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U.S. Must Not Bow To Nuclear Blackmail

**Iran and North Korea: U.S. Policy Toward the
“Axle of Evil”**

Executive Summary

- It is time to urgently focus resolve on Iran and North Korea, *i.e.* the “Axle of Evil.”
- These two regimes are functioning as an “Axle of Evil,” because they are on parallel paths in their support for terrorism, proliferation in ballistic missiles, and pursuit of WMD programs — in addition to their sharing with each other nuclear and missile technology.
- It has been the consistent policy of the Bush Administration War on Terrorism not to negotiate with terrorists or terrorist-sponsoring states.
- If the United States were to offer concessions to North Korea, that action would signal to Iran, other rogue regimes, and would-be treaty violators that they can defy the international community and get away with it. There is no reason to believe that the North Korean regime can be trusted or is willing to give up its atomic programs in exchange for U.S. concessions.
- The actions by North Korea and Iran demonstrate that the Nuclear Nonproliferation Treaty’s (NPT) enforcement mechanism to discipline violators and its incentives to encourage other states to join are not working properly and should be reviewed.
- A comprehensive, principled policy to address the threats emanating from North Korea and Iran must be developed and implemented immediately. This policy should:
 - Stick to the principles of not negotiating with terrorists;
 - Include new initiatives such as the Proliferation Security Initiative (PSI);
 - Promote working with allies, international organizations, and the U.N. Security Council;
 - Use U.S. diplomatic and economic pressure to force Beijing to act responsibly;
 - Exercise Congress’ role in prohibiting nuclear transfers to North Korea;
 - Discourage and penalize WMD suppliers; and
 - Assess the impact on the NPT.
- The Bush Administration has a distinct window of opportunity to act before Iran and North Korea use their weapons as leverage against the United States and its allies.

Introduction

“**North Korea** is a regime arming with missiles and weapons of mass destruction, while starving its citizens. **Iran** aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people’s hope for freedom. **Iraq** continues to flaunt its hostility toward America and to support terror.

“States like these, and their terrorist allies, constitute an *Axis of Evil*, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.”

—President Bush, *State of the Union Address, January 28, 2002, emphasis added.*

When President Bush declared in his 2002 State of the Union Address that three countries — North Korea, Iran, and Iraq — comprised an “Axis of Evil,” it was for good reason. All three regimes implemented similar policies, including pursuit of weapons of mass destruction (WMD), support for international terrorism, opposition to U.S. presence in their regions, and denial of human rights and freedoms for their own peoples. Though much work remains to be done in Iraq, that country has been successfully liberated from the brutality of Saddam Hussein and no longer poses a strategic threat. It is time to focus attention and resolve on Iran and North Korea, *i.e.* the “Axle of Evil,” two rogue regimes on a parallel path to threaten U.S., regional, and world security.

Currently, both countries are the subjects of extensive internal policy reviews by the Administration. Whatever the specifics, the general conclusion will be that Iran and North Korea are of great national security concern to the United States for many reasons:

- Both regimes are actively pursuing covert nuclear weapons programs;
- Both regimes are known ballistic missile manufacturers and proliferators;
- Both regimes are known state-sponsors of terrorism;
- Both regimes are destabilizing forces in their regions;
- Both regimes stridently oppose U.S. presence and influence in their regions; and
- Both regimes severely repress domestic freedoms and lack the support of their people.

Since the mid-1990s, the U.S. State Department and Central Intelligence Agency have listed both Iran and North Korea as state-sponsors of terrorism as well as proliferators of ballistic missile technology to various rogue regimes such as Syria and Libya. Equally dangerous are Tehran and Pyongyang’s illegal pursuit of nuclear weapons programs and their refusal to abide by — and, in the case of North Korea, remain a signatory to — international agreements designed to control such nuclear ambitions.

