

Provoking an agreement? The Hormuz Incident revisited

On 6 January 2008 a naval incident took place in the Persian Gulf which gave rise to radically different interpretations by the US and Iran. According to the US, what took place was a major provocation, whereas the Iranians claim that it was a minor incident blown out of all proportion for propaganda reasons. Both versions concur regarding only a few aspects of what happened. These may be summed up as follows: five Iranian Revolutionary Guards Corps Navy (IRGCN) speedboats approached three US Navy vessels (the USS *Port Royal*, USS *Ingraham* and USS *Hopper*), the Iranians radioed the US ships, and the incident took place in international waters.¹ Otherwise there are major discrepancies in both sides' accounts of what happened. Each side released separate video coverage of the event in order to vindicate their own contradictory version of events.²

Two views of the same incident

According to a briefing on 7 January by Vice-Admiral Cosgriff, commander of the US Navy's 5th Fleet and Navy Central Command (CENTCOM), the five Iranian boats split into two groups, manoeuvred aggressively in the direction of the US ships, and threw objects resembling white boxes into the sea. The US ships received a radio call threatening them and warning them that they would explode in a few minutes. According to the Vice-Admiral, a major incident was only avoided thanks to the professional seamanship of the US ships' crews who in fact came within seconds of firing on the Iranian patrol boats.³ Needless to say, the most serious point was the threat to explode the US ships. If such a threat was indeed issued by the IRGCN, then it obviously constitutes a major provocation. But immediately after the US Navy had released video coverage of the incident, doubts were raised concerning its authenticity. There is for instance a clear break between the earlier part of the video and the final sequence which contains the threat, with some editing

¹ For the exact location of the incident based on the details given by the Iranians, see <http://www.gorissen.info/Pierre/maps/googleMapLocation.php?lat=26.5&lon=56&setLatLon=Set>. For a general map, see <http://homepage.ntlworld.com/jksonc/docs/ir655-chart-2888-620px.html>.

² US coverage: <http://www.defenselink.mil/news/briefingslide.aspx?briefingslideid=320>

³ Jim Garamone, 'Iranian Boats Provoke "Serious Incident" in Strait of Hormuz,' *American Forces Press Service*, 7 January 2008 (<http://www.defenselink.mil/news/newsarticle.aspx?id=48579>) and by the same author 'Admiral Details Iranian Challenge to US Ships,' *American Forces Press Service*, 7 January 2008 (<http://www.defenselink.mil/news/newsarticle.aspx?id=48586>); for a full transcript see <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=4116>. See also Barbara Starr, 'Iranian boats "harass" US Navy, officials say,' *CNN*, 7 January 2008.

having been carried out in between.⁴ Furthermore, a week later the US played down the threat. It may not have come from the Iranian speedboats, perhaps it was radioed from

another ship or from shore. One theory is that it may have emanated from a mysterious pirate radio operator called ‘Filipino Monkey’, who regularly broadcasts heckling abuse, obscenities and threats to crews cruising the Gulf.⁵ Also, the white boxes that were allegedly thrown into the sea and – as the Admiral insinuated – might have contained explosives, were never mentioned again. And finally, there was another detail missing in most of the reporting of the incident: the Iranian speedboats were unarmed, hence hardly a match for the three US vessels. If so, does the whole affair boil down to the proverbial ‘storm in a teacup’? Or just American psy-ops engineered so as to discredit Iran and to influence decision-makers around the world at a moment timed to coincide with President Bush’s visit to the Middle East?

Naturally, the Iranians take the latter view. A look at the Iranian video footage of the same incident as broadcast in the London based Iranian *Press TV*⁶ channel suggests they have a point. This video shows the Iranians approaching one of the ships (the *Port Royal*) in order to be able to identify its number. Afterwards they contact the ship, identify themselves and ask the *Port Royal* (Coalition Warship 73) to identify itself and its mission. The official Iranian briefing also stresses the routine nature of the incident. According to Admiral Ali Fadavi, the Iranian boats belonged to a base tasked with controlling the Strait of Hormuz. Oman controls the South and Iran controls the East and the West of the strait. The Admiral then goes into a lot of detail, explaining how Iran executes its duties in safeguarding the free passage of ships in accordance with the United Nations 1982 Convention on the Law of the Sea⁷ in a responsible manner.

