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The Ballistic Missile and Nuclear Threat from Iran

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Chairman Ros-Lehtinen, Representative Deutch, and other distinguished members present today: thank you for the invitation to testify before the committee on the subject of Iran's ballistic missile threat. It is a privilege for me to provide my views and recommendations on this important topic.

The Strategic Context

For Iran, ballistic missiles have become strategic instruments intended to achieve strategic effect. Shorter and medium range capabilities, even if armed solely with conventional warheads, are tools of coercion and intimidation against their neighbors and against U.S. forces in the region.

Medium and longer range missiles, and particularly ICBM-class missiles under development, could hold American and European cities hostage in the future, thereby providing a possible means of deterring U.S. assistance to our Gulf friends and other regional allies. Longer range missiles may also provide a sense of protection against external intervention, permitting Iran to continue its support of terrorism, to continue its expansion in its quest to become the predominant regional power, and to continue the repression of its own people, the first and foremost threat to the survival of this abhorrent regime. And finally, one cannot discount the use of these missiles against Israel. The mullahs often threaten Israel with destruction and Israel takes these threats seriously, as it must.

In an operational context, nuclear warheads would be the primary – and in my view the only feasible -- payload for Iran's longer range missiles. For this reason, it is difficult and, I believe, analytically flawed to assess the Iranian missile threat in isolation from the negotiations on Iran's nuclear program. The stated goal of the P5+1 has evolved from denying Iran a nuclear weapons capability to the much more limited objective of temporarily extending the breakout time to twelve months. This fundamental change in the U.S. negotiating position recognizes, and in fact accepts, Iran as a nuclear weapons threshold state. Even in the highly unlikely circumstance that all U.S. negotiating goals were to be met, after the restrictions are

abandoned in ten or more years, Iran would be back to possessing the capacity to break out within a few months or weeks.

As for weaponization, actually fabricating a warhead, we simply don't know how much progress Iran has made in its efforts. The November 2011 IAEA report identified 12 activities with potential military application – some, including a missile warhead design, that are only associated with producing a weapon. In the intervening three and a half years, Iran has stonewalled the IAEA, denying it access to facilities, documentation and people to investigate these past and perhaps still ongoing programs.

I will return to the nuclear negotiations as they are central to understanding the ballistic missile threat from Iran. But first, I would make several related observations about Iran's ballistic missile force. The other witnesses testifying today will, I am sure, provide greater details and insights on these capabilities.

Iran's Ballistic Missile Force

- Iran has built the largest and most diverse ballistic missile arsenal in the Middle East. It continues to develop and test its missiles in violation of multiple UN Security Council Resolutions.
- Iran has steadily improved its ballistic missile force, both quantitatively and qualitatively. It has consistently expanded the range and sophistication of the force. For example, it has increased the accuracy in key capability areas, such as flight testing a Fateh-110 missile with a new seeker to enhance accuracy against sea-based targets. This added capability may be viewed by Iran's leaders in the context of their threats to close the Strait of Hormuz.
- Iran's medium-range ballistic missiles are assessed to be able to reach Europe and provide the underlying rationale for the European Phased Adaptive Approach, including the ongoing deployment of AEGIS Ashore missiles in Romania and Poland.
- Iran has successfully launched four satellites (2009, 2011, 2012 and 2015) which demonstrate some of the same technologies required for an ICBM-class missile. The Intelligence Community reportedly assesses that Iran could, with foreign assistance, test a missile able to reach the continental United States this year, although it is possible that

Tehran has decided for tactical reasons to suspend visible work in this area during the nuclear negotiations.

- Iran has improved its missile capabilities with the assistance of North Korean, Russian and Chinese entities. Recent press reports indicate that North Korea's assistance may also be occurring in the nuclear arena, including weaponization – allegations the U.S. is examining. If Iran were to threaten or launch a nuclear attack against the United States, the Intelligence Community assessed as recently as February of this year that it would choose a ballistic missile as the likely delivery means.

Nuclear Negotiations and the Ballistic Missile Threat to the U.S. and Our Allies

The failure to limit ballistic missiles, or to constrain Iran's missile build up in any way, is one of a number of central flaws in the emerging agreement on Iran's nuclear program. While we do not know what will be finally agreed in the comprehensive arrangement currently being negotiated – or even whether there will be an agreement by the 30 June deadline or thereafter -- we do know some of the basic elements that the Obama Administration has asserted are already agreed. The following observations and recommendations are based on what has been released by the White House and what Iran's leaders have said about the negotiations.

