

## Written Evidence submitted by Richard A. Goldberg (UKI0009)

### Executive Summary:

- Iran is in full breach of both its Joint Comprehensive Plan of Action (JCPOA) commitments and its Nuclear Non-Proliferation Treaty (NPT) obligations. Diplomatic steps taken to curb Iran's nuclear misconduct have not succeeded.
- Iran's violent behavior targeting the United Kingdom continues to escalate, culminating with the killing of a member of the Royal Army Medical Corps in March.
- Without a new diplomatic initiative, Iran will only grow more dangerous, as the UN arms embargo is scheduled to terminate this October. Key provisions of the JCPOA also begin to expire in the next few years.
- To defend UK national security, reduce the likelihood of military conflict, and increase the possibility of negotiating a new, more comprehensive agreement with Iran, now is the time for the Foreign and Commonwealth Office (FCO) to pursue the "snapback" of international sanctions under UN Security Council 2231 and work with the United States on the contours of a new agreement.

### Introduction:

I submit this evidence today as a senior advisor at the Foundation for Defense of Democracies, a non-partisan research institute in Washington focused on national security issues. From 2019-2020, I served as the White House National Security Council's director for countering Iranian weapons of mass destruction. Previously, I served as a national security advisor in the United States Senate, where I spearheaded legislative initiatives with respect to the myriad threats posed by the Islamic Republic of Iran. I have also served as a U.S. Navy Reserve intelligence officer with service in Afghanistan and on the Joint Staff.

During my time in government, I had the great pleasure of working closely with British diplomats on a range of issues relating to Iran. With a new British government in place and the threats emanating from Iran growing more dangerous to the UK by the day, now is the time for Downing Street and the FCO to reassess the UK's multilateral diplomatic strategy vis-à-vis Iran. I am hopeful this submission contributes to that reassessment.

This submission responds to the call for evidence by the Parliamentary Foreign Affairs Committee as it relates to the UK and Iran and specifically addresses the role of the Foreign and Commonwealth Office (FCO) in multilateral diplomacy regarding Iran, and the UK's priorities therein.

### Submission:

1. Since May 2018, when President Donald Trump ceased America's participation in the Joint Comprehensive Plan of Action (JCPOA), the British Foreign Office has focused its

multilateral diplomacy efforts on maintaining the JCPOA despite the re-imposition of U.S. secondary sanctions.

2. Based on Iran's threatening conduct over the last year, its recent murder of a British soldier in Iraq, its increasingly significant non-performance of its own JCPOA commitments,<sup>1</sup> and the potential threat to UK national security posed by upcoming sunsets on international restrictions pursuant to the JCPOA, it is time for the FCO to pursue a new, dual-track multilateral diplomacy strategy that defends Britain's core national security interests while preparing for a future negotiation with Iran over a new, more comprehensive agreement.
3. Last month's rocket attack that killed a member of the Royal Army Medical Corps is the most serious Iranian escalation targeting British interests in the last few months.<sup>2</sup> Last July, alongside Iran's decision to breach the nuclear limits of the JCPOA, Tehran seized a British-flagged oil tanker. In August, Iran took more British citizens hostage. This January, the regime arrested Her Majesty's ambassador to Iran because he attended a vigil for the downed Ukrainian passenger jet, which Iranian missiles blew out of the sky.
4. In response to any of these escalating acts of violence, the FCO could have pursued multilateral efforts to hold the regime accountable. Instead, the Foreign Office followed the European Union's lead, continuing to "dialogue" with Iran within the EU/E3 construct on the need to preserve the JCPOA.<sup>3</sup> In recent days, Britain responded to the killing of its own soldier with accommodation rather than accountability – helping push through the first transaction through the INSTEX special purpose vehicle,<sup>4</sup> which was established with long-term hopes of helping Iran evade the pressure of U.S. sanctions. The very same ambassador who was arrested in January took to Twitter to call the transaction something "to strengthen relationships in the framework of the JCPOA."<sup>5</sup>
5. All the while, Iran's nuclear misconduct continues to worsen. The International Atomic Energy Agency (IAEA) reported to its Board of Governors last month that Iran has tripled its production of low enriched uranium since last fall, now having roughly enough fissile material to produce one nuclear weapon.<sup>6</sup> Enrichment at the underground Fordow facility moves forward – as does the testing of advanced centrifuges. Even more concerning, the IAEA reports that Iran continues to conceal nuclear materials, activities, and sites within Iran – even denying access requests to UN inspectors, in violation of Iran's obligations under the Nuclear Non-Proliferation Treaty.
6. In May 2018, one could understand the FCO's thinking in holding firm to the JCPOA, believing that if Europe remained committed to the deal despite the U.S. withdrawal, the Iranians might keep their nuclear program constrained. This scenario would give Britain, France and Germany the opportunity to negotiate some sort of follow-on agreement, backed

