The Iran-North Korea Strategic Alliance

Claudia Rosett
Journalist-in-Residence
Foundation for Defense of Democracies

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Chairman Poe, Ranking Member Keating, distinguished members of the committee, thank you for the invitation to testify at this hearing on the Iran-North Korea Strategic Alliance, and how it will likely be affected by the nuclear deal with Iran.

This is a question with serious implications for the security of America and our allies, not only in the Middle East, but in Asia, and around the globe. I wish the answer were reassuring.

The Administration tells us that the Joint Comprehensive Plan of Action cuts off all Iran’s pathways to the nuclear bomb. That is not true. This deal will not cut off the pathways between Iran and nuclear-proliferating North Korea.

Worse, the JCPOA creates conditions and incentives that are highly likely to result in the expansion of what is already an extensive and profoundly dangerous Iran-North Korea partnership in proliferation.

In the context of the Iran-North Korea alliance, I am listing here four of the most egregious features of the JCPOA. There are many provisions of this deal that are profoundly troubling in any context, but I have focused on those most likely to be exploited by Iran and North Korea working in partnership. I shall then provide further background on the nature of the Iran-North Korea alliance, and why, on this front, the JCPOA is likely to contribute not to peace, but to proliferation.

1) The “snapback” sanctions mechanism, which will actually make it safer for Iran to cheat. In theory, this provision will keep Iran in check. But the snapback is structured in such a way that it provides disincentives for the U.S., or its partners, to confront Iran in the event Iran does cheat (which it has a long record of doing, and has done even during the recent nuclear talks). The JCPOA expressly forbids individual countries to unilaterally impose or reimpose nuclear-related sanctions. If Iran is caught cheating, the penalty must come via the United Nations Security Council, where it would be binary -- either nothing, or the official reimposition of all previous U.N. sanctions. In practice, that could take years to implement, if possible at all. But under the JCPOA, Iran could immediately scrap its commitments, pocket its gains, and walk away. The JCPOA itself notes that “if sanctions are reinstated in whole or in part, Iran will treat that as grounds to cease performing its commitments under this JCPOA in whole or in part.”

The disincentive to finger Iran for cheating is already evident in the most recent report from the UN Panel of Experts on Iran sanctions, released this June. The U.N. panel noted that during the year since its previous report, in June, 2014, not

a single U.N. Member State had submitted a formal report of Iran’s non-compliance -- despite “numerous reports in the media” that Iran’s arms transfers “have actively continued.” The U.N. experts noted that this lack of reporting was unusual, and speculated that while it might be linked to a decrease (they did not suggest an absence) of prohibited Iranian activities, it might also be due to “restraint” by the Member States, “so as not to affect the negotiations process.”

If the Member States were that conspicuously restrained during the talks, we can expect historic inertia in reporting under the deal itself.

What does that mean for North Korea, which is under international sanctions? Given the incentives the snapback mechanism creates for the world to ignore cheating by Iran, it will actually become safer for North Korea to do illicit business with Iran. Any country wishing to report or penalize North Korea for clear evidence of forbidden traffic with Iran could be left grappling with the large knock-on prospect of potentially triggering the collapse of the entire JCPOA -- and the pressure of the international community to show “restraint.”

2) Money. With the lifting of sanctions, Iran obtains access to an estimated $100 billion or more upfront, in unfrozen oil revenues, plus the freedom to sell oil in the world market, without the cost of dodging sanctions. At the margin, this is likely to generate many billions more for Tehran in coming years.

That leaves Iran’s regime with a lot more hard cash not only to fund terrorist proxies such as Hezbollah and Hamas, but also to go shopping in North Korea. Iran has done plenty of illicit business in Pyongyang, maintains a large embassy there, and for Iran, a major benefit of shopping for weapons and weapons technology in North Korea is that the authorities won’t protest. They will be partners on the other side of the deal.