One line of argument used to justify the shift in the U.S. position from including ballistic missiles to excluding them in the negotiations is that, if Iran's nuclear weapons capability is precluded by the terms of the agreement, the threat of a nuclear-tipped ballistic missile also goes away. However, in light of Iran's continuing efforts to develop an ICBM capability, one might turn the argument around: if the agreement effectively blocks Iran's path to nuclear weapons, why would Tehran continue to work on a costly weapon system that could never be effectively armed? In fact, there are a number of inter-related assumptions on which this argument – or, more accurately, this assertion – is based. It assumes that permitting Iran a large-scale enrichment capability is compatible with the goal of denying Iran the ability to produce weapons-grade fissile material; it assumes that the twelve month breakout time is meaningful; it assumes that the agreement will be verifiable; and it assumes that the United States and the international community will effectively respond to evidence of cheating before Iran can mate a nuclear weapon to a ballistic missile.

None of these assumptions, I believe, holds up under scrutiny. It is my assessment, based on my experience in nonproliferation and arms control, that the reverse is more accurate. The

negative consequences stemming from the failure to include ballistic missiles in the negotiations are magnified by the other flaws in our negotiating posture. As a result, the threat to the U.S. homeland and to our NATO allies of an Iran armed with nuclear tipped ballistic missiles will increase not decrease under the anticipated agreement. The threat will also increase to the Gulf Arabs leading to more proliferation in the broader Middle East and a greater risk of war.

The basic premise of the agreement as described in the White House fact sheet from early April is fundamentally flawed. Despite multiple UN Security Council resolutions demanding the complete suspension of all enrichment and reprocessing activities, if there is an agreement, it will leave in place an operational enrichment infrastructure that could be quickly and easily expanded to achieve breakout. As such, it acknowledges Iran as a nuclear weapons threshold state. We can try to deny it, but the Gulf countries see it for what it is. And these countries know Iran better than we do and know that Teheran will almost certainly cheat – as it has on every nuclear agreement it has signed up to in the past.

Also deeply flawed is the notion of extending the breakout time from two or three months to twelve. First, unless Iran begins breakout at a declared facility under IAEA monitoring, how will we know when the clock begins? Despite assertions at the highest level that we will know when Iran decides to go nuclear, our track record to date suggests the opposite, especially in a covert “sneak-out” scenario. In the past, we were caught off guard at the timing of the first Soviet nuclear test, the first Chinese nuclear test, and the Indian and Pakistan nuclear tests. More recently, and taking into account improvements in collection capabilities, we debated for years whether North Korea had constructed a uranium enrichment facility – a debate that ended only when Pyongyang announced that it had begun production of highly enriched uranium for weapons and invited an American nuclear scientist to visit the site. But for Iran – which has proven itself a master at denial and deception – we are told to believe that we will know twelve months in advance.

Second, even if we did know when breakout began, what response can we realistically expect to occur? The likelihood, based on previous experience, is that months will go by until there is an internal U.S. consensus that a violation has taken place. More months will go by as the international community will consider how to respond. Consider two recent examples of how long these matters take: it took nearly four years for the IAEA Board of Governors to refer the Iran nuclear issue to the UN Security Council and it took years for the U.S. government to conclude that Russia had violated the INF Treaty, despite clear-cut evidence in both cases.

Third, we lack the necessary baseline knowledge needed to judge the credibility of the twelve month time line. We don't know how much progress Iran has made on weaponization because Teheran has deliberately obstructed the IAEA on these issues. While the framework as described by the White House suggests that Iran will have to promise to come clean on these activities, this is no different than previous commitments that have gone unfulfilled. And while Iran will be limited to a stockpile of 300kg of low enriched uranium, what will happen to its current almost ten tons of material? Will it remain in country as Iran's leaders have suggested? If so, what are the safeguards preventing Iran from recovering the material? And what happens to the 20 percent enriched uranium that Iran has converted into oxide – a form that can easily be reversed? Unless all of this material is physically removed from the country or converted into fuel rods so that Iran does not have timely access to it, the twelve month timeline is more than problematic. These are not IAEA implementation problems; these are not negotiating "details;" these are issues that go to the very heart of the agreement.

Also at the heart of the agreement is verification. While the strengthened monitoring and transparency measures described by the White House as part of Iran accepting measures beyond the Additional Protocol are useful, they do not provide for what is essential: unfettered access to facilities, people and documentation. If the outcome is "managed access" through some "dispute resolution mechanism," Iran will not be deterred from cheating and, if it acts consistent with past behavior, it will do so.