Iran has stepped up its efforts — with Russian assistance — to complete a nuclear reactor at the Iranian port city of Bushehr that Tehran says is designed for “civilian” energy purposes. Iran is a signatory to the 1968 Nuclear Nonproliferation Treaty (NPT, an agreement among most of the world’s nations intended to prevent an increase in the number of nuclear weapons states) and so is not allowed to develop atomic weapons. For years, the United States has remained

suspicious of Tehran's motives, and recently, along with the International Atomic Energy Agency (the U.N. agency responsible for monitoring compliance with the NPT), has requested that Iran sign an additional protocol to the NPT formally declaring that it has no intent to make nuclear weapons. Tehran refuses to sign such a protocol. On August 15, the official Iranian news agency, IRNA, announced that Tehran has ordered contracts drawn up to build a second nuclear reactor.¹ And, in a report filed last week, the IAEA found traces of weapons-grade uranium at a previously-undisclosed nuclear facility at Natanz in central Iran.

North Korea is also in nuclear overdrive. By never actually halting its nuclear program, Pyongyang has been in flagrant violation of the NPT and other negotiated agreements — including the Clinton-brokered 1994 Agreed Framework, which was intended to “freeze” North Korea's nuclear program without removing or dismantling it. During the past year, North Korea formally withdrew from the NPT, and claimed it had reactivated its nuclear program and reprocessed nearly 8,000 spent fuel rods.

There is no time for delay in addressing these threats. In recent weeks, it has been reported that Tehran and Pyongyang may be far more advanced in their pursuit and development of nuclear weapons than previously believed. In fact, during last week's Beijing talks, which represented a new round of talks on North Korea's nuclear program, North Korea dropped its latest public-relations bombshell in announcing that it was ready to test its nuclear weapons. On the heels of that announcement, on August 31, the Israeli Foreign Minister stated that he believed Iran would have nuclear capability within a year.² Moreover, as the *Washington Times* and other media reported recently, the two regimes are believed to be working together and sharing ballistic missile and nuclear technology, thus forming a fully functional Tehran-Pyongyang “Axle.”³

Not surprisingly, both regimes refuse to give up their nuclear programs without concessions by the West that include non-aggression pledges, diplomatic recognition, and financial assistance. Unfortunately, the Administration has not spoken with a clear, unified voice on whether to pursue a firmer approach, including the possible use of stiff multilateral economic sanctions, embargoes, interdiction, and military action, or to pursue a softer, more conciliatory line that would offer financial inducements and/or non-aggression pacts to these countries.

On August 27, representatives of North Korea, the United States, Russia, South Korea, China, and Japan met in Beijing to engage in a new round of talks regarding North Korea's nuclear program. For nearly a year, the White House has maintained that it would not consider concessions to North Korea.

And although it was reported prior to the talks that the State Department was considering offering Pyongyang a package of concessions — to include a written collective security guarantee (something less than a formal non-aggression pledge) and financial assistance, among other things

¹ *Reuters*, “Iran: Contracts Drawn for Nuclear Reactor,” August 15, 2003.

² *UPI*, “Israeli Says Iran Is at Nuclear Crossroad,” August 31, 2003.

³ *Washington Times*, “The Tehran-Pyongyang Axis,” August 8, 2003.

in order to convince Pyongyang to abandon its nuclear program,⁴ the White House has consistently denied offering any inducements to encourage Pyongyang to dismantle its nuclear program. This was evidenced during the Beijing talks when the United States rightly maintained the position of not giving in to North Korea's demands and, in fact, stated that Washington would settle for nothing less than the "irreversible and verifiable" dismantlement of Pyongyang's nuclear program. The talks ended without any resolution to the crisis, but the parties did agree to meet again in mid-October. Two days later, however, North Korea changed its position and stated that it would not meet until Washington dropped *its* "hostile policies."

Up to now, it has been the consistent policy of the Bush Administration War on Terrorism not to negotiate with terrorists or terrorist-sponsoring states. Offering concessions to North Korea, a regime intent on pursuing weapons of mass destruction (WMD) programs harmful to the United States and its allies, has not worked in the past. To do so now not only picks up from where the failed 1994 Agreed Framework left off, but signals to Iran, other rogue regimes, and would-be treaty violators that they can defy the international community and get away with it. Therefore, a comprehensive, principled strategy to address the threats emanating from North Korea as well as Iran must be developed and implemented immediately.

