P5+1 Nuclear Negotiations with Iran and Their Implications for United States Defense

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The nuclear negotiations between the United States, our partners in the P5+1, and Iran involve a large number of technical issues, ranging from the number and sophistication of Iran's gas centrifuges to the configuration of its heavy-water research reactor. It would be a mistake, however, to view any agreement between Iran and the P5+1 as merely technical, even if the United States would prefer to do so. If such an agreement is concluded, it will have profound strategic implications for the United States and our allies in the Middle East and beyond.

In this testimony, I will outline how issues other than nuclear fuel fabrication—an issue addressed in detail elsewhere—should be addressed in any nuclear agreement, as well as the implications an agreement is likely to have on regional dynamics in the Middle East and the United States' standing there. As I will argue, an accord between the P5+1 and Iran should encompass Iran's nuclear program in its entirety—that is, not only nuclear fuel fabrication activities but also "weaponization" and delivery vehicles—but should not address regional issues such as Iraq and Syria. In addition, US policymakers should consider steps outside the nuclear negotiations to reassure American allies and reassert the US commitment to the region, in order to mitigate adverse reactions by those allies or destabilizing actions by an emboldened Iran.

Discerning Iran's Objectives

Over the course of the negotiations between Iran and the P5+1—and before that, with the EU3—Iranian negotiators have largely held firm to their core demands: that their purported "right" to enrich uranium be recognized, that no long-term limits be placed on their nuclear activities, and that Western sanctions be lifted. These demands were long incompatible with those of American, European, and allied officials, who were prepared to accept a civilian nuclear power program in Iran as long as Tehran imported the necessary fuel and largely forsook fuel cycle activities altogether.

The P5+1 position was based firstly on concerns about what Iran might do with nuclear technology, which is inherently dual-use in nature. But more importantly, it was based on Iran's violations of its obligations as a signatory of the Nonproliferation Treaty—the clandestine construction of nuclear facilities at Natanz and Arak (and later Fordow), and research into the "weaponization" of nuclear fuel. In other words, the American position was neither punitive nor "maximalist," but designed to address well-founded concerns about the strategic implications of Iran's nuclear activities.

At the same time, the P5+1 made clear—including by offering Iran at least two "incentives packages"—that it was willing to extend numerous economic, scientific, and diplomatic benefits to Tehran in exchange for its agreement to forgo the nuclear activities in question. In other words, the P5+1 offered Iran something which it desperately needed—relief from economic and diplomatic isolation—in exchange for something—nuclear fuel cycle activities—it did not, if Iran's claims not to seek nuclear weapons were to be believed. Tehran refused such offers outright and expanded its nuclear program steadily from 2005-2013, unmoved either by the US decision to engage directly in the nuclear negotiations in Fall 2008 or the passage of multiple broadly-supported UN Security Council resolutions from 2006-2010 condemning Iranian nuclear non-compliance and imposing international sanctions.

This pattern of behavior by Iran makes little sense if its goals were primarily economic—as Tehran incurred tremendous economic costs in taking this approach, especially in comparison to the cost of simply importing nuclear fuel as most countries which utilize nuclear power do—or scientific—as Iran's technical nuclear achievements have been modest by international standards and its scientists' scope for international collaboration have been hampered by the dispute. Rather, Iranian policy has only been sensible if Tehran's goals are to maintain at least the option of developing nuclear weapons, which requires that it preserve fuel cycle and other capabilities, and/or to demonstrate its ability to withstand and overcome international pressure.

It is frequently asserted that economic sanctions—especially restrictions on Iran's oil exports and its access to the international financial system—are to be credited for recent advances in the nuclear talks. While these sanctions very likely played a role in Tehran's calculus and in Iran's 2013 presidential campaign, they were not the only factor in play. As the United States and the European Union ratcheted up sanctions pressure, the P5+1 also made key nuclear concessions. Whether economic and military pressure alone would have persuaded Iran to change course absent these concessions is unknowable.

