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Towards a Missile-Free Zone for the Middle East – Moving beyond the Nuclear Dimension of the JCPOA

A Checklist for European Actors to Deal Constructively with the Regional Missile Problem

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The highly controversial missile problem in the Middle East should – and can – be constructively tackled by not singling out Iran and by avoiding one-sided maximalist and unrealistic demands towards Tehran. The authors aim at providing incentives for Iran to start discussion on its missile arsenal in three ways: they propose (a) applying vital elements that led to the successful conclusion of the JCPOA; (b) regionalising future talks in a triangle that includes from the beginning the missiles of Saudi Arabia and Israel; and (c) starting with modest confidence-building steps among the three major powers. Among the extra-regional players the United States continues to have a special responsibility for engaging in such a cooperative approach.

Background, Context, and the Central Challenges: Preserving the JCPOA after the US Decision to Withdraw – Incentivising the Iranians to Find a Common Solution to the Missile Issue

To discuss under current conditions the substance of and prospects for a Missile-Free Zone (MFZ) in the Middle East/Gulf may appear to be a politically naïve undertaking – especially if one takes the Joint Comprehensive Plan of Action (JCPOA) concluded by the E3/EU+3 and Iran in mid-July 2015 as the crucial point of reference. This multilateral agreement (or accord) is under great pressure since one of the "3" – the United States under the Trump administration, and not the authoritarian governments of Russia or China – withdrew from the agreement, as President Trump announced on 8 May 2018. This unilateral decision amounts to a test of the willingness and capacities of the three European parties – France, Germany, and the United Kingdom – to stand by their commitment to preserve the accord together with Russia and China as long as Iran abides by its terms.

So far the International Atomic Energy Agency (IAEA) has continuously certified that Tehran is implementing its nuclear-related obligations under the accord. The JCPOA is rightly praised by all of the five remaining parties as a multilateral achievement of diplomacy that avoids two probable, but undesirable, military alternatives, i.e. a nuclear-armed Iran, and the destruction of that country's nuclear and missile-related facilities. The focus – and, therefore, the limits – of this historic milestone agreement are clear. It addresses neither Iran's foreign policy behaviour in the region nor its ballistic missile programmes. For the critics of the agreement these are unacceptable deficits that have led to the US decision to withdraw from the JCPOA. Among the five remaining parties, the three European powers basically concur with the assessment of Iran's aggressive behaviour and agree that the missile issue needs to be addressed somehow. But for them, the unity of all of Tehran's JCPOA partners, which forms a key part of the preservation of the agreement, is an asset that should be used in separate follow-on negotiations to the JCPOA.

Iran's regional foreign policy behaviour has been dealt with in the current series of Policy Forum issues in the context of its rivalry with Saudi Arabia – and not in a way that singled out the Islamic Republic. This included concrete measures for de-escalating these countries' bilateral competition for supremacy/hegemony in the entire Middle East/Gulf (see Policy Forum No. 9). The present Policy Forum issue focuses on the missile dimension. It does so conceptually in a similar way by not singling out Tehran's activities in this area, but by positioning them in the context of the regional dynamics associated with the other two regional missile-armed powers, Saudi Arabia and Israel. Also, instead of proposing a punitive approach to Iran, we outline a cooperative one that avoids threatening sanctions and making maximalist – and unrealistic – demands. This may be the only way of overcoming the key actors' understandable reluctance to start discussing the missile issue at all: this issue was deliberately excluded from the JCPOA-related negotiations.

With especially the major European actors in mind, this Policy Forum addresses vital aspects of the missile issue in the form of a checklist of "Do's!" and "Don'ts!" This format implies raising more immediate, mid-term, and fundamental questions than presenting an in-depth analysis of the regional missile problématique. We have identified four punitive, maximalist, and therefore, unrealistic "Don'ts!", and we derive four briefly stated "Do's!" from them, which, based on our previous work on a Missile-Free Zone in the Middle East/Gulf are coherently combined as vital elements of the proposed cooperative approach of regionalising the so-called Iranian missile problem. This includes, on the one hand, the holding of meetings among key actors as an opportunity to express their missile-related concerns in the broader foreign policy context (as well as listening carefully to those of the other actors); on the other hand, concrete mis-

sile-related confidence- and security-building measures (CSBMs) will be proposed.

