

Evaluating Key Components of a Joint Comprehensive Plan of Action with Iran

Prepared statement by

Ray Takeyh

Senior Fellow for Middle Eastern Studies

Council on Foreign Relations

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Hearing on Evaluating Key Components of a Joint Comprehensive Plan of Action with Iran

In the near future, the Obama administration is likely to transact a deficient nuclear agreement with Iran. The parameters of the accord that have already been publicized should give all cause for concern. The agreement is permissive in terms of the technologies that it allows. The sunset clause ensures that after a passage of time Iran can build an industrial-sized nuclear infrastructure. Its much touted inspection regime relies on the leaky confines of the Nuclear Non-Proliferation Treaty (NPT). During the process of negotiations, Iran has cleverly sustained its essential redlines while the United States has systematically abandoned the sensible prohibitions that have long guided its policy toward this important security challenge.

Evolving Positions

Iran's nuclear position and its basic redlines have remained fairly consistent. Upon the inauguration of President Hassan Rouhani and the advent of serious negotiations between the United States and Iran, Supreme Leader Ali Khamenei outlined his parameters for an acceptable deal. Khamenei insisted that Iran's right to enrich had to be acknowledged and that its enrichment capacity had to be industrialized. "The issue of research and development should definitely receive attention," stressed the Supreme Leader. Nor was

Khamenei prepared to close any facilities as he insisted on “preserving organizations and sites that the enemy cannot destroy.” In essence, Iran’s position was that it will enrich uranium at an industrial scale, it will continue to develop cutting edge nuclear technologies, and that none of its installations would shutter.

The American position has undergone a remarkable set of transitions. In December 2013, President Barack Obama insisted:

in terms of specifics, we know that they don’t need to have an underground, fortified facility like Fordow in order to have a peaceful nuclear program. They certainly don’t need a heavy-water reactor in Arak in order to have a peaceful nuclear program. They don’t need some of the advanced centrifuges that they currently possess in order to have a limited, peaceful nuclear program.

As late as March 2014, Secretary of State John Kerry similarly stressed, “At Fordow, yes, if it’s a secret and it’s hidden and it’s under a mountain and all of that, it raises questions about why would a peaceful program need that.” During his tenure as the White House press secretary, Jay Carney assured his audience that as “part of a comprehensive solution, we will require that Iran dismantle a significant portion of its nuclear infrastructure related to uranium enrichment.”

A careful reading of both the Joint Plan of Action and the Lausanne framework reveal that none of these expectations have come to fruition. The underground Fordow facility will remain open and house a thousand centrifuges. The Arak heavy-water plant is to remain in place, but will presumably undergo modifications whereby it produces less fuel. Moreover, a vast portion of Iran’s enrichment infrastructure will not be dismantled. Iran’s expanding fleet of ballistic missiles for which there is no purpose other than delivering a nuclear payload will remain unaddressed. The issue of Iran’s military experimentation with nuclear technologies is unlikely to be resolved. The sanctions architecture will attenuate and the notion of snapping back sanctions is delusional. The agreement itself is term-limited and once it expires there will be no restrictions on Iran’s nuclear program.

In essence, during the negotiating process, Khamenei has carefully advanced his objectives and sustained his mandates. Conversely, the United States has made a series of concessions that make the possibility of reaching a good deal difficult to envision.

Principles That the United States Relinquished

In the coming weeks, there will be much debate about Iran’s enrichment capacity, the nature of the inspection regime and the possibility of restoring America’s coercive leverage. The proponents of the deal will insist that all their concessions were born out of pragmatism and that the final deal still imposes meaningful restraints on Iran’s nuclear program. They will portray their critics as insisting on unrealizable terms. This debate should not lose sight of the fact that the final agreement contradicts principles that have underwritten long-standing U.S. policy.

National Needs. Since the disclosure of Iran’s illicit nuclear plants in 2002, the international community wrestled with the question of what type of civilian nuclear program Iran is entitled to. At that time, the United States contrived the notion of national needs as determining the scope of Iran’s atomic

infrastructure. In the simplest terms, uranium is enriched to make fuel rods that then power reactors. Given the fact that Iran does not have a reliable capacity to make fuel rods or reactors, it was decided it should have only a modest enrichment program comprised of few hundred centrifuges. Such a program would offer Iran a face-saving claim that it is enriching uranium while ensuring that its small program could not be misused for military purposes.

It is precisely this important principle that the Obama administration abandoned in 2014 for sake of a one-year breakout timeline. Suddenly, Iran could sustain its vast enrichment capacity so long as its breakout potential was delayed by one year. Even this one-year breakout period is not static and will be impacted by Iran's installment of advanced centrifuges in the latter stages of the impending deal. As President Obama conceded recently, "What is a more relevant fear would be that in year 13, 14, 15, they have advanced centrifuges that enrich uranium fairly rapidly, and at that point the breakout times would have shrunk almost down to zero." It is important to note that a zero-breakout period means that Iran's surge to the bomb would be undetectable.

Trust and Confidence of the International Community. The second principle that was abandoned during the process of negotiations is the point at which Iran can rejoin the NPT community. As a signatory of the NPT Iran does have certain rights and privileges. However, given its history of concealment and fraud, there had to be a balance between its rights and its obligations. The position of the United States was that once Iran convinced the international community that its nuclear program was strictly for peaceful purposes, only then could it expand its capacity. For that to happen, the International Atomic Energy Agency (IAEA) had to certify that it is satisfied with Iran's compliance record and the United Nations Security Council had to vote to allow Iran to rejoin the NPT community. This was indeed a high bar.

Once more, the Obama administration jettisoned this sensible precaution for the sake of a sunset clause. Under the impending agreement, after the expiration of the sunset clause Iran has the right to build up its nuclear program to whatever size it wishes. In essence, Iran can become like Japan, a nation whose massive nuclear program puts it inches away from a bomb. As a peaceful, democratic state, Japan can be trusted with such a capability. As a dangerous, revisionist regime, the Islamic Republic cannot be offered such forbearance.

Since the advent of nuclear arms in the late 1940s, the policy of the United States—both Republican and Democratic administrations—has been to restrict the expansion of sensitive nuclear technologies, such as reprocessing plutonium and enriching uranium. The United States has worked aggressively to stop allies such as South Korea and Taiwan from obtaining such capabilities. At times, Washington had to strain its alliances in order to sustain its proliferation principles. One alliance that was damaged as the result of nuclear ambitions was America's ties to the Shah of Iran.

It is the standard Islamic Republic talking point that the United States looked the other way and indeed assisted the Shah as he sought to develop a nuclear weapons capability. This nonsensical claim has been accepted as a truism by many U.S. policymakers and analysts. The historical record belies such claims. Successive U.S. administrations rejected the Shah's quest for completion of the fuel cycle and refused to give him access to sensitive nuclear technologies. The United States insisted that Shah forgo the capacity to either enrich uranium or reprocess plutonium. And these demands were made of a regime that was a reliable

U.S. ally. The Obama administration has conceded to an adversarial theocracy bend on upending the regional order what previous U.S. administrations refused to grant to a strategic ally.

What Kind of Islamic Republic Emerges After the Agreement Expires?

The credibility of any nuclear agreement between the United States and Iran depends on the type of Islamic Republic that emerges after the sunset clause expires. Those favoring the accord hint that a more benign Iran is inevitable as temptations of commerce and benefits of global integration will empower pragmatic elite inclined to set aside the pursuit of the bomb. As with other hopes of Iranian moderation, the latest plea is likely to evaporate in the paradoxes of clerical politics. The most likely outcome of the deal is not just a more hawkish theocracy but one in command of an industrial-size nuclear infrastructure.

Supreme Leader Khamenei's natural affinities are with the reactionary elements of his regime. As he contemplates his own succession, he will need to safeguard not just his republic but also its revolutionary values. For Khamenei and his cohort, the Islamic Republic is the custodian of a mandate from heaven and its task remains to press on with its Islamist mission. This, after all, is a revolution without borders. Khamenei is not interested in a prosperous state that has forfeited its ideological claims and takes its place in a region at ease with American power. He appreciates that the best way of ensuring the revolution is to entrust the state to his loyal disciples.

In the aftermath of the fraudulent presidential election of 2009, the Islamic Republic teetered on collapse. The system was suddenly faced with not just popular disaffection, but also elite fragmentation. In the meantime, Iran's nuclear truculence was resulting in debilitating sanctions and a severe economic crisis. As an astute student of history, Khamenei has carefully assessed the collapse of Soviet satraps in Eastern Europe and how prolonged financial stress undermined the foundations of those republics. The fortification of the regime required an arms control agreement, but one that preserved its nuclear apparatus while abrogating all essential sanctions. Khamenei is insistent on his redlines, stressing the need for an "instant annulment of sanctions." And as far as intrusive monitoring is concerned, the supreme leader is similarly dismissive, "One must absolutely not allow infiltration of the security and defense realm of the state under the pretext of inspections."

For now the moderates such as President Hassan Rouhani and his aides serve Khamenei's purpose. They are the attractive face of the Islamic Republic, seemingly pragmatic and always reasonable. They are in power to transact an arms control agreement and their utility will diminish, if not disappear, once the accord is reached. The cagey supreme leader must have known that his hardliners were unsuitable interlocutors for Western powers looking to come to terms with sensible Iranians. The concessions granted to Rouhani by the West would be unthinkable to reactionaries such as the former lead negotiator, Saeed Jalili. After an agreement is reached, however, Khamenei will need the help of the hardliners to protect his republic. Far from ushering the age of moderation, an agreement is likely to presage a sharp right-wing shift in Iran's domestic politics.

Once the sunset clause expires and Iran gets to the edges of nuclear arms, will its hawkish rulers choose to restrain their atomic appetite? The lessons of North Korea are indeed instructive. It is beyond doubt that the possession of nuclear arms has contributed to the prolongation of the Kim dynasty. Every time a dear leader

dies, the entire international community hopes for a smooth transition to another dear leader for sake of maintaining central control of North Korea's nuclear arsenal. The deliveries of fuel and food, which are the lifeblood of the hermitic republic, persist in the hope of ensuring stability.

Iran can count on similar forbearance even if it just limited itself to becoming a threshold nuclear state. The great powers are as likely to be concerned about its longevity and the disposition of its nuclear network as they are about North Korea's. Any democratic opposition will likely be greeted with caution if not indifference. The Islamic Republic will become too dangerous to fail.

Parameters of an Acceptable Agreement

As the negotiations unfold, it is important to insist on a number of points to assure that the agreement will be an advantageous one for the United States and the international community:

- Restore the original principles that have long guided U.S. policy. This means that the scope of Iran's program has to be defined by national needs and that the sunset clause has to be replaced with the notion of Iran satisfying the international community that its program is strictly for peaceful purposes before it becomes a member of the NPT in good standing.
- The Possible Military Dimensions (PMD) of the program must be categorically resolved as a *prelude* to a final agreement. This issue deals with important topics such as undeclared procurement activities and work on triggering devices. These issues are indispensable for understanding the full scope of Iran's military experimentation with nuclear technologies.
- "Anywhere, Anytime" inspections must be implemented. The Islamic Republic tends to view international law as a conspiracy and all the evidence marshalled against it by the IAEA as manufactured and fraudulent. It is a regime that disdains global norms and views itself as unbound by legal strictures. The only plausible means of ensuring compliance with such a regime is to grant inspectors unfettered access to all sites and scientists. Any agreement that falls short of such inspection modality will not be able to deal with a country with such a sordid history of concealment and deception.
- Iran's ballistic missiles, which are an important aspect of its nuclear weapons program, have to be part of the agreement. As mentioned, these missiles have no function other than delivery of a nuclear payload. It was the Obama administration itself that insisted on the inclusion of ballistic missiles in the UN Security Council Resolution 1929 that it crafted in June 2010. It is the redline that the administration itself drew and it should not be allowed to abandon yet another one its own prohibitions.

The success of any arms control agreement hinges on whether it can permanently arrest the momentum toward proliferation of dangerous technologies. It may also be hoped that such an accord will inject a measure of responsibility in impetuous leaders and perhaps empower those prone to accede to international mandates. There is no indication that the contemplated deal with Iran will achieve any of these objectives. The impending agreement, whose duration is time-limited and sets the stage for the industrialization of

Iran's enrichment capacity, places Tehran inches away from the bomb. Paradoxically such a state may yet be governed by hardline actors nursing their own hegemonic regional designs.