Finally, the NPT itself needs to be examined — and there is little time to lose. The actions by North Korea (a former signatory to the NPT) and Iran (still a signatory) as well as actions by Pakistan and India (who are not signatories to the NPT but possess nuclear weapons) demonstrate that the NPT's enforcement mechanism to discipline violators, and its incentives to encourage other states to join, are not working properly. There is no means to enforce the NPT or discipline violators short of pre-emptive action and military strikes. If a more flexible range of enforcement mechanisms cannot be put in the treaty and the international community cannot summon the will to enforce its terms, the NPT will become irrelevant. Therefore, the treaty must be reinterpreted to prevent nations like North Korea and Iran from getting bomb-making capabilities under the guise of "peaceful" development and must be supplemented with enforcement features.⁵ If this can't be done, the only alternative will be to prepare for a variety of nuclear weapons competitions that are sure to emerge as a result.

The Tehran-Pyongyang Collaboration

One of the most dangerous recent developments is that the two regimes are believed to be sharing missile and nuclear technology with one another. As the National Intelligence Council stated in 2001, "Most Intelligence Community agencies project that before 2015 the United States most likely will face ICBM threats from North Korea and Iran."⁶ The intelligence community has

⁴ *London Financial Times*, August 8, 2003.

⁵ Henry Sokolski, "Getting Sane Nonproliferation," at www.npec-web-org, forthcoming in *Policy Review*, October 2002.

⁶ National Intelligence Council's December 2001 report on "Foreign Missile Developments and the Ballistic Missile Threat Through 2015."

stated that the rapid development of such capabilities could not have been achieved without cooperation between the two regimes.

In a 2002 report to Congress, the CIA found that Iran “continued to vigorously pursue indigenous programs” to produce WMD and their delivery systems as well as advanced conventional weapons and “continued to seek foreign materials, training, equipment, and know-how” particularly from “entities in Russia, China, North Korea, and Europe.”⁷ The report found that “ballistic missile-related cooperation from entities in the former Soviet Union, North Korea, and China over the years has helped Iran move toward its goal of becoming self-sufficient in the production of ballistic missiles.” The NIC found that Iran’s missile inventory is “among the largest in the Middle East” and includes some 1,300-km-range Shahab-3 MRBMs that are “based on the North Korean No Dong.” The NIC also stated “foreign assistance — particularly from Russia, China, and North Korea — will remain crucial to the success of the Iranian missile program.”⁸

These findings are consistent with the CIA’s determination that North Korea has “demonstrated a willingness to sell complete systems and components that have enabled other states to acquire longer range capabilities earlier than would have otherwise been possible.”⁹ The report also found that “throughout the first half of 2002, North Korea continued to export significant ballistic missile-related equipment, components, materials, and technical expertise to the Middle East, South Asia, and North Africa.” In its 2001 report on ballistic missile threats, the NIC found that North Korea had “helped countries to acquire technologies to serve as the basis for domestic development efforts — as with Iran’s reverse-engineering of the No Dong in the Shahab-3 program.”¹⁰

The Tehran-Pyongyang collaboration seems to be getting more intense. On August 5, the conservative Japanese newspaper *Sankei Shimbun* reported that North Korea is in talks with Iran to send it Taepo Dong 2 long-range ballistic missiles to Iran and to jointly develop nuclear warheads with Tehran.¹¹ The newspaper reported that North Korea planned to export components to Iran and would then assemble the Taepo Dongs at an Iranian factory. According to the newspaper, the two regimes have been discussing this idea for about a year and are expected to reach agreement in mid-October.

