

**STATEMENT
BY
THE HONORABLE RONALD F. LEHMAN
BEFORE THE
U.S. SENATE FOREIGN RELATIONS COMMITTEE,
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ON
INTERNATIONAL RESPONSE TO CONTINUED IRAN NONCOMPLIANCE**

Mr. Chairman, Distinguished Members of the Committee on Foreign Relations:

I am honored that you have asked me to be here today. I appear as a private citizen and do not speak for any organization with which I am associated.

You have asked me to address four questions about Iran's nuclear program:

- 1. How can the United States work to ensure that, unlike North Korea, the United Nations Security Council acts in a meaningful and timely manner to deal with Iranian noncompliance?**
- 2. Is the Iranian situation different from that of North Korea, both with regard to issues bearing on noncompliance and the potential for multilateral solutions?**
- 3. What actions might the Security Council take with regard to Iran, both with respect to sanctions and incentives to bring Iran back into compliance and ease international tensions regarding its nuclear program?**
- 4. What other steps might the international community take outside the Security Council?**

With respect to the ongoing Iranian nuclear weapons program, the United States and the international community need to stay focused. This effort will not end quickly. At home and abroad, we must resist diversions as well as divisive pressures. At the same time, dialogue such as this Hearing is vital to exchange information and to build sound and shared assessments.

An effective international response to Iran's noncompliance with the Nuclear Nonproliferation Treaty (NPT) must be developed, particularly in the light of our experiences with North Korea. The key multilateral vehicle for dealing with the North Korean nuclear program is the six-power talks. The UNSC has not yet taken up North Korean non-compliance with the NPT. On Iran, however, the Board of Governors of the International Atomic Energy Agency (IAEA) – by a nearly unanimous vote – has referred the Iranian matter to the UNSC. After receiving additional information to be determined at the upcoming IAEA Board meeting, Security Council consideration will begin. This follows efforts by three European Union members – Germany, France, and the UK – to persuade Iran to come into compliance. Russia also has made a proposal.

The United States has been supportive of these and other international efforts. Many diplomatic efforts are underway. In my opinion, to ensure that the Security Council acts “in a meaningful and timely manner,” the United States and others need to:

- (1) Emphasize what is at stake,**
- (2) Make clear what needs to be accomplished, and then**
- (3) Provide viable options that lead to solutions.**

Iran is not the only challenge to the NPT, and Iran’s nuclear weapons program creates dangers to more than the treaty. Still, the issue of NPT compliance is critical. If the international community fails to act now, much more than the NPT could begin to unravel. If allowed to become nuclear-armed, Iran is unlikely to be the last new nuclear weapons state in the Middle East or elsewhere. Many nations will alter their security arrangements and military postures to meet the new and more dangerous instability. Political advancement will be disrupted; a severe economic downturn is likely. Other witnesses today will underscore what is at stake. Security, prosperity, and freedom are at risk not only in the dangerous region of the Middle East, but also on a global basis. The United States needs to help everyone understand these likely consequences.

The goal must be for Iran to give up its nuclear weapons program, and to do so in a way that gives the international community real confidence that that has been done. Confidence in success will involve a lengthy process of engagement that addresses more than technical compliance with IAEA safeguards. In the meantime, we need to keep our eye on the development that caused the current urgency. Iran has been seeking to acquire the ability to produce nuclear weapons usable materials. Much of this effort has been covert and illegal, masked by an extensive program of denial and deception. Iran has acknowledged some of this history piecemeal only after being confronted with evidence, but the IAEA has again expressed concern that after three years of intensive Agency efforts, key uncertainties have not been addressed due to lack of transparency.

Iran wishes to continue the research and development necessary for an industrial scale production capacity of fissile material, and then it wants to begin such production. The problem, given the entire context of Iranian activities, is that to permit the research that gives Iran capabilities such as uranium enrichment with gas centrifuges, would be to provide both the basis for a parallel nuclear weapons program and the means to mask covert weapons activities or procurements and to break out of the treaty. The immediate step is to prevent the development or acquisition of such enrichment technology or other means to acquire weapons useable material.

Undoubtedly, the Security Council will not act initially with the full range of powers that it has. Early on, however, the Security Council should make clear its concern and authority. Here are some ways in which it might do so.

The UN Security Council needs to reaffirm its view, expressed by the UN Security Council Heads of State in January of 1992, that further proliferation is a threat to international security. On the seriousness of proliferation, the UN Security Council has been silent for too long.

The UN Security Council should make clear the existing and essential principle of international law that a state in violation of its obligations cannot escape the consequences of its violation simply through withdrawal. International law cannot survive if withdrawal becomes the “Get out of Jail Free” card for violations.

Recognizing the right of sovereign states to withdraw from treaties, generally, the Security Council could make clear that any withdrawal from the NPT, in particular, is a matter that warrants immediate UN Security Council consideration.

The UN Security Council could make clear that these principles apply not only in the future, but also to concerns presently engaging the international community.

The UN Security Council could state that Iran, by name, falls under these principles.

