

## **From Sanctions to the Soleimani Strike to Escalation: Evaluating the Administration's Iran Policy**

Prepared statement by

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Mr. Chairman:

Thank you for the opportunity to appear before this committee to discuss U.S. foreign policy towards Iran in the aftermath of the targeted killing of Qassim Suleimani.

I will begin by taking a step back, as recent events did not take place in a vacuum. To the contrary, they can only be understood against the backdrop of nearly seventy years of history and in particular the past four decades since revolution in Iran ousted the Shah and brought about the Islamic Republic. As might be expected, the United States and the Islamic Republic of Iran do not see this history the same way; to the contrary, each country has its own distinct narrative. Iranians tend to highlight the U.S. role in restoring the Shah to power in 1953, the perceived U.S. tilt in favor of Iraq during the Iran-Iraq war, and a host of American policies that they view as hostile. Americans highlight the 1979 embassy takeover and hostage taking, Iran's alleged role in the 1983 bombing of the barracks in Beirut (in which more than 200 marines were killed) as well as the 1996 Khobar Towers bombing, and any number of Iranian-supported actions that have killed Americans and others. It is difficult to exaggerate the degree of suspicion and animosity that results.

More recent history is even more relevant to an understanding of the past few weeks. Here I would highlight the U.S. decision in 2018 to exit the 2015 nuclear agreement with Iran (more formally, the Joint Comprehensive Plan of Action or JCPOA) and to introduce harsh sanctions against Iran. Iran viewed the U.S. withdrawal as an act of bad faith given its compliance with the accord, which the IAEA repeatedly verified. The sanctions meant not only that Iran would not benefit as it expected from the agreement but to the contrary would pay a significant price, which in fact it has, with estimates that the Iranian economy contracted by as much as 10 percent last year. The sanctions constituted a form of economic warfare. Iran was not in a position to respond in kind, and instead initiated a series of actions – attacking shipping in the Persian Gulf, downing an American drone, launching missiles that hit Saudi oil installations, and sponsoring the militia that attacked an Iraqi base, killing an American contractor in the process – meant to make the United States and others pay a price for the sanctions and therefore conclude they needed to be removed. It is also important to point out here that the United States did not provide a diplomatic alternative to Iran when it imposed the sanctions; Secretary Pompeo’s May 2018 address, which required that Iran alter virtually everything it does in the region and regarding its weapons programs before it could expect any sanctions relief, hardly qualifies.

This was the context in which the targeted killing of Qassim Suleimani took place. That event needs to be assessed from two vantage points. The first is one of legality. It would have been justified to attack Suleimani if he was involved in mounting a military action that was imminent, that is, about to happen, and if by attacking him the action would not occur. If there is evidence that can responsibly be made public supporting that the criteria were met it should be. If, however, it turns out that these criteria were not met, what took place will be widely viewed as an action of choice and not necessity, one leading to an open-ended conflict between the United States and Iran fought in many places with many tools and few red lines that either will observe.

It may be useful to backtrack for a moment to explain just why “imminence” is significant. Imminence is central to the idea of preemption, which is treated in international law as a legitimate form of self-defense and is thus consistent with the United Nations Charter and widely shared notions of order. It is normally used in the context of attacking a missile about to launch or an airplane loaded with bombs about to take off.

Preventive attacks, however, are something very different than preemptive action. By definition they are mounted against a gathering threat rather than an imminent one. The 2003 Iraq war is best understood as a preventive undertaking. A world of regular preventive actions would be one in which conflict were far more prevalent. I would simply say it is not in our interest to lower the norm against preventive attacks lest they become much more frequent, which would result in a much more disorderly world.

It is even more important to assess the wisdom of the targeted killing. There is no doubt that Suleimani had the blood of Americans on his hands and was a force for instability in the region, and I for one do not know

of any critic of this strike who mourns his loss. But just because Suleimani was an evil person and killing him may have been legally justifiable does not make it wise. And here I have several doubts.

First, there were other ways to re-establish deterrence with Iran. The United States could and arguably should have responded to recent Iranian attacks, such as the one it carried out against Saudi Arabian oil installations, with attacks on Iranian economic and military assets. Such responses would have been proportionate and symmetrical and less likely to have led to escalation and conflict. Indeed, the fact that these earlier Iranian actions were not met with an American response might have contributed to thinking on Iran's part that it could act with some degree of impunity. I would also add that the abrupt abandonment of the Kurds in Syria might have reinforced the view of some Iranians that the United States would be unlikely to respond to further Iranian aggression.

