

Lessons Learned from Past Negotiations to Prevent Nuclear Proliferation
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Chairman Corker, Ranking Member Cardin, distinguished members of the committee, it is an honor to speak with you on a matter of surpassing importance to U.S. national security.

Attempting to gain knowledge from experience in nonproliferation negotiations is a laudable goal, but one that is best approached with humility. Alan Simpson, a late and distinguished historian—not your wise former colleague from Wyoming—cautioned regarding historical analogy that, “our present state of knowledge is one of mitigated ignorance. In such situations, the honest enquirer always has one consolation—his blunders may be as instructive as his successes.”ⁱ

Bearing this warning in mind, the history of negotiations to prevent nuclear proliferation suggests interrelated five lessons.

1. Decisions to disarm or to comply with international obligations are often incremental and incomplete.

After Operation Desert Storm in 1991, Iraq faced a unified United Nations Security Council that imposed the most rigorous inspection regime yet devised to disband nuclear, chemical, and biological weapons programs, backed by comprehensive and devastating sanctions. In response, Saddam Hussein temporized. Recalled Charles Duelfer, who worked longer than anyone in the world to uncover Iraq’s secrets, “Saddam’s top goal was to get out of sanctions. He gave up as little as possible to satisfy the Security Council. And it was the Council, not just the inspectors, he was dealing with.”ⁱⁱ Key elements of the Iraqi program were divulged to inspectors only after Hussein Kamel, Saddam’s son-in-law, defected to Jordan in 1995, and even then, the disclosure was grudging and incomplete.

A second example is provided by the case of Libya’s disarmament. In March 2003, Muammar el-Qaddafi sent emissaries to Britain indicating a desire to “clear the air” on WMD issues. Despite having initiated the talks himself, Qaddafi repeatedly balked at full disclosure. It was only after the interdiction of the BBC China—and with it an illicit shipment of centrifuge parts to Libya—and having been confronted with incontrovertible evidence of detailed U.S. knowledge of the Libyan nuclear weapons program, that Qaddafi reluctantly made a final decision to come clean and abandon his nuclear and chemical weapons programs.ⁱⁱⁱ

2. Temporizing or deception by the proliferator may appear to be progress.

The case of Iran itself provides a salient example. In 2004, Iran agreed with Britain, France, and Germany to freeze its enrichment activities while the two sides negotiated a more permanent arrangement. In defending the deal in 2006, Iran's negotiator and now its President, Hassan Rouhani, made a stunning admission. He said in a speech not intended for Western ears:

“At that time, the United States was at the height of its arrogance, and our country was not yet ready to go to the U.N. Security Council. While we were talking with the Europeans in Tehran, we were installing equipment in parts of the facility in Isfahan, but we still had a long way to go to complete the project. In fact, by creating a calm environment, we were able to complete the work on Isfahan.”^{iv}

Thus, the negotiations with the Europeans bought time for Tehran to finish its uranium conversion facility.

A second example of temporizing and deception is North Korea's use of the 1994 Agreed Framework. To its credit, the Agreed Framework suspended Pyongyang's plutonium production program for about eight years. Unfortunately, however, while halting the plutonium program, the DPRK went ahead with its uranium enrichment program while the Clinton Administration was still in office. According to Ambassador Robert Gallucci, the U.S. negotiator:

“[T]he Clinton Administration concluded – at least I understand it did – that North Korea cheated on the agreed framework – that getting gas centrifuge components from Pakistan was inconsistent with the framework. The North Koreans did it. That's why they did it secretly. They cheated. And, the Clinton Administration's response to that was to plan a new negotiation . . .”^v

Although halting Pyongyang's plutonium production program was useful, the United States was far from halting the North's nuclear weapons program. The DPRK uranium enrichment capability was dramatically revealed to visiting Americans in 2010.

3. Intrusive verification, combined with effective intelligence collection can deter cheating—while lax verification and ineffective intelligence collection will foster it.

In Libya, U.S. and British teams insisted on complete access to all relevant facilities. Toward the end of their first visit, a Libyan scientist pulled aside the American team leader, Ambassador Donald Mahley, and explained that he knew of an additional 750 unfilled 500-kilogram chemical bombs that had not been declared. Previously, Libya had claimed possession of 750-800 of these weapons. Mahley told the Libyan that if that was the case, he should go back and review all the records and make a complete declaration, because inspections would reveal the truth. Libya eventually declared and destroyed nearly 3,000 such weapons—four times the original declaration.^{vi} Thus, fear of detection by intrusive inspections, backed by demonstrably effective intelligence induced more accurate declarations.

In North Korea, conditions were just the opposite. North Korea controlled where inspections would take place. With but a single exception, they were limited to just one declared site, Yongbyon. U.S. personnel resided there from the autumn of 2007 to the spring of 2009. By November 20, 2010, Dr. Siegfried Hecker, a former director of Los Alamos National Laboratory, reported on a “modern, small industrial-scale uranium enrichment facility with 2,000 centrifuges that was recently completed and said to be producing low enriched uranium.” It is virtually impossible that North Korea could have built a successful centrifuge enrichment plant in the space of about 20 months, if had not first built a pilot or even full-scale facility elsewhere and moved the fruits of that experience to Yongbyon. Thus, immunity from intrusive inspections likely gave the DPRK the freedom to construct a pilot enrichment facility before the plant at Yongbyon.