In a more alarming article, the *Los Angeles Times* reported not only that North Korea is helping Iran develop its missile program, but also that a large cadre of North Korean scientists are living in a seaside community in Iran who are believed to be assisting Tehran with its nuclear

⁷ CIA’s 2002 “Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January Through 30 June 2002.”

⁸ National Intelligence Council report, December 2001.

⁹ CIA report, 2002.

¹⁰ National Intelligence Council report, December 2001.

¹¹ *Sankei Shimbun*, August 5, 2003.

program.¹² Moreover, it found that Iran is in the late stages of developing the capacity to build a nuclear bomb and that “technology and scientists from Russia, China, North Korea, and Pakistan have propelled Iran’s nuclear program.”

How Should the United States Address These Threats?

Clearly, the ambitions, practices, and policies of Iran and North Korea pose grave threats to their own peoples, their neighbors, and the United States. Given the similar challenges that Iran and North Korea pose, it is quite realistic for U.S. policymakers to develop an approach with common elements to deal with these regimes. A new and comprehensive policy should be developed to face down these threats, protect national security, promote democratization, and advance our War on Terrorism. Components of such a comprehensive policy should include the following:

- Sticking to Principles;
- Developing New Initiatives;
- Working with Allies and International Organizations;
- Pressuring the Chinese to Become Part of the Solution, Not the Problem;
- Exercising Congress’ Role;
- Holding the Line Against WMD suppliers; and
- Assessing Impact on NPT and Contemplating a New Nonproliferation Regime.

Sticking to Principles

U.S. policy must be based on principles that the Bush Administration has clearly articulated since the September 11 attacks and Pyongyang’s admission in October 2002 that it was developing a covert nuclear program in violation of the NPT. The President has repeatedly stated what the United States will and will not do in dealing with terrorist states in the War on Terrorism.

Specifically, President Bush has said that Iran and North Korea must immediately and irreversibly dismantle their nuclear programs, allow verifiable and unconditional inspections of known and secret nuclear facilities, and fully comply with the NPT. He has also stated that the United States will not engage in bilateral talks (multilateral only), will not give the regimes nuclear reactors for any reason, will not sign a formal non-aggression pact, will not allow continued WMD or missile proliferation, will not take the military option off the table, will not formalize diplomatic relations with these regimes, and will not tolerate government repression of the Iranian people and the North Korean people.

Moreover, to offer concessions to Pyongyang, particularly a non-aggression pledge, to induce good behavior assumes the following: that the concessions actually will encourage North Korea to change its behavior, dismantle its nuclear program, and stop making bombs; that Pyongyang can be faithfully trusted to live up to its end of the bargain; and that the United States has no other means of dealing with the threat North Korea poses other than by giving in to its

¹² *Los Angeles Times*, “Iran Closes In On Ability to Build a Nuclear Bomb,” August 4, 2003.

demands. Given North Korea's flouting of the Agreed Framework and threats to pull out of other agreements, including the 1953 Korean War Armistice, there is no reason to believe that the regime can be trusted, is honest, and is willing to give up its atomic programs in exchange for U.S. concessions. As the IAEA Director General stated on August 29, Pyongyang is using its nuclear program as "blackmail."¹³

Washington realizes that it cannot solve this crisis on its own. During the recent Beijing talks, the United States, Russia, South Korea, Japan, and China collectively reiterated to Pyongyang that its pursuit of nuclear weapons will no longer be tolerated. Such uniformity did not sit well with the North Koreans, and, as a result, Pyongyang threatened to test its nuclear weapons as well as forego any more talks with the United States until Washington agrees to Pyongyang's terms.¹⁴

In light of this latest — yet not surprising — development, the Bush Administration should remain resolute and state to North Korea that all options remain on the table in resolving this crisis, and that the use of force against Iraq is evidence of this Administration's steadfastness in dealing with threats to its security. To give additional substance to this statement, the Bush Administration should declare that if North Korea does not agree to rejoin the NPT and comply with its obligations — including allowing IAEA inspectors to return to North Korea with unfettered access to all known suspected nuclear sites — the United States and its allies will impose enhanced multilateral economic sanctions against Pyongyang and require full transparency in any humanitarian aid. The Bush Administration should declare that the United States will push for multilateral sanctions and a formal U.N. embargo not only against North Korea but against Iran as well if it continues to flout the admonitions of the international community. And new initiatives such as the Proliferation Security Initiative (discussed below) should be executed.

