectors lining the carpeted conference room without windows – as if time simultaneously stood still amidst the chaos, as if entirely unaware of the world surrounding it” [UN Conference Room 4, New York, 6 April 2016]

Ethnography: a brief introduction

Ethnography constitutes a central methodological entry-point to many qualitatively oriented disciplines in the social sciences. Ethnography, usually defined as long-term immersion and participant-observation in a localized and (often) exotified field (Davies, 2008:28; 40), is a common methodological principle often associated with anthropology. It has constituted a central methodological principle for anthropology since its inception and academic institutionalization of the discipline. In line with early influential theorists such as Malinowski (1984)2 and his ideas on long term fieldwork, ethnographic qualitative methods such as observation, participation and participant-observation have constituted central components to anthropological studies and the very identity of the discipline as a whole (Cerwonka and Malkki, 2007:166-167). It has recently also been widely implemented and embraced in International Relations and Security Studies (c.f. Sande Lie, 2013; Salter and Mutlu, 2013).

Ethnography is often praised for its advantageous and relatively unique aptitude for highlighting how power operates at the level of the localized and empirically tangible (c.f. Davies, 2008; Wiebe in Salter and Mutlu, 2013:158-161). While certainly also subject to a degree of plurality, ethnographically inclined methods implement an inherent commitment to meaning-making processes as situated and the multiplicity of positions, opinions and interpretations rather than one, grand-scale narrative of objectivity and truth (Wiebe in Salter and Mutlu, 2013:158; Cerwonka and Malkki, 2007:163-165). In this regard, ethnographic methodologies can provide important insights in highlighting how political governmentality also operates in everyday practices through its emphasis on "micro-practices of power" (Weibe in Salter and Mutlu, 2013:159). Arguably, such processes often support or co-construct much larger, regionally, nationally or globally relevant processes. In this light, ethnography effectively underscores the discursive practices and institutional processes of political governmentality.

Myself, the United Nations and multilateral disarmament through an ethnographic lens

“The sudden soaring sound of papers being shuffled, turned onto the correct page, diplomats hurrying to find the right reference, ensuring language remains as agreed, before reports can be adopted, decisions be officiated as agreements through their formal inclusion on a UN document” [UNHQ Conference Room 4, New York, 22 April 2016]

Through my internship at the United Nations, I had unprecedented access to one of the major multilateral forums in which issues pertaining to a wide array of disarmament issues are discussed and advanced. On a daily basis, as a UN ground pass holder, I had almost unrestricted access to the UN premises and was able to attend meeting, briefings, events and conferences otherwise not broadcasted to the general public – including closed sessions of the Security Council. Furthermore, through my specific association with the Office for Disarmament Affairs, I was also able to attend a number of high profile briefings closed to the wider UN community – including several internal crisis management meetings on humanitarian, military and political

---

2 Bronislaw Malinowski’s ethnography *Argonauts of the Western Pacific* was originally published in 1922 on the basis of extensive fieldwork carried out during WWI in New Guinea.
developments in the Syrian Arab Republic (hereinafter Syria). This particular exchange was very rewarding and important to me as a student and researcher, given its great thematic proximity to my wider research interests and scholarly curiosity. Undeniably, the experience spurred reinvestment in the topic both personally and professionally.

While my day to day internship duties were very varied throughout the entire internship period, my specific involvement as a participant in the multilateral disarmament process was particularly intensified and confined to the proceedings of the United Nations Disarmament Conference (UNDC). The UNDC was hosted by the Secretariat in New York during a four-week period in the spring, held 4 through 22 April 2016. The UNDC is often considered a particularly important multilateral disarmament mechanism as it is the sole multilateral disarmament body with universal and non-discriminatory membership (c.f. UN News Centre, 2016). During this time, I was assigned to support Secretariat colleagues in covering the conference proceedings and assisting conference delegates with any queries they may have pertaining to the process.

While the first few sessions of the forum were an open plenary, the conference later broke into two separate agenda items with subsequent working groups focused on (I) unconventional (nuclear) and (II) conventional arms. Given my background and previous familiarity with ideas about weapons of mass destruction (WMDs), I was given the opportunity to specifically assist the Chair and the Secretariat with the proceedings of working group I.

Working group I on nuclear disarmament was chaired by the Permanent Representation of Kazakhstan and its Ambassador and Deputy Ambassador of the Kazakh Mission to the United Nations. I worked very close with the Kazakh delegation, along with my UN supervisors – often staying late at the Secretariat revising, considering and drafting treaty text well past midnight in an otherwise dark and largely deserted Secretariat building at its iconic midtown Manhattan location.

The brief ethnographically inclined extracts of information and observations in this reflective section on methodology primarily focus on this three-week long period in April. During this time, I was able to participate more directly in one aspect of international multilateral disarmament and non-proliferation – which I shall continue to reference throughout the remainder of the tutorial paper.

