

Committee on Oversight and Government Reform
Subcommittee on National Security
U.S. House of Representatives

“Assessing the Iran Deal”

Wednesday, April 5, 2017

Statement of Dr. Jim Walsh
MIT Security Studies Program

Mr. Chairman, Mr. Ranking Member, and Members of the Committee:

It is an honor to be with you today to discuss the status of the nuclear agreement with Iran and our P5+1 international partners.¹ Congressional leadership is one reason we have a historic and unprecedented nuclear agreement, and continued oversight by Congress will be required if the Joint Comprehensive Plan of Action (JCPOA) is to achieve its objective of preventing Iran from acquiring a nuclear weapon.

I come to today’s hearing as someone who has provided assessments to Republican and Democratic presidents, as well as to Republican and Democratic Members of Congress, as they have wrestled with these policy challenges. I have studied Iran, its nuclear program, its role in the region, sanctions, and terrorism for more than 15 years. I have written extensively on Iran and its foreign policy, and have had the honor to share my views in testimony before Congress on a number of occasions.²

¹I would like to thank the many people who suggested thoughts or otherwise supported my testimony, including Angela Nichols, Daryl Kimball, Edward Levine, William Luers, Iris Bieri, Aria Rivero, the Center for Arms Control and Nonproliferation, Max Walsh, and Corie Walsh. My testimony and comments are mine alone, however, and are not intended to represent the views of the MIT Security Studies Program or individuals I have consulted in the preparation of this testimony.

² See, for example, Jim Walsh “Rivals, Adversaries, and Partners: Iran and Iraq in the Middle East,” In *Iran and Its Neighbors*, London: Palgrave Macmillan, 2017; Jim Walsh, editor, *Terrorism: Documents of International and Local Control*, Vols. 37-41, Dobbs Ferry, N.Y: Oceana Law Publications; Jim Walsh, "Nuclear Regimes and Nuclear Terrorism," Testimony before the Subcommittee on International Security, Proliferation and Federal Services of the Senate Governmental Affairs Committee, *Multilateral Non-proliferation Regimes, Weapons of Mass Destruction Technologies and the War on Terrorism*. February 12, 2002, pp. 1-12; Jim Walsh, “Evaluating Key Components of a Joint Comprehensive Plan of Action With Iran,” Written statement for the hearing before the Senate Foreign Relations Committee, United States Senate, June 25, 2015, Washington, DC: US Congress, 2015, pp. 1-26.

In my testimony today, I want to directly address the two issues raised by this hearing.³

1) Iran's compliance with the JCPOA

2) Iran's regional behavior

My summary judgment is that Iran has complied with its obligations under the JPOA and the JCPOA for all 3 years. It is my assessment that Iran engages in a number of objectionable policies in the region, but that a) its profile in is often exaggerated and mischaracterized, b) many if not most states in the region also engage in these same activities, and c) these practices have been a prominent feature of regional relations in the Middle East for decades. I conclude that the JCPOA is accomplishing the single most important American national interest in the Gulf, namely preventing Iran from acquiring nuclear weapons. Moreover, I find that Iran's problematic behavior outside the JCPOA does not present an imminent, unusual, or significant threat to US interests, nor is it outside the ability of the United States and its partners to constrain and counter Iran's unwelcome activities.

I. Iran's compliance with the JCPOA

Before reviewing Iran's performance under the JCPOA, it makes sense first establish a context for assessment. The JCPOA is a nuclear agreement. It is not an agreement on regional relations, human rights, or other issues. And it is a nuclear agreement for a good reason: denying Iran nuclear weapons is the uncontested, single most important American objective in the Gulf. Iran supports policies that run contrary to American interests and the interests of our allies, but the only thing worse than an Iran that does bad things is an Iran that does bad things and has nuclear weapons.

