

Including Ballistic Missiles in Negotiations with Iran

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Despite concerns raised in United Nations Security Council Resolutions about Iran's ballistic missile development and capacity,¹ the Joint Plan of Action (JPOA) and its extension between the P5+1 and Iran do not address the future status of Iran's ballistic missile program. It is important that this omission be corrected in a comprehensive agreement.

The most recent UN Security Council Resolution, Resolution 1929 of June 2010, "Decides that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities," among other references to Iran's ballistic missile capabilities.²

If the "long-term comprehensive solution" envisioned by the JPOA does not tackle the issue of ballistic missiles, it will fall short of and may undermine Resolution 1929 and the prior UN Security Council Resolutions.³

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1. For additional analysis on this topic including details on the capabilities and history of Iran's missile arsenal and its strategic linkage to Iran's nuclear program, see Behnam Ben Taleblu, "Don't Forget Iran's Ballistic Missiles," *War On The Rocks*, August 25, 2014. (<http://warontherocks.com/2014/08/dont-forget-irans-ballistic-missiles/>)

2. United Nations Security Council, Department of Public Information, "Security Council Imposes Additional Sanctions on Iran, Voting 12 in Favour to 2 Against, with 1 Abstention Brazil, Turkey, Lebanon Say Tehran Declaration Could Boost Diplomatic Efforts, While Sanctions Represent Failure of Diplomacy," June 9, 2010. (<http://www.un.org/News/Press/docs/2010/sc9948.doc.htm>)

3. Resolutions 1696 (2006), 1737 (2006), 1747 (2007), and 1803 (2008) all call on States to limit Iran's missile capabilities. United Nations Security Council, Department of Public Information, "Security Council Demands Iran Suspend Uranium Enrichment By 31 August, Or Face Possible Economic, Diplomatic, Sanctions Resolution 1696 (2006) Adopted by Vote of 14 - 1 (Qatar), Iran Says Peaceful Programme No Threat, Council's Consideration Unwarranted," July 31, 2006; (<http://www.un.org/News/Press/docs/2006/sc8792.doc.htm>) United Nations Security Council, Department of Public Information, "Security Council Imposes Sanctions On Iran For Failure To Halt Uranium Enrichment, Unanimously Adopting Resolution 1737 (2006) Measures Will Be Lifted if Iran Suspends Suspect Activities; Report Due from Atomic Energy Agency on Compliance within 60 Days," December 23, 2006; (<http://www.un.org/News/Press/docs/2006/sc8928.doc.htm>) United Nations Security Council, Department of Public Information, "Security Council Toughens Sanctions Against Iran, Adds Arms Embargo, With Unanimous Adoption Of Resolution 1747 (2007) Further Steps Promised if No Compliance Reported by IAEA in 60 days; Iran's Foreign Minister Says Pressure, Intimidation Will Not Change Policy," March 24, 2007; (<http://www.un.org/News/Press/docs/2007/sc8980.doc.htm>) & United Nations Security Council, Department of Public Information, "Security Council Tightens Restrictions On Iran's Proliferation-Sensitive Nuclear Activities, Increases Vigilance Over Iranian Banks, Has States Inspect Cargo Adopting Resolution 1803 by 14-0-1, Council Welcomes Agreement between Iran, Atomic Energy Agency to Resolve Outstanding Issues on Iran's Nuclear Programme," March 3, 2008. (<http://www.un.org/News/Press/docs/2008/sc9268.doc.htm>)

Iran reportedly maintains “the largest and most diverse ballistic missile arsenal in the Middle East.”⁴ However, Iranian officials have on numerous occasions refused to discuss their missile capabilities within the framework of a comprehensive nuclear accord.⁵ To that effect, President Hassan Rouhani recently said, “Iran’s missile capability is by no means negotiable.”⁶ More affirmatively, Iran’s Supreme Leader, Ayatollah Khamenei called capping Iran’s missile progress “a stupid, idiotic expectation.”⁷

However, it is in the interest of the United States and its allies to limit Iran’s missile capabilities. *Iran’s ballistic missile arsenal threatens international and regional security because ballistic missiles can be used as a delivery mechanism for nuclear and other unconventional weapons.* The 2010 and 2012 U.S. Department of Defense’s reports on the Military Power of Iran assessed that Iran’s ballistic missiles “could be adapted to deliver nuclear weapons.”⁸

James Clapper, the Director of National Intelligence (DNI) explained the nexus between Iran’s nuclear intentions and ballistic missile capabilities in January 2014, stating, “Iran would choose a ballistic missile as its preferred method of delivering nuclear weapons, if Iran ever builds these weapons.”⁹ His analysis further noted that “Iran’s ballistic missiles are inherently capable of delivering WMD.”¹⁰ Additionally, the Defense Department has also noted that “Iran has publicly stated it may launch a space launch vehicle by 2015 that could be capable of intercontinental ballistic missile ranges if configured as a ballistic missile.”¹¹ ICBMs are best utilized for nuclear weapons applications.¹²