Second, the killing interrupted what were useful political dynamics in both Iran (where anti-regime protests had been increasing in size and frequency) and in Iraq (where anti-Iranian protests had been growing).

Third, U.S.-Iraq ties are severely strained. This could require U.S. troops to depart Iraq, which would create a vacuum Iran would be all too happy to fill. It could also lead to a revival of terrorism in Iraq.

Fourth, we have been forced to send more forces to the region. They are thus not available for deployment elsewhere. Worse, many of these troops will be preoccupied with force protection rather than carrying out a counter-terrorism mission.

Fifth, it is not in our strategic interest to have a new war in the Middle East given the many challenges we face worldwide, from the immediate threats of North Korea and Venezuela to the longer-term challenges posed by China and Russia.

And sixth, Iran has already announced it plans to take steps at odds with the JCPOA, which would shrink the window it needs to build a nuclear weapon if it chooses to do so. This could present the United States and Israel with difficult and potentially costly choices.

I expect some will disagree with part or all of my assessment. But however we got here, we are where we are. I thus want to focus on what we can expect and what we should do moving forward.

The pause in military exchanges between the United States and Iran is just that, a pause. Iran is not standing down. Iran may be careful not to undertake military actions that can be traced back to it and that target Americans, but it can be expected to undertake actions using a wide array of tools (including cyber) that either target American allies or Americans themselves but in a way that cannot easily be traced back to the

Iranian government. What has not changed is that Iran is an imperial power, one that seeks to expand its influence in the region and see that of the United States reduced.

President Trump was clear that Iran will never be allowed to have a nuclear weapon. This stance is welcome but insufficient. Iran must also be denied from attaining what I would describe as a near-nuclear capability. If it were to achieve such a capability, there is the danger at some point it would choose to sprint to put together a small nuclear force and present the world with a *fait accompli*. The fact that it might do this could be enough to persuade several of its neighbors, including Saudi Arabia, Egypt, and Turkey, to do the same.

Such a scenario would be a nightmare. Nuclear weapons can provide stability (as they did during the Cold War) but only if they are embedded in secure second strike capabilities able to ride out an attack, something that allows the attacked country to absorb the initial hit and respond with devastating force so that there is no advantage in going first. And second, nuclear weapons have the potential to enhance stability only if there are arrangements in place so that there can be no unauthorized use or loss of physical control over them. Among other things this requires political stability. It is highly unlikely these criteria could be met in the Middle East.

The JCPOA was intended to lessen the odds such scenarios would come to pass. The agreement cut the amount of enriched uranium Iran could legally possess, reduced its ability to produce more, and introduced an intrusive set of inspections. The result was that the time Iran would need to build nuclear weapons and achieve a nuclear or near nuclear capability increased to something on the order of one year, a period sufficiently long for Western intelligence agencies to discover what was going on and for governments to respond.

The principal problem with the JCPOA was its duration. The expiration of the limits on centrifuges and enriched uranium meant that Iran could, starting in 2025 or 2030, legally begin to amass many of the elements needed to build a nuclear inventory. As a result, if Iran did decide after say 2030 to make a covert dash for nuclear weapons, intelligence services would receive little warning and governments would have less time to respond.

There were other problems with the JCPOA, above all its lack of constraints on delivery vehicles such as ballistic missiles. These were, however, addressed separately in UN resolutions. I would not describe the fact that the JCPOA did not constrain Iran's regional activities as a flaw of the agreement. Arms control cannot be expected to accomplish everything, and if we insist that it do so, we run the risk it will accomplish nothing. Some things (such as pushing back against what Iran does in Syria or other countries) we and our friends have to do for ourselves. This was a central lesson of the Cold War. Grand bargains seek the perfect at the expense of the possible.

Against this backdrop, I want to end with several recommendations for U.S. policy moving forward.

The United States should work closely with its allies and the other signatories of the JCPOA to put together the outlines of a new agreement – call it JCPOA 2.0 – and present Iran with a new deal. This new initiative would establish longer-term (several decades) or, better yet, open-ended limits on Iran’s nuclear and missile programs (coupled with adequate verification) in exchange for significant sanctions relief. Any such agreement should be approved by Congress to remove the concern that the pact could be easily undone by this or some future president, as was the 2015 accord. Any such initiative should emerge from consultation with allies; U.S. policy toward Iran has become increasingly unilateral and is less effective for it.