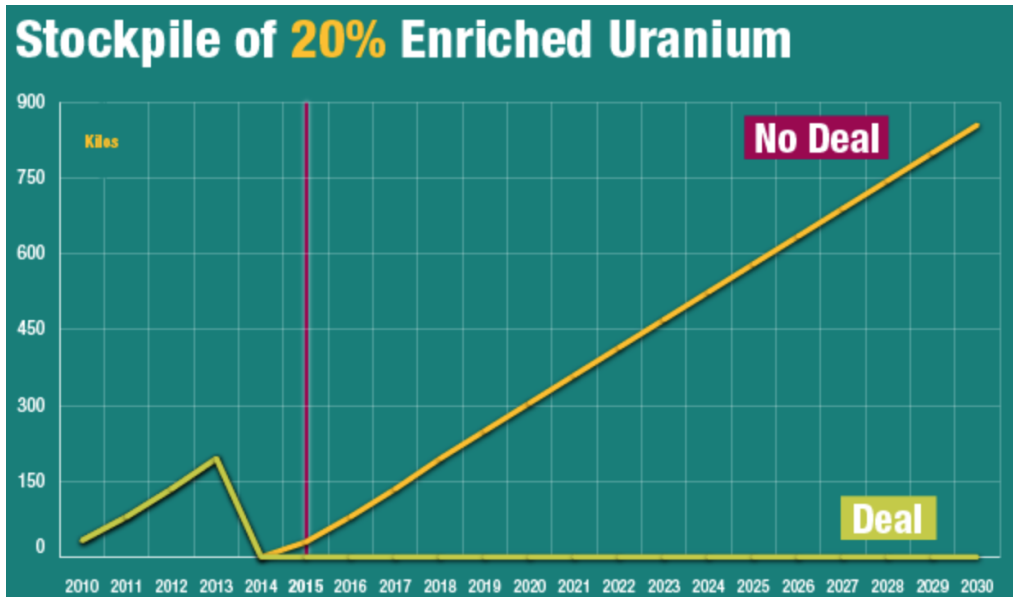
It is also worth noting, as I have explained in previous testimony, that the JCPOA is arguably the strongest multi-lateral nonproliferation agreement negotiated in nuclear age.⁴ The Nuclear Non-proliferation Treaty (NPT), the cornerstone of the nonproliferation regime, does not come close. No country has been subjected to the kind of intrusive inspection and verification regime embodied in the JCPOA. Today, the IAEA has more inspectors on the ground than ever before.

One measure of the value of the agreement is to compare where we are today to where we would be in the absence of the JCPOA. The chart below forecasts those alternative futures for the production of 20% enriched uranium, once the single biggest concern about Iran's nuclear

³ "Witness Invitation Letter from the Committee on Oversight and Government Reform to Jim Walsh," March 31, 2017.

⁴ See, for example, Jim Walsh, "Comments on the Recently the Recently Negotiated Joint Comprehensive Plan of Action," Invited comments for the Senate Foreign Relations Committee, United States Senate, August 1 2015. Washington, DC: US Congress. 2015, pp. 1-6; Jim Walsh, "Iran Terror Financing and the Tax Code." Written statement for the House Committee on Ways and Means, Oversight Subcommittee, United States House of Representatives, November 4, 2015. Washington, DC: US Congress, 2015, pp. 1-10.

activities, but broadly representative of a variety of measures from installed centrifuges to LEU stockpiles to research and development of advanced centrifuge designs.⁵



To assess Iran’s compliance or non-compliance with the JCPOA, I use four metrics: 1) whether it has implemented the specific provisions of the agreement, 2) assessments by the US and other governments and entities, 3) the nature or quality of the compliance (e.g., affirmative versus slow and begrudging), and 4) whether any party to the agreement has made use of its rights under the agreement to make a formal claim of non-compliance.

1) Iran’s implementation of specific provisions of the JCPOA

This simple but straightforward approach of evaluation focuses on specific actions Iran is obligated to have carried out. Below is a list of some of the more important requirements under the agreement and Iran’s response.

- | | |
|--|------|
| Did Iran remove 98% of its LEU stockpile? | Yes. |
| Did Iran dismantle two-thirds of its centrifuges? | Yes. |
| Did Iran destroy the calandria of the Arak reactor? | Yes. |
| Did Iran cap its level of enrichment to 3.67%? | Yes. |
| Did Iran convert the Fordow underground facility? | Yes. |
| Did Iran submit to 24/7 IAEA inspection of its sensitive facilities? | Yes. |
| Is Iran reprocessing plutonium? | No. |

Based on my own analysis of these and other Iranian actions, I conclude that Iran has complied with its obligations under the JCPOA. Moreover, this has been true not just for a year under the JCPOA but rather a full 3 years going back to the interim Joint Plan of Action (JPOA). As a

⁵ Ali Vaez, “Key Features of Iran’s Nuclear Program,” International Crisis Group, September 10, 2015. <http://blog.crisisgroup.org/worldwide/2015/09/10/key-features-of-irans-nuclear-program/>

consequence, one can say with high confidence that Iran cannot, under these conditions, build a nuclear weapon.

Of course, this is just one analyst's judgment. This conclusion would be strengthened, if assessments by others arrived at a similar result and weakened, if these evaluations arrived at a different finding. Accordingly, we consider a second metric for assessment.

2) Assessments by others

This committee is not alone in wanting to determine if Iran has complied with its obligations. The other signatories to the agreement as well as those not party to the JCPOA (e.g., Israel) have a strong stake in whether Iran is abiding by the terms of the JCPOA and the associated UN Security Council Resolution.

Perhaps first among the interested observers is the International Atomic Energy Agency (IAEA) which has responsibility for much of the formal verification of the JCPOA. The IAEA has conducted quarterly and sometimes monthly reviews of Iran's compliance and has judged in every one of its reports that Iran has met its obligations.⁶

Similarly, when questioned in Congressional hearings, representatives from the US intelligence community reported that Iran has complied with the nuclear agreement. Moreover, American intelligence officials judge that if Iran were not in compliance, we would know: "the international community is well postured to quickly detect changes to Iran's declared nuclear facilities."⁷

These same conclusions have been affirmed by our European partners in the agreement, including Britain, France, Germany, and the EU.⁸ For example, the High Representative of the EU for Foreign Affairs and Security Policy recently remarked that, "So far, as I said, both through the IAEA's] reports – five of them – and through the Joint Commission Assessments that looks at all the different elements of full compliance in good faith by all actors of the JCPOA, we have always assessed together that there is full compliance in all sides by all actors."⁹

Particularly interesting are the views offered by the Israeli military. Statements by Israeli Chief of the General Staff Lieutenant General Gadi Eizenkot, who commands the Israeli Defense Forces (IDF), suggested that the JCPOA had the effect of reordering Israel's defense priorities, a

⁶ For the latest IAEA report, see IAEA, "Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council resolution 2231 (2015)," GOV/2017/10, February 24, 2017.

⁷ James R. Clapper, "Statement for the Record Worldwide Threat Assessment of the US Intelligence Community, Senate Armed Services Committee, February 9, 2016, p. 8.

⁸ http://dsms.consilium.europa.eu/952/Actions/Newsletter.aspx?messageid=8829&customerid=32950&password=enc_32336E613435734555473368_enc.

⁹ https://eeas.europa.eu/headquarters/headquarters-homepage/23056/high-representativevice-president-federica-mogherini-2017-carnegie-nuclear-policy-conference_en

result reflected in Israel's 2016 National Intelligence Estimate.¹⁰ Indeed, a report by the RAND Corporation observed that "Israeli analysts who favored the nuclear agreement and those who opposed it largely assess the prospects for Iranian compliance with the JCPOA to be high."¹¹

In short, every official assessment offered to date supports the conclusion that Iran is complying with its obligations under the JCPOA.

3) The nature or quality of Iran's compliance

The United States and international community have years of experience enforcing nonproliferation agreements. Some countries have been affirmative and forthcoming in their implementation of their obligations; others have stonewalled and stalled. The poster child for the latter approach was Saddam Hussein and Iraq, where UN inspectors were under constant pressure from a regime that was determined to hinder the implementation of UN mandates. Iran has not followed the Saddam Hussein model. Instead, Iran moved swiftly to fulfill its obligations. And when disputes over implementation have arisen, as one would expect with a complex agreement of more than 100 pages, the parties have been able to quickly resolve them and move forward.

4) Formal claims of non-compliance

Under the JCPOA and UNSCR 2231, the parties to the agreement and the IAEA have the prerogative to go to the UNSC and declare that Iran is in breach of its obligations. Such a declaration would trigger the snap back sanctions provisions and process. To date, no country has made such a claim, and that includes the Trump administration. Indeed, I am not aware that any of the groups represented at this hearing –FFD, UNANI, or ISIS– have called on the US government to make such a declaration, and given the arguments they have made in the past, I presume they would not be "self-deterred" from urging such a move if they believed that Iran was in compliance.