The Four "Don'ts!" and "Do's!" on Our Checklist for Avoiding a Punitive Approach with Maximalist Demands that Single out Iran

The punitive and maximalist approach favoured by Iran's European negotiation partners – which should be avoided, in our view – implies the following points on our checklist mainly addressed to the E3/EU:

1. *Don't make the case on the basis of United Nations Security Council (UNSC) Resolution 2231 (2015) by claiming that the Iranians are violating the norm of the prohibition on testing missiles for eight years, but rather discuss controversial issues with the Iranians in a cooperative way.*

The Trump administration adopted a condemnatory approach after Tehran had conducted ballistic missile tests, but the soft wording of UNSC Resolution 2231 is simply not clear and strict enough to make that case. The Resolution states in Annex B, paragraph 3:

> "Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier."

In a joint letter, seen by Reuters at the end of March 2016, the United States and its three European JCPOA negotiation partners had condemned the tests as "inconsistent with" and "in defiance of" Resolution 2231. The four powers emphasised that the missiles that were launched were "inherently capable of delivering nuclear weapons". But they did not call these launches violations of the JCPOA, indicating a softer stance by the Europeans on the basis of the ambiguous language of the Resolution (Charbonneau, 2016).

Iran's Foreign Minister, Mohammad Javad Zarif, has emphasised that Resolution 2231, which "is not our resolution, it's the resolution that was drafted by the P5 (major world powers)", included two differences from UNSC Resolution 1929 (2010), which had imposed additional sanctions against Iran: it softened the former wording in that it "calls upon Iran" – so that is "the first difference, but the most difference is not that. The most important difference" is that it added an important word, it says "missiles *designed* [emphasis added] to be capable of carrying nuclear warheads". Zarif goes on: "Why is that word added? Because there was a debate, that Iran has shown that it's not developing nuclear warheads, because you now have a mechanism to ensure that Iran is not developing nuclear weapons. Therefore, Iran does not have nuclear warheads. So our missiles may be, theoretically capable, but since we don't have nuclear warheads they are not designed to be capable of delivering nuclear warheads" (Iran Primer, 2017). Against this controversial backdrop, negotiating a new and clear-cut version of Resolution 2231 would be helpful, but it does not seem politically realistic to expect it to be passed in the UNSC. This is an additional element that supports the case for a cooperative approach that discusses with the Iranians the controversial point "missiles designed to be capable of carrying nuclear warheads" in a concrete way related to specific Iranian programmes. They in turn could be discussed jointly with other countries in the region that possess missile arsenals.

2. *Don't pursue the maximalist goal of attempting to force Iran to reverse its ballistic missile programme – this is a non-starter – but, again, opt for a cooperative and broader regional approach.*

The French and German Foreign Ministers, Jean-Yves Le Drian and Sigmar Gabriel, respectively, expressed this unrealistic objective on 4 December 2017. Furthermore, their call on Iran "to go back on its ballistic missile program" (and not just on its testing activities) was linked to Iran's "hegemonic temptations" (Reuters, 2017b). In an earlier but less far-reaching statement on 23 September 2017, after the Iranian test of its new Khorramshahr missile, the spokeswomen of the French Foreign Ministry had requested that Tehran "cease all destabilizing activity in the region" and had indicated that France was considering with its partners "the means to obtain from Iran the cessation of its destabilizing ballistic activities" (Reuters, 2017a).

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3. *Don't even attempt to selectively limit Iran's missile capabilities as part of a mainly punitive proposal singling out this country – but do use constructive elements as part of a cooperative approach.*

Not reversing, but selectively restricting Tehran's missile capabilities could become an attractive approach for the Iranians. Yet we doubt that the following predominantly punitive and exclusively Iran-focused proposal presented by two experts from the International Institute for Security Studies (IISS), Michael Elleman and Mark Fitzpatrick, contains any incentives for Tehran to start serious talks on this issue. Their ideas are published in two articles on 28 February and 5 March 2018 (Elleman and Fitzpatrick, 2018a; 2018b) and in their full report (Elleman and Fitzpatrick, 2018c):

> "Rolling back Iran's most dangerous missiles will require concerted attention. The United States and its European allies should correctly define the problem on seeking restrictions on the missiles that could be most easily used to deliver nuclear weapons (if Iran were to completely abandon the JCPOA and the Nuclear Non-Proliferation Treaty). In prioritizing the most dangerous systems, they should discuss how to ban Iranian testing of missiles that, according to documents provided to the International Atomic Energy Agency, originally were designed to accommodate an apparent nuclear payload […]" (Elleman and Fitzpatrick, 2018b).