4. Effective verification is not built on dramatic challenge inspections, but rather on a declaration, supported by documentary evidence, and checked for inconsistencies, missing elements, and false information to verify its completeness and correctness. The process is exhaustive and painstaking rather than dramatic and quick.

In 1991, Saddam Hussein was required to declare his programs, document the declaration, and then destroy the materials and equipment. Except in one case, early in the process,^{vii} there were no significant discoveries of prohibited equipment or activities identified through challenge inspections. Rather, interviews, document reviews, material balance analyses, and intelligence data gradually forced more and more disclosures. Iraq’s nuclear, chemical, and biological programs unraveled not because of any single dramatic discovery, but because of patient analytical work creating a mosaic of Iraqi activity.

As has been noted, conditions in North Korea are very different. The DPRK has effectively limited inspection activities to the area surrounding Yongbyon.

5. Inspections are only as effective as their political support.

One success and several failures offer evidence in support of this point. When Iraq was expelled from Kuwait and the Security Council was united, international weapons inspectors were backed by sweeping authorities and very strong sanctions. As support in the Council for those measures ebbed, inspectors found it more and more difficult to complete their mission. Finally, 1998, President Clinton was forced to order military strikes in Operation Desert Fox to induce Iraqi compliance. In preparation for that action, inspectors were withdrawn, not to return until there was renewed Security Council interest and action in November 2002. When a united Security Council backed inspectors, they had greater success; when the Council fragmented, Iraqi cooperation lagged.

In the North Korea case in 1993 and 1994, the International Atomic Energy Agency (IAEA) wanted to inspect a waste storage facility as part of a determination of how much plutonium the North had separated. Pyongyang resisted. In the judgment of the Clinton Administration, this required a choice between a full, but probably not much more

detailed understanding of the past and an agreement that would suspend the DPRK's plutonium production in the future. The United States chose the Agreed Framework, in effect undercutting the IAEA, which never was able to complete the work it sought to conduct.

To conclude, I would offer three observations about how these lessons apply to the Iran case:

- First, a complete and correct declaration including all nuclear activities is imperative.

The established and effective process for international inspections is declaration supported by documentary evidence, review by inspectors for completeness and accuracy, and pursuit of any missing information, inconsistencies, or inaccuracies until the matters are resolved. In the Iran case, Tehran has never provided a complete and correct declaration of all its nuclear-related activities. So called anytime, anywhere inspections will be as ineffective as an Easter egg hunt if they are not backed by an orderly declaration and verification process.

- Second, unwillingness on the part of Iran to provide such a declaration is evidence (albeit not conclusive) of Iran's willingness to comply with an agreement.

If experience is a guide, we are at the high water mark of international pressure on the issue. It will ebb after an agreement is completed and as time passes. If Tehran is not willing to disclose now the full extent of what the IAEA calls the "possible military dimensions" of its nuclear program, Iran will be even more unlikely to do so at a later date. Those activities would remain protected. Sacrificing knowledge of past and possibly present actions for a future agreement would signal to Tehran at the outset that verification and compliance will not be serious priorities.

- Third, a successful agreement requires vigilance over an extended period of time; it is not a matter that can be "solved" and forgotten.

By the IAEA's reckoning, the Iranian nuclear program is about three decades old. Tehran has shown great patience and persistence in pursuing that program. It has made sacrifices in terms of moratoria or temporary restrictions, so long as it could continue its actions at a later date. The negotiators appear to be headed toward an agreement in which the central restrictions will last less time than the period it took to negotiate them. If an agreement is completed under the Joint Comprehensive Plan of Action, a future president and congress will likely face the very same dilemmas regarding the Iranian nuclear program, but without benefit of a sanctions regime, because Tehran will plausibly argue that was the deal it struck. As President Obama warned, "What is a more relevant fear would be that in year 13, 14, 15, they have advanced centrifuges that enrich uranium fairly rapidly, and at that point the breakout times would have shrunk almost down to zero."^{viii}

ⁱ Alan Simpson, *The Wealth of the Gentry, 1540-1660* (Chicago 1961), p. 21, quoted by David Hackett Fischer, *Historians' Fallacies*, (New York 1970), p. xviii.

ⁱⁱ Charles Duelfer, "What Saddam Hussein tells us about the Iran nuclear deal," Fox News Opinion, April 6, 2015.

ⁱⁱⁱ William Tobey, "A message from Tripoli: How Libya gave up its WMD," *Bulletin of the Atomic Scientists*, December 3, 2014.

^{iv} Elaine Sciolino, "Showdown at UN? Iran Seems Calm," *The New York Times*, March 14, 2006.

^v Robert L. Gallucci, "The Status of North Korea's Nuclear Issues," Institute for Corean-American Studies Spring Symposium, May 22, 2006.

^{vi} Tobey, 2014.

^{vii} The one exception is the 1991 discovery of calutrons, which the Iraqis attempted to prevent by firing warning shots over the heads of U.S. inspector David Kay's team and nearly running them off the road. Kay attributes this to a mistake by a local commander. David Kay, "Spying on Saddam," PBS Frontline, 1995-2014.

^{viii} "Transcript: President Obama's Full NPR Interview on the Iran Nuclear Deal," NPR, April 7, 2015.