What then are we to make of this incident (or non-incident)? Some observers agreed with the Iranian interpretation that the incident was played up because of President Bush’s visit to the Middle East, citing the suspicious timing as proof. Others wondered whether it was not instigated by the military to convince the White House of the necessity to conclude an INCSEA-type agreement with Iran.⁸ And in Iran some compare this ‘CIA conspiracy’ to the 1964 Tonkin Gulf incident.⁹ In any case there was a high degree of distrust concerning the veracity and accuracy of the story, which in our view simply reflects the prevailing negative mood concerning the Bush administration. One could also argue that this is a salutary reminder of the tense situation in the Gulf Region and Western fears of an escalation sparked off by a rogue Iranian operation. No one thinks the regime would be foolish enough to launch an outright attack on the US but the possibility exists that ‘gung-

⁴ In fact, in its last version the video coverage which includes the threat only has the audio track unaccompanied by any video image. See <http://www.defenselink.mil/news/briefingslide.aspx?briefingslideid=320>

⁵ Andrew Scutro and David Brown, “‘Filipino Monkey’ Behind Threats’, *Navy Times*, 17 January 2008; available at http://www.navytimes.com/news/2008/01/navy_hormuz_iran_radio_080111/

⁶ <http://www.presstv.ir/detail.aspx?id=38190§ionid=351020101>

⁷ ‘Detailed information on the American ships in the Strait of Hormuz by deputy Commanders of the IRGC Navy,’ *Entekhab*, 30 Dey 1386/10 January 2008 (in Persian). The convention is available at http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf the relevant section is Part III.

⁸ For an exhaustive list of arguments, see Gareth Porter, ‘How the Pentagon Planted a False Hormuz Story,’ *Inter Press Service*, 15 January 2008, <http://www.ipsnews.net/news.asp?idnews=40801>; and Jim Lobe’s Blog on <http://www.ips.org/blog/jimlobe/?p=93>;

⁹ ‘CIA Conspiracy’ *Tabnak*, 26 Dey 1386/16 January 2008.

ho' middle-ranking commanders of the IRGC might provoke a major crisis, either by acting aggressively or even by actually attacking US ships or troops. In support of this argument, several serious incidents that previously occurred between Iranian and Coalition troops, among them Americans, may be cited. The most notorious one was of course the seizure (or arrest, according to the Iranians) of a British navy crew in March 2007; a similar incident had also taken place in 2004, again involving British troops, and a confrontation between a US patrol boat and some Iranian boats took place as early as in 2003 in the Shatt el-Arab.¹⁰ Many analysts have cited these incidents as evidence of the high level of autonomy enjoyed by middle-ranking IRGC commanders. Conversely, it may also be argued that it is possible that an American crew may have misread Iranian actions and intentions. After all, the attack on the USS *Cole* in October 2000 demonstrated to US Marines the great risks that can be posed by small boats and in the light of that it may seem hardly surprising if US crews took precarious action in what they may have seen as self-defence. The risk of misreading and misunderstanding Iranian intentions and actions is indeed high, especially given the fact that the Iranians are not very transparent on many important issues in international military relations, like for example the IRGC navy's rules of engagement and their general *modus operandi*. This of course makes it all the more difficult for foreign navies to make a fair assessment of an unpredictable situation.

Main problems of an US-Iranian Agreement

All this would appear to favour the drawing up of an agreement analogous to the Prevention of Incidents on the High Seas Agreement signed between the US and the Soviet Union in 1972.¹¹ Or does it? Given the long history of Iranian and US encounters over the last two decades in the Gulf, one wonders whether such an informal agreement based on – more or less – mutual non-provocation does not already exist *de facto*, and whether existing laws, like the abovementioned 1982 Convention, are sufficient. But if for the sake of argument we assume such an agreement to be necessary, should the US really ask Iran for such an agreement, thus putting itself in the position of a supplicant, and if it did, who should sign it? The Ministries of Defence or their respective Navy departments? Or CENTCOM with the Iranian Navy? If that were the case, would it be binding for the IRGC Navy too? After all, post-revolutionary Iran maintains two navies. One scenario can be ruled out immediately, i.e. that such an agreement will be signed at the ministerial level in the foreseeable future. For the Americans, this would be a premature step given the current strained climate in US-Iranian relations, while for Iran it would be tantamount to formal acquiescence with the presence of the US Navy in the Persian Gulf. And there is a world of difference between coexistence and legitimisation of the US naval presence, the latter being something the Iranians have never really accepted.¹² An agreement signed at the level of Force Commanders on the other hand could allay the Iranians' reservations over formalities. However, seen from an American perspective, an agreement would only make sense if it is binding for the totality of Iran's naval forces, and herein lies another problem. Given the fact that it is obviously the IRGC naval forces that poses a problem for the US

¹⁰ David B. Crist, 'Iran's small boats. A Big Problem,' *International Herald Tribune*, 21 January 2008.