For North Korea, Iran’s JCPOA jackpot may well augur boom times for the proliferation racket. While North Korea economics statistics are elusive, to say the least, political economist Nicholas Eberstadt, of the American Enterprise Institute, estimates North Korea’s total merchandise trade exports for 2011 at about $4 billion, most of that to China. As Mr. Eberstadt wrote to me in a recent email: North Korea’s merchandise trade “is tiny compared to the prospectively unfrozen Iran funds. No less important -- North Korea is on a permanent hunt for foreign subventions, and even a very small share of those unlocked monies would be a huge windfall for Pyongyang.”

3) Procurement. Under the JCPOA, Iran obtains access to world markets and the world financial system. While the JCPOA proposes to restrict and supervise Iran’s nuclear procurement, and retains the arms and missile embargoes for five

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and eight years, respectively, Iran will be broadly free of strictures on commerce. Much of the resulting trade may be legitimate. But the smuggler’s art -- in which Iran and North Korea are both well versed -- is to hide the illicit wares amid the legitimate goods and transactions. While the snapback mechanism leaves U.N. Member States more reluctant to report violations by Iran, it will become easier for Iran to deal in forbidden goods and services abroad, and harder to detect such traffic -- including any weapons-related deals with North Korea. Such deals often run through fronts in third countries, such as China, or multiple cut-outs around the globe.

For an example of how Iran and North Korea’s networks mesh, take the case of a company called Hong Kong Electronics, which was designated by the U.S. Treasury in 2009. If it sounds like a company in Hong Kong, it is not. Hong Kong Electronics was designated as a North Korean front, moving millions in proliferation-related funds, which had “facilitated the movement of money from Iran to North Korea” on behalf of another designated major North Korean proliferator, KOMID. The address of Hong Kong Electronics is on Kish Island, Iran.

4) **Easy access to modern nuclear technology, including defense against nuclear sabotage.** Under the JCPOA, developed countries are encouraged to assist Iran with civilian nuclear research. This will involve the transfer of advanced technologies and skills, which Iran, with its personnel pipelines to Pyongyang, could easily pass along to North Korea -- potentially for mutual benefit in work that would be well out of sight of any inspectors in Iran.

Not least, the JCPOA envisages “training and workshops” to strengthen Iran’s security against “nuclear security threats, including sabotage.” This is to be provided via cooperation between the P5+1 (the U.S., U.K. France, Russia, China and Germany) “and possibly other states as appropriate.” There can be little doubt that advanced modern training to thwart sabotage would be of interest not only to Iran, but to the North Korea -- which, in return, could most easily pay in its own special coin of weapons and weapons technology.

**In sum**, the highly likely effect of these JCPOA provisions is that while inspectors are focused on Iran’s declared facilities, or haggling with Iran over access to other domestic sites, Iran will have money, access and enhanced ability to shop the world markets, with less likelihood of being called out for illicit procurement, and approved access to an array of modern nuclear training, research and development.

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How is that likely to affect the Iran-North Korea alliance? As summed up neatly to me last week by a 37-year veteran of the Department of Defense, Robert Collins, who specializes in analyzing North Korea’s political system and the behavior of its regime: “The North Koreans who couldn’t walk into nuclear Walmart, now they have Iran.” And Iran will have North Korea.

So, how likely is it that Iran would really dare cheat on the JCPOA with North Korea? For insight, let us turn to some highlights of the Iran-North Korea alliance.

**Background: The Iran-North Korea Partnership**

North Korea is a rogue state which for more than three decades has served as a prolific munitions back shop for Iran, and is now building a nuclear arsenal -- which by various estimates could soon include dozens of warheads, and which China recently warned could include as many as 40 warheads by next year.\(^5\) Despite international condemnations and sanctions, North Korea has carried out at least three nuclear tests, in 2006, 2009 and 2013, and since early last year has been threatening a fourth nuclear test of a “new form.”\(^6\)

North Korea, a longtime supplier to Iran of missiles and missile technology, is also working on missile delivery systems for nuclear weapons. This spring, the commander of the North American Aerospace Defense Command, Admiral Bill Gortney, told reporters at a Pentagon press briefing that North Korea has the ability --- though still untested --- to fit a miniaturized warhead on a road-mobile KN-08 intercontinental ballistic missile, and shoot it at the U.S. mainland. The commander of U.S. Forces in Korea, General Curtis M. Scaparrotti, delivered the same message in testimony to the Senate Armed Services Committee.\(^7\)

Close ties between Iran and North Korea date back to the early days of Iran’s 1979 Islamic revolution, and North Korea’s supply to Iran of conventional arms and knock-offs of Soviet Scud-B short-range missiles during the 1980-1988 Iran-Iraq War. Both Iran and North Korea also were participants in Pakistan’s A.Q. Khan nuclear proliferation network.