The Security Council could endorse measures in IAEA Board of Governors resolution (GOV/2006/14 of February 4, 2006, which “deems it necessary for Iran to:

- Re-establish full and sustained suspension of all enrichment-related and reprocessing activities, including research and development to be verified by the Agency;**
- Reconsider the construction of a research reactor moderated by heavy water;**
- Ratify promptly and implement in full the Additional Protocol;**
- Pending ratification, continue to act in accordance with the provisions of the Additional Protocol which Iran signed on 18 December 2003;**
- Implement transparency measures, as requested by the Director General, including in GOV/2005/67, which extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol, and include such access to individuals, documentation relating to procurement, dual use equipment, certain military-owned workshops and research and development as the Agency may request in support of its ongoing investigations.”**

The Security Council could direct the IAEA to use all the tools available to it and to propose additional measures to help resolve matters of fact, and that the UNSC will support those actions including special inspections.

The Security Council could find that Iran has violated central obligations under the Nuclear Non-Proliferation Treaty.

The Security Council could call upon Iran to address the concerns of the international community by abandoning its nuclear weapons program and by doing so completely and transparently.

The UNSC could call upon all members of the UN to take measures in support of the Security Council decisions to bring Iran into compliance with the NPT and undo the dangers created by Iran's covert nuclear weapons program. Member states are already bound to take similar and related measures under UN Security Council Resolution 1540.

The UN Security Council could reiterate that the full range of options available to the UN Security Council may be warranted when a threat to international security arises.

Iranian actions are reducing the time available for the international community to prevent the appearance of a nuclear-armed Iran. More measures undoubtedly will be required of the international community and the UNSC. To gain international support, however, the first step must be for the UNSC to make clear to all where it stands. This would help provide a foundation upon which the international community can build an effective, united response.

Iran and North Korea have many differences in culture and context, the most obvious being the extreme nature of Pyongyang's isolation from world politics and economics, but both are serious threats to international security. Understanding the differences is important. One of the great challenges facing nonproliferation today is bridging the knowledge gaps between regionalists and functionalists, and I commend the Committee for bringing both types of experts here today. For my part, let me concentrate on some of the lessons I believe should have been learned from the North Korean experience that are of relevance to Iran.

We must recognize that IAEA findings of discrepancies, or failures to report on materials and activities, are not merely technical and historical. Nor are they to be dismissed or grandfathered. Complete disclosure and transparency is necessary to have any confidence that we are dealing successfully with the real nuclear weapons program.

Although Iran's ability to produce necessary fissile material is the major missing piece for the Iranian nuclear weapons program, we must not ignore other activities

that Iran has underway as part of their nuclear weapons program and also their programs to develop ballistic missiles and other means of delivery.

In Korea, it was a covert reprocessing activity that created the crisis, but uranium enrichment was always a concern. Likewise, in Iran, we have become focused on near term enrichment capability, but we should not lose sight of the dangers associated with reprocessing in Iran.

We must recognize that because of the dangerous behavior and rhetoric of Iran, as in the case of North Korea, business as usual will be insufficient. In the case of North Korea, in 1991, we developed the North-South Denuclearization Agreement that prohibited both reprocessing and enrichment, providing something of an NPT-plus regime because of the difficult security context.

Undoubtedly, the process of negotiation and engagement will take time, but we must manage that time properly. For its part, Iran needs time to complete tasks related to its nuclear weapons program, and it will want to buy more time and create other windows through which it can work on its program. For example, Iran might readily forgo temporarily industrial scale activity for the period of time it needs to do more research to make that production capability effective. We need to understand the undesired consequences of partial measures that address some but not all of Iran's nuclear weapons efforts.

Likewise, difficult negotiations will create pressures to exaggerate small accomplishments or dismiss steps backward. We must be careful not to get so caught up in the process that we lose sight of the goal. In this regard, the experience with Libya is clearly a more attractive model than that with North Korea.

In dealing with North Korea, the lengthy negotiating process often left us in what might be called an NPT-minus situation with threats to withdraw from the NPT and on-again/off-again IAEA and other access and inspections. At the same time, the gradual erosion of the situation discouraged action because the threshold of additional danger at each moment was too small to motivate the international community to act even as the total danger grew. This was an experience with North Korea that we should try to avoid with Iran.

We must also understand that we, and others, have more tools than the IAEA. Efforts like the Proliferation Security Initiative provide important means to help with nonproliferation.

Everyone speaks of both carrots and sticks, but psychology and culture differ. Incentives and sanctions have been studied extensively. Sometimes they work. Sometimes they don't. This Committee does not need for me to repeat the history or the literature. I would, however, like to highlight a few of the fundamentals that I think are most important in the case of Iran.

The United States already has extensive sanctions against Iran, but this is the exception rather than the rule among countries. We should consider the consequences if other nations were to do what we do. When broad sanctions or incentives become necessary, those provided by a distant actor may be less effective than narrow sanctions nearly universally enforced or targeted sanctions by a party of importance. In the case of Iran, Europe is an important consideration, but Russia and China may determine the effectiveness of both carrots and sticks. Both have extensive economic and political interests in Iran that could influence Iran positively. Unfortunately those same interests create pressures to lower the priority given to nonproliferation.

If measures are taken, the first and most important of them should be aimed at the resources, prosperity, and legitimacy of the regime's leadership and those who keep the oppressive leadership in power.

In summary, we need to recognize that Iranian noncompliance with the NPT, however technical, is not about technicalities or the fine print; it is about nuclear weapons in the hands of a regime that could dramatically destabilize the world creating conditions that lead to economic depression, WMD terrorism, and war. If we fail to prevent a nuclear-armed Iran, we are not without measures to try to deter or defend our allies, our interests, and ourselves. Yet, we would all be better off if we avoid getting into those dire straits. Thank you.