Moreover, despite statements to the contrary from U.S. officials that there will be anywhere any time verification provisions, Iran's Supreme leader has ruled out inspections of all military facilities and the interviewing of Iranian scientists. And, while recent French insistence on the right for investigating suspicious activities at military sites is helpful, this may not be sustained. Instead, it is possible that -- through clever language, creative definitions, and setting up procedural mechanisms such as an arbitration committee – the parties will paper over this basic difference in positions. But if the agreement is to be effectively verifiable, the agreement must be precise and unambiguous in permitting unfettered access to all relevant individuals, records and facilities, including to Parchin where the IAEA has sought access for years while Iran has literally buried evidence of illicit nuclear weapons activity.

A third fundamental flaw is the notion of "snap-back sanctions" -- a clear triumph of hope over experience. Once sanctions are further loosened or perhaps even ended, it will be extraordinarily difficult to restore them. We will have given up our leverage and will be dependent on Russia, China and others, including friends, with commercial interests in continuing to do business with Iran. It took over ten years to get to the point of sanctions having a substantial effect on Iran's economy. While there may well be some agreed talking

points to suggest that sanctions will be reconstituted if violations occur, there is little chance that there will be consensus on the actual implementation.

Any agreement that allows Iran to continue to build its ballistic missile force while simultaneously permitting Iran to maintain, if not expand, its nuclear capability will have severe national security consequences for the United States and our friends and allies in the region and beyond. Iran will almost certainly become the preeminent power in the Gulf. With the U.S. pull out from Iraq and drawdown from Afghanistan, there will be few who can oppose Iran's further expansion. In the past decade, Iran's malevolent presence has grown in Syria and Lebanon, and more recently in Iraq and Yemen. Ten or fifteen years from now, with the lifting of all restrictions on its nuclear program, Iran's appetite will certainly have grown.

For me personally, because I approach these issues from a nonproliferation perspective, another strategic consequence of a bad agreement is the increased prospect for nuclear proliferation. One likely result of Iran's greater capabilities and influence – reinforced by a growing skepticism among our allies about the U.S. resolve to defend their interests – will be decisions by other Gulf states to acquire a nuclear threshold capability similar to Iran's. Saudi Arabia has already made clear that it will want what Iran is permitted. My sense is that these states, which may also include Turkey and Egypt and perhaps others, will want to ensure that they are not a step behind Iran – unleashing the proliferation dynamic. And an agreement that effectively provides an international stamp of approval to Iran's ongoing nuclear activities will only give encouragement to other proliferators.

Finally, because the United States and other P5+1 members have agreed to exclude ballistic missiles in the negotiations, the message to other rogue states will be that we are not serious about imposing costs for missile proliferation. This could be a further incentive for states seeking weapons of mass destruction to acquire ballistic missiles as a means of delivery. For Iran, it could encourage even closer cooperation with North Korea on the transfer of missile technology and perhaps in nuclear weapons field. With tens of billions of dollars in sanctions relief, Iran's military and its Revolutionary Guards will have access to more resources for more missiles, for more weapons across the spectrum, and for more terrorist activities. A bad agreement will result in a less stable and less safe world for the regional states, for Israel, and for the United States.

Recommendations

1. Congress should vote on the agreement, if one is reached, and reject it if it is a bad agreement. As President Obama has stated, a bad agreement is worse than no agreement. The metrics to judge good from bad are straight forward:
 - Does the agreement deny Iran a nuclear weapons capability – the longstanding declared goal of the United States and the international community?
 - Does the agreement, following the expiration of the constraints placed on Iran, grant Teheran the capability to build a nuclear weapon in a short period of time?
 - Does the agreement extend the breakout time in a meaningful way? And, in this context, does the agreement support the IAEA’s requirement to resolve the “possible military dimensions” of Iran’s nuclear program as a necessary baseline understanding of the timeline?
 - Is the agreement effectively verifiable, which would necessarily require unfettered access to relevant facilities, documentation, and people?
 - Is there a phased relief of sanctions and are there guaranteed snap-back provisions?

2. Congress should, to the extent that it can with congressionally imposed sanctions, tie incremental relief to the fulfillment of Iran’s commitments. The burden should rest on Iran to prove its compliance, not on the U.N. to prove its failure to comply.

3. Congress should establish a “Team B” of outside nonpartisan experts with access to the highest levels of intelligence to assess Iran’s compliance with all provisions of the agreement. Team B efforts have been welcomed in the past, for example in evaluating the Soviet nuclear threat, and have been found to be of value by the Intelligence Community in providing different perspectives and approaches.

4. Congress should move forward with funding for missile defenses against the emerging Iranian nuclear armed ICBM-class missile threat. This might include reinstating Phase Four of the European Phased Adaptive Approach. At a minimum, it should include moving ahead with a third interceptor site on the U.S. East Coast. The threat is real and the first priority is protecting the American people from attack.

Thank you for your consideration.