Despite the obvious differences between Iran and North Korea, theirs is a natural alliance. Weapons hungry Iran has oil. Oil-and-cash-starved North Korea makes

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weapons. Typically, North Korea is the supplier and Iran the client, though as their arsenals have become more advanced, there are reports that technology has flowed both ways. They have quite likely cooperated in their nuclear weapons programs -- a topic on which both there have been many reports in the media, but current and previous Administrations have shared far too little information with the public.

In North Korea’s record of nuclear proliferation, the star item is the saga of its extensive help to Iran’s client state, Syria, in building a clandestine nuclear reactor -- which the Central Intelligence Agency has dubbed the Al-Kibar reactor -- on the Euphrates River, in Syria’s eastern Deir Ezzor province. This reactor, which had no visible purpose except to produce plutonium for nuclear weapons, was years in the making before it was discovered, and was nearing completion when it was destroyed in 2007 by an Israeli air strike.

Though it is widely known that North Korea helped with the design of Syria’s Al-Kibar reactor, it is perhaps less well-known that North Korea also played a big part in procuring materials for the reactor. One of the chief procurement agents, a North Korean named Yun Ho-jin, was as a former North Korean ambassador to the International Atomic Energy Agency in Vienna. In 2010, The Wall Street Journal reported that Yun, along with another North Korea, Chun Byung-ho, “oversee Pyongyang’s vast arms-trading network, which appears to be spreading. They have shipped components for long-range missiles, nuclear reactors and conventional arms to countries including Iran, Syria and Myanmar.”

Concerns about further North Korean proliferation projects persist to this day, as do undocumented allegations and unanswered questions about whether Iran -- patron state of Syria and ally of North Korea -- played a role in the Syrian-North Korean Al-Kibar nuclear reactor venture.

As recently as Feb. 26, 2015, Director of National Intelligence James R. Clapper testified to the Senate Armed Services Committee that:

“North Korea’s export of ballistic missiles and associated materials to several countries, including Iran and Syria, and its assistance to Syria’s construction of a

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nuclear reactor, destroyed in 2007, illustrate its willingness to proliferate
dangerous technologies.”

While the Iran-North Korea alliance is based primarily on weapons traffic, it is
fortified by a shared hostility toward free societies, as epitomized by America.
Iran’s Supreme Leader Ali Khamenei has underscored this aspect of Iran-North
Korea relations for decades. Back in 1989, Khamenei -- then president of Iran --
traveled to Pyongyang to meet with North Korea’s founding tyrant, Kim Il Sung.
In a statement to Kim during that visit, Khamenei said: “Anti-Americanism can
be the most important factor in our cooperation with the People’s Democratic
Republic of Korea.”

That Anti-American factor endures. In 2012, the first year of the rule of North
Korea’s young third-generation tyrant Kim Jong Un, two of North Korea’s signal
foreign policy moves were to violate a missile moratorium negotiated with the
U.S. (the so-called Leap Day Deal) and then sign a scientific and technological
cooperation agreement with Iran. Present at that signing, which took place with
with great ceremony in Tehran, were top Iranian nuclear and military officials.
Khamenei gave the North Korean delegation an audience, and celebrated the deal
with a derogatory reference to the U.S., noting that Iran and North Korea “have
common enemies since the arrogant powers can’t bear independent
governments.”

In testimony to the House Foreign Affairs Committee on March 5, 2013, former
State Department official David Asher, an expert on North Korean illicit
networks, warned that this 2012 Iran-North Korea scientific agreement bore
ominous similarities to a deal that North Korea signed in 2002 with Syria, which
Asher described as the “keystone” for the “covert nuclear cooperation between
Iran and Syria, which ultimately resulted in the construction of a nuclear reactor
complex and possibly other forms of WMD cooperation.”