The most important of these concessions was that Iran would be permitted to enrich uranium indefinitely (although initially subject to agreed limits) under any long-term nuclear accord, which was widely seen as a de facto recognition of Iran's "right to enrich," which former Senator John Kerry had in any event acknowledged prior to being named Secretary of State. In addition, the November 24, 2013, "Joint Plan of Action" interim agreement excluded any requirement that Iran dismantle any of its covertly constructed nuclear facilities, despite Washington's earlier insistence that Tehran do so.

The JPOA thus represented the realization of many of Iran's long-held aims and the reappraisal of our own, or at least the promise of this outcome pending the conclusion of a long-term accord. US officials did not only walk back from previous US demands, most notably the requirement that Iran halt uranium enrichment, but dismissed those positions as unrealistic or "maximalist," despite the fact that they were enshrined in multiple UN Security Council resolutions that drew broad international support. This contributed to the sense that the US had made a sharp shift, and opened a gap between the US position and that of allies in the region and beyond.

What Should—and Shouldn't—Be in a Nuclear Agreement

As a result of this shift, the P5+1 talks are now dominated by negotiations aimed at circumscribing rather than halting Iran's nuclear activities, and mechanisms to verify that Iran is abiding by those limits. The purpose of this testimony is not to assess the technical merits of the compromises under discussion, which other witnesses will address. Rather, it is to examine their strategic implications, bearing in mind that a nuclear deal is only worthwhile if it advances US interests.

Fuel Cycle Activities

With regard to Iran's fuel cycle activities, P5+1 negotiators' focus is restricting them in order to lengthen to the greatest extent possible Iran's "breakout time," and putting in place stringent verification and monitoring measures to ensure Iranian compliance. However, an additional challenge the United States will face in the wake of a nuclear agreement in Iran is preventing the further spread of enrichment and reprocessing technology.

Many states in the region consider Iranian nuclear capabilities to pose a grave threat, and have an incentive to match those capabilities. Persuading allies to refrain from doing so will pose a challenge—it is one thing to ask them to forgo capabilities that Iran has developed in defiance of international obligations, and quite another to persuade them to refrain from acquiring technology which has explicitly been permitted to Iran. In crafting nuclear compromises with Iran, P5+1 negotiators should assume that other states in the region– in the long run if not immediately—will pursue whatever capabilities Tehran possesses, and likely without the special limitations and verification measures to which it will be subject.

Weaponization Research

Because Iran is likely to be permitted extensive nuclear activities under a long-term nuclear agreement, the task of verifying the non-diversion of nuclear materials from declared Iranian facilities to a parallel covert nuclear program will be made more difficult, especially as inspectors are unlikely to be granted the sort of intrusive, on-demand access granted to international nuclear inspectors in Iraq in the 1990s.

For this reason, it is vital that Iran is required as part of any nuclear deal to come clean on its past nuclear work and provide inspectors with a listing of and access to any and all nuclear-related facilities, personnel, and research, especially into nuclear weapons. This will give inspectors a baseline against which to compare Iranian declarations and any intelligence provided by IAEA member states, and will make it harder for Iran to set up a covert weapons-oriented program out of inspectors' sight. It would also, crucially, help inspectors determine what Iran's past weaponization research achieved, and verify that it has in fact ended.

Ballistic Missiles

One of the most controversial questions regarding the nuclear talks is whether they should cover Iran's ballistic missile program. Iran's Supreme Leader has insisted adamantly that Iran's missile program is off-limits in the negotiations; P5+1 officials have been ambiguous. There should be no question, however, that Iran should be required to cease elements of its ballistic-missile and space-launch programs as part of a nuclear accord. Development of a delivery vehicle is one of three elements of a nuclear weapons program, along with fuel fabrication and weaponization.

