

Congressional Testimony: Iran's Noncompliance With Its International Atomic Energy Agency Obligations

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**"Iran's Noncompliance with Its International Atomic Energy Agency
Obligations"**

**House Foreign Affairs Committee
Subcommittee on The Middle East and North Africa
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Chairman Ros-Lehtinen, Ranking Member Deutch, members of the committee, thank you for the invitation to participate in this hearing.

It is important to keep at the front of our minds the context in which the P5+1 has attempted to secure a diplomatic solution to Iran's nuclear program. Iran views the U.S. and Israel as its principal enemies¹ and over the past three decades Iran has very intentionally created a network of terrorist surrogates able to target U.S. interests and Israel.²

The terror or militant groups it supports are HAMAS, Lebanese Hezbollah, the Palestinian Islamic Jihad, the Taliban, and Iraqi Shia groups. Hezbollah, in particular, has increased its global terrorist activities to a level greater than the intelligence community has seen since the 1990s.³

Iran continues to undermine U.S. interests and that of our allies while expanding its own influence throughout the Middle East. It has done so by exploiting sectarian turmoil and by arming Palestinian groups, Shia (Huthi) rebels in Yemen, and Shia militants in Bahrain, to name just a few.

It is also directly and recently responsible for the death of American soldiers. In 2010, the U.S. Ambassador to Iraq James Jeffrey estimated that groups backed by Iran were responsible for up to a quarter of U.S. deaths in Iraq.⁴

All this to say, the regime does not view the P5+1 talks as an opportunity for rapprochement. To the contrary, it remains committed to its revolutionary objectives, supports terrorism, continues to view the United States as a principal enemy, and has shown unwavering commitment to its illicit programs at enormous cost to its economy and international standing.

IAEA CONCERNS REGARDING NUCLEAR PROGRAM

Iran has failed to instill confidence in the most optimistic of U.S. diplomats that it is earnest about maintaining a nuclear program that is exclusively and verifiably for peaceful purposes. At the recent AIPAC conference, National Security Adviser Susan Rice said the administration holds a “distrust yet verify” policy towards Iran, an important twist on President Reagan’s policy towards the former Soviet Union: “trust but verify.”

But if the U.S. enters negotiations already admitting such distrust, it must be that much more demanding about the verification regime and the cooperation of the Iranians. But the Iranians have not shown a willingness to cooperate. Indeed, during the course of talks Iran has moved forward with what it claims is a peaceful nuclear program in violation of U.N. Security Council resolutions, and has to this day stonewalled the International Atomic Energy Agency’s (IAEA) efforts to verify the Iranians’ claim that the nuclear program is exclusively for peaceful purposes.

The refusal to fully cooperate with IAEA inspectors has been ongoing for more than a decade.

After the 2002 public disclosure of secret Iranian facilities including the large uranium enrichment plant at Natanz and the Arak heavy water plant, the IAEA began investigating whether or not Iran was in breach of its safeguards agreement and concluded on September 24, 2005 that it was.⁵ In the following years the U.N. passed six Security Council resolutions related to its nuclear program.

Rather than cooperating with the IAEA to address the concerns, Iran deceived and blocked inspectors while continuing its program. For example, Iran continued to construct an enrichment facility at Qom violating Security Council calls to suspend all enrichment-related activities, and then did not notify the IAEA of its existence until September 2009.⁶

In November 2011 the IAEA laid out possible military dimensions of the program. The Agency concluded that Iran had been undergoing a “structured program” that included possible weaponization activities until the end of 2003.⁷ (In 2007 the Intelligence Community assessed that Iran had suspended its nuclear weapons program in 2003.⁸) The 2011 IAEA report cited activities related to “the development of a nuclear explosive device that continued after 2003” and noted these particular activities could remain ongoing.⁹

A 2012 resolution adopted by the IAEA confirmed Iran remained uncooperative, had not provided the Agency necessary access to sites requested, in particular the military site Parchin,¹⁰ and was therefore unable to verify that Iran’s nuclear program was peaceful. The IAEA’s ability to make this verification must be a prerequisite to any deal that could result in advantaging the Iranian regime.