The Question of Direct Nuclear Cooperation Between Iran and North
Korea

There have been many reports in the media of direct nuclear cooperation
between Iran and North Korea, including stories of Iranian officials present at

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10 James Clapper, “Statement for the Record: Worldwide Threat Assessment of the US
Intelligence Committee, Testimony to the Senate Armed Services Committee, February 26 2015,
(http://www.armed-services.senate.gov/imo/media/doc/Clapper_02-26-15.pdf)
11 Associated Press, “Khamenei, in North Korea, Attacks U.S.,”May 15, 1989,
(http://www.apnewsarchive.com/1989/Khamenei-in-North-Korea-Attacks-U-S-/id-
8427cb998cf64b66459d48d860ceedce6)
(http://www.wsj.com/articles/SB10001424127887323628804578348640295282274)
13 David Asher, ”North Korea’s Criminal Activities: Financing the Regime,” Testimony Before the
House Committee on Foreign Affairs, March 5, 2013;
http://www.cnas.org/sites/default/files/publications-
pdf/Asher%20Testimony%20HFAC%2003052013_0.pdf)
North Korean nuclear tests, and North Koreans visiting nuclear facilities in Iran. Many of these accounts are highly plausible, but track back to anonymous sources. They are undocumented. Just this May, an exiled Iranian opposition group, the National Council of Resistance of Iran released a report alleging that a delegation of North Korea nuclear and missile experts had visited Iranian military facilities, including a nuclear weapons research facility, this April, during the Iran nuclear negotiations. The NCRI is worth paying attention to; this is the group that in 2002 exposed Iran’s secret enrichment facility at Natanz and heavy water facility at Arak. But once again, the sources were anonymous; the allegations undocumented.

Last July, in testimony before the House Foreign Affairs Subcommittee on Asia and the Pacific, the State Department’s then-Special Representative for North Korea Policy, Glyn Davies, provided at least a glimmering of official insight on this issue. Asked by a Committee member if it was likely that North Korea would share future nuclear test data with Iran, and whether it’s a concern that North Korea and Iran “have cooperated in the past,” Mr. Davies replied: “I think there’s every incentive between them to cooperate on some aspects of this.”

I would add, North Korea, for all the scrutiny it receives, is a venue where Iran might well be able to out-source a nuclear test and hide it in plain sight --doubling as a North Korean test. North Korea is the only country in the world known to have conducted nuclear weapons tests in the 21st century (the most recent, prior to that, were India and Pakistan in 1998).

The missing element in this long-running drama is any official confirmation by the U.S. government of nuclear cooperation between Iran and North Korea. When asked about this, Administration officials tend to respond that they of course take such allegations seriously, and will look into them. There the discussion ends.

It is tempting to conclude that during the second term of the Bush administration, when North Korea conducted its first nuclear tests, officials did not want to confirm such allegations because they were hoping to cut a nuclear deal with North Korea. And under President Obama, officials have clammed up because they were hoping, as they have now done, to cut a nuclear deal with Iran.

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In a report released this May, the Congressional Research Service repeated its statement of last year, that “there is no evidence that Iran and North Korea have engaged in nuclear-related trade or cooperation with each other, although ballistic missile technology cooperation between the two is significant and meaningful...”

But in the same report the CRS noted that its information focused “primarily on unclassified and declassified U.S. Intelligence Community Assessments.” This suggests they could not rule out the possibility of classified evidence that might contradict their conclusion. At the end of the report, the CRS further noted that “Congress may wish to consider requiring additional reporting from the executive branch on WMD proliferation. The number of unclassified reports to Congress on WMD-related issues has decreased considerably in recent years.”

I would strongly urge that there be more transparency from the Administration on the question of Iran-North Korea nuclear cooperation. Or, if U.S. intelligence on this issue is so bad that Administration officials are at a loss, perhaps they could turn for help to someone within their ranks at the State Department: Assistant Secretary, Bureau of Public Affairs, Douglas Frantz.

Prior to joining the State Department, Mr. Frantz spent 35 years as a star newspaper reporter and editor, writing books on nuclear proliferators, and sharing a Pulitzer Prize for his coