

Iran Threatens Aerial Freedom of Navigation in the Gulf

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Brief Analysis

By firing on a U.S. aircraft, Iran has upped the ante in the Gulf and set a bad precedent for international airspace rights worldwide.

Last month, Iranian jets intercepted and fired on an unarmed U.S. drone aircraft in international airspace. And this week, Tehran displayed what it claims is a captured U.S. Navy ScanEagle drone, a charge Washington flatly denies. These Iranian actions and rhetoric demonstrate a growing anti-U.S. campaign with drones as the *cause celebre*.

For now, Washington has opted not to retaliate for the November incident, but it needs to ensure that the confrontation does not become a precedent that limits U.S. aerial freedom of navigation in the Persian Gulf. The United States must preserve its patrolling rights, particularly in light of Iran's threat to regional shipping and apparent desire to pursue nuclear weapons. Given the short range from Iranian ports to major commercial maritime lanes, the ability to quickly detect any provocative naval preparations is paramount. If aerial surveillance and intelligence collection were rerouted further away from the Iranian border, coalition forces would face a severe intelligence gap in detecting the regime's offensive military preparations or, worse yet, suspected nuclear activity.

THE INTERCEPT

On the morning of November 1, two Iranian Su-25 Frogfoot ground-attack aircraft shot at a U.S. MQ-1 Predator drone. The use of non-radar-equipped Su-25s indicates that ground-based radar controllers in Iran tracked the

Predator, launched the Su-25s at precisely the right time, and effectively guided the pilots to the drone, placing them in an optimal position to fire on this difficult-to-detect target. As the Su-25 has a fairly short range, ground controllers had to bring the shooters to the target with minimum delay. All in all, the intercept over the Gulf demonstrated competent pilot and controller skills and effective collaboration.

The use of Su-25s also indicates that the incident was a well-planned show of force. Tehran reportedly holds thirteen Su-25s, seven of which were Iraqi aircraft that it impounded after their pilots sought refuge in Iran during the 1991 Gulf War. Unlike Iran's F-5s, F-14s, and F-4s, the Su-25 is a close air support platform designed to fly low and slow over the battlefield; it is not an interceptor. Its use against the Predator suggests that the operation may have been initiated by the Islamic Revolutionary Guard Corps (IRGC), which does not oversee any air-to-air fighters -- the Su-25 is its only high-performance aircraft. This would also indicate the degree to which the IRGC and the regular air force remain independent entities that do not work well together.

There may have been technical reasons for the decision as well: the Su-25's slow speed allowed it to shadow the Predator (which flies at around 100 knots) and attempt a hit with its cannon, a feat that would have been much more difficult for a faster fighter jet. For example, in 2006, an Israeli F-16 pursuing a Hizballah Ababil drone near Haifa was forced to slow down to near-stall speed (less than 200 knots) in order to intercept it; the pilot then had to use a helmet-mounted sight in conjunction with the highly maneuverable Python 4 missile in order to score the kill.

AERIAL FREEDOM OF NAVIGATION

The November incident was a watershed political event as well. IRGC commanders have been pushing the boundaries of unacceptable conduct for years, such as targeting America's closest ally by detaining British military personnel in Iraq in 2004 and 2007. The IRGC's Qods Force also orchestrated the January 2007 abduction and murder of five U.S. servicemen in Karbala. Since then, the IRGC has engaged in provocative behavior near U.S. Navy vessels in the Gulf, undertaking reckless mock attacks and dropping items in the path of American ships to simulate mines. Now that Iran has fired on a U.S. aircraft, it has upped the ante for military confrontation in the Gulf.

The exact location of the November incident remains unclear. Reports mention the area near the coastal city of Bushehr across the Gulf from Kuwait. Iran asserts that the intercept took place inside of twelve nautical miles, while the United States says it occurred in international airspace, sixteen miles from the coast and thus four miles outside of Iranian airspace. This illustrates the complicated nature of Gulf airspace boundaries, especially factoring in contested islands and an uneven coastline. The danger is that Tehran may believe airborne confrontations in disputed airspace are a good way to stimulate nationalist support for the regime as the effects of international economic sanctions take hold, thus creating an even more volatile situation in the region.

The incident also has several important implications for international law and custom. Historically, the United States has challenged aggressive incidents in international waters and airspace, and if this latest affront is left unanswered, it could limit U.S. freedom of action in the Gulf. Washington must establish that drones are no different from manned aircraft in legal terms -- reconnaissance missions (manned and unmanned) are authorized by international law. If this incident is left unresolved, the myriad RC-135 Rivet Joint, U-2, RQ-4 Global Hawk, and JSTARS aircraft monitoring hotspots worldwide could also be at risk when flying in or near contested airspace.

U.S. OPTIONS

Washington should first make a bigger diplomatic deal out of the November interdiction, arguing its case through UN agencies such as the International Court of Justice and International Civil Aviation Organization. The goal of such an approach would be to resolve any differences with Iran regarding its airspace boundaries and prevent future escalation. In the past, the U.S. Fifth Fleet has responded quickly and resolutely to Iranian maritime provocations, and Washington should do the same in the air. With a hefty \$4 million price tag, Predator drones are

certainly not expendable. Moreover, they are U.S.-flagged military aircraft and need to be treated as such.

The U.S. government should also propose a dialogue with Iran regarding Dangerous Military Activities (DMA) procedures. International law permits fighter aircraft to investigate another country's aircraft in international airspace, and during the Cold War, Washington and Moscow recognized the need for radio communications when conducting such flights. U.S. and Soviet representatives met and developed DMA protocol to ensure aircrew safety and alleviate any unwanted escalations due to potential "misunderstandings."

If Iran does not respond diplomatically, the United States should also undertake multinational freedom of navigation missions involving aircraft from maritime users of the Persian Gulf, especially the Gulf Cooperation Council countries. Such joint flights would improve interoperability and ensure lawful military activities in a corridor heavily used by civilian aviation. This would send Iran a clear message: international airspace boundaries, like maritime boundaries, must be honored.

Finally, as a last resort, Washington should consider giving Predator drones a self-defense capability, and advertising this fact. U.S. Central Command mounted Stinger missiles on Predators over a decade ago, when Iraq initiated its own short-lived campaign to shoot down the drones. Stingers are heat-seekers with a three-mile range, and such a capability might cause Iran to give Predators a wider berth; at worst, the missiles would give the aircraft a greater chance of survival if attacked. In addition, the administration should quietly signal to Tehran that it reserves the right to strike Iranian airbases if the regime launches offensive sorties, and that such retaliation would occur at a time and place of Washington's choosing. Even the IRGC may balk at trading an entire base for one unmanned U.S. aircraft.

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