But, in a 2013 public event at the Wilson Center while speaking of the still unaddressed military dimensions of the program, IAEA Director General Yukiya Amano explained that getting to the bottom of the concerns was an effort ongoing in parallel with the P5+1 talks, but emphasized that “it is essential that Iran cooperate with us to clarify these issues.”¹¹

Days before the November 24, 2014 political framework deadline Mr. Amano told the agency's board of governors, “Iran has not provided any explanations that enable the Agency to clarify the outstanding practical measures, nor has it proposed any new practical measures in the next step of the Framework for Cooperation, despite several requests from the Agency.”¹²

Just last month, an IAEA report again confirmed that “Iran has not provided any explanations that enable the agency to clarify the outstanding practical measures.”¹³

IRAN’S MISSILE PROGRAM

By all accounts, the P5+1 talks have focused on narrow portions of the nuclear program to the exclusion of other issues, including Iran’s missile program. Iran wants more than a nuclear weapon. It wants to be able to credibly threaten its adversaries with a nuclear-armed missile, and also with a variety of conventionally armed missiles.

U.N. Security Council Resolution 1929 explicitly seeks to curb Iran’s missile program. It plainly states: “Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities.”¹⁴

Missiles are a cost-effective way for a country like Iran to pose an asymmetric threat to much more militarily sophisticated countries like the U.S. and are powerful weapons for coercion; therefore, Iran is motivated to keep and improve its arsenal. Indeed, Iran has the region’s largest arsenal of ballistic missiles and is developing their quality at a rate faster than previously thought.¹⁵ Its arsenal includes conventional ballistic missiles, anti-ship ballistic missiles, cruise missiles, and surface-to-air (SAM) missiles. Notably, Iran has flight-tested its Fateh-110 ballistic missile, and by modifying it, improved its accuracy giving it the ability to threaten ships in the Persian Gulf and the Strait of Hormuz.¹⁶ Iran has continued its intercontinental ballistic missile (ICBM) development, which if achieved would give it the ability to threaten the United States homeland. Iran has used its long-range rockets to orbit satellites in 2009, 2011, 2012, and again on February 2, 2015 of this year.¹⁷ Satellite launches possess technologies directly relevant to the development of ICBMs.¹⁸ Intelligence reports have consistently assessed that with foreign assistance Iran could have the ability to flight-test an ICBM by 2015.¹⁹

Additionally, in February 2014, the Iranian military announced it had successfully tested an indigenously produced long-range missile. It is worth noting that the missile tests occurred on the eve of the 35th anniversary of the Islamic Revolution, showing the

importance Iran places the advancement of its missile program within the context of its larger strategic objectives. Celebrating the revolution Iranian President Hassan Rouhani said, "The revolution started because people didn't want to accept humiliation," Rouhani told his country. "Is it possible for the great revolutionary people, it is possible for this nation to accept humiliation by foreign powers or America after 35 years? It is as if they have not recognized the great nation of Iran..."²⁰

The 2013 Worldwide Threats report by the Director of National Intelligence assessed "We judge Iran would likely choose a ballistic missile as its preferred method of delivering a nuclear weapon, if one is ever fielded."²¹

According to press reports, over the summer Mr. Khamenei called on the IRGC to mass-produce ballistic missiles.²² Surprising no one, the head of Iran's Islamic Revolutionary Guard Corps Aerospace-Force said his country's "defense capabilities, specifically its ballistic missiles, are non-negotiable."²³

During a Senate Foreign Relations Committee hearing in February 2014 Undersecretary of State for Political Affairs Wendy Sherman stated that the current negotiations with Iran, "does address the fact that their ballistic missiles that could be used as a delivery mechanism for nuclear weapons must be addressed as part of a comprehensive solution because it is part of the U.N. Security Council resolutions. So it is true that in these first six months we have not shut down all of their production of any ballistic missile that could have anything to do with delivery of a nuclear weapon, but that is, indeed, going to be part of something that has to be addressed as part of a comprehensive agreement."²⁴

Then, in a July 2014 hearing with this Committee, Undersecretary Sherman, seeming to back away from her earlier contention that the Iranian ballistic missile program will be included in a comprehensive agreement, remarked that Resolution 1929 is "not about ballistic missiles per se," but about nuclear-armed missiles.²⁵

