

Joint Comprehensive Plan of Action (JCPOA) and the Military Balance in the Middle East

Prepared statement by

Philip H. Gordon

Senior Fellow for U.S. Foreign Policy

Council on Foreign Relations

Before the

Committee on Armed Services

United States Senate

1st Session, 114th Congress

Thank You, Chairman McCain, Ranking Member Reed, and all the other distinguished members of this Committee for inviting me to testify here this morning. The Iran nuclear deal is a hugely consequential issue for our country and the world, and it deserves the serious debate it is getting before this and other Committees and in the Congress and the country as a whole. As you know, from March 2013 until April 2015 I was the White House Coordinator for the Middle East and therefore intimately involved in the effort to reach this agreement, right up until the Lausanne Framework was announced on April 2. Here this morning, of course, I am speaking as a private citizen and expressing only my personal views.

My bottom line is that this agreement is in the national security interest of the United States, and I believe Congress should approve it. I say that not because it is a perfect deal – it is not, and I, like all of you, could easily come up with a list of changes we would make if it were only up to us. Instead I support it because I believe that it is far better than any realistic alternative. Without this deal we would very quickly face the unpalatable choice between acquiescing to an Iranian nuclear weapons capability or using military force to temporarily stop it. As for the option of simply maintaining pressure and threatening force until the Iranians accept a so-called “better deal,” I believe that is an illusion. For the past decade and more, we have increased

sanctions pressure on Iran with the goal of getting it to abandon its program entirely – and the result has been a steady expansion of that program to where it is today – 19,000 centrifuges; a stockpile of more than ten tons of low-enriched uranium (LEU); an almost completed heavy-water reactor at Arak; and increasingly advanced research and development (R&D) of centrifuges. I believe that rejecting this deal would result not in Iran agreeing to all our demands or even a “better deal” but the continued expansion of that program.

Keep in mind that in North Korea – a country many times poorer and more isolated than Iran – we hoped maximizing economic pressure would bring the regime to its knees and oblige it to give up its weapons program, and instead North Korea became a nuclear-weapons state. In Iraq, we imposed starvation-inducing sanctions to deprive the Iraqis of the wherewithal to continue with their WMD programs. We insisted Saddam Hussein allow completely unfettered access to his weapons sites or face war, he refused, and we ended up going to war. The point is there is no guarantee that even powerful sanctions and the threat of force will lead Iran to eliminate all aspects of its nuclear program, and plenty of reason to think that it will not. The issue is not whether we can use leverage to get Iran to agree to everything we might want, but whether this deal ensures that Iran’s nuclear program is and will remain exclusively peaceful. I believe it does, thanks to the efforts of Congress and the administration to leverage sanctions in pursuit of that goal.

Others have testified before this Committee and others about the many ways this deal blocks Iran’s path to a nuclear weapons capability. These include reducing Iran’s number of installed centrifuges by two-thirds; reducing its stockpile of LEU to just 300 kg for 15 years; reconfiguring the heavy-water reactor at Arak; constraining centrifuge R&D; and providing for rigorous monitoring backed by the possibility of sanctions “snapback.” These and other steps – which are required prior to any sanctions relief for Iran – will mean that Iran’s breakout timeline (the time required to enrich enough uranium for one nuclear weapon) will be extended from the two months it is today to at least a year – more than enough time to detect violations and respond as necessary, including with renewed sanctions and/or the use of military force. Still, I know many Senators still have concerns – legitimate concerns, I might add – so I would like to address them head on.

One major concern is that the deal frees up financial assets that will be put to nefarious ends. We are all rightly concerned that Iran will use some of the assets it gains from sanctions relief to support its regional foreign policy agenda, which in many ways threatens our partners and our interests. Thus in an ideal world we could keep all the current sanctions on Iran and get a good nuclear deal at the same time. But that was never a realistic option, and the concerns about lifting sanctions would be the same whether the deal allowed Iran to keep 5,000 centrifuges, or zero. To insist that sanctions relief be excluded from a nuclear deal, in other words, would be to exclude a nuclear deal itself. This would mean no nuclear constraints, no enhanced monitoring or verification, no end to Iranian meddling even while sanctions are still in place, and increasing difficulties in getting international partners to maintain sanctions once it was clear our aims went beyond the nuclear issue. I am confident that through continued and increased military and intelligence support to our partners in the region – who collectively spend many times more on defense than Iran does – we can continue to contain Iran, just as we did before the international sanctions were put in place. I am also confident that rejecting any nuclear deal that unfreezes Iran’s assets and provides for sanctions relief would leave the nuclear issue unresolved and force us to watch Iran’s program grow or stop it with military force – all without support from our partners.

The challenge of dealing with Iran in the region would of course be far greater if Iran were allowed to become a nuclear-weapons state.

A second concern is that the deal allows Iran's nuclear program to expand once the "sunset" provisions expire. Again in an ideal world, all the constraints on Iran's nuclear program would be indefinite, or at least last for many decades. But here, too, it was never realistic to expect Iran would agree to indefinite restrictions on its civil energy program. And while not perfect, many of the most important restrictions last for a very long time – until 2025 for number of centrifuges; until 2030 for the limited nuclear stockpile; until 2035 for centrifuge production; until 2040 for access to Iran's uranium mines and mills; and indefinitely for adherence to the Nuclear Nonproliferation Treaty, the commitment not to pursue nuclear weapons, and the application of the IAEA's Additional Protocol, which requires access by inspectors to any suspected sites. Finally, the premise of the deal is that Iran must use this period of time to demonstrate that its nuclear program is exclusively peaceful. If it fails to do that, all of the same options available to us now will be available to us then, including sanctions and military force. To reinforce this point, the President and Congress should make clear now that violations of the agreement during this period will be considered inconsistent with Iran's pledge never to seek nuclear weapons, and the United States will act accordingly. Even after certain restrictions expire, other Iranian actions – such as the development of highly-enriched uranium – could also be considered indications of intent inconsistent with the agreement. In any case, whatever concerns we might have about sunset provisions would have to be even greater about the absence of a deal – since without a deal Iran can begin doing all of these things right away.