¹¹ This was suggested by David Streusand, 'Managing the Iranian Threat to Sea Diplomatically,' in Henry Sokolski and Patrick Clawson (eds.), *Getting Ready for a Nuclear Ready Iran* (Washington: Strategic Studies Institute, 2005), pp. 257-283.

¹² A typical Iranian point of view goes as follows: 'the illegal presence of the US in the Persian Gulf Region which was made possible by the Arabs in the Persian Gulf Region [...]' as quoted in 'Denial by Spokesperson, But "Tabnak" publishes American Letter to Iran,' *Tabnak*, 2 Bahman 1386/22 January 2008.

and its allies, such an agreement would really need to be signed with them. But this is out of the question, since the IRGC has been put on the US terror list. How then could the US military sign an agreement with a banned organisation? One possible way out of this dilemma would be an agreement with the combined general staff of the Armed Forces of the Islamic Republic of Iran (IRI), which would mean that the US military would not have to sign directly with the IRGC. But would this be acceptable to the Iranian side, or would the Iranians demand the removal of the IRGC from the US terror list as a precondition? This all means that the prospects for signing any INCSEA-type Agreement appear rather remote. Besides, it must also be remembered that such an agreement would automatically raise suspicion among the littoral Arab states, which would insist on being involved in some way. This being the case, would it not be better to try to build an overall security structure for the Gulf that would include all littoral states? Yet several half-hearted attempts in that direction have failed over the last few decades and consequently enthusiasm on both sides of the Gulf for a new initiative of this kind seems to be lacking.¹³ If both sides, the US and Iran, were to seriously contemplate signing an agreement at all, then they would need one over Iraq (ideally one that would also include the Iraqi government, although current circumstances might not be auspicious for that). After all, the incidents where Iran has behaved most aggressively, like the seizure/arrest of British navy personnel, have taken place on the border with Iraq.

A serious attempt

Therefore, the signs are not auspicious for an agreement between the US and Iran anytime soon – unless of course one side swallows its pride and takes the first step; something that would normally appear extremely unlikely given the history of and current climate in US-Iranian relations.

However, it transpires that this is precisely what the US government seems to have done. According to a recent Newsweek article,¹⁴ the US sent a message to the Iranians dated 10 January 2008.¹⁵ In the otherwise strongly-worded memo, they asked for dialogue and reminded the Iranians of a previous letter dated 27 November 2007 which had been handed over to Tehran via a Swiss intermediary. Tehran, however, did not react to that overture in November, which is the reason why many remain sceptical whether they will react now. It was on the same day that the confidential memo was sent to Newsweek that the Iranian e-zine *Tabnak* picked up the news of the US offer (19 January 2008). Irritatingly referring to the *New York Times* instead of *Newsweek*, *Tabnak* even reported an idea of a joint military committee between the US and Iran, to be established in order to prevent incidents caused by misunderstanding.¹⁶ Although we cannot confirm the idea of a joint military committee in Western sources, such an offer must indeed have been put to the Iranians because two days later, on 21 January 2008, the Iranian Ministry of Foreign Affairs rejected this idea. The reason for their rejection was, according to Foreign Ministry spokesman Mohammad-Ali Hosseini, because the idea was presented to them by a

¹³ On this, see for instance Walter Posch, 'A CSCE-like Process for the Gulf Region? – Neither Integration nor Isolation: Case-to-Case Cooperation,' *Der Orient*, 47/2006/4, p. 539-553.

¹⁴ Michael Hirsh and John Barry, 'High Stakes in the Gulf,' 28 January 2008; online since 19 January 2008 available at <http://www.newsweek.com/id/96388>.

¹⁵ <<http://www.newsweek.com/id/96656>>.