In short, my analysis finds that Iran has complied with its obligations and that this conclusion is broadly consistent with the judgments made by a wide array of governments and international observers. Moreover, no party to the agreement has gone to the UNSC or even threatened to go to the UN to claim that Iran is in material breach of its obligations.

III. Iran's Regional Activities

The Context: Iranian Aspirations and the Saudi-Iranian Rivalry

Iran's regional activities pose a number of problems for US interests in the region, as well as for the interests of our allies and partners. Before reviewing Iran's regional behavior, it would be helpful to step back and look at the policy and historical context.

¹⁰ Graham Allison, "Is Iran Still Israel's Top Threat?," *The Atlantic*, March 8, 2016.

<https://www.theatlantic.com/international/archive/2016/03/iran-nuclear-deal-israel/472767/>

¹¹ Kaye, Dalia Dassa. *Israel's Iran Policies After the Nuclear Deal*. Santa Monica, CA: RAND Corporation, 2016, p. 7. <https://www.rand.org/pubs/perspectives/PE207.html>.

First, it is worth noting that Iran is not the first country to enter into a nuclear agreement but then continue with regional activities that were contrary to US interests. Arms control agreement with the Soviet Union did not end Moscow's foreign adventurism, nor did the nonproliferation agreement with Libya stop Colonel Gadafi from his anti-Israel rhetoric and policies. Nevertheless, these agreements are considered to have bolstered the security of the US and its allies. And certainly in the absence of these nuclear agreements, both countries would have engaged in the same behavior, regardless.

Second, few countries in the Middle East have been shy about meddling in the affairs of their neighbors. Saudi Arabia, Qatar, and Turkey took early and aggressive steps to support insurgent groups in Syria, including those that had extremist tendencies or were associated with known terror organizations. Saudi Arabia and its allies are currently waging a way in Yemen that has had horrific consequences for the civilian population, and the Wall Street Journal has reported that Saudi-backed forces have fought alongside and in cooperation with Al Qaeda.¹² And not to be left out, Egypt has intervened in Libyan conflict.

Moreover, these practices have been a prominent feature in the region for decades. In Egypt under Nasser, Cairo intervened in Yemen, took over Syria, and hatched any number of coup attempts against Iraq and other rivals. Iran and Iraq, particularly under the Shah and Saddam Hussein respectively, engaged in countless attempts to put pressure on each other through the use of proxies and propaganda. Saddam Hussein also invaded Kuwait. It would be easier to name the countries in the region that have not meddled in the affairs of their neighbors than to name all the ones who have.

None of this is to suggest that Iran's unwanted behavior should simply be accepted. It shouldn't. The US has a variety of foreign policy tools it can use to minimize and counter such activity, as it has had to do for years. What it does suggest, however, is that this behavior is not new, it is unlikely to go away any time soon, and that it should be judged in context and not isolation. In short, this is the Middle East, and it has been like this a long time.

The Islamic Republic's attempts at regional mischief are tied to two larger currents in Iranian foreign policy: its view of itself as a country that should be a hegemon in Southwest Asia and more importantly, the increasingly destructive rivalry between Saudi Arabia and Iran. Iran has long thought of itself as deserving a privileged status, but the current Saudi-Iranian rivalry has its roots in more recent events, in particular the 1979 Iranian revolution and the 2003 War in Iraq.

Iran's ambition to be the regional hegemon is one part ambition, one part humiliation from having been dominated by foreign powers, and one part religious identity, as it is the central Shi'ite Muslim country in a region where Sunni Muslims predominate. Long before the Iranian revolution, the Shah of Iran had hoped to become the leading state in the region. Iranians sometimes wistfully refer to Cyrus the Great and the Persian Empire and express shame at what has befallen them since. They are the Rodney Dangerfield of the Middle East, feeling like they don't

¹² Maria Abi-Habib and Mohammed Al-Kibsi, "Qaeda Fights on Same Side as Saudi-Backed Militias in Yemen, *Wall Street Journal*, July 16, 2015, <http://www.wsj.com/articles/al-qaeda-fights-on-same-side-as-saudi-backed-militias-in-yemen-1437087067>

get any respect, and clearly there is an ethnic dimension to this, as some Iranians feel a sense of superiority over their Arab neighbors and stew at the notion that the wealthy Gulf kingdoms have surpassed them economically and politically. Still ambition is one thing, capability is another.

Indeed when one looks at the Iranian-Saudi rivalry, it's pretty clear who has the stronger position. In this competition, the Kingdom is supported by the Gulf emirates, Pakistan, Egypt, and the US, among others. The Iranian "side" is poor and weak by comparison. It includes Lebanon (a weak state), Syria (in the middle of a civil war) and possibly Iraq (also at war on its own territory), though my own guess is that if Iraq ever gets its act together, a resumption of the Iran-Iraq rivalry may well follow. Saudi Arabia alone, without counting its many allies is far wealthier than Iran and far outspends its rival on defense. The most recent figures from the respected International Institute for Strategic Studies reports that Saudi Arabia spends roughly \$60b a year on its military compared to approximately \$16b in Iran. That is a ratio of 3.75-1. That bears repeating. Saudi Arabia spends nearly four times as much on its military as Iran. IISS goes on to conclude that "Saudi Arabian armed forces remain the best equipped of all the states in the region except Israel."¹³

So while Iran may have the aspirations of a hegemon, it lacks the economic and military capabilities to achieve that status, particularly in a region where Sunnis vastly outnumber the Sh'ia.

Iran in the Region: Aggressor, Defender, or Both?

Iran is involved in the internal affairs of a number of countries in the region, but the situations vary considerably.

In Iraq, it is playing defense. Having been *invited* by the Iraqi government, Iran is fighting ISIS, as the US is doing as well. Iran no doubt hopes that its assistance to Iraq will win it friends and influence there, but the historical record of Iranian intervention into Iraqi affairs is not a pretty one. The more Iran attempts to wield influence, the more average Iraqis hold it responsible if things turn out poorly. Worse yet for the Iranians, they are their own worst enemy. Their sense of superiority over Arabs and their lack of a deft touch often alienates Iraqis, who resent the high-handed foreigners. This cycle has played out repeatedly in Iraqi domestic politics since 2003.¹⁴ It is also worth remembering that quite a number of Iraqi Shi'ite Arabs killed a lot of Iranian Shi'ite Persians during the bloody Iran-Iraq War. It remains to be seen whether religion or ethnicity and nationalism will prove to be the stronger force, but in any case, Iraq's non-trivial Sunni population will get a say.

In Syria, Iran is again on defense, fighting on behalf of one of its few allies in the region, Assad. My personal view is that Assad is a war criminal who should be tried for crimes against humanity, but as a scholar of international relations, it certainly does not surprise me that states come to the defense of their allies for reasons of national interest. That is the way states behave. The good news is that Iran is finally having to pay costs for its alliance. Prior to this, the

¹³ IISS, *The Military Balance, 2017*, (London: IISS), 2017, p. 401

¹⁴ Jim Walsh "Rivals, Adversaries, and Partners: Iran and Iraq in the Middle East," In *Iran and Its Neighbors*, London: Palgrave Macmillan, 2017.

relationship was all benefits and no real costs to speak of. In Syria and Iraq, the Islamic Republic is spending blood and treasure, and at least in Syria, it will likely do some for years to come. This is blood and treasure that once spent cannot be recouped and used elsewhere for other purposes.

In Lebanon, Iran's role is more straightforwardly an attempt to extend its influence, especially through Hezbollah and other Shi'ite groups. Its influential role in Lebanese affairs is bad for the region and especially bad for Israel.

Yemen and Bahrain are the other two countries where Iran is involved, but the relationship here involves neither the costly defense of an ally nor self-interested meddling for its own purposes. Iran sees itself as both the defender of the Shia and a rival to Saudi Arabia. Both elements undergird Iran's involvement with these countries. But unlike the countries discussed above, neither Yemen nor Bahrain is a vital interest to Iran, and in neither case is it "all in." What's more, in both countries there are particular histories and interests that both precede and supersede Iran's role. Iran or no Iran, the Houthis would be fighting their fellow countrymen, as they have for decades now. It is a complex cauldron of Houthi grievance, the lingering machinations of a former dictator, a rather robust Al Qaeda presence, and Saudi insecurity.