In our view the very constructive JCPOA-related elements that created political will and led to the striking of the multilateral accord in mid-2015 are lacking in this approach. The same applies to the needed regional setting for a more promising alternative that will incorporate some elements of the IISS proposal (see below). We nevertheless acknowledge that our two respected IISS colleagues, who have provided the soundest and most clearly differentiated publicly available report on the issue, have gone far beyond the parameters of the Missile Technology Control Regime: missiles that exceed the thresholds of a 300 km range and 500 kg payload are generally regarded as being capable of delivering a nuclear warhead. The two authors have identified eight Iranian systems that belong in this category (Elleman and Fitzpatrick, 2018c: 11, Table 1).

Also, we give the two IISS experts credit for their quick-fix approach, which was understandable before Trump's decision to withdraw from the JCPOA. One feature of the three publications is striking and probably cannot be explained by the cut-and-paste method that seems to have been used: the characterisation of the eight problematic missiles is not always identical – or at least congruent – even in the full study including of course its Summary and Conclusions (Elleman and Fitzpatrick, 2018c). Since our checklist is not intended to have an epistemological element, we will not go in depth into these discrepancies, which cannot be identified by the average reader who reads only the two short publications (Elleman and Fitzpatrick, 2018a; 2018b). But these discrepancies tend to endorse our alternative comprehensive understanding of "concerted attention", which needs to include the Iranians, as the only way to produce more secure knowledge about Tehran's missiles.

4. *Don't exclusively put "Iran under surveillance over its ballistic missiles", as the French President, Emmanuel Macron, suggested on 13 February 2018 – but do make creative use of this proposal.*

President Macron's initiative (Rose and Irish, 2018), especially related to Tehran-backed missile production sites in Syria (see below), may turn out to be a non-starter too, although it may have been intended to convince the Trump administration that the JCPOA could be preserved by adding to it additional constraints on Iran's missile programme. This does not in any way mean that one should not address specific issues that are of concern (in this case related to Israel, as a close European ally). But, as will be argued below, building creatively on the constructive elements of Macron's initiative means offering an adequate regional format and a potentially positive perspective associated with it. The same applies to dealing with the controversial missile issue in Yemen, i.e. the dispute over whether the missiles fired by the Houthis mainly towards Saudi Arabian targets were directly supplied by Iran or came from Yemeni armed forces' stockpiles (EurAsia Daily, 2017). Without dealing with this matter in greater detail, we would like to make the point that we support a policy that does not apply double standards: while it is imperative to investigate whether Iran is abiding by international law, one should view this from a broader perspective and not lose sight of

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that fact that in Yemen the Saudi-led coalition has created the greatest current humanitarian crisis by carrying out military strikes against civilians.

Integrating a Cooperative Approach to the Missile Issue with Its Regional Nucleus (I): JCPOA-related Lessons and a New Format

The currently pursued punitive approach of singling out Iran on the missile issue, especially when this approach is coupled with maximalist demands, is a non-starter. A more promising, basically cooperative and multilateral policy would have to:

- Apply the JCPOA as a success story of negotiating among partners and adversaries; and
- Address a possible combined multilateral and regional format in the Iran-Saudi-Israel missile triangle. (Despite this context, for obvious reasons our focus will be on Iran, but not exclusively so.)

Applying the Successful Main Features of the JCPOA

Again, it will be hard to convince the Iranians to enter any (in-)formal talks on missiles in view of the US withdrawal from the JCPOA – why should they believe that follow-on negotiations would be more positive for them? But Iran is not the only challenge. Even if the United States were formally excluded, the country is part of the overall 'missile game'. It will eventually have to be included again – in all talks – since it is militarily present in the Middle East as the major security provider of its Arab allies against the perceived threats from Iran. Furthermore, in addition to its regional rivalry with Saudi Arabia and its adversarial position vis-à-vis Israel, Tehran's animosity is mainly directed against the United States.

We believe that the core give-and-take element that made the multilateral accord a success should be applied to talks about the missile issue: both sides of the achievement-oriented JCPOA negotiations were willing to make compromises, and to show pragmatic flexibility on substantive and procedural issues within an overall complex design that weighed nuclear- and sanctions-related elements against each other (see Policy Forum Nos. 9 and 11 on this matter). Why not therefore abandon the punitive European approach and apply the JCPOA-minded one to the missile issue as well? Such an approach would be a necessary condition of success, albeit not in itself a sufficient one. Any potentially promising approach will have to take into consideration (see below) that the missile issue was excluded as an Iranian precondition from the JCPOA talks because of the centrality of missiles to Tehran's regional military strategy (Thielmann, 2015).