**On reflexivity, material and access to elite spaces**

Reflexivity is often emphasized as a core concept in interpretivist research by a wide range of institutionalized disciplines and scholars in the social sciences (c.f. Davies, 2008; Cerwonka and Malkki, 2007; Salter and Mutlu, 2013). For instance, the recognition of material and knowledge as situated and contextual constitutes a very central principle of qualitatively and interpretively oriented research, as Malkki emphasizes. Throughout the research process, she argues, the researcher must remain reflexive and transparently account for specific yet inevitable subjectivities as this form an integral part of the scientific validity held by interpretivist research (Cerwonka and Malkki, 2007:166-167). Similarly, as held by Davies, interpretive research does not necessarily have to entirely dismiss positivist connotations in the epistemological and ontological premises of “scientific knowledge” – as long as the process of acquiring such knowledge remains transparently accounted for. Further, it should be framed through reflexive recognitions of why, how and what sort of situated knowledge it creates (Davies, 2008:104).

As the analysis has repeatedly pointed to thus far, studying an international organization through the entry-point of an internship certainly allowed for access to a greatly restricted and, arguably, otherwise unobtainable context in which disarmament matters are discussed. This is not always the case. Neal (in Salter and Mutlu, 2013:126) suggests using official and publically available records as the core dataset for qualitatively oriented analyses that emphasize the role of discourse and discursive practices. Through focusing on such documents, Neal argues, researchers are able to effectively negotiate restrictions on the availability of data which is especially stark in the realm...
of critical security studies. Such realms are often subject to a great degree of secrecy and insider status. Official records, whether the British parliamentary records under scrutiny in Neal’s case study (Neal in Salter and Mutlu, 2013:125-128), or policy documentation, meeting records and other applicable statements under greater scrutiny in my research at large, could also be regarded as "indicators of how security is understood and how that understanding changes over time and in different situations" (Neal in Salter and Mutlu, 2013:126). As such, official records are in this view not merely an effective tool to bypass and overcome methodological problems pertaining to access within the data collection process, but are also a greatly effective material component of qualitative discourse analysis. However, the use of ethnographic modalities of inquiry can also grant researchers access to otherwise greatly restricted spaces and material. As already discussed at some length in the introductory section, the formality of securing a professional role within an exceedingly specialized entity within the United Nations machinery granted additional access to highly confidential and elite spaces. It also facilitated the development of long(er) term relationship with key stakeholders in this context – potential informants for current and future research ventures.

However, my immersion in this context in this way greatly complicates my relationship with informants and the process of collecting data anywhere on the spectrum of methods such as participation, participant-observation and observation. Given the degree of importance my analysis (generally) attribute to observations, experiences and knowledge founded through an approach must accurately depicted as ethnographic, such complicating factors should ideally be accompanied by a high degree of reflexive analysis.

For one, the elected methodological approach likely has significant impact on how informants perceive my presence in the field as such. Easily identified as “just another intern” in a vast UN machinery relying on the unpaid labor of young professionals and students, my presence in a given context was never considered abnormal or noteworthy:

“Sitting on the podium, front and center, gazing out over the distinguished delegates selected to represent their respective countries with amazement and a sense of excitement. Plugging in my UN issued laptop and opening the working document to the correct paragraph to be discussed. Complete concentration, noting down every single word, every single proposed punctuation, each contextual objection referenced, all potential nuances to propositions to amend language. A very big moment for me, entrusted with officially representing the Secretariat and with providing the sole record of the informal meeting deliberations, a moment of complete continuity and mundanity for the rest of the room. Even as I stepped up to the podium for the first time, assuming my relative position of power, it was business as usual – just yet another unpaid UN intern to assist the Secretariat.” [UNHQ Conference Room 4, New York, 14 April 2016]

**On context and formality**

As has been established, as an integral part of the everyday practices of the conference proceedings, my presence at the conference podium and in the larger context of the space itself was not problematized. In fact, my physical presence at that very locality did not appear to affect the proceedings of the conference in any way.

Undeniably, however, what was actually said in a given forum was greatly affected by whether such proceedings were conducted in ‘informal’ or ‘formal’ mode. Having observed stark differences in what representatives are willing to say and how they say it, this is also reflected by my field notes on 22 April, as deliberations came to a close without an effective consensus end-agreement on the issue of nuclear disarmament:

“The apparent ease with which generic formulations in documents are rapidly adopted through the sound of the gavel from the front of the conference room – as if the many hours of deliberating, discussing, outlining (dis)agreement and objections to issues spanning from difference in the interpretation of words such as ‘progress’ contra ‘process’ to more obvious
disagreements pertaining to adherence to multilateral treaties and conventions never did happen” [UNHQ Conference Room 4, New York, 22 April 2016]

Whereas formal sessions (i.e. the plenaries) of the UNDC was covered by the UN News Agency and accredited members of the press, informal deliberations (i.e. the separate working group sessions) were informal and not subject to an official written record. Accordingly, delegates were able to speak candidly and openly – arguably resulting in more vivid and frank debates in relation to politically sensitive topics. By contrast, I observed that delegates were much less eager to engage in such explicit commentaries during the formal sessions. Again, in relation to participant-observation as a distinct qualitative method, this underscores the contextual importance of immersion. An external researcher would not only have been physically excluded from the space as such but is likely to have had an impact on how deliberations proceeded. In such a politically charged setting, what is not said as supposed to what is openly acknowledged in a public setting emerges as an extraordinarily indicative reference point. Being able to observe the difference first hand thus emerges as a direct consequence from utilizing methods somewhere along the observation – participant-observation continuum.

On accounting for subjectivities and the negotiation thereof

Notably, through electing to associate myself directly with the organization in this way – giving my time, effort and investing significant resources in pursuing an unpaid internship at the Secretariat – my overall perception and, arguably, inherent and unavoidable subjectivities probably shifted significantly.

There are several factors that both consciously and unconsciously likely have affected assumptions and choices made throughout all stages of research and writing – and that will continue to do so over an unforeseeable period of time. Factors which also have governed my own understanding and inherent ‘situatedness’ in this particular research field range undoubtedly also encompass political convictions and a wide array of personal relationships, experiences, observations and values.

In this regard, I firmly recognize that my understanding of theoretical vantage points, methodological approaches, the selection of the overall content selected for inclusion in research papers, dissertations or other past, present or future research pieces primarily reflect my positioning in a particular institutional setting and geographical location at a specific point in time. Similarly, the various personal and professional intersecting affiliations which form my sense of self, identity as a researcher and person also comprise important analytical positions for a reflexive gaze. For instance, the institutional affiliations and technical components of my formal academic education and training, ultimately result in greater familiarity and an implicit privileging some narratives and methodologies over others. This, in turn, gravely affect my ability to conceive of things in a certain way and how I chose to attribute and understand causality and correlation.

Professional and personal intersections have likely also framed my understanding of the research area in important ways. Having been personally and professionally associated with multilateral disarmament entities and UN auspices such as the UNODA, I also have an inherently more positive outlook on the organization. It is, undeniably, in my own best interest to represent the organization and the work it carries out in a positive rather than negative light.

These brief paragraphs accounting for how I am also a situated subject in this regard, generally but also and in relation to multilateral disarmament efforts in an international context, are by no means exhaustive. Nevertheless, their inclusion constitutes an attempt to further emphasize the importance of reflexivity, transparency and adhering to a critical research attitude which also pertains to the 'self'.

Firstly, I find this further illustrates the importance of accounting for how notions of transparency and reflexivity must be important features in the recognition of situated knowledge production.
Secondly, academia is often implicitly and explicitly associated with authority and represented as governing what is considered to constitute ‘truth’ and ‘objectivity’. As such, demonstrating how situated knowledge and socially constructed categories constitutes “…an ethical obligation [of the researcher] to be mindful of the political and social conditions for the production of authoritative knowledge” (Salter in Salter and Mutlu, 2013:20).

Whereas my inherent positivity for the UN disarmament machinery by no means have completely tainted my ability to critically research UN associated entities and interrelated disarmament processes, it certainly constitutes an important reference point for the reader and recipients of my research to be aware of.

On informants and duality in affiliations

“The white, plastic ear caps for interpretation services become an extension of your body during the extensive sessions, the calming presence of the interpreter at hand in your ear as you need them. They become such an integral part of your body that an Iranian delegate attempts to stand up and leave while still wearing it, reminded of its presence only through the pull of the wire and the very distinct sound of the plastic cap abruptly hitting the wooden desk —unexpectedly commanding the attention of delegates pretending to focus on the discussion at hand and shivering under the unusually harsh blast of the air conditioner” [UNHQ Conference Room 4, New York, 22 April 2016]

As previously stated, the formality of my professional affiliation with a UN entity ensured pivotal access to elite and restricted spaces as well as to data, documents and potential informants. In consequence, however, I have throughout my internship consistently also had to negotiate two, sometimes somewhat conflicting, professional roles. In this regard, I have had to be very clear with informants – as well as with myself – regarding what particular ‘hat’ I was wearing at any given time. The particular context demanded, at times, that I would remain focused on representing the Secretariat and its interests in performing my role as ‘intern’ – doing as I am instructed, supporting, documenting, paying absolute attention to the discussion at hand.

While the discussion periodically was extraordinarily interesting, aligning neatly with individual research interests and at times appeared to effectively ‘prove’ the existence of certain theoretical premises I subscribed to, it was also overwhelmingly boring. The discussion was occasionally optimistic, playful and in this regard very interesting and engaging. However, delegates would often engage in extraordinarily lengthy monologues on the importance of the draft text incorporating a semicolon as supposed to a comma in a certain paragraph. The inclusion of the significance of utilizing reference to the nuclear disarmament ‘process' or 'progress' was subject to long debate and, ultimately, irreconcilable differences. Further, positions uttered by specific delegations pertaining to the nuclear disarmament process were rarely groundbreaking or innovative suggestions to bolster the nuclear disarmament progress but, rather, well-known positions held historically by, on one hand, nuclear weapon states and, on the other, non-nuclear weapon states. Despite repeatedly called for by conference Chairs and Secretariat colleagues, compromise was rare.

During working group proceedings and in deliberations with the Chair delegation, it would have been vastly inappropriate to unmask myself as a (covert) student researcher and to divert attention away from the specific task at hand: to produce a draft text that could potentially achieve consensus in the UNDC forum. My status in the latter setting was far more evident – I was more than “just another intern” but referred to by name. Furthermore, my opinion repeatedly asked for and valued to the point of actual inclusion in the draft document. My role in both settings was significantly geared towards participation as supposed to observation.

