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**“Verifying Iran’s Nuclear Compliance”  
Committee on Foreign Affairs  
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Chairman Royce, Ranking Member Engel, Members of the Committee, it is an honor for me to appear before you today, after so many years of service in these halls as a member of the Committee staff. When I joined the staff in 1993, the risk of a nuclear Iran was one of this Committee’s foremost concerns. It is sobering to realize that more than twenty years later, it remains one of the greatest risks to the security of our nation. The American people are fortunate that this Committee has provided consistent leadership on this critical issue, and continues to do so today.

I have been asked to address the question of verifying the Islamic Republic of Iran’s nuclear compliance not from a technical perspective, but rather from a broader policy perspective. In so doing, I will draw on the work that I and many distinguished experts have been doing for a number of years as members of Iran task forces organized by the Bipartisan Policy Center and the Gemunder Center for Defense and Strategy of JINSA. These task forces have issued multiple reports on Iran, which can be found at <http://bipartisanpolicy.org/projects/iran-initiative> and <http://www.jinsa.org/gemunder-center-iran-task-force>. I commend these reports to the Committee for your consideration.

Why Verification of Iranian Compliance is Critically Important

At the outset, it is important to recall why verification of the Islamic Republic’s nuclear compliance is so important. Iran is not like most other nations that say they they’re interested in developing a civil nuclear power program. When it comes to their nuclear program, they have a history of deception, covert procurement, and construction of clandestine facilities that are acknowledged only when revealed by the government’s adversaries. There is no economic justification for the nuclear infrastructure that the Islamic Republic is developing, nor do they appear to have sufficient reserves of uranium ore to ever achieve the nuclear energy independence from foreign sources of supply that they claim they want to achieve. Successive Iranian governments have stonewalled the International Atomic Energy Agency (IAEA) in its efforts to uncover the full history of their nuclear program, and they have defied six binding resolutions of the UN Security Council demanding that Iran suspend uranium enrichment until international concerns have been addressed.

For such a government, there is every reason to be skeptical of their insistence that their nuclear program is purely peaceful in nature, and we would have to be fools to take them at their word in any nuclear negotiation. That is why the subject of today's hearing—verification—must be front and center in every discussion of how to resolve the Iranian nuclear file.

I worry, however, that since the Joint Plan of Action (JPA) was agreed on November 24<sup>th</sup> of last year, most discussions of Iranian compliance focus on how we make sure that Iran upholds the commitments that it made in the JPA, as well as the ones that it is expected to make in the so-called “comprehensive solution” that is being negotiated now pursuant to the JPA. *If I leave you with only one thought today, let it be this: the focus of verification needs to be much broader than just Iran's compliance with the JPA and the comprehensive solution. Verification must focus not just on the present and immediate future, but also on the past, as well as the more distant future.*

#### Verification of Compliance with the Joint Plan of Action and the Comprehensive Solution

For reasons that I will explain in a moment, I believe the Iranians would have to be very short-sighted to cheat on the JPA and the comprehensive solution. I don't think they are short-sighted, but rather highly calculating, and therefore I will be surprised if they violate the JPA and comprehensive solution. Of course Iran has a long history of building clandestine nuclear facilities, so it's certainly possible that they are building or even operating a parallel nuclear program today. Accordingly, it is essential that we have a robust verification regime to ensure their compliance with these agreements, and I'm pleased to be joined today by some of the world's leading verification experts who can tell us more about how to do that. But it is at least as important to verify what happened before the JPA and comprehensive solution came into effect, as well as what will come after them.

Why do I say this? It is clear that Iran won a number of critically important concessions in the JPA. In past hearings many members of this Committee have criticized the fact that the Obama Administration accepted in the JPA that Iran is going to continue enriching uranium, notwithstanding six legally binding Security Council resolutions directing them to suspend enrichment. This was an important victory by Iran: they persuaded the U.S. to set aside its oft-stated policy that Iran has no *right* to enrichment, as well as the even more fundamental principle that legally binding resolutions of the Security Council are indeed legally binding. Iran also won important concessions on sanctions that have broken the momentum that was previously behind that policy. But in my opinion, the single biggest concession won by Iran in the JPA has to do with what will come after the JPA.