Developing New Initiatives

The Bush Administration, recognizing the shortcomings of the Clinton Administration policies toward North Korea and understanding the need to remain firm in the face of terrorist threats, has embarked on a wholly different path in recent months to swing international attention, action, and support behind its cause. Perhaps the most creative and effective new policy that the Bush Administration has developed to address the Axle threat is its decision to interdict illicit weapons shipments and contraband, known as the Proliferation Security Initiative (PSI).

The initiative was announced by President Bush on May 31. It involves robust cargo inspections and possible interdiction of WMD materials and illegal arms based on pooled intelligence among participating countries. As Undersecretary of State John Bolton stated in congressional testimony on June 4 before the House International Relations Committee, the goal of PSI is "to work with other concerned states to develop new means to disrupt the proliferation trade at sea, in the air, and on land. The initiative reflects the need for a more dynamic, proactive approach to the global proliferation problem." He added that, "properly planned and executed, interception of critical technologies while en route can prevent hostile states and non-state actors

¹³ BBC Hardtalk, "Interview with Mohamed ElBaradei," August 29, 2003.

¹⁴ UPI, "N. Korea Waffles on More Nuclear Talks," September 1, 2003.

from acquiring these dangerous capabilities. At a minimum, interdiction can lengthen the time that proliferators will need to acquire new weapons capabilities, increase the cost, and demonstrate our resolve to combat proliferation.”¹⁵

PSI was developed following an incident in December 2002 where the Spanish Navy, working with the United States, intercepted in international waters a Cambodian-flagged vessel destined for Yemen from North Korea. The Spanish suspected that the ship was transporting missiles to Yemen. They released the ship after assurances by the Yemeni government that the cargo of SCUD missiles would not be transferred to another country.

To date, 11 nations form the core PSI group: Britain, France, Germany, Australia, Japan, Italy, Spain, Portugal, Poland, the Netherlands, and the United States. Senior U.S. officials have met with their European and Asian counterparts in recent months in Spain and Australia to flesh out the legal, political, and other dimensions associated with this new policy. Among the challenges is getting countries to enact tougher national export control laws, establishing more effective licensing procedures, and developing strict enforcement mechanisms. As Under Secretary Bolton stated, “Each of these three parts must be effective in order for an export control regime to be credible. For example, while tightening export controls will benefit our nonproliferation efforts, changes in law are meaningless without rigorous enforcement.”¹⁶

PSI has been very effective thus far. In recent months, French, German, Japanese, and Australian officials have intercepted numerous cargoes destined for North Korea that contained materials — including aluminum tubes — critical to the manufacture of WMD and ballistic missiles that Pyongyang likely would sell for hard cash. Most recently, on August 8, Taiwanese authorities boarded a North Korean ship docked in one of Taiwan’s largest ports and discovered that the cargo contained chemicals used for making rocket fuel.¹⁷ And, leaving no doubt of the seriousness of this new global initiative, in September, the core PSI group will conduct joint interdiction exercises around Australia.¹⁸

Working with Allies and International Organizations

In addition to working with a host of nations on PSI, the Administration is working with allies to economically and politically isolate both regimes until they comply with their international obligations and halt all destabilizing activities. On June 2 in France at the annual G8 meeting, the leaders declared that they “will not ignore the proliferation implications of Iran's advanced nuclear program,” and stressed the “importance of Iran's full compliance with its

¹⁵ Under Secretary of State John Bolton, in testimony before the House International Relations Committee, June 4, 2003.

¹⁶ Bolton, June 4, 2003.

¹⁷ *Christian Science Monitor*, “Ship’s Seizure Sends Warning to N. Korea,” August 12, 2003.