¹⁶ 'After the dramatic Hormuz incident: Americans suggest creation of joint military committee,' *Tabnak* 29 Dey 1386/19 January 2008 available at <http://www.tabnak.ir/pages/?cid=5182>.

journalist and not by US officials.¹⁷ (The journalist in question might be Newsweek's Michael Hirsh). This in turn provoked Tabnak to react and to publish the American memorandum with a comment on its website.¹⁸ On 22 January 2008, the Foreign Ministry confirmed that it had received both letters (i.e. the one from November and the one from January) but that it had sent them back because the US had written 'Gulf' instead of 'Persian Gulf',¹⁹ an insult most Iranians would find unacceptable.²⁰ According to the head of the US department in Iran's Ministry of Foreign Affairs, the ministry would only consider the content of this letter after the error of writing 'Gulf' instead of 'Persian Gulf' has been rectified.²¹ That the Iranians may have been offended by this error seems plausible enough; however, it is hardly the main reason why the Iranians have ignored American advances. For in the end, this whole business forces the regime once more to face the crucial question of whether it would like to normalise its relations with the US or not. On this thorny subject, two views exist within the regime: a more pragmatic view shared by Mohammad Khatami, Ali-Akbar Hashemi Rafsanjani (head of the Expediency Council), Mohsen Rezai (secretary of the Expediency Council) and others, and an uncompromising radical view, the standard-bearers of which are Ahmadinezhad and Jalili.

And this is where the story takes a new twist and has to be put in the context of Iranian factionalism – as always happens in Iran's foreign relations. To begin with: only Tabnak reported the American letter and the ministry's reactions. Tabnak even went so far as to advise the Foreign Ministry officials not to deny the existence of important messages and to benefit from the opportunity to engage with 'reasonably thinking' people, which we interpret as a quip directed against Ahmadinezhad's followers in the ministry. If we then take into consideration the fact that Tabnak is widely regarded as the mouthpiece of General Rezai, who allegedly owns it, then it seems safe to conclude that Rezai is once again taking on Ahmadinezhad in the internal power game. After all it was Tabnak's predecessor Baztab that started criticising the president immediately after his inauguration in 2005. The case gets even more interesting when we see that in summer 2007 the Newsweek journalist Michael Hirsh visited General Rezai in his villa on the slopes of the Alborz Mountains. Hirsh concluded that Rezai wanted to deliver a semi-official message to the effect that Iran is looking for a face-saving way out of the nuclear impasse. The author also added that the regime had also arranged for meetings between him and Larijani who back then was still secretary of the Supreme National Security Council. Finally Hirsh published his article with the title *Iran Has a Message. Are We Listening?* He supported his argument by quoting unnamed Iranian officials saying that President Ahmadinezhad had crossed a red line,²² thus indicating that the President was now more of a nuisance than a real player in Iranian politics. Of course this was only wishful thinking – on both sides. First, whatever red lines there are in Iranian politics and politicking, the only line that counts is the 'Line of the Imam' (khatt-e emam, i.e. Khomeini), and Ahmadinezhad has no intention of overstepping that line. Secondly, he and his battle-hardened supporters are not

¹⁷ 'No joint Iran-US military committee,' *PressTV*, 21 January 2008.

¹⁸ 'Denial by Spokesperson, But "Tabnak" publishes American Letter to Iran,' *Tabnak*, 2 Bahman 1386/22 January 2008 available at <http://www.tabnak.ir/pages/?cid=5367>.

¹⁹ 'Foreign Ministry: using only 'Gulf' was reason to ignore US message,' *Tabnak*, 3 Bahman 1386/23 January 2008. Available at <http://www.tabnak.ir/pages/?cid=5429>.

²⁰ See for instance the comment of Faride Farhi in her blog available at <http://icga.blogspot.com/2008/01/irans-unduly-provocative-act-against-us.html>.

²¹ 'Foreign Ministry: using only 'Gulf' was reason to ignore US message,' *Tabnak*, 3 Bahman 1386/23 January 2008.

²² Michael Hirsh, 'Iran Has a Message. Are We Listening?', *Washington Post*, 1 July 2007.

the kind to give up easily on such a crucial question as the amelioration of Iran's relations with the US, as we will see presently. In order to have a clearer idea of how to interpret the Hormuz incident, we first need to establish a timeline of events.