The framework of the JPA is very simple. It provides for some confidence-building measures on both sides that are to be in effect for a period of six months. During that six-month period, the two sides—the P5+1 and Iran—are to negotiate a “mutually-agreed long-term comprehensive solution” that will involve additional agreed limitations on Iran's enrichment

program, as well as enhanced transparency and verification measures. But the JPA is crystal clear that in this context, “long-term” does not mean permanent. To the contrary, the JPA states that the comprehensive solution shall “[h]ave a specified long-term duration to be agreed upon.” Even more ominously, it states:

Following successful implementation of the final step of the comprehensive solution for its full duration, the Iranian nuclear programme will be treated in the same manner as that of any non-nuclear weapon state party to the NPT.

In other words, if Iran complies with its obligations under the comprehensive solution for the agreed duration of that agreement, it becomes legally entitled to the same treatment in nuclear energy matters as Japan or Germany or any other non-nuclear weapon state with a civil nuclear program. No more nuclear sanctions of any kind. No more restrictions on its ability to procure civil nuclear items from other countries. No more Security Council-imposed limitations on its nuclear program. No more restrictions on the number of centrifuges it may operate, the level to which it may enrich uranium, the amount of enriched uranium it may stockpile, whether it may reprocess spent fuel, whether it can pursue a heavy water plutonium production program. And this is true irrespective of whatever restrictions it may submit to on its enrichment and heavy water programs during the period in which the comprehensive solution will be in effect. The JPA is clear: once the period of the comprehensive solution expires, the restrictions accepted under the comprehensive solution will lapse.

In effect, the JPA and the comprehensive solution act as a giant get out of jail free card for Iran. All they need to do is behave during the period that these agreements are in effect, and the slate will be wiped clean; Iran’s nuclear program will be accepted as legitimate, and bygones will be bygones. This will be true even if Iran concedes that it was actively seeking to develop nuclear weapons in the past, or even up to the present day.

So as much as I agree that we need to consider, for example, how quickly Iran could break out of the JPA and produce a nuclear weapon, logically it would make little sense for them to do so. Why would they, when all they have to do is wait for a specified period of time and then they will be free to stand up a vastly more robust nuclear program, with unrestricted assistance from foreign suppliers and without international opprobrium? They would be able to break out far more effectively after establishing a more robust program than they can today. Of course, the Islamic Republic has a long history of deception in its nuclear program, so we cannot assume that they will behave in a manner that we would consider logical, but I think the odds are that they will respond to the incentives that the JPA provides them.

Obviously the United States will want the duration of the comprehensive solution to be as long as possible in order to postpone these consequences as long as possible. But for the opposite reason, Iran will want the duration to be as short as possible. Clearly this is one of the key points of contention in the ongoing negotiations, but from the public commentary we can get

a general sense of the parameters. Many Western experts say the duration should be at least 20 years; the Iranians are said to be pressing for five years or less. It's logical to expect that, in a negotiation, the two sides will likely settle somewhere between these two positions.

It is worrisome that the Administration is committed to a process that promises Iran full nuclear rehabilitation in exchange only for behaving for a specified period of time. There have been other instances, in which countries have abandoned nuclear weapons programs and subsequently been considered rehabilitated. South Africa, Brazil and Argentina come to mind. But in these cases, our willingness to accept that they had abandoned their nuclear weapons ambitions and to begin treating them as responsible stewards of civil nuclear technology rested on the fact that they had undergone fundamental changes in government. In South Africa, the apartheid regime was replaced by the democratically-elected government of Nelson Mandela. In Brazil and Argentina, military dictatorships yielded power to elected civilian governments. It was reasonable to believe that these new governments were not committed to the nuclear weapons programs that had been pursued by their predecessors.

In the case of Iran, however, the JPA framework requires no fundamental change in government before Iran is to be rehabilitated. The passage of time alone, coupled with good behavior during the agreed time period, will be sufficient to convert Iran from nuclear pariah to nuclear partner.

#### Verification of Past Activities, Particularly Nuclear Weapons Development

Especially because the JPA process promises the Islamic Republic full rehabilitation without any change in its government or ideology, it is critical that we learn now the full story about the history of their nuclear program, particularly the degree to which Iran has sought to develop nuclear weapons. Without such knowledge, it will be impossible for us to make informed judgments about the degree to which Iran can be trusted as a steward of civil nuclear technology going forward.