Exploring an Extended Format: The E3/EU+2 (China and Russia)+3 (Three Relevant Regional Missile-armed Powers)

After the US withdrawal from the JCPOA, the Europeans – especially the European External Action Service headed by Federica Mogherini – have a special responsibility to pursue promising immediate, medium- and long-term options for the missile problem. So far, French President Emmanuel Macron has publicly called for an initiative that includes constructive elements one could build on:

> "I want a new cycle of negotiations with regional partners and the permanent members of the Security Council, like we did for the nuclear deal, but widening it to regional countries so that we can reduce and eradicate this insecurity" (Rose and Irish, 2018).

Here Macron was referring to the use of Iranian-linked missiles in Yemen and Syria, which needed to be addressed because he saw these delivery vehicles as a security problem for French allies – notably Israel, for the French President made his comments on 13 February 2018 shortly after anti-aircraft fire downed an Israeli warplane returning from a bombing raid on Iran-supported production sites for precision-guided missiles in Syria (see Policy Forum No. 9 and Kershner (2017).

In more general terms, Macron's focus was on exclusively putting "Iran under surveillance over its ballistic missiles", without specifying what he meant by this. He suggested a "mechanism of sanctions and control", while at the same time emphasising "that we need to have a dialogue with the Iranian regime". With French Foreign Minister Jean-Yves Le Drian's visit scheduled for Tehran on 4-5 March, Macron announced on 13 February 2018 a meeting in the coming weeks of the main players in the Syrian crisis in order to eradicate the ballistic missile activities in Syria that puts "in danger all the regional powers" (Rose and Irish, 2018).

One does not need only to explore what has so far come out of the narrowly Iran-focused features of Macron's initiative and what its perspectives are, but also – much more importantly – how one could make this legitimate security concern part of the broader process that the President mentioned. This regards a multilateral negotiation format similar to that for the JCPOA plus a regional dimension by inviting to attend, in addition to Iran and probably Syria, the major regional missile-armed players. From our perspective, this would mean including Saudi Arabia and Israel. This would undoubtedly cause enormous difficulties. But properly managed, such an arrangement has the positive potential for an unprecedented dialogue featuring missile-related steps that can work as CSBMs and could potentially create an institutionalised communication process that is much needed in the entire region (see below).

Integrating a Cooperative Approach to the Missile Issue with Its Regional Nucleus (II): Feasible Initial CSBM-related Steps

Based on our previous work, which culminated in an international academic study on the conditions for and possible substance of an MFZ in the Middle East (Kubbig and Fikenscher [eds], 2012), Policy Briefs (see Nos. 18, 21/22, 23/24), and a compact study (Kubbig and Weidlich, 2015), we suggest placing two concrete steps on our checklist for meetings of the members of the Iran-Saudi-Israel missile triangle as the nucleus of a broader multilateral setting.

Initial Step: Expressing Missile-related Concerns in the Broader Foreign Policy Context while Bearing the Factors Shaping Missile Programmes in Mind

Especially at this stage, participants at the negotiation table should take those factors into account that shape the missile policies of the three countries which form the regional missile triangle. Identifying

these factors is a precondition for all efforts to initiate and implement any incremental strategy to come up with CSBMs and stabilising and/or missile reduction measures that would move regional players towards the demanding objective of a Missile-Free Zone (which was part of the so-called mandate issued by the parties to the Nuclear Non-Proliferation Treaty in the wake of the 2010 Review Conference specifically referring to missiles capable of delivering nuclear weapons). We hold that among the factors listed below, *the security-related interests/concerns and threat perceptions relating to the foreign policy behaviour and specific weapons systems* of the major players should be regarded as the most relevant driving forces. It is in this context that the role of missiles in the military strategy of the three countries in question has to be assessed, especially for Iran, which is regarded as the indispensable centrepiece of any negotiations of this kind.

From an Iranian perspective, its missile programmes are currently a reaction to superior US capabilities. In addition, there is the fear of unilateral Israeli and/or joint US-Israeli strikes against Iranian nuclear facilities. First and foremost, Tehran's diversified missile programmes have to be seen as the central element in its deterrence strategy. If deterrence fails, missiles will be a vital element in the implementation of Iran's asymmetric war-fighting doctrine. They can be launched against US bases, facilities, and personnel surrounding Iran in the region, and they can be fired at targets in Israel. And yet, as the specific Syria-related concerns that President Macron expressed have shown, the Iranian strategy of deterrence seems to have an offensive or even power-projecting dimension that needs to be discussed and clarified. Since mid-2017 Israeli Prime Minister Benjamin Netanyahu has publicly been asserting a new dimension that Iran is "busy turning Syria into a base of military entrenchment" by building "sites to produce precision-guided missiles" in Syria and Lebanon using both countries as "war fronts against its declared goal to eradicate Israel" (Kershner, 2017).