According to the US Institute of Peace, Iran is the only country to develop a 2,000 km-range ballistic missile without first developing a nuclear weapons capability, and Iran's ballistic missiles are ill-suited to conventional payloads due to their poor accuracy. Insisting that Iran halt the development of missiles capable of carrying nuclear payloads, especially intercontinental ballistic missiles (ICBMs), would ensure that it cannot use the time and space afforded by a nuclear agreement to perfect this element of its nuclear work., Given that the Defense Department assesses Iran could have an ICBM by 2015 at the earliest, it is apparently the furthest of the three elements from completion.

Another benefit of addressing Iranian ballistic missile activities in a nuclear agreement would be to ensure that Iranian military authorities, not only its civilian nuclear agency, are bound by the accord and subject to the scrutiny of inspectors. Competing power centers are a feature of nearly all governments, but in Iran the problem appears particularly acute; many Iranian military entities report not to the Iranian president, with whom the P5+1 is negotiating, but to the Supreme Leader, who has expressed qualified support for the negotiations but otherwise remained aloof from them. An agreement will only be worthwhile if all Iranian entities involved in Iran's nuclear program perceive themselves to be subject to it.

Regional Issues

The question of whether regional issues such as Iranian involvement in Syria and Iraq should be included in the P5+1 talks and any long-term nuclear accord has come to the fore again as a result of US-Iran bilateral talks on Iraq. This is a difficult question—US allies in the region are on the one hand uncomfortable with the idea of the US and Iran holding bilateral talks on regional security questions, as they worry that this will deprive them of a say in the outcomes and play into Iranian pretensions of regional dominance. On the other hand, they are alarmed that at the prospect of US pressure on Iran being relieved without these issues first being addressed.

At this stage, the best approach—and the one seemingly preferred by both P5+1 and Iranian negotiators—is to leave regional issues out of the nuclear negotiations. Sanctions applicable to Iran's support for terrorism and other non-nuclear activities should continue to be enforced even if a nuclear agreement is reached, unless and until Iran demonstrates a readiness to reconsider its regional activities.

Enforcement Mechanism

Neither the most stringent nuclear restrictions nor the most extensive verification and monitoring mechanisms can be effective without a credible enforcement mechanism. Whether as part of a nuclear agreement or as a corollary to it, the US should seek to obtain—as a condition of our acceptance of the deal– advance agreement from the other P5+1 states that Iranian violations of the agreement will be punishable by the reimposition of sanctions or even the use of force, if necessary.

Washington should also make it clear that should Moscow or others block an effective Security Council response to Iranian cheating, we will be prepared to act outside this framework in concert with allies. Because Iran has proven adept at bending rather than crossing US red lines, such planning should cover not only extreme scenarios which might call for military action—such as the expulsion of inspectors or the discovery of additional covert facilities—but for less provocative forms of non-cooperation, such as delaying access to or harassing inspectors.

Managing the Consequences of a Nuclear Agreement

Whether we like it or not, allies not only in the region but around the world will judge our commitment to the Middle East and to leadership abroad more generally by both the content of an accord with Iran and the policy context in which it is grounded. Thus far, the shifting US positions in the Iran nuclear negotiations have contributed to a perception of US disengagement. This perception has been fed by many other factors—our failure to enforce the President's "red line" on Syria, the total withdrawal of US forces from Iraq, the reduction of our aircraft carrier presence in the Gulf, and talk of energy independence and a "pivot" to Asia, for example.

It has been further compounded by the crises in Ukraine and the South China Sea, which have illustrated the challenges we face in defending vulnerable non-treaty allies from external aggression.

For its part, Iran is likely to portray any nuclear agreement as a victory against the United States and our allies regardless of its content. While officials from P5+1 states may hope that an accord leads to a broader easing of tensions with Iran, Tehran's regional policies such as its support for terrorism and involvement in Syria are not apparently under the control of Iranian President Hassan Rouhani, a relative pragmatist, but of the more hardline Islamic Revolutionary Guard Corps (IRGC). Unless this balance of power shifts in the wake of a nuclear agreement, it seems more likely that Iran's regional strategy will remain unchanged, even as it enjoys greater resources with which to pursue it as sanctions are eased.