Iran denies that it has worked to develop nuclear weapons, but they have studiously resisted cooperating with the IAEA's efforts to delve into this issue, which in and of itself is probably an admission that they have something to hide. The rest of the world has little doubt, however. The infamous 2007 National Intelligence Estimate, while rightly criticized by many members of this Committee for whitewashing Iran's nuclear record, nevertheless includes this statement: "We assess with high confidence that until fall 2003, Iranian military entities were working under government direction to develop nuclear weapons." Even the IAEA, which is ordinarily highly constrained in what it can say, asserted in its November 2011 safeguards report that "There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing."

One of the profound flaws of the JPA is that it does not condition diplomatic progress with Iran—and Iran's ultimate nuclear rehabilitation—on Iranian cooperation with the IAEA to

answer the Agency's questions about past nuclear weapons activities. To be sure, the JPA establishes a Joint Commission consisting of the P5+1 to "work with the IAEA to facilitate resolution of past and present issues of concern." But no consequences attach to the failure of this mechanism to make progress on these issues. Rather, the negotiators of the JPA seem to have taken the inexplicable view that it's really the IAEA's problem to get to the bottom of these issues, not a vital interest of the United States.

The IAEA has been making progress with Iran on other issues where the JPA specifically requires Iran to cooperate with the Agency. Consistent with the JPA, Iran last November agreed to a "Framework for Cooperation" with the IAEA to address matters where cooperation is required. There has been some limited discussion within this channel of one of the IAEA's concerns about military dimensions of Iran's nuclear program, relating to the development of Exploding Bridge Wire detonators. It also appears that two other narrow military-related concerns may be addressed in the future within this Framework. But the IAEA's most recent report, dated May 23, 2014, makes clear that the vast majority of the Agency's concerns about military dimensions of the program remain unaddressed under the Framework for Cooperation.

There is no secret about what is required to get to the bottom of this matter: Iran needs to cooperate fully and transparently with the IAEA. The JPA does not compel such cooperation, so it may fall to Congress to require it in future legislation.

#### Verification Following Expiration of the JPA and the Comprehensive Solution

As I have already stressed, the JPA envisions that all extraordinary monitoring and verification of Iran's nuclear program will cease once the comprehensive solution expires. At that point—probably ten to twenty years from now—Iran will be subject only to the same verification measures that apply to all other countries. These will consist of routine IAEA safeguards inspections, as well as the provisions of the IAEA Additional Protocol, which the JPA requires Iran to ratify and implement.

Congress needs to make a judgment whether this level of verification will be adequate for a government with Islamic Republic's record, in the absence of any fundamental change in the nature of the government or its ideology. Personally I have grave doubts. So again, this is a matter that Congress may need to address legislatively.

It may be that in the end Congress and the President agree that it is impossible to judge today where things will stand ten or twenty years from now, and final decisions will be postponed to shortly before the comprehensive solution is scheduled to expire. If that is how legislative consideration of this issue plays out, I'm sure it will be argued that you should accept a future President's judgment about whether routine safeguards inspections plus the Additional Protocol will be adequate verification measures. My strong advice is that you reject such arguments.

If Congress decides it cannot make that judgment today, you need to reserve the right to make an independent judgment in the future about what level of verification will be required on a more permanent basis. In this regard, I commend to you a recommendation made by the Bipartisan Policy Center's Iran Task Force in May 2012. We recommended that Congress consider creating an independent commission to evaluate Iranian behavior and offer policy proposals to Congress (<http://bipartisanpolicy.org/sites/default/files/Assessing%20the%20Effectiveness%20of%20Sanctions%20on%20Iran.pdf>). Our idea was to red team assessments that were coming from the Executive branch and provide an independent source of analysis and advice to Congress.

The considerations that made this a good idea in 2012 are even more pertinent in the context of the JPA framework. You need to anticipate that Executive branch officials are going to become deeply invested in the success of the JPA and the comprehensive solution, and they will be accept evidence that it is failing, much less acknowledge that aspects of it were poorly conceived to begin with. Congress needs to maintain its objectivity in approaching the question of what level of verification is going to be required following expiration of the comprehensive solution, and you should seek to develop tools that will assist you in making well-informed judgments.

With these thoughts I will conclude my remarks and invite questions.