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<sup>1</sup> <https://www.iaea.org/sites/default/files/20/03/gov2020-5.pdf>

<sup>2</sup> <https://www.bbc.com/news/uk-51854198>

<sup>3</sup> <https://www.dw.com/en/europe-china-and-russia-urge-preservation-of-iran-nuclear-deal/a-52544410>

<sup>4</sup> <https://www.gov.uk/government/news/instex-successfully-concludes-first-transaction>

<sup>5</sup> <https://twitter.com/HMATehran/status/1245009362785107969?s=20>

<sup>6</sup> <https://www.theguardian.com/world/2020/mar/03/iran-triples-stockpile-of-enriched-uranium-in-breach-of-nuclear-deal>

by the leverage generated by U.S. sanctions, before the expiration of key international restrictions (or “sunset” provisions) of the deal begin. But nearly two years later, with Iran’s full-blown breach of the JCPOA’s limits, its flagrant violation of the NPT, and its murder of a British soldier – all of which come just months before the expiration of the UN embargo on conventional arms transfers – the FCO needs to change direction before it’s too late.

7. Under United Nations Security Council Resolution 2231, which endorsed the JCPOA and established new timelines for the expiration of multilateral sanctions on Iran, the embargo on conventional arms transfers to Iran ends in October 2020.<sup>7</sup> If the British government fails to act, Iran could be on track to buy advanced weapons from Russia and China that would drastically change the balance of power in the Middle East.
8. The U.S. Defense Department reports Iran is eyeing the purchase of fourth-generation fighter aircraft, more-capable UAVs, more advanced naval platforms, and modern main battle tanks.<sup>8</sup> An Iran with open access to Russian and Chinese conventional arms would pose an increased threat to British forces and interests.
9. In 2023, restrictions on foreign support to Iran’s missile program will expire, too, permitting the regime to test, transfer, and build longer range missiles that could target London and New York. Key nuclear restrictions fall away soon after that.<sup>9</sup>
10. To address these looming threats, the United States has worked closely with its European partners to build consensus for a new Security Council resolution that would push back the sunset dates. For the FCO, buying more time on the sunsets would allow it to keep pushing for JCPOA compliance and a renegotiation based on improving the JCPOA instead of replacing it.
11. Unfortunately, this strategy – though well intentioned – is clearly doomed to fail. Russia has declared forthrightly that it will veto any resolution put forward to extend the arms embargo.<sup>10</sup> That makes perfect sense, since Russia wants to sell its arms to Iran in October. If we spend all our diplomatic time and energy over the months ahead on a failed resolution, we will neither stop Iran’s acquisition of advanced weapons nor curb its accelerating nuclear expansion and other growing violent activities.
12. Fortunately, there is still a way for Britain to prevent the sunsets, including on the arms embargo, from moving forward. UNSCR 2231 detailed procedures to notify the Security Council when a participant is in “significant non-performance” of its JCPOA commitments. That notice sets a 30-day clock in motion, at the end of which the sunsets go away and all pre-JCPOA UN restrictions on Iran return. This process is known as “snapback.”