¹⁸ *Washington Post*, “U.S.: Interdiction Effort May Affect North Korea,” August 19, 2003.

obligation under the NPT.”¹⁹ Also in June, at a meeting of EU foreign ministers in Luxembourg, the EU told Tehran that it must open its facilities to inspections and “urgently and unconditionally” sign the aforementioned additional international protocol committing itself to avoid making nuclear weapons or risk losing enhanced economic relations.²⁰

During the past few months, the international community — including the PRC, Russia, Japan, and South Korea as well as the G8 — has voiced its objection to North Korea’s violation of its international obligations and has expressed support for a de-nuclearized Korean Peninsula. All nations have called on North Korea to stop its reckless behavior. During its June summit, the G8 leaders issued a joint statement urging North Korea to “visibly, verifiably, and irreversibly dismantle any nuclear weapons program,” and offered a statement calling on North Korea to abide by its international obligations.

On September 15, the IAEA will convene its annual General Conference and will discuss the nuclear situations in North Korea and Iran. The IAEA has already noted that Iran has violated IAEA procedures by converting uranium into metal without notifying the agency and by taking receipt of significant quantities of uranium hexafluoride, again, without notifying the IAEA. For these reasons alone, Iran should be found in violation of its IAEA safeguards and a violations report sent on to the UNSC as required by the Statute of the IAEA. If Washington should fail to get the necessary agency support for such action this coming week, the Administration should push for such a finding at the next board meeting scheduled for December.

As for the United Nations, there is talk that the issue of North Korea’s violations may be the subject of a U.N. Security Council debate in the fall.²¹ The United States should lead such an effort at this year’s General Assembly session to condemn not only North Korea but also Iran for engaging in activities that threaten global security. At this annual gathering, the world’s leaders should state clearly that North Korea and Iran’s violations are reprehensible and that both regimes should concede to the will of the international community and dismantle their nuclear programs and comply with the NPT. To enhance this effort, the U.N. Security Council should pass a resolution formally denouncing Tehran and Pyongyang’s pursuit of nuclear weapons as well as the countries that supply rogue regimes with WMD materials, and consider employing economic sanctions and embargoes on Iran and North Korea until both countries dismantle their nuclear weapons programs. For sanctions to be effective, they must be imposed multilaterally.

Pressuring the Chinese to Become Part of the Solution, Not the Problem

Gaining the U.N.’s endorsement of a multilateral condemnation against North Korea and Iran is an important factor, but arguably the most influential factor in the multilateral effort is the role of the PRC. Getting the PRC to fully participate in seeking to convince Pyongyang to halt its destabilizing activities — and be willing to impose sanctions against Pyongyang — is critical. For

¹⁹ A statement by the Group of Eight on “Non-proliferation of Weapons of Mass Destruction: A G8 Declaration,” Evian, France, June 2, 2003.

²⁰ *Reuters*, “Iran Pressed to Allow Tougher Nuclear Checks,” June 17, 2003.

²¹ *Washington Times*, “Seoul Prefers Delay of U.N. Talks,” July 31, 2003.

decades, the PRC has remained North Korea's lifeline, supplying it with financial and energy assistance. This must stop. The United States must recognize the delusion in expecting Beijing to view North Korea's abandonment of its nuclear program as in China's own interest. Clearly, it is not in China's national interest for North Korea to abandon its destabilizing policies and become a responsible player on the international stage. If North Korea were to do so, the PRC would lose a communist ally, client state, and fellow irritant to the United States and its allies, not to mention running the risk of being complicit in allowing North Korea to become ripe for regime change, democratic development, and even Korean unification.

To be successful in persuading the Chinese to become part of the solution — and not of part of the problem — the United States must be willing to apply diplomatic and economic pressure against Beijing (a stance numerous successive Administrations have been unwilling to undertake because of large U.S. commercial interests in China) to convince the PRC to support U.S. and international action against North Korea. Unless the United States is willing to take such steps, we are left with the possibility that Japan (which recently stated that North Korea is its primary national security threat) and others will seek their own development of nuclear weapons as a means to safeguard themselves against a nuclear North Korea. The “nuclearization” of the Asia-Pacific region is not in the interest of the PRC, North Korea, or the United States, but it may become a reality if China is not compelled by U.S. diplomatic and economic pressure to act responsibly in helping to bring an end to the North Korean nuclear crisis.

Exercising Congress' Role

Congress, too, should play a role in addressing this crisis. Congress has the ability to greatly affect not only the lethality of these countries' nuclear programs, but also the hold on power by their autocratic leaders. The following legislation ought to be enacted:

Legislation for Iran and North Korea modeled on the 1998 Iraq Liberation Act (Public Law 105-338): As the Bush Administration determines the best strategy for dealing with Iran, perhaps it should look to the 1998 Iraq Liberation Act, a bill that has been credited with inspiring the Iraqi opposition because it showed that America supported the Iraqi people.²² The Act established a program to foster a transition to democracy in Iraq, stating “it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.”

The Act provided nearly \$100 million in broadcasting, military, and humanitarian assistance to Iraqi opposition parties, urged the President to call on the U.N. to establish a war crimes tribunal for indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials, and provided for reconstruction assistance once the Hussein regime fell from power. Many of the law's components played a role in marshalling opposition to the Hussein regime, and are now being implemented in liberated Iraq.

²² Based on comments made by Ahmed Chalabi at a meeting of the House Republican Policy Committee on June 12, 2003.

The conditions in North Korea and Iran are not exactly the same as in Iraq (no true opposition party exists within or outside North Korea, but does somewhat exist in Iran, particularly through student demonstrators and exile groups). However, a tailored Act for these countries could be useful in encouraging such movements to develop as well as strengthening any existing opposition activities. An Act for Iran and North Korea could facilitate increasing and improving U.S. broadcasts into these two countries. Radio Free Asia already broadcasts to North Korea; however, its broadcasting is limited to only four hours per day, and it is consistently jammed by North Korea. Increased broadcasting to 24 hours a day with the use of anti-jamming technologies may prove to be a catalyst in helping to undermine Kim Jong Il's hold on power. With Iran, where Radio Farda broadcasts 24 hours a day, efforts could focus more on developing better radio content and messages. Finally, instead of providing military assistance to North Korean opposition groups, a better alternative may be to make funds available to third countries or nongovernmental organizations to encourage refugees to flee North Korea.

The Cox-Markey nuclear transfer prohibition amendments in the current House energy bill: Knowing that the United States and a consortium of allies were to provide North Korea with two light water nuclear reactors (as part of the 1994 Clinton-brokered Agreed Framework), in 2000 and in 2002, Rep. Christopher Cox (R-CA), a member of the House's 1999 North Korea Advisory Group, and Rep. Ed Markey (D-MA) led a bipartisan charge to ensure that North Korea would not receive these nuclear reactors. The two Representatives successfully offered an amendment to repeated energy bills in the 107th and 108th Congresses to prohibit U.S. taxpayers from assuming liability for nuclear accidents resulting from the construction, design, or operation of these reactors. Without the guarantee of U.S. government indemnification in case of accident, U.S. companies likely will not go forward with actually building a reactor in North Korea. This strategy should be maintained. A prohibition amendment was again successfully incorporated into the House's FY2004 energy authorization bill, H.R. 6 (Sec. 14010); it has not been accepted in the Senate. Senate GOP conferees should insist that the Cox-Markey provision remain in the final conference bill.

Another amendment by Reps. Cox and Markey was offered and incorporated into H.R. 6 (Sec. 14034) that prohibits the United States from transferring nuclear technology and knowledge to countries listed by the State Department as state-sponsors of terrorism. This amendment was developed after the Department of Energy approved 3,100 nuclear-related articles to North Korea as part of the Agreed Framework (at least 100 of these items were actually sent). To date, a similar provision has not been incorporated into the FY2004 Senate energy authorization bill. Again, Senate GOP conferees should insist that the Cox-Markey provision remain in the final conference bill.