In Bahrain, the situation is different, insofar as it is a case of a majority population (Shi'a) being ruled by a Sunni autocrat and what has been, at least until recently, a largely indigenous and peaceful attempt by Bahraini's to advance their political rights. Iran has largely stayed away from direct involvement in this fight, and the locals certainly do not want to be discredited by colluding with a foreign capital like Tehran. Whether reports of arms shipments to Bahrain prove both true and significant remains to be seen, but it would be a very negative development. So while Yemen and Bahrain represent different situations, they both represent an interest – though not a vital interest – to Iran as well as a way to pressure or strike back at the Saudis.

Reducing the Regional Conflicts

It is in the interest of the US reduce the intensity if not see an end the many conflicts in the region. Conflicts lead to instability, migration and internal population movements, civilian casualties, and weak states. These weak states are unable to police their own territory and thus become havens for violent extremists.

Sanctions are not likely to have much impact when a country's vital interests are on the line.¹⁵ So what can the US and other in the region do? Two areas stand out from the rest: 1) degrading and destroying ISIS and 2) turning down the volume on the Saudi-Iranian rivalry. This latter objective will require both reassuring Saudi Arabia but also pushing for a political arrangement that can set boundaries and thus end some of the most pernicious aspects of the competition between these two rivals. Absent a new political understanding between the two rivals, it will be very difficult to stop the bloodshed and chaos. Iran and Saudi Arabia do not have to be friends;

¹⁵ For a review of the social science research on sanctions effectiveness, see Jim Walsh and John Park, "Stopping North Korea, Inc.: Sanctions Effectiveness and Unintended Consequences," MIT Security Studies Program, August 2016, pp. 1-64
<https://drive.google.com/file/d/0B_ph0c6i87C_eGhCOGRhUVFaU28/view>

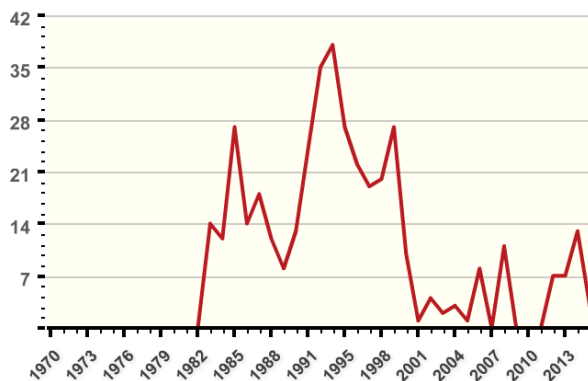
they need rules of the road and mutually agreed limits that benefit both parties. Such arrangements have been worked out before between rivals in the regional, though they are hard to sustain over time. At a minimum, the US should not stand in the way of a political solution, and ideally it should encourage one.

In the end, there will probably be conflict in the Middle East for at least the foreseeable future. Inter-state meddling is not a new phenomenon in the region; it has a long and rich history. But it can be marginally worse or marginally better, and it is in American interests to see the latter. The conflicts also serve as a reminder why the top priority for the region must that Iran or others do not acquire nuclear weapons. Instability and conflict may persist for some time, but it will be a less dangerous state of affairs if the parties do not have the ultimate weapon.

IV. Terrorism

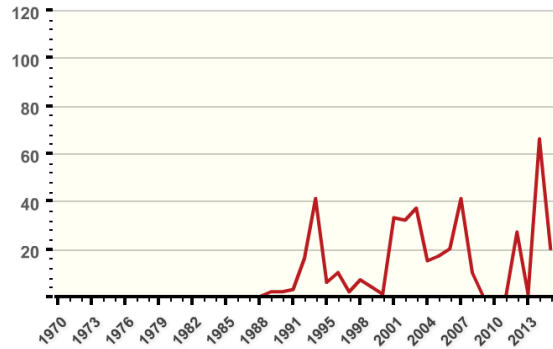
One aspect of regional relations not yet discussed is terrorism. Iran has been called the largest state sponsor of terrorism in the world, though some experts would instead point to Pakistan and Saudi Arabia as peer competitors in this regard. Iran has supported a number of non-state actors that have been designated by various governments as terror organizations. These include most centrally Hezbollah, as well as Hamas, Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command. Iran's relations with these groups have waxed and waned over time, but the advent of the JCPOA led some to suggest that the agreement would free resources that Iran could put into increased terror activity. As my previous testimony explains, there are strong reasons to doubt this, but rather than repeat those arguments, I thought I would go back and do something that had not been done: taking a look at the actual data. Using the University of Maryland's database for terror incidents, I went and looked at terror attacks by all four groups over time. The results suggest that terror attacks by these groups have, in most cases, actually declined in number since the JPOA. The full tables are contained in an appendix, but here are the charts documenting attacks for each of the four groups.

Hezbollah¹⁶

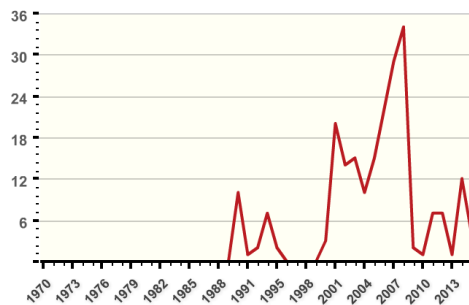


Hamas¹⁷

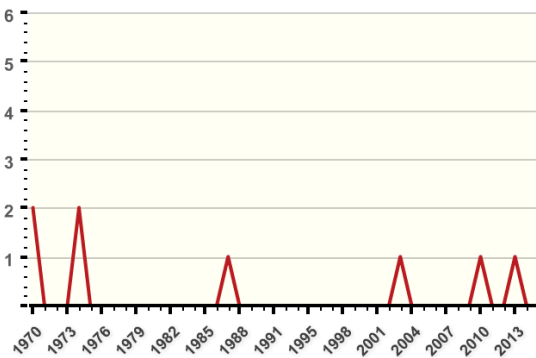
¹⁶https://www.start.umd.edu/gtd/search/Results.aspx?expanded=no&casualties_type=b&casualties_max=&ctp2=all&success=yes&perpetrator=407&ob=GTDID&od=desc&page=1&count=100#results-table



Palestinian Islamic Jihad¹⁸



Liberation of Palestine-General Command



Two features are striking. First, terror attacks by the three most active groups are all generally down from the historic highs compared with previous years. Second, and perhaps more telling, attacks are all down beginning around 2013-2014, i.e., with the JPOA and JCPOA. One will have to keep an eye on this to see if this changes over time, but to date the data is pretty clear.

¹⁷https://www.start.umd.edu/gtd/search/Results.aspx?expanded=no&casualties_type=&casualties_max=&success=yes&perpetrator=399&ob=GTDID&od=desc&page=3&count=100#results-table

¹⁸https://www.start.umd.edu/gtd/search/Results.aspx?expanded=no&casualties_type=&casualties_max=&success=yes&perpetrator=30214&ob=GTDID&od=desc&page=2&count=100#results-table

The rise in terror attacks by Iranian backed groups predicted by JCPOA critics simply did not happen.

V. Ballistic Missiles¹⁹

“The issue of Iran’s missile development was discussed at the hearing, and it might be useful to describe Iran’s missile program and place it in a proper context.

Iran has had a committed program of ballistic missile development for years, and possesses one of the larger and more advanced programs in the region. Still, Israel’s missiles are more advanced, as are some of the Gulf states’ tactical missile programs and missile defense initiatives.²⁰

Iran’s interest in ballistic missiles is not surprising given the “War of the Cities” during the Iran-Iraq War, when Saddam Hussein lobbed missiles and other munitions at Iranian urban areas in an attempt to demoralize the population. In addition, Iran’s defense planners likely view ballistic missiles as an instrument of asymmetric deterrence, given Iran’s poor air power capabilities and its limited capacity to project conventional military force. Put another way, Iran may think of ballistic missiles as a useful, if not completely effective, deterrent to air and missile attacks on Iranian territory.

In none of the UN Security Council resolutions is there a requirement that Iran abandon its missile program. The pre-Iran agreement UN Security Council resolutions, notably Resolution 1929 required that governments refrain from the transfer of missile technology to Iran until such time as it entered into negotiations on its nuclear program.²¹ These missile-related sanctions, together with restrictions on the sale of conventional weapons were --like economic sanctions-- a punishment for Iran’s nuclear program, with the implied expectation that they would be removed after Iran resolved the nuclear dispute. In other words, the missile sanctions were not about missiles per se but rather important only as it related to Iran’s nuclear program. The one exception in this case was any ballistic missile development that might be *directly* related to nuclear weapons as a delivery platform.