We would not be surprised if the concerns expressed at the negotiation table were generated by the following motives and interests underlying the participating countries' weapons procurement strategies:

- *The quest for regional primacy* is currently expressed especially by Iran and Saudi Arabia in their intensifying rivalry as the defining characteristic of the Middle East/Gulf, with regime stability as probably the most important single factor underlying their regional ambitions.
- *The events of the past* are a relevant fact of political life in, for instance, Israel, because of the Holocaust and its wars with the Arab countries, and in Iran, which was confronted with a lack of solidarity from other Middle East/Gulf countries especially after Iraq's use of chemical weapons during the Iran-Iraq War (1980-1988).
- *Cultural factors* include a marked predisposition towards self-defence in Israel, and the prestige and national pride associated in Iran with its missile programme.
- *Domestic forces driving foreign policy*, e.g. public attitudes; power constellations; and networks among the military, industry, bureaucracies, and universities that are involved in research, development, testing, and production of the relevant military capabilities (in the area of missiles, the latter applies to Israel and to a certain degree to Iran).

Second Step: Discussing Missile-related CSBMs in the Regional Missile Triangle

Defining CSBMs

Basically, confidence- and security-building measures are designed to reduce tensions and the dangers of armed conflict, but also to address the misunderstandings associated with military activities. They range from *relatively non-demanding/modest CSBMs* to far-reaching ones. Transparent information, communication measures, and declarations belong in the first category, i.e. relatively non-demanding/modest CSBMs. For missiles, this can involve the exchange of information on ongoing or planned missile projects and related activities, especially in crisis situations, through hotlines and data exchange centres; regular reporting on missile-related activities; pre-notification of flight tests and space rocket launches for civilian purposes (e.g. launching satellites); and, finally, declarations on the no-first-use of delivery vehicles.

Far-reaching confidence and security-building measures include the de-targeting and de-alerting of missiles (i.e. that a country's missiles are not permanently targeted at another country and are not on permanent ready-to-launch alert); limiting the ranges of the missiles that are tested; moratoriums or bans on flight tests; re-deployment and/or non-deployment (including the development of indigenous capabilities); and restraints/moratoriums/bans on missile-related transfers. These measures involve the actual weapons themselves – an impact that is normally associated with classical arms control and, of course, with efforts to decrease military capabilities. Each of the two categories of CSBMs must be specified within a concrete context. Relatively non-demanding/modest measures can be extremely important in crisis situations between countries like Iran and Israel, whose hostile relationship in all likelihood does not include any formal communication mechanisms.

Getting Started with Far-reaching CSBMs

Against this backdrop, we endorse an earlier (probably to-be-modified) proposal of our colleagues Michael Elleman, Michael Haas, Oleg Shulga, and Christian Weidlich (Elleman at al., 2013). It could become a starting point at least between Iran and Saudi Arabia to address – and even accept – limits on developing intermediate-range missiles with a range of 3,000-5,500 km, which they do *not* possess (in the case of Iran) or which come close to this category, but may no longer be fully serviceable (Saudi Arabia's DF-3, with a reported range of 2,600-2,800 km). For these two countries of the missile triangle, the cooperative approach means starting with modest restrictions on the modernisation and expansion of their respective strategic missile forces. As to Israel, however, the Jericho III missile was tested in 2013 and is reportedly capable of carrying a 1,000 kg warhead more than 5,000 km. Elleman and Fitzpatrick have for good reasons suggested that

> "countries are often willing to accept limits on what they do not have. The facts are clear: None of the missiles Iran has under development come close to being able to hit the United States. Nor can they reach much of Europe beyond its southeastern corner" (Elleman and Fitzpatrick, 2018b).

We agree with this assessment, which is identical with earlier ones. It suggests that

» Within this [Iranian-Saudi-Israeli] triangle, one could start by applying the still-valid idea [...] of countries unilaterally or jointly declaring that their missile are not permanently targeted at another country and are not on permanent ready-to-launch alert. Again, these two measures, at times implemented during and after the Cold War between Washington and Moscow, are certainly modest, but this is exactly why they could become feasible CSBMs, since they do not touch on current military capabilities – at least in Iran and Saudi Arabia. «

the fears regarding Iranian intercontinental ballistic missile programmes (the Shahab-4, -5, and -6) have not been warranted. These fears, which were raised during the George W. Bush administration, were used to advance missile defence systems in the United States and Europe (see Policy Brief No. 37/38). What is more, Iranian decision-makers have emphasised the regional character of the country's ballistic missile programmes by repeatedly stating that Iranian missiles' range would be limited to 2,000 km (on this basis, it is impossible to justify the comprehensive anti-missile defence efforts in Europe). We disagree, however, with Elleman and Fitzpatrick's approach of singling out Iran, which implies leaving out the missiles of Saudi Arabia. In addition, one would need to find adequate ways to deal with the obviously advanced Israeli Jericho III missile within the format of a regional missile triangle.

Within this triangle, one could start by applying the still-valid idea (Elleman et al., 2013) of countries unilaterally or jointly declaring that their missile are not permanently targeted at another country and are not on permanent ready-to-launch alert. Again, these two measures, at times implemented during and after the Cold War between Washington and Moscow, are certainly modest, but this is exactly why they could become feasible: they do not touch on current military capabilities – at least in Iran and Saudi Arabia. Yet both types of declarations would certainly facilitate an agreement on 'appropriate behaviour' in the area of ballistic missiles; this is codified in the international Hague Code of Conduct Against the Proliferation of Ballistic Missiles (HCoC), which is only politically (not legally) binding. What is more, an agreed-on flight-test ban on intermediate-range and longer-range ballistic missiles would perhaps constitute the strongest norm on which further proposals for zonal disarmament arrangements in the Middle East/Gulf could build.

Tackling the Acute Issue of Iranian Missiles Potentially Designed to be Nuclear Capable

President Macron's proposal to deal selectively with the concerns caused by Iranian missiles applied central principles of the dual-track concept of the JCPOA, which he has now extended to unnamed regional players. This means being basically interested in dialogue, concrete offers, compromise, and trade-offs, while at the same time applying coercive means/sanctions if Tehran crosses specific red lines. Why not apply this successful formula to the area of the missiles of the three regional players instead of pursuing Elleman and Fitzpatrick's (2018a; 2018b; 2018c) mainly punitive proposal singling out Iran? Existing missile systems considered to be the most dangerous ones, like the 1,600 km-range Ghadr, are the case in point: "These systems should be targeted for an extended [test] ban by the UN and for related sanctions on individuals and entities associated with the system" (Elleman and Fitzpatrick, 2018b). Maybe we as non-native speakers are not entitled to comment on native-speaker wording, but to us it does not seem congruent to state, on the one hand, that "there is *strong evidence* that Iran's *Ghadr* system was *indeed* designed with a nuclear payload in mind" (Elleman and Fitzpatrick, 2018a; almost identical to 2018c: 4) – and, on the other hand, to state more cautiously that this system "*appears* to have been designed" for that purpose (Elleman and Fitzpatrick, 2018c: 21). [1]

It is striking how vague and cautious the authors are in assessing whether other missile types like the Ghadr were originally designed to be nuclear capable "on the basis of the technical capabilities and lineage of the different missiles" (Elleman and Fitzpatrick, 2018a). This raises the question of how clear-cut the documents provided to the Vienna watchdog really are and whether our two IISS colleagues are indeed pursuing "the soundest approach". The Emad missile, a 2015 variant of the Ghadr, is assessed in the Summary of the full report as well as in the main text (Elleman and Fitzpatrick, 2018c: 4, 21) as being designed to carry nuclear weapons, while the Conclusions (2018c: 23) make the restrictive qualification that the case for the Emad "is less clear". In the case of the Shahab-3, the two experts refer to a defector who in 2004 turned over schematics on a computer hard drive that show efforts to re-design the re-entry vehicle of the Shahab-3 to accommodate "*what appears to be* a nuclear implosion weapon". The Shahab-3, "which is the name that Iran gave to the Nodongs it imported [from North Korea], also *appears* to have been designed for nuclear weapons".

1 The present authors added the emphasis in all quotations except for Ghadr, Nodongs, and Qiam from Elleman and Fitzpatrick's works (2018a; 2018b; 2018c).

The solid-fuelled Sajjil-2 and the liquid-fuelled Qiam were "also *presumptively* designed for nuclear-weapons delivery". The case of the Qiam, "however, is *less clear* because it appeared several years after the tell-tale intelligence surfaced". This is identical to the Summary of the full report (Elleman and Fitzpatrick, 2018c: 4), but in the main text of this document (2018c: 20) the authors also conclude that "this nosecone *presumptively* makes the *Qiam* a system designed to carry nuclear weapons". Iran's medium-range Khorramshahr missile "is *harder to judge*, because of the dearth of good information and successful test launches. It *appears* to be derived" from the North Korean Musadan. "We, therefore, *tentatively judge* the Iranian versions of this missile to be designed for nuclear-weapons delivery" (Elleman and Fitzpatrick, 2018a; in our view congruent with slightly different wording in 2018c: 22).