Holding the Line Against WMD Suppliers

A critical component of a new, comprehensive U.S. policy toward Iran and North Korea is to convince them — and Russia, Pakistan, and China, who might aid and abet them — that knowingly supplying rogue regimes with WMD and ballistic missile materials is not acceptable. As the CIA stated, “There is a growing concern that additional states that have traditionally been recipients of WMD and missile-related technology may follow North Korea's practice of supplying specific WMD-related technology and expertise to other countries or non-state

actors.”²³ The CIA added “even in cases where states take action to stem such transfers, there are growing numbers of knowledgeable individuals or non-state purveyors of WMD-related materials and technology who are able to act outside the constraints of governments.”

An aggressive application of PSI will help discourage non-state actors and countries from engaging in proliferation. As Under Secretary Bolton stated on July 31, PSI should make clear to North Korea that it will not be allowed to “peddle its deadly arsenals to rogue states and terrorists throughout the world.”²⁴ However, additional measures must be considered, including levying fines on companies that sell WMD materials to known proliferators (recently both the United States and Germany levied fines against PRC firms that sold critical materials to North Korea²⁵) as well as imposing sanctions on countries that allow such actions to occur. If these efforts do not induce cooperation, a further step would be to deny trade relations with such countries.

The United States should press the U.N. Security Council to adopt, and the General Assembly to endorse, a resolution supporting the PSI’s policy of global interdiction. Also needed is a U.N. resolution making the sale of WMD and related materials illegal. As reported by the *Washington Post*, “There is no such general prohibition against trading in WMD.”²⁶ Given the flagrant illegal conduct of Iran and North Korea, and the threat posed by these activities, the continued absence of any international prohibition on the proliferation of weapons of mass destruction is incomprehensible.

Assessing the Impact on NPT and Contemplating a New Nonproliferation Regime

The ability of Iran and North Korea to violate the NPT with impunity demonstrates that current nonproliferation regimes have failed to ensure that signatories comply with their NPT obligations. One of the lessons of Iran and North Korea’s behavior is that the NPT lacks an adequate verification and enforcement mechanism, and, beyond that, the international community lacks the will to enforce the treaty regardless of such an enforcement mechanism.

Ineffectual enforcement by the international community may lead to an even graver problem: the domino effect — that if one country flouts NPT obligations and gets away with it, others will. It is not a stretch of the imagination to consider that Syria, Libya, Pakistan, and other nations that are either attempting to acquire or already possess nuclear weapons will be spurred on by seeing no penalty imposed on clear violators. Serious thought, then, should be given to fixing the NPT’s deficiencies before it is too late.²⁷

²³ CIA report, 2002.

²⁴ Under Secretary of State John Bolton, “Dictatorship at the Crossroads,” speech, Seoul, South Korea, July 31, 2003.

²⁵ *Los Angeles Times*, “3 Are Charged with Arms Export Violations,” August 17, 2003.

²⁶ *Washington Post*, August 3, 2003.

²⁷ For further analysis, see Henry Sokolski’s “Nukes on the Loose: Time for A New Nonproliferation Regime,” *The Weekly Standard*, June 23, 2003.

Conclusion

Developing a comprehensive strategy toward the Axle of Evil is of critical importance to U.S. national security and the War on Terrorism. The piecemeal and erratic policies toward Iran and North Korea during the past decade and more have been ineffective. The continuation of such policies is no longer tenable.

The risks of inaction are great because both countries undoubtedly will continue to develop their WMD and ballistic missile programs, as well as engage in illicit weapons proliferation, unless they are stopped. The threat will obviously be far more complex if these weapons and delivery systems make their way to additional regimes, organizations, or individuals who intend to use them. The Bush Administration has a distinct window of opportunity to act before the situation becomes a reality, and before Iran and North Korea use their weapons as leverage against the United States and its allies.