During the larger plenary sessions in which I was not placed at the front of the conference proceedings at the podium, I also enjoyed a greater degree of agency in what I did during the sessions. I was able to observe the delegates and analyze what they said (and did not say) with a
greater degree of critical skepticism and to look up references to specific documents and events referenced as part of statements. I was, to a greater extent, also able to jot down my own observations – going beyond merely documenting the specific formulations of proposed language. Wanting to capture all aspects of this process and the people that moved within it, I wrote extensively on anything I deemed noteworthy. When I was not able to write immediately, I memorized the exchange to the greatest extent possible and scurried to the seclusion of my desk on the west corridor of the thirty-first floor of the Secretariat building at my earliest convenience in order to carefully document and immortalize my most recent observations.

Reflecting on the experience after the fact, it does seem the greater the degree of participation – the lesser I was able to freely reflect, observe and critically think. While the two professional roles were not entirely mutually exclusive, one simply cannot wear a sombrero at the same time as a baseball cap.
PART II

“ADDRESSING THE ISSUE OF MISSILES IN ALL ASPECTS UNDER UNITED NATIONS AUSPICES: A BRIEF INTRODUCTION TO CONTEMPORARY DEBATES AND ISSUES”

INTRODUCTION

The issue of missiles resonates in all conflicts and armed situations, in contemporary and historical accounts of warfare across the world. The issue of missiles in all aspects has been at the forefront of international affairs in 2016 and 2015 and has seen an increased military strategic significance. The issue gained additional momentum following the October 2015 tests carried out by the Islamic Republic of Iran and the February and March 2016 launches carried out by the Democratic People’s Republic of Korea (DPRK). That being said, despite increasing international attention paid to missile development as well as anti-missile systems, universal, legally-binding standards remain elusive and relatively unaddressed by existing international law and other treaty obligations.

This paper will address the issue of missiles in all its aspects from a brief albeit comprehensive perspective, emphasizing in particular the role of the multilateral system in their regulation and in limiting further proliferation. In doing so, the paper first provides an introductory overview to the issue of missiles as a classificatory category. In this regard, the paper especially outlines how missiles have previously been addressed and regulated by unilateral, bilateral and multilateral efforts thus-far.

The paper provides a working definition of what is often referred to as ‘missiles in all aspects’ and then describes the current standing pertaining to their status focusing on a number of contemporary issues with a bearing on continued international standards and regulation efforts. To this end, the paper addresses a number of greatly illustrative contemporary multilateral, bilateral and unilateral issues and examines how the situation has developed with regards to missile technology and proliferation measures.

BACKGROUND: MULTILATERAL INITIATIVES TO ADDRESS MISSILES IN ALL ASPECTS

Since conclusion of the last Panel of Experts on this thematic topic and issuance of its report, the item missiles in all aspects has been retained on the agenda of the General Assembly. While the agenda item has been retained in the First Committee 3, there has been little improvement in the political climate in which this issue is discussed and, hence, no concrete action taken.

It can be noted could be deemed particularly true in light of the medium-range ballistic missile test conducted by the Islamic Republic of Iran (hereinafter Iran) on 10 October 2015 and subsequent reaction by several Western Security Council members (France, Germany, United Kingdom and United States), requesting an investigation into this alleged violation of Security Council resolution 1929 (2010). With regards to Iran, previous resolutions placing sanctions upon Iran under the Joint Comprehensive Plan of Action (JCPOA) in accordance with previous Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015). On “implementation day”, confirmed as 16 January 2016 4, such restrictions were terminated subject to re-imposition in the event of significant nonperformance

4 https://disarmament-library.un.org/UNODA/Library.nsf/bcdbbdc21c92db4c85257f5b006f60cc/c72f657942923c7b85257f610065e62b/$FILE/S%202016%2069.pdf
by Iran of JCPOA commitments, and specific restrictions, including restrictions regarding the transfer of proliferation sensitive goods will apply.

Since the publication of the last ODA Occasional Paper, then the Department for Disarmament Affairs (DDA), in September 1999— the field of missiles, missile technologies and defense systems has expanded significantly. Further, the 1999 DDA Occasional Paper was a compilation of statements made at the Symposium on Missile Development and Its Impact on Global Security held at United Nations Headquarters in April 1999. This volume of ODA Occasional Paper thus significant differs in scope and content. Further, it supports the conclusions offered in the report of the 2008 Panel of Experts: i.e. the development of understandings on how to categorize and describe missiles, the exploration of practical steps to further limit proliferation and, lastly, the consideration of potential transparency and confidence-building measures.

Efforts to regulate missiles in all aspects

The issue of missiles, particularly in view of their ability to deliver weapons of mass destruction as well as the emergence of conventional long-range missiles, remains highly contentious and outside the scope of any legally-binding, multilateral instrument of universal application. Inherent in the issue of missiles in all aspects is a broad scope of concerns and the challenges that thus accompany such a complex matter. Missiles constitute various types of weapons, both conventional and unconventional, as well as serve various functions in national and regional security policies including activities in outer space. Additionally, missiles in all aspects include land-based and space-based systems.

The primary focus of missiles in the United Nations context remains their inherent connection to weapons of mass destruction (WMDs). The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of 1968 in its preamble demonstrates the desire “to facilitate ...the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control [emphasis added]”.