Sometime before July 2007, Rezai and the circles around him must have decided to convey a message to the US by using an American journalist, (Michael Hirsh) whose interpretation of the event is the basis of our assessment. Such a decision would make sense as seen from the vantage point of Iranian factionalism and it seems likely that it was Rezai who instigated this initiative. In this case, the support of Rafsanjani would be highly likely, given the feelers that the former president put out to the US on several occasions, the last time being after the fall of the Taliban. This must have alerted Ahmadinezhad, who in autumn 2007 did his best to put his most loyal followers in key positions in all security and foreign policy-related institutions of the Islamic Republic. The 'Larijani Crisis' has therefore to be seen in this context.²³ In November 2007 the US sent the first letter to the Iranians asking for cooperation, which was followed up by the National Intelligence Estimate in December²⁴ with its assessment of Iran having halted its nuclear weapons programme. This was hardly a coincidence and it leads us to ask another question: was the timing of the NIE release designed by the US as an incentive for the Iranian government to react positively to their overtures? There are good reasons to believe so: First, the release of the NIE altered the situation completely, to the extent that some US commentators were now saying that America might as well 'forget war with Iran.'²⁵ Secondly, by now it is widely believed that not only is war impossible, but even harder sanctions, imposed via the UN Security Council by the E3/3, would be more difficult to achieve. Hence it may have been a deliberate tactical move to release the NIE just at the same time as there was an American offer for dialogue on the table (the letter of November 2007). In this case, the Hormuz incident (6 January 2008) should be seen as an American warning to the Iranian hardliners, one accompanied by another offer for cooperation over security issues in the 'Persian' Gulf (letter of 10 January 2008).

If we consider this interpretation of events to be correct, then the US were sending out the right signal to men like Rezai and Rafsanjani. But the latter are not in charge of day-to-day politics in Iran. And the president's men reacted quickly: US ties are simply not in Iran's interest, and not even with reference to Iraq, Ali-Akbar Javanfekr, an aide to President Ahmadinezhad, explained on 22 January 2008.²⁶ A few days later in Davos Foreign Minister Mottaki was a little more circumspect when he formulated his views 'Certainly, there should be certain circumstances in place for the United States and the Islamic Republic of Iran to consider something new between them. [...] But at present we do not see those circumstances.' This is just another way of saying 'no' and not, as the International Herald Tribune optimistically concludes, a 'reaffirm[ation] of prospects of US ties'.²⁷ To sum up, groups in favour of a rapprochement reached out to the US; the US

²³ On this see Walter Posch, *Only Personal? The Larijani Crisis Revisited*, Policy Brief no. 3, Durham, November 2007.

²⁴ *Iran: Nuclear Intentions and Capabilities*, National Intelligence Estimate, Washington D.C., November 2007; available at http://www.dni.gov/press_releases/20071203_release.pdf.

²⁵ Coincidence or not, there is an interesting article in the mainstream media available on this subject, by (who else?) Michael Hirsh, 'Forget War With Iran,' *Newsweek*, 4 December 2007.

²⁶ 'US ties not in Iran's interest,' *PressTV*, 22 January 2008.

²⁷ See Katrin Bennhold and Alison Smale, 'Iran pledges answers on nuclear program. Minister reaffirms prospect of U.S. ties,' *International Herald Tribune*, 26-27 January 2008.

(in turn?) sent out signals to the Iranians, and when their positive approach in November/December 2007 failed they tried again more firmly. In the end, all of these efforts were shot down by Ahmadinezhad and his loyalists.

Prospects in the Strait of Hormuz

No doubt, there was a lot of politicking and manoeuvring behind the dramatic US reactions to what the Iranians portray as a non-incident and the US may have played up the incident in order to convince the Iranians to cooperate with them in order to avoid a situation spiralling out of control. Therefore it is worth having a second look at Admiral Cosgriff's account of what happened, which ultimately alleges that Iran is acting irresponsibly or at least unprofessionally in the region. Admiral Fadavi was at pains to stress the IRGC navy's responsible manoeuvring according to international law and the professionalism of its crew during what he called a routine operation. But something must have gone wrong with that routine, because in his account the Admiral refers to only two of the ships involved correctly (*Port Royal* CG 73 and *Hopper* DDG 71) and mistakes the *Ingraham* (FFG61) for the *Ramage* (DDG 61). The Iranian crew either misidentified the ship, or, maybe, 'Filipino Monkey' interfered with the radio communication. Clearly, this whole incident illustrates that the risk of escalation following misunderstandings or accidents in the waters of the Persian Gulf remains high. The incident may have been exaggerated or even fabricated, but Iran's negative reaction to invitations to cooperate is all too real.