Thus, a dangerous regional dynamic could thus arise in the wake of a nuclear accord—even one that is otherwise deemed a success by US officials—as our allies take autonomous steps to defend their interests (which could include simultaneously confronting and accommodating Iran), and an emboldened Iran pursues its regional agenda with renewed vigor. The result could be a deepening of the conflict already gripping the Middle East, which would threaten our extensive interests in the region.

Preventing such an outcome will require the United States to find ways to reassure allies and deter Iran, and demonstrate an enduring commitment to the Middle East. Preparations to do so should begin now, and should be pursued as vigorously as the nuclear negotiations. Such steps could include:

- *Responding purposefully to crises in Syria and Iraq.* Given that the so-called "Islamic State in Iraq and al-Sham" (ISIS) operates in both countries, the crises in Syria and Iraq are inextricably linked. They are also linked, in the eyes of our allies, by American inattention. While each requires its own strategy—in Syria, countering jihadists and compelling Assad to step aside, and in Iraq, supporting efforts to combat ISIS while pushing the Maliki government to settle disputes with the Kurdish and Sunni Arab communities—both would benefit from an American effort to organize a regional and international response, which we have thus far proven reluctant to do.

- *Reinvigorating our regional security dialogue.* For several years, distrust and lack of confidence have undermined US relations with key allies in the region. The US should make a concerted effort to resume a regular security dialogue with our allies in the region to promote multilateral coordination on matters of mutual concern, including Iranian activities. The Gulf Security Dialogue and "GCC+2" mechanisms could serve as models for doing this.

- *Step up efforts to interdict Iranian arms.* If a nuclear agreement is reached, we can demonstrate that we do not intend to overlook Iran's other destabilizing activities by placing a greater emphasis on detecting and intercepting Iranian arms shipments to Syria, Hezbollah, and other proxies, and on countering those proxies' activities more broadly.

- *Maintaining a credible military presence.* The possible need to respond militarily to developments in Iraq may have put on hold any hopes of reducing the US military presence in the Middle East. Nevertheless, even absent the Iraq crisis, maintaining a robust American military presence in the region will be vital for ensuring the credibility of any enforcement mechanism accompanying a nuclear agreement, as well as for reassuring allies.

- *Back-load the lifting of sanctions.* Rather than asking Congress to lift sanctions as part of the initial phases of any nuclear deal, any permanent sanctions relief—as opposed to sanctions waivers or the unfreezing of assets—should come at the end of the implementation period for the agreement. This would allow both Congress and US allies in the region time to judge Tehran's commitment to the deal.

- *Clarify the US narrative about the Middle East.* Talk by US officials of energy independence and a rebalance to Asia reflects important strategic developments in American foreign policy, but is often poorly framed and misunderstood by overseas audiences, including our allies in the Middle East. American policymakers should make it clear that the Middle East—given, among other things, its critical role in our Asian allies' energy security—will remain a priority even as our focus on Asia increases, and that our increasing self-sufficiency in regard to energy supply will not reduce our commitment to the Middle East.

Achieving a nuclear agreement that adequately secures our interests and those of our allies will be difficult and require patience, and taking steps to reassert our commitment to the Middle East, reassure allies, and deter Iran will require effort and resources when other crises around the world are competing for both. But these two broad lines of action can be mutually reinforcing—Iran is more likely to accept and adhere to a stringent nuclear accord if it perceives that the US is willing to hold out at the negotiating table and is not looking for a quick exit from the region, and any adverse regional consequences of an agreement may be less if it is perceived to reflect American resolve rather than diffidence. To state that "no deal is better than a bad deal" is only meaningful given some yardstick for what makes a deal "good" or "bad;" for the United States, that yardstick must be the extent to which a deal advances our—and our allies'—strategic interests in the Middle East and beyond.