In addition to its ballistic missiles, Tehran has developed two rockets (the Safir and Simorgh) that are optimised for launching satellites, but "are not well suited to perform as ballistic missiles". Neither the Safir nor the Simorgh has been tested as a ballistic missile, and would require modifications for this purpose. "It is, therefore, *hard to make the case*" that these missiles are "designed to be capable of nuclear weapons delivery. *To the contrary*, they were designed and configurated to be satellite launch vehicles". The two IISS authors also note that no country has converted a satellite-launch vehicle into a long-range ballistic missile (Elleman and Fitzpatrick, 2018a; 2018c: 16).

The problem we have with this approach is twofold. *First*, in our view it is not sound and convincing to base a predominantly punitive strategy on such vague assessments. The two IISS authors conclude: "A realistic solution involves differentiating among Iranian missile systems. Not all of them are inexplicably [inextricably?] linked to nuclear weapons development". Elleman and Fitzpatrick have done an impressive job in presenting these systems. But we certainly disagree when they continue: "Those [missile systems] that obviously are [linked to nuclear weapons development] should be curtailed" (Elleman and Fitzpatrick, 2018b). Which of the systems they have in mind would pass this test in addition to the Ghadr? *Second*, as to Iran's space-related activities, two of their cited publications contain different – in fact, incompatible – statements. Their article of 28 February 2018 is in line with their earlier assessment that the United States and its allies should "be prepared to accept missiles that clearly were not [designed to deliver nuclear weapons], including both the short-range system *and space-launch vehicles*" (Elleman and Fitzpatrick, 2018a).
Yet less than a week later the same two authors recommend, in line with their full report, that the United States and other parties to the JCPOA "should work with Iran *to set restrictions* on space-related activities, and demand program transparency to verify compliance" (Elleman and Fitzpatrick, 2018b). The authors are right in that only dialogue can clarify issues, but why impose restrictions at the very outset of an attempt to collaborate? It should also be noted that the two space-launch missiles constitute the only case in which the two authors explicitly regard it as "useful to negotiate" an agreement under certain conditions (Elleman and Fitzpatrick, 2018c: 19).

Against this unsatisfactory backdrop (from an academic point of view), the comparative advantage of a multilateral/regional and cooperative approach becomes obvious. In fact, another dialogue/negotiation process built on good faith is required with much more information on the history and technological complexities of the Iranian missile programmes. The two IISS colleagues' cautious, ambiguous, and even vague assessment lends itself to such an alternative option. One could initiate it only if Tehran were offered a quid pro quo by Saudi Arabia and Israel. As to Iran, why not offer on the JCPOA-inspired quid-pro-quo basis an attractive option for Tehran to limit clearly and jointly identified missiles that could be most easily used to deliver nuclear weapons – for instance, in the form of Israeli concessions related to its Jericho III that would not essentially impinge on Israel's security?

Conclusions and the Way Forward: Getting the United States, as the Biggest Elephant in the Room, back on Our Checklist in a Promising Setting

We have made the case for constructively dealing with the so-called Iranian missile problem in a way that regards Tehran's missile arsenal as part of the wider regional dynamics. Therefore, it can only be

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discussed in a constructive way by establishing a negotiation format that includes Saudi Arabia and Israel, which also possess missile arsenals. Working in terms of such a triangle that does not single out Iran should be seen as a promising format that could encourage Iran to come to the negotiation table. The proposal by French President Macron could be a creative starting point. As emphasized, this approach suggests to deal with the specific factors that drive the missile production/procurement in Iran as well as in Saudi Arabia and Israel. Incentives could be offered in substance in a way that makes use of the give-and-take criteria that made the JCPOA so successful. Our concrete proposals have centred at communication meetings of the relevant players to address mutual concerns and listen to the concerns of others; and at modest CSBMs as the smallest common denominator which will not impinge on their security.

The focus on missiles designed to be nuclear-capable could prove to be productive, albeit we are aware of the manifold related problems that will come to the fore but have not been dealt with in this issue – among them the ambivalent role of missile defence as part of the ongoing defence-offence arm races and the spiralling offence-offence dynamics between missiles and other conventional means of conventional means of delivery. At issue is also the ambivalence of arms exports from extra-regional players, Europe included. All this indicates that the overall multilateral format will be relevant, including the especially important role of the US.