A third concern is that inspections are not sufficiently rigorous. I disagree with this assessment. There has been much focus on the unrealistic standard of "anywhere, anytime" inspections, which no sovereign country would ever accept, except after a military defeat or under occupation. And I think there has also been a failure to appreciate just how extensive the verification mechanisms in this agreement are, including not just continued monitoring and daily access to declared enrichment facilities but the monitoring of the entire nuclear fuel cycle. To cheat successfully, Iran would have to somehow mine and mill uranium, convert it to gas at an industrial facility, enrich it to weapons grade at a different facility, and successfully develop a covert weaponization program – all without being detected by separate monitoring regimes. Anything is possible, but that is a rather implausible scenario.

I also believe there has been significant misunderstanding of the notion that Iran has "24 days" to allow for inspections. The IAEA's Additional Protocol – which Iran agreed in this deal to implement forever – requires Iran to provide access whenever and wherever the IAEA needs it. The problem is that there has never been a mechanism for resolving disputes over access, meaning that even AP signatories could drag out a dispute over access forever. That is what this agreement adds, and which never existed before. So while in certain circumstances Iran may be able to find ways to keep inspectors out of a suspected site for up to 24 days, that process itself would set off clear alarm bells, and Iran can certainly not hide an entire nuclear fuel chain under the alleged protection of this provision.

Finally and perhaps most importantly: Whatever you think of the inspections regime – and as you can tell I think it's pretty good – it is far better than the inspections regime we would have in the absence of this agreement.

A fourth concern is that “snapback” of sanctions is not strong enough. Actually, I believe our power to snap back international sanctions is one of the most impressive aspects of this agreement. During the negotiations, Iran (as well as Russia and China) vigorously opposed leaving this power in U.S. hands, for the Russians as a matter of principle and for the Iranians because it could lead companies to think twice before investing in Iran. But that is effectively what they have done. While disputes must pass through a somewhat convoluted resolution process involving a Joint Commission and an Advisory Board, the bottom line is that if the United States says Iran has not complied with the agreement, not just U.S. but also United Nations sanctions can be re-imposed. That power should provide a strong disincentive against any Iranian temptation to cheat. And it will also give companies reason to pause before investing in Iran absent evidence that Iran intends to abide fully by the agreement.

Finally, there is the concern that the agreement will spur nuclear proliferation throughout the Middle East. All Americans are rightly concerned about the potential for nuclear proliferation in the Middle East, which is one reason why this deal is so important. And it is legitimate to worry that if Iran is eventually allowed to develop a large-scale uranium enrichment program, other states in the region will demand one as well.

But I believe this concern is overstated. Iran, after all, already has a fairly large-scale enrichment program – built up starting in the early 2000s and including domestic uranium mining and milling, gas conversion, and centrifuge production and R&D – and no one has yet sought to duplicate it. Nuclear enrichment is a costly, technologically challenging, and for most countries unnecessary process that raises international alarm bells about a country's intentions. In any case, for at least a decade this deal pushes Iran significantly further away from a nuclear capability rather than bringing it closer – it would make little sense for countries in the region to forego their own nuclear capability while Iran is two months away from nuclear breakout but decide to pursue one when that timeline is extended to over a year.

There are, moreover, steps we can take to mitigate the risk of other countries seeking their own nuclear programs. The first, to state the obvious, is to ensure that Iran does not develop the capacity to build a nuclear weapon – which this agreement does – and to reiterate the President's pledge to do whatever is necessary to prevent that. The second – which the administration is already doing – is to bolster our defense cooperation with regional partners to ensure they do not feel vulnerable vis à vis Iran, and to make clear in word and in deed that the United States will not allow Iran to use even a potential nuclear weapons capability to threaten them. While none of these measures can guarantee that others in the region will not show an eventual interest in their own nuclear programs if this deal goes ahead, consider the scenario in the absence of a deal: Iran advances its program, installs more centrifuges, builds a large LEU stockpile, and finishes its heavy water reactor at Arak. That scenario seems far more likely to lead others in the region to imitate Iran than the implementation of this deal.

Once again, Mr. Chairman, I do not want to suggest for one minute that these are not legitimate concerns, or that the deal is somehow perfect. I do, however, firmly believe that the advantages of this deal strongly outweigh the disadvantages, and urge Members of Congress to support it. As I have said, we can all describe ways we could make the deal “better,” but holding out for a perfect deal could mean no deal at all. I believe that rejection of this agreement – supported by the entire UN Security Council and just about every country in the world, including all the key players on sanctions – would result not in a better deal but rather in the continued expansion of the Iranian nuclear program while making it difficult to keep international sanctions in place. It would not necessarily result in war, but it could well mean having to decide soon between allowing the continued expansion of that program and using military force to stop it. This agreement would set back the Iranian program significantly while providing for unprecedented monitoring of that program, which seems a better option than either of those two paths.