While General Assembly resolutions have previously established three Panels of Government Experts devoted to the issue of missiles in all aspects convening in 2001 and 2002, 2004 and 2008, respectively, a comprehensive, legally-binding regime to regulate this technology remains elusive. In parallel, alternative multilateral regimes have been pursued seeking to prevent the proliferation of missile technology, namely the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC) and the Missile Technology Control Regime (MTCR), but are limited in membership and, therefore, application. Other relevant missile regulation treaties include the New START Treaty, Conventional Forces Treaty, SALT and START treaties and, by association of missiles as delivery systems for WMDs, nuclear security treaties such as the FMCT – some of which are introduced at greater length in the subsequent paragraphs.

CURRENT ISSUES RELATED TO BALLISTIC MISSILES AND MISSILE TECHNOLOGY

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) and the Missile Technology Control Regime (MTCR)

The Hague Code of Conduct against Ballistic Missile Proliferation and the Missile Technology Control Regime (commonly abbreviated HCOS and MTCR, respectively) are non-legally binding

---

6 With regards to outer space, the 2008 Panel of Experts recognized the commonalities between missiles and space-launch-vehicle technology and noted the importance of preserving the right of all States to develop and use of space-related technology for peaceful purposes. See section entitled ‘Commonalities between missiles and space-launch-vehicle technology’ of this paper below
7 HCOC currently has a total of 137 Subscribing States of a more cross-regional nature.
but viewed by many States as non-proliferation regimes inherently biased against developing States. The MTCR, in particular, is considered an instrument that denies dual-use technology to developing countries. Negotiation and adoption of the HCOC sought to address some of the inherent weaknesses of the MTCR; in particular the HCOC neither prohibits States from owning ballistic missiles nor from benefiting from the peaceful use of outer space in this regard. Still, the HCOC does not offer concrete incentives for developing States such as technology assistance or negative security assurances (agreement not to use ballistic missiles against States that abstain from ballistic missile programmes).

The MTCR currently has 34 members\(^8\) that include European and North American States as well as the Russian Federation. The MTCR members convened most recently in Rotterdam, the Netherlands, on 5 - 9 October 2015 under the joint chairmanship of the Netherlands and Luxembourg. In the run-up to this session, India formally applied for membership to the MTCR in June 2015. The United States has subsequently supported India's membership in the regime despite the fact that India remains a non-State party to the nuclear Non-Proliferation Treaty (NPT) and, therefore, not bound by its obligations.\(^9\) Membership in the MTCR would essentially provide India with the ability to obtain sensitive missile technologies, including unmanned aerial vehicles, to which it previously had limited access as a non-member of the MTCR.

While no final decision on India’s membership was made at the 2015 plenary session, it was reported that most members look favorably on India's membership, which will be considered again at a later date. The plenary, in its public statement, noted concern over missile proliferation activities expressing, “... concerns associated with global missile proliferation activities in particular regarding ongoing missile programmes in the Middle East, Northeast Asia, and South Asia, which might fuel missile proliferation activities elsewhere. Partners agreed to continue exchanging views on missile programme developments.”

In going forward, MTCR members, as per the official statement circulated, also stressed the importance of continued technical improvements – including, in particular, the Equipment, Software, and Technology Annex\(^10\) which was considered a “cornerstone” in continued non-proliferation efforts by the MTCR regime and its members. Notably, this document is important as it outlines the relevant technical dimensions and specific definitional terminology applicable to MTRC controls.

*Treaty on Measures for the Further Reduction and Limitation of Offensive Arms (New START)*

The Treaty on Measures for the Further Reduction and Limitation of Offensive Arms, commonly referred to as the New START Treaty, is a bilateral agreement between the Russian Federation and the United States. The Treaty, which continued to work towards the implementation of the Treaty on Measures for the Further Reduction and Limitation of Offensive Arms (New START).

The two parties to the treaty convene annually under the Bilateral Consultative Commission under the New START Treaty, where practical issues related to implementation of the Treaty and came to an agreement on changing the timing on the annual discussion of the issue of the exchange of telemetric information on launches of ICBMs and SLBMs\(^11\) are discussed. In 2015, having convened in Geneva in October 2015 for its tenth session under the arrangement, an agreement was signed despite reported tensions over renewed strategic expansions on part of the

---

8. Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Russian Federation, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States of America
9. In its ICJ “nuclear cases,” the Marshall Islands have argued that Article VI of the NPT has become international customary law. In this case, India would be bound by the obligations contained therein.
Russian Federation. According to the data published by the parties pursuant to the biannual exchange of data required by the Treaty, the numbers reflect an overall reduction except in the category 'Deployed ICBMs, Deployed SLBMs, and Deployed Heavy Bombers'. The Russian Federation possession of 'Warheads on Deployed ICBMs, on Deployed SLBMs, and Nuclear Warheads Counted for Deployed Heavy Bombers' also saw an increase.