We are also aware of the broader context in which the missile issue has to be seen. Again, Washington's role is pivotal – and complicating the situation to an extreme degree, as reflected in the appointments of Mike Pompeo as Secretary of State and John Bolton as National Security Adviser: the Trump administration has obviously returned to the position of the George W. Bush which at least in its first term defined the so-called conflict with Iran as a multi-faceted dispute that included Tehran's foreign policy in the region as well as its domestic human rights practices *intractably linked to the nature of the regime in Tehran*. All these aspects (the human right dimension seems to be of a lower priority) have increasingly become part of current US policy towards Tehran. This is certainly different from the novel and constructive approach of the Barack Obama administration for which the nuclear (and missile dimension) were a separate (and separable) issue of the overall conflict; this approach made the JCPOA possible.

The crucial question remains whether the five partners of the JCPOA will be able to convince the current US administration that it will be vital to start any future negotiation with Iran on the basis that Tehran's behaviour or policy (which in principle can be changed) is at issue, but not the Iranian regime. ■

References

- *Louis Charbonneau , "Exclusive: Iran missile tests were 'in defiance' of U.N. resolution – U.S., allies", Reuters, 29 March 2016,. Online available at https://www.reuters.com/article/us-iran-missiles/exclusive-iran-missile-tests-were-in-defiance-of-u-n-resolution-u-s-allies-idUSKCN0WV2HE.*
- *Michael Elleman and Mark Fitzpatrick, "Are Iran's ballistic missiles designed to be nuclear capable?", IISS Voices, 28 February 2018a.*
- *Michael Elleman and Mark Fitzpatrick, "No, Iran Does Not Have An ICBM Program", Commentary, War on the Rocks, 5 March 2018b. Online available at https://warontherocks.com/2018/03/no-iran-not-icbm-program/>.*
- *Michael Elleman and Mark Fitzpatrick, Assessing whether Iran's ballistic missiles are designed to be nuclear capable, London: IISS, 2018c.*
- *Michael Elleman, Michael Haas, Oleg Shulga, and Christian Weidlich, "Preparing the Ground for Regional Arms Limitations Operations, Deployment, and Testing of Medium-range Ballistic Missiles in the Israeli-Iranian-Saudi Triangle", Academic Peace Orchestra Middle East, Policy Brief No. 23/24, October 2013,. Online available at http://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/Policy_Brief_No._23-24.pdf.*
- *EurAsia Daily, "Iran-Saudi Arabia: 'Volcanoes' of Confrontation", 15 November 2017. Online available at https://eadaily.com/en/news/2017/11/15/iran-saudi-arabia-volcanos-of-confrontation.*
- *Iran Primer, "The Zarif Interviews: On the Nuclear Deal, US", United States Institute of Peace, 19 July 2017,. Online available at http://iranprimer.usip.org/blog/2017/jul/19/zarif-series-nuclear-deal-us-relations.*
- *Isabel Kershner, "Iran Building Weapons Factories in Syria and Lebanon, Israel Says", New York Times, 29 August 2017,. Online available at https://www.nytimes.com/2017/08/29/world/middleeast/iran-missiles-lebanon-israel-.html.*
- *Bernd W. Kubbig and Sven-Eric Fikenscher (eds), Arms Control and Missile Proliferation in the Middle East, London: Routledge, 2012.*
- *Bernd W. Kubbig and Christian Weidlich , A WMD/DVs Free Zone for the Middle East: Taking Stock, Moving forward Towards Cooperative Security, Frankfurt/M.: Academic Peace Orchestra Middle East, 2015. Online available at http://academicpeaceorchestra.com/gui/user/downloads/A%20WMD-DVs%20Free%20Zone%20For%20The%20Middle%20East.pdf.*
- *Reuters, "Iran tests new missile after U.S. criticizes arms programs", 23 September 2017a. Online available at https://www.reuters.com/article/us-iran-military-missiles/iran-tests-new-missile-after-u-s-criticizes-arms-program-idUSKCN1BY07B.*
- *Reuters, "France, Germany want Iran to reverse ballistic missile program", 4 December 2017b. Online available at https://www.reuters.com/article/us-france-germany/france-germany-want-iran-to-reverse-ballistic-missile-program-idUSKBN1DY1MY.*
- *Michael Rose and John Irish, "France says Iran's missile program must be put 'under surveillance'", Reuters, 14 February 2018. Online available at https://www.reuters.com/article/us-iran-nuclear-france/france-says-irans-missile-program-must-be-put-under-surveillance-idUSKCN1FY24L.*
- *Greg Thielmann, "Addressing Iran's Ballistic Missiles in the JCPOA and UNSC Resolution", Arms Control Association Issue Briefs 7(8), 27 July 2015. Online available at https://www.armscontrol.org/Issue-Briefs/2015-07-27/Addressing-Irans-Ballistic-Missiles-in-the-JCPOA-and-UNSC-Resolution.*