4. Michael Elleman, “Iran’s Ballistic Missile Program,” *The Iran Primer*, accessed August 25, 2014. (<http://iranprimer.usip.org/resource/irans-ballistic-missile-program>)

5. “Iran Missile Capability Not Up For Debate In Nuclear Talks: Minister,” *Press TV* (Iran), August 25, 2014; (<http://www.presstv.ir/detail/2014/08/23/376306/iran-missile-might-nonnegotiable/>) & “Iran’s Missile Program, Red Line, Not Negotiable: Official,” *AlAlam* (Iran), August 19, 2014. (<http://en.alalam.ir/news/1624357>)

6. “تسین مرکاذه لباق هجو چیه مب نارای یکشوم نوات: یناحور,” *Kayhan* (Iran), August 17, 2014. (<http://kayhan.ir/fa/news/21352/%D8%B1%D9%88%D8%AD%D8%A7%D9%86%DB%8C-%D8%AA%D9%88%D8%A7%D9%86-%D9%85%D9%88%D8%B4%DA%A9%DB%8C-%D8%A7%DB%8C%D8%B1%D8%A7%D9%86-%D8%A8%D9%87-%D9%87%DB%8C%DA%86-%D9%88%D8%AC%D9%87-%D9%82%D8%A7%D8%A8%D9%84-%D9%85%D8%B0%D8%A7%DA%A9%D8%B1%D9%87-%D9%86%DB%8C%D8%B3%D8%AA>)

7. “Iran’s Khamenei Says West’s Calls To Limit Missiles ‘Stupid,’” *Reuters*, May 11, 2014. (<http://news.yahoo.com/irans-khamenei-says-west-s-calls-limit-missiles-stupid-142343482--sector.html>)

8. U.S. Department of Defense, “Unclassified Report on Military Power of Iran,” April 2010, page 10; (<http://www iranwatch.org/sites/default/files/us-dod-reportmilitarypoweriran-0410.pdf>) & U.S. Department of Defense, “Unclassified Report on Military Power of Iran,” April, 2012, page 1. (<http://fas.org/man/eprint/dod-iran.pdf>)

9. James R. Clapper, “Statement for the Record: Worldwide Threat Assessment of the US Intelligence Community” *Testimony before the Senate Select Committee on Intelligence*, January 29, 2014, page 6. (<http://online.wsj.com/public/resources/documents/DNIthreats2014.pdf>)

10. James R. Clapper, “Statement for the Record: Worldwide Threat Assessment of the US Intelligence Community” *Testimony before the Senate Select Committee on Intelligence*, January 29, 2014, page 6. (<http://online.wsj.com/public/resources/documents/DNIthreats2014.pdf>)

11. U.S. Department of Defense, “Unclassified Report on Military Power of Iran,” January 2014, page 1. (<http://freebeacon.com/wp-content/uploads/2014/07/Iranmilitary.pdf>)

12. “Intercontinental Ballistic Missiles,” *Federation of American Scientists*, October 25, 1998. (<http://fas.org/>)

As evidenced by the recent testimony of representative to the P5+1 negotiations, Undersecretary of State Wendy Sherman to the House Foreign Affairs Committee, P5+1 negotiators seem to have opted to concern themselves with warhead-engineering rather than missiles. She stated, “We have said that the U.N. Security Council resolutions must be addressed. And in that, it says that somehow, we must address long-range ballistic missiles capable of carrying nuclear warheads. So, it’s not about ballistic missiles per se. It’s about when a missile is combined with a nuclear warhead. That’s the issue.”¹³ Thus, the P5+1 appear to have narrowly defined the challenge facing them, limiting it to the marrying of warheads to a ballistic missiles.

Unfortunately, this type of analysis ignores the fundamental fact that virtually any long range ballistic missile developed by Iran will be inherently capable of delivering a small nuclear warhead. Therefore *if Iran were to successfully master design, miniaturization, and production of a warhead at a covert facility, the retention and expansion of its ballistic missile capabilities would enable Iran to quickly pair the warhead to a delivery mechanism at the time of Tehran’s choosing.*¹⁴ Further, this analysis ignores the threat already posed by Iran’s current ballistic missile forces. According to experts, *even absent a nuclear warhead, Iran’s missile arsenal can be an effective tool for intimidating or terrorizing its neighbors to extract political concessions.*¹⁵

The exclusion of ballistic missiles from the negotiations also raises serious verification and monitoring concerns.

The 2014 Defense Science Board Task Force on monitoring and verification concluded that the U.S. government’s tools for addressing several monitoring challenges (relevant to Iran, amongst others) are “either inadequate, or more often, do not exist,” including the detection of “undeclared facilities and/or covert operations.”¹⁶ Moreover, the Defense Science Board report contained a memo noting that “the technologies and processes designed for current treaty verification and inspections are inadequate to future monitoring realities” including “accounting for warheads instead of delivery platforms.”¹⁷ One of the implications of the report is that *monitoring warhead production is far more difficult than taking stock of their delivery vehicles.*

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[nuke/intro/missile/icbm.htm](http://www.nuke/intro/missile/icbm.htm))

13. Wendy Sherman, “House Foreign Affairs Committee Holds Hearing on Iran Nuclear Negotiations,” *Testimony before the House Foreign Affairs Committee*, July 29, 2014. (Transcript accessed via Congressional Quarterly, <http://www.cq.com/doc/congressionaltranscripts-4526601?2>)

14. For more information on this scenario, see Behnam Ben Taleblu, “Don’t Forget Iran’s Ballistic Missiles,” *War On The Rocks*, August 25, 2014. (<http://warontherocks.com/2014/08/dont-forget-irans-ballistic-missiles/>)

15. Michael Elleman, “Iran’s Ballistic Missile Program,” *The Iran Primer*, accessed August 25, 2014. (<http://iranprimer.usip.org/resource/irans-ballistic-missile-program>)

16. U.S. Department of Defense, Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014, page 2. (<http://www.acq.osd.mil/dsb/reports/NuclearMonitoringAndVerificationTechnologies.pdf>)

17. U.S. Department of Defense, Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014. (<http://www.acq.osd.mil/dsb/reports/NuclearMonitoringAndVerificationTechnologies.pdf>)

Summarizing the conclusions of the report, nonproliferation experts have remarked, “The U.S. government is far less good, according to this report, at detecting whether somewhere in the entire territory of Iran there’s a covert facility that is manufacturing nuclear warheads, or enriching uranium using advanced centrifuges, or ... whether Iran is acquiring high-enriched uranium or plutonium from North Korea.”¹⁸ A comprehensive nuclear deal that addresses the missile threat by relying on verification that Iran is not covertly producing nuclear warheads at a covert facility would therefore depend on precisely the monitoring capabilities in which the United States has reported shortcomings.

Shifting U.S. monitoring and prevention aims onto warheads without addressing Iran’s ballistic missile capacity also ignores U.S. legislation that forms the foundation of the sanctions regime against Iran. According to the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) as modified by the Iran Threat Reduction Act (ITRA), to terminate the most punitive financial and energy sanctions, the President must, among other steps, certify that “Iran has ceased the pursuit, acquisition, and development, and verifiably dismantled its nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.”¹⁹

Ideally, any defensible deal that rolls-back Iran’s illicit nuclear infrastructure should also tackle the delivery systems. The agreement should suspend Iran’s ICBM-related work and include a ban on the launch of space vehicles, limits on the number of intermediate-range ballistic missiles, and a moratorium on the testing of all ballistic missiles as well as thorough verification mechanisms. While the JPOA is silent on the issue of ballistic missiles, it is an interim agreement that, by its very nature, does not address all of the issues that will need to be resolved as part of a comprehensive agreement. Indeed, on at least one occasion, Obama administration officials explicitly acknowledged the importance of addressing ballistic missiles in a comprehensive nuclear agreement with Iran. On May 16, 2014, then-White House Press Secretary Jay Carney said, “So ballistic missiles fall into the topics under discussion that would need to be part of a comprehensive resolution of this dispute and this challenge. So that’s the view we take.”²⁰

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18. Orde Kittrie, “Remarks on Monitoring, Verification and Compliance Challenges for a Final Nuclear Deal with Iran,” *Foundation for Defense of Democracies*, May 14, 2014, page 8. (http://www.defenddemocracy.org/content/uploads/documents/Transcript_0514FDD_FINAL.pdf)

19. U.S. House of Representatives, 111th Congress, 2nd Session, P.L. 111-195, “Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010,” Section 401, *Government Printing Office*, 2010, page 40; (<http://www.treasury.gov/resource-center/sanctions/Documents/hr2194.pdf>) & U.S. House of Representatives, 112th Congress, 2nd Session, H.R. 1905, “Iran Threat Reduction and Syria Human Rights Act of 2012,” *Government Printing Office*, 2012. (<http://www.gpo.gov/fdsys/pkg/BILLS-112hr1905enr/pdf/BILLS-112hr1905enr.pdf>)

20. The White House, Press Briefing, “Press Briefing by Press Secretary Jay Carney, 5/16/14,” May 16, 2014. (<http://www.whitehouse.gov/the-press-office/2014/05/17/press-briefing-press-secretary-jay-carney-516>)

It is important that the Administration follow through on this pledge. *Ignoring the strategic linkage between Iran's nuclear program and its missile program, creates greater monitoring and verification challenges, disregards regional stability and security, and shows total disregard for UN Security Council Resolution 1929 and the sanctions termination criteria as stipulated in U.S. law.* A deal which does not curb Iran's ballistic missile capacity based on the established positions of the UN Security Council and the public laws laid out in U.S. legislation would almost certainly be inadequate to the task of eliminating the Iranian nuclear threat.

The Iran Task Force's goal is to lend expertise on Iran's internal politics, nuclear science, and sanctions regime to the legislative branch. By providing the necessary intellectual capital, this group can help to strengthen Congress's role in a potential final nuclear agreement with Iran. This group of former government officials and nuclear, legal, and sanctions experts provides advice and recommendations to policymakers in order to ensure that any final deal prevents Iran's uranium and plutonium pathways to a nuclear weapon.

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