But, a ballistic missile can carry a conventional or non-conventional warhead including those that are chemical, biological, and nuclear.²⁶

Iran continues to support terrorism and there is no evidence that it has made the political decision to move away from achieving a nuclear weapons capability. Any deal that purports to stop its program must have stringent verification measures and Iran must be required to fully cooperate with the IAEA. Getting to the bottom of the possible military dimensions of Iran's nuclear program ought to be a necessary condition to moving forward with any kind of negotiations. ²⁷Even if this is accomplished, any deal focused on Iran's nuclear program must include its formidable missile program.

Thank you again for the invitation to discuss this subject. I look forward to your questions.

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¹ James Clapper, Director of National Intelligence, Testimony on the U.S. Intelligence Community Worldwide Threat Assessment, Senate Select Committee on Intelligence, March 12, 2013.

² Department of Defense, Annual Report on the Military Power of Iran, 2012, accessed online at <https://fas.org/man/eprint/dod-iran.pdf>

³ Ibid

⁴ Michael Christie, “Quarter of U.S. Deaths Due to Iran Groups-Envoy,” Reuters, August 26, 2010.

⁵ Implementation of the IAEA Safeguards Agreement in the Islamic Republic of Iran, Resolution adopted by the IAEA Board of Governors, September 24, 2005, (GOV/2005/77).

⁶ U.N. Security Council Resolution 1929, adopted June 9, 2010.

⁷ Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran, Report by the IAEA Director General, November 8, 2011.

⁸ Office of the Director of Intelligence, National Intelligence Estimate, Iran: Nuclear Intentions and Capabilities, 2007.

⁹ Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran, Report by the IAEA Director General, November 8, 2011.

¹⁰ Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran, IAEA Board of Governors, September 13, 2012.

¹¹ Transcript from a public event with Mr. Yukiya Amano at the Wilson Center, November 6, 2013, at http://www.wilsoncenter.org/sites/default/files/amanoevent_transcript.pdf.

¹² Jeremy Diamond, International Nuclear Watchdog: Iran Needs to Cooperate, CNN, November 20, 2014.

¹³ Shadia Nasralla, Iran Still Stalling U.N. Nuclear Inquiry as Deal Deadline Looms: IAEA, Reuters, February 19, 2015.

¹⁴ U.N. Security Council Resolution 1929, adopted on June 9, 2010.

¹⁵ General Charles H. Jacoby, Jr., Commander of Northern Command, statement before the House Armed Services Committee, February 26, 2014.

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- ¹⁶ Vice Admiral James Syring, testimony before the House Armed Services, Subcommittee on Strategic Forces, March 25, 2014.
- ¹⁷ Stephen Clark, “Iranian Satellite Successfully Placed in Orbit,” *Spaceflight Now*, February 2, 2015.
- ¹⁸ General Charles H. Jacoby, Jr., Commander of Northern Command, Northern Command posture statement before the House Armed Services Committee, February 26, 2014.
- ¹⁹ U.S. Department of Defense, *Report on Military Power of Iran*, January 2014.
- ²⁰ Holly Yan, “Iran Touts Launch of New Missiles; U.S. Says Its Watching Closely,” CNN.com, February 11, 2014.
- ²¹ James Clapper, Director of National Intelligence, “U.S. Intelligence Community Worldwide Threat Assessment Statement for the Record,” March 12, 2013.
- ²² “Iran Makes the Rules,” *The Wall Street Journal*, September 29, 2014.
- ²³ Behnam Ben Taleblu, Patrick Megahan, “Iran Fires Cruise Missile Through Sanctions Loophole,” Foundation for Defense of Democracies, March 11, 2015.
- ²⁴ Oral testimony from Undersecretary of State Wendy Sherman before the Senate Foreign Relations Committee on the “Iran Nuclear Negotiations,” February 4, 2014.
- ²⁵ Hearing before the House Foreign Affairs Committee, July 29, 2014.
- ²⁶ Ballistic and Cruise Missile Threat, National Air and Space Intelligence Center, 2013.