The proposal should be specific, reasonable, and articulated in public. The goal should be to pressure the government in Tehran to explain to the Iranian people why it rejects a fair proposal that would reduce sanctions and raise the standard of living just so it could pursue its nuclear and missile programs. Recent protests against the government (triggered by the downing of the Ukrainian civil airliner and coming in the wake of earlier calls on the government to spend more at home and less on its foreign policy) create a good context for such a public initiative.

I do not favor going back to the status quo ante, in which the United States rejoins the JCPOA and removes its sanctions against Iran. The sunset provisions are too near, meaning that we would have to negotiate their extension almost immediately. Such a course would also mean forfeiting the leverage associated with existing sanctions. This should not be read as an endorsement of the Trump Administration’s decision to exit the 2015 pact when and how it did; rather, it is a judgment that at this point there are different realities and different options.

We must also understand that in the wake of our exiting the JCPOA and introducing severe sanctions, we have brought about a dangerous situation in which Iran is slowly but steadily breaking out of the constraints set by the accord and reducing the time it would need to construct nuclear weapons if it decided to do so. It is essential that Iran understand the limits to what we are prepared to tolerate. This is a message that also needs to be coordinated with our European allies, Iran’s Arab neighbors, and Israel.

We should also act immediately to repair our relationship with Iraq. Iraq is among the region’s most important countries. It is an essential component of any containment of Iran. It possesses enormous energy reserves. One of the many reasons the 2003 war was ill-advised is that it undermined Iraq’s ability to offset Iran. We do not want to open the door to increased Iranian influence. Nor do we want to see a reconstitution of a massive terrorist threat in the form of ISIS or anyone else based within its borders. The threat of sanctions ought to be removed. So, too, should the threat to remain absent Iraqi permission. A troop presence that comes to be seen as an occupation will be forced to spend its time protecting itself and will be unable to partner with local forces against terrorists.

I understand it may be too late to put Humpty Dumpty together again when it comes to U.S.-Iraq relations. We should therefore look for ways to continue strategic cooperation. One idea worth exploring may well be what we used to call in the Defense Department “presence without stationing” in which U.S. forces would regularly visit the country to train and work with Iraqi counterparts. Other training could no doubt take place at a regional facility outside Iraq. Iran’s long-term goal has been and remains to reduce our presence and role in the region. We should not help Iran achieve its ambitions.

We should seek a reduction in tensions with Iran. An escalating conflict with Iran does not serve our interests. We were fortunate to avoid one just now, but luck has been known to run out. We look petty when we make it impossible for Iran’s chief diplomat to enter the United States, and we should open channels of communication with Iran’s representatives to avoid miscalculation. We collaborated in Afghanistan before and could be able to do so again.

We should remember that we continue to have interests in the Middle East. The United States may be energy self-sufficient but it is not energy independent. The region’s energy is still essential to the functioning of the global economy, the health of which is central to our own prosperity. We must combat terrorists, frustrate nuclear proliferation, and be there for Israel and our other partners. Protecting these interests requires that we stay involved in the region diplomatically, economically, and militarily.

At the same time, we need to avoid seeking to do too much there. The history of the 21st century will not be written in the Middle East so much as in Asia, Europe, and Africa. We should focus our energies there and on the challenges posed by North Korea, China, and Russia. We should also devote more resources to promoting our own competitiveness, something again at odds with massive involvement in the Middle East.

We need to accept reality. Regime change in Iran is unlikely. The Islamic Republic is resilient. Even if this assessment one day proves wrong, there is no way of knowing that it will or when it will. As a result, regime change cannot be U.S. strategy. It is beyond our capacity to engineer. Recent events around the region should have taught us too that regime change is not necessarily a panacea even when it happens; what would come after this regime is not necessarily something better. In the meantime, we need a strategy for dealing with the Iran that exists and policies consistent with that strategy. Our objective should be to change Iran’s behavior, to negotiate an outcome in the nuclear and missile sphere acceptable to both countries, and through our actions to lead Iran to conclude that it will fail if it continues to try to destabilize the region. This is all possible if we make it our policy and our priority.

Thank you for this opportunity. I look forward to your reactions, comments, and questions.