Missile proliferation issues in the context of the Islamic Republic of Iran

The issue of ballistic missiles has been raised in the context of the nuclear negotiations between the Islamic Republic of Iran and the E3+3 (China, Germany, France, United Kingdom, United States and Russian Federation). While agreement on the Joint Comprehensive Plan of Action (JCPOA) has been widely hailed as a considerable success for international security and, in particular, disarmament, the matter of missiles has caused some ongoing issues. The JCPOA does not explicitly prevent Iran from testing a ballistic missile, which could be used to carry weapons of mass destruction. Rather, the issue of ballistic missile proliferation has been addressed in previous Security Council resolutions that have placed restrictions on the transfer and use of proliferation sensitive goods to Iran.

Following IAEA confirmation of Iranian compliance with obligations pertaining to its nuclear energy program and Implementation Day on 16 January 2016, the Islamic Republic of Iran carried out ballistic missile tests on 8 March and 9 March 2016. The tests were formally administrated by the Islamic Revolutionary Guard Corps (IRGC) and reportedly featured the 'Qiam 1' type ballistic missile originally tested in October 2010 (supposedly in the 1,860 mile range).

As previously noted, the October 2015 medium-range ballistic missile test by Iran, while not violating the letter of the JCPOA, elicited consternations from some Western States that claim the test was a violation of the "spirit" of the agreement. In this regard, the JCPOA and corresponding Security Council resolution 2231 (2015) does "call" upon Iran to refrain from related missile activities for eight years. It also should be noted the issue of missiles has remained highly contentious. Though it did not prevent agreement on the core nuclear issues contained in the JCPOA, it has been a matter that the Iranians vehemently sought to have excluded from the final agreement. Iranian officials have officially stated that Iran is not committed to restrictions on its missile programme, with reference to capabilities being defensive rather than offensive in nature.

In this regard, the IRGC reportedly announced on their official website that the March 2016 ballistic missile tests "demonstrate Iran's deterrent power and the Islamic republic's ability to confront any threat against the revolution, the state and sovereignty of the country, under the auspices of empathy and compassion" (emphasis added). Further, with IAEA confirmation of Iranian non-nuclear capabilities, concerns over such missiles carrying WMDs have lessened. In fact, IAEA Director General Yukiya Amano remarked, in an Introductory Statement to the Board of Governors on 7 March 2016, that "[t]he Agency has found no indication of the diversion of declared nuclear material from peaceful nuclear activities in Iran. Iran’s Additional Protocol has been provisionally implemented since January 16th, 2016." In their most immediate official commentary to the March 2016 tests, the White House Press Spokesperson also contended that the tests did, in fact, not violate the terms of the JCPOA agreement. Similarly, the United Nations Secretary General in his most immediate response to the March tests called for restraint and for all to proceed with sensitivity to the current volatile regional political climate. The Secretary General also referenced Security Council resolution 2231 (2015), which, as was quoted in the

---

15 https://www.iaea.org/newscenter/statements/introductory-statement-to-the-board-of-governors
statement: “called upon Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology.”

**Bilateral issues between the United States and Russian Federation**

The development and deployment of missiles and anti-missile systems has been an ongoing issue between the Russian Federation and the United States since before the end of the Cold War. In 2001, the United States officially withdrew from the Anti-Ballistic Missile Treaty (ABM), an action which continues to dissuade further bilateral and multilateral efforts to address missile proliferation. More recently, and in response to recent reports that the United States plans to produce an upgraded version of the B61 nuclear bombs currently deployed in Germany later this year, the Russian Federation has threatened countermeasures, including the deployment of ballistic missiles in Kaliningrad. Additionally, there have been further reports that the Russian Federation has agreed to deliver a surface-to-air missile system to Iran by the end of 2015.

While trading threats to increase military presence and/or upgrade missiles in competing regions has become somewhat commonplace between the United States and the Russian Federation as Cold-War type divisions have re-emerged in the context of the crisis in Crimea. In this regard, the threat of missile proliferation is evident in this specific context. Such a dynamic runs counter to the efforts to prevent an arms race and further ballistic missile proliferation that could potentially be used for chemical, biological or nuclear attacks. In fact, in explicitly referencing ballistic missile technology, U.S. Deputy Defense Secretary Bob Work said: “The end of the Cold War did not end great-power politics [...] “We see it plainly in Russia’s aggressive actions in Eastern Europe and Syria, and we see it in China’s emergence as a military power and its belligerent actions in the South China Sea.”

Also of relevance, the United States and the Russian Federation have mutually accused the other of violating the Intermediate-Range Nuclear Forces Treaty (INF), which has further darkened the prospects for progress related to addressing missile proliferation on a bilateral basis between the United States and Russian Federation. In 2014, following developments in the Ukraine and the annexation of Crimea, the United States officially accused the Russian Federation of violating the Treaty. Following the initial accusations, the United States threatened possible military response. As the situation evolved, the issue continued to fall under scrutiny during 2015.

On 5 June 2015, for instance, the U.S. Department of State issued its yearly ‘Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments’. While the report noted that discrepancies pertaining to implementation and compliance with the Intermediate-Range Nuclear Forces Treaty could “constitute violations or simply differences in implementation approaches” – it nonetheless concluded there were instances in which specific questions about compliance and violations could be raised. In particular, the Report ultimately stressed that the Russian Federation continues to be in violation of its obligations under the INF Treaty with regards to its 2014 testing of intermediate-range ground-launched cruise missile (GLCM) technology.