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<sup>7</sup> <https://en.radiofarda.com/a/what-should-the-west-do-as-un-arms-embargo-on-iran-ends-in-2020/30219365.html>

<sup>8</sup> [https://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Iran\\_Military\\_Power\\_LR.pdf](https://www.dia.mil/Portals/27/Documents/News/Military%20Power%20Publications/Iran_Military_Power_LR.pdf)

<sup>9</sup> <https://www.un.org/securitycouncil/content/2231/ballistic-missile-related-transfers-and-activities>

<sup>10</sup> [https://www.mid.ru/en/foreign\\_policy/news/-/asset\\_publisher/cKNonkJE02Bw/content/id/4067949](https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4067949)

13. Considering Iran's breach of its core nuclear obligations and commitments – from concealing an archive of secret nuclear files to denying access to undeclared nuclear sites and materials to enriching uranium beyond JCPOA limits – snapback is warranted pursuant to the resolution. Indeed, in January, Britain took the first step in this snapback process when it joined France and Germany in triggering the JCPOA's dispute resolution mechanism – the deal's preliminary step before snapback.<sup>11</sup>
14. This dispute resolution mechanism has been operational for three months and has failed to bring Iran back into JCPOA compliance. Since the mechanism was triggered, the IAEA reported on Iran's accelerated production of enriched uranium and Iran killed a British soldier. Tehran is calling London's bluff, stalling for time until the arms embargo lifts this fall. Now is the time to pursue the full Security Council sanctions snapback.
15. Moving forward with snapback should not be misconstrued as a foreclosure on diplomacy or a write-off of a new, more comprehensive agreement with Iran. On the contrary, taking away the remaining strategic benefits of the deal leaves Iran nothing to gain from continued escalation and refusal to negotiate.
16. Prime Minister Johnson has already endorsed the concept of joining with the United States in negotiating a new, more comprehensive agreement with Iran that addresses the flaws of the current deal. Snapback makes such a negotiation more likely, not less. The regime today has been willing to absorb the economic distress of America's maximum pressure campaign because it still holds out hope that it can exploit the JCPOA sunsets to its advantage. Take away the sunsets and the regime's only rational option will be to negotiate.
17. Snapback also reduces the potential for military conflict. If Iran gains access to advanced, game-changing Russian or Chinese military technologies<sup>12</sup>, the State of Israel may perceive a shift in the regional balance of power that would force a military strike sooner than later.
18. Tehran, of course, has a track record of transferring advanced weapons and missiles to its terror proxies throughout the Middle East, particularly to threaten Israel on its northern and Gaza borders. The Israeli Air Force has regularly enforced red lines with respect to Iranian transfers of advanced systems to Syria and Lebanon. One can only imagine that, alongside its build-out of its enriched uranium stockpile, the acquisition of even more advanced arms could prompt a preemptive strike. Keeping both the conventional arms and missile embargos on Iran in place, therefore, reduces the likelihood of imminent military conflict and increases the chances for diplomacy to succeed.
19. Honorable ladies and gentlemen, let me conclude with a note of hope for the future of the special relationship between the United States and the United Kingdom. We in America are excited by the opportunities that await our bilateral relationship in the post-BREXIT era. We stand ready to pass a free trade agreement to expand our bilateral trade relationship. But we also look forward to taking our strategic and security relationship to new heights. Coming

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<sup>11</sup> <https://www.gov.uk/government/news/e3-foreign-ministers-statement-on-the-jcpoa-14-january-2020>

<sup>12</sup> <https://www.fdd.org/analysis/2019/06/17/confronting-irans-illicit-arms-trafficking/>

together on a security issue like Iran – after two years of discord and divide – could not come at a more pivotal moment in our bilateral ties.

20. The relationship between President Trump and Prime Minister Johnson is strong, as is the relationship between Secretary of State Pompeo and Foreign Secretary Raab. Now is the time for the U.S. and UK to stand together to prevent Russia and China from destabilizing the Middle East with a flood of weapon sales to Iran; to prevent Russia and China from ever helping Iran build longer range missiles to threaten our homelands; to hold Iran accountable for its terror attacks on our soldiers and its accelerating nuclear expansion; and to forge a new multilateral diplomatic effort that produces a negotiated settlement in which Iran agrees to act like a normal nation.
21. The first step to these shared objectives is the snapback of UNSCR 2231 this summer.<sup>13</sup> If Britain and the United States lead, the world will follow. Russia and China may oppose the snapback of UN sanctions on Iran. They may even test our will to enforce these sanctions after their return. But if the snapback mechanism is triggered appropriately, the UN Secretariat will restore prior sanctions and restrictions on Iran 30 days later – and we will hold all nations accountable to fully enforce international law.
22. Thank you.

*April 2020*

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<sup>13</sup> <https://foreignpolicy.com/2020/03/18/trump-iran-nuclear-deal-snapback-sanctions/>