Under UNSCR 2231, which implements the JCPOA, the moratorium on missile technology transfers is extended for eight years and Iran is called upon not to carry out ballistic missile tests

¹⁹ This section is taken from my testimony from before the House Ways and Means Committee. Jim Walsh, “Supplemental Remarks on Iran Terror Financing and the Tax Code,” Written statement for the House Committee on Ways and Means, Oversight Subcommittee, United States House of Representatives, 18 November 2015, Washington, DC: US Congress, 2015, pp. 1-9.

²⁰ Michael Elleman, “Gulf I: Iran’s Power in the Air,” The Iran Primer, Michael Elleman's Blog, United Institute of Peace, March 11, 2013,

<http://iranprimer.usip.org/blog/all/Michael%20Elleman>; Anthony H. Cordesman, “The Iran Nuclear Agreement and Iranian Missile Developments,” CSIS, July 22, 2015, <http://csis.org/publication/iran-nuclear-agreement-and-iranian-missile-developments>

²¹ United Nations Security Council, Resolution 1929 (2010), June 9, 2010, https://www.iaea.org/sites/default/files/unsc_res1929-2010.pdf

of nuclear capable missiles.²² The concept of “nuclear capable” is a murky one, insofar as any missile could, in theory, carry a nuclear payload if the country had the capacity to produce a sufficiently small warhead. (For its part, the US during the Cold War produced nuclear warheads that could be fired from a bazooka -- the Davy Crockett.) But the resolution also permits missile technology transfers during this eight-year period on a case-by-case basis.

Iran, for its part, does not believe that the international community has the right to restrict its missile program outside of its direct relevance to nuclear weapons, and it did not agree to those provisions in UNSCR 2231 (thus the language that Iran is “called upon...”). As such it is not bound in the legal sense.²³

When it comes to assessments of Iran’s ballistic missiles, one sometimes reads breathless warnings about Iranian capabilities and its “ICBM program.” One should treat these assessments with skepticism. Iran has never flight-tested an ICBM. Its missile program continues to grapple with issues of accuracy, and while it has made progress over the years, recent assessments point to delays and challenges.²⁴ To be sure, it is a well established and now a largely indigenous program, but its trajectory points to incremental progress over time. Recently, Adm. Bill Gortney, head of U.S. Northern Command, testified that it would be years before Iran would be able to flight-test an ICBM, and that US assessments were pushing back the estimated projected progress in Iran’s long-range missile efforts.²⁵

VI. Conclusion

I thank the Committee for providing me the opportunity to address these issues. Conceptual clarity and a reliance on facts and evidence rather than assertion and speculation will be important, as we navigate the future.

As I indicated, the JCPOA is arguably the most robust multi-lateral nonproliferation agreement ever negotiated in the 70-year history of the nuclear age. It will require wisdom, prudence, and the support of international partners to see that the agreement is successfully realized.

I believe that Congress has an important role to play in the JCPOA’s implementation. On the

²² United Nations Security Council, S/RES/2231 (2015), July 20, 2015, <http://www.un.org/en/sc/inc/pages/pdf/pow/RES2231E.pdf>

²³ My thanks to longtime SFRC and SSCI staffer Ed Levine for his help in decoding this language.

²⁴ Greg Thielmann, “Addressing Iran’s Ballistic Missiles in the JCPOA and UNSC Resolution,” Arms Control Association, Issue Briefs, Volume 7, Issue 8, July 27, 2015, <http://www.armscontrol.org/Issue-Briefs/2015-07-27/Addressing-Irans-Ballistic-Missiles-in-the-JCPOA-and-UNSC-Resolution>; Barbara Salvin, “Sanctions, Sabotage, Science Delay Iran's Missile Program, *Al Monitor*, December 17, 2014, <http://www.al-monitor.com/pulse/originals/2014/12/iran-missile-development-slow.html#>

²⁵ Jason Sherman, “Senior Military Officer Says Iranian ICBM Threat Delayed until Later this Decade at 'Earliest,’” *Inside Defense*, November 10, 2015, <http://insidedefense.com/daily-news/senior-military-officer-says-iranian-icbm-threat-delayed-until-later-decade-earliest> Inside Defense

other hand, rash or shortsighted actions by the legislative or executive branches could undermine the US position and leave Iran free to pursue its nuclear program. I stand ready to work with the Committee to make sure we achieve our common goal and first priority: insuring that Iran never acquires nuclear weapons.