Further, the same report denoted Russian concerns over the U.S. Aegis Ashore Missile Defense System Launcher and how this, from a Russian perspective, constituted an inconsistency with U.S. obligations under the INF Treaty. The Treaty on the Elimination of Intermediate and Shorter Range Missiles (1987), also referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, continued to fall under scrutiny in 2015. The Treaty, which originated as an indefinite bilateral agreement between the United States and the Soviet Union, requires its parties to eliminate ground-launched ballistic missiles (GLBM) and ground-launched cruise missiles (GLCM) with

---

18 http://www.state.gov/t/avc/rls/rpt/2015/243224.htm#Adherence
ranges between 500 and 5,500 km in addition to any launchers compatible with such systems. Belarus, Kazakhstan and Ukraine, all with Treaty-accountable sites on their territory, agreed to accept on-site inspections and participate in the Special Verification Commission established under the Treaty following dissemination of the Soviet Union. However, the 2015 report dismissed the concerns as unfounded on the basis of such technologies having no offensive capability. Further, the report reiterated the United States’ commitment and continued compliance with the INF Treaty.

In this regard, the 2015 Report also referred to the Special Verification Commission (SVC), the INF Treaty’s designated compliance resolution mechanism, on the subject of Russian concerns over U.S. armed unmanned vehicles (UAVs) and ballistic target missiles. Despite tensions, both the United States and the Russian Federation reportedly remain committed to the INF Treaty.

**Concerns about the DPRK missile programme**

On 7 February 2016, the Democratic People’s Republic of Korea (DPRK) carried out a long-range launch with ballistic missile technology. Immediately following the launch, the Security Council swiftly gathered in a special session and strongly condemned the launch with reference to a grave violation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013). Specifically, the tests reportedly involved the use of ICBM technology to launch a satellite into space orbit.

The test launch, which had followed an earlier and widely noted nuclear test on 6 January 2016, was regarded as a clear ‘provocation’ on part of the DPRK and as a clear threat to the continued peace and stability on the Korean peninsula (as referenced by many permanent representatives speaking in close relation to the issue).

The unanimous adoption of resolution 2270 (2016) on 2 March 2016 is further testament to the current positioning of international community regarding the issue of DPRK missile proliferation and capacity. Following the adoption of the resolution, which was said to constitute the some of the strictest sanctions imposed on DPRK to date, the DPRK carried out an additional test launch on 2 March 2016.

The Secretary-General, via the Spokesperson, said that the firm response on part of the United Nations Security Council should “put an end to the cycle of provocation and lead to the resumption of dialogue in accordance with the unified view of the international community.”

**Commonalities between missiles and space-launch-vehicle technology**

The interrelated and dual-use technology between missiles and space-launch-vehicle technology was identified as a ‘key issue’ by the Group of Experts following the mandate to “seek areas where consensus could be reached”, as per General Assembly Resolution 59/67. In this regard, the right of all States to the development and use of space-related technology for peaceful purposes and the need to address security concerns without impinging on the peaceful uses of space-related technologies was emphasized.

The interlinkages between a potential militarization of space and with missile technology development are frequently referenced in such documents.

---

19 http://sputniknews.com/politics/20150218/1018430952.html
22 http://www.nti.org/learn/countries/north-korea/delivery-systems/
The interlinkages between ballistic missile technologies and nuclear disarmament

As already noted, the inherent association with missiles (especially long-range ICBMs) as a means of delivery of weapons of mass destruction and, nuclear arms in particular, is of paramount importance pertaining to regulation and non-proliferation efforts. For instance, as the 2008 Panel of Experts also emphasize in their final report: the inherent difficulty of distinguishing between a conventionally armed and a non-conventionally armed missile in flight. Both variants give rise to distinctive security concerns, both global and regional, which arise not only from their capability to deliver weapons of mass destruction.

The interlinkages between ballistic missile technologies as a means of delivery of weapons of mass destruction is also emphasized by a number of the multilateral treaties that, thus far, has attempted to regulate missiles and missile technology – including the MTCR which specifies that the very purpose of the MTCR guidelines is to “limit the risks of proliferation of weapons of mass destruction (i.e. nuclear, chemical and biological weapons), by controlling transfers that could make a contribution to delivery systems (other than manned aircraft) for such weapons.” Furthermore, there is also (academic) material and debates that stress the danger of triggering a conventional arsenals arms race following complete and total nuclear disarmament efforts as missiles (especially ICBMs) will be of pivotal strategic importance in lieu of the nuclear deterrent24.

Importantly, as per the latest 2010 Nuclear Posture Review, the strategic document issued by U.S. Department of Defense in clarifying the U.S. position over the course of the next five to ten years, the issue of nuclear disarmament and (ballistic) missile proliferation are closely interrelated. For instance, the report denotes that:

“The United States will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attack on the United States or our allies and partners the sole purpose of US nuclear weapons”26

Further, the report also indicates that:

“[b]y maintaining a credible nuclear deterrent and reinforcing regional security architectures with missile defences and other conventional military capabilities, we can reassure our non-nuclear allies and partners worldwide of our security commitments to them and confirm that they do not need nuclear capabilities of their own”26

Thus, the proliferation of missile (and missile defense mechanisms) is closely interlinked with nuclear disarmament. To this end, as a 2013 ODA occasional paper27 also notes, the role of the US conventional intercontinental ballistic missile technology thus constitutes a prominent aspect to take into consideration in continuing the conversation on nuclear deterrence and continued efforts to universalize nuclear disarmament.

Accordingly, efforts to better understand and typify the existence of such (missile) technologies are very much central to the nuclear disarmament objective pursued in a multilateral context - while often by-passed by commentaries on the subject. The expansion of strategic conventional capabilities can be considered a condicio sine qua non for a continued expansion of nuclear disarmament efforts on part of the United States following the 2009 Prague agenda. While there has been clear set-backs and merited questions pertaining to its continued legitimacy as an

26 ibid [page 6]
27 Vercamer, 2013
indication of the US position on nuclear disarmament since, the doctrine nonetheless remains an important reference point for the Obama administration.

ASSESSMENT AND WAYS FORWARD FOR THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY

While the Panel of Experts was able to present a consensual report and identify a number of key issues to be taken into account in order to address the issue of missiles in all aspects, no further substantive work has been undertaken since 2008. A resolution was adopted in 2008 requesting the Secretary-General to seek the views of Member States on the Panel’s report, followed by adoption of Decisions to only retain the item on the agenda of the General Assembly as previously noted.

There is no shortage of complex, technical issues to address under the very broad classificatory umbrella of missiles. Yet, the previous work of the Panel of Experts indicates some support for multilateral work in this area, particularly in a United Nations forum.

As is the case with the development of an International Code of Conduct for Outer Space Activities that began through the initiative of the European Union, the majority of States appear to favor work on this issue through a United Nations mandate with a view to ensuring a transparent, balanced and non-discriminatory process. The 2008 report of the Panel of Experts attributes a role to the United Nations in providing a more structured and effective mechanism through which to build consensus on this matter. Furthermore, the inability of the MTCR or the HCOC to comprehensively address missiles in all aspects, in a non-discriminatory manner thus achieving universality, is further evidence that a United Nations process is needed with a view to identifying areas of consensus and taking corresponding action. Moreover, comprehensively addressing the matter of missiles in the Security Council or on a bilateral basis between the United States and the Russian Federation is unlikely, especially in light of the recent developments outlined above.

CONCLUSIONS

This paper has provided some introductory points for continuing a process of multilateral solutions to hinder continued proliferation issues pertaining to missiles and missile development. In line with the recommendations of the 2008 Panel of Intergovernmental Experts, which especially emphasized the necessity of achieving consensus on negotiating non-discriminatory restraints on missile developments, including, but not necessarily limited to confidence building measures, data exchanges and the possible inception of certain regional or thematic missile free zones, this paper echoes such priorities.

The United Nations and the United Nations Office for Disarmament Affairs continue to closely monitor the issue of missiles in all aspects.
LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABM</td>
<td>Anti-Ballistic Missile Treaty</td>
</tr>
<tr>
<td>DPRK</td>
<td>Democratic People’s Republic of Korea</td>
</tr>
<tr>
<td>GLCM</td>
<td>Ground Launched Cruise Missile</td>
</tr>
<tr>
<td>GLBM</td>
<td>Ground Launched Ballistic Missile</td>
</tr>
<tr>
<td>HCOC</td>
<td>The Hague Code of Conduct against Ballistic Missile Proliferation</td>
</tr>
<tr>
<td>ICBM</td>
<td>Intercontinental Ballistic Missile</td>
</tr>
<tr>
<td>IAEA</td>
<td>International Atomic Energy Agency</td>
</tr>
<tr>
<td>INF</td>
<td>Intermediate-Range Nuclear Forces Treaty</td>
</tr>
<tr>
<td>IRGC</td>
<td>Islamic Revolutionary Guard Corps</td>
</tr>
<tr>
<td>JCPOA</td>
<td>Joint Comprehensive Plan of Action</td>
</tr>
<tr>
<td>NPT</td>
<td>Non-Proliferation Treaty</td>
</tr>
<tr>
<td>MTCR</td>
<td>Missile Technology Control Regime</td>
</tr>
<tr>
<td>PGMs</td>
<td>Precision Guided Munitions</td>
</tr>
<tr>
<td>SLBM</td>
<td>Submarine Launched Ballistic Missile</td>
</tr>
<tr>
<td>THAAD</td>
<td>Terminal High Altitude Area Defense system</td>
</tr>
<tr>
<td>UNDDA</td>
<td>United Nations Department for Disarmament Affairs</td>
</tr>
<tr>
<td>UNODA</td>
<td>United Nations Office for Disarmament Affairs</td>
</tr>
<tr>
<td>WMDs</td>
<td>Weapons of Mass Destruction</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY


Gärtner, Heinz “Deterrence, disarmament and arms control” International Politics Vol. 51, 6, pp. 750 – 762


United Nations Security Council Resolutions
1696 (2006)
1718 (2006)
1737 (2006)
1747 (2007)
1803 (2008)
1835 (2008)
1874 (2009)
1929 (2010)
2087 (2013)
2094 (2013)
2224 (2015)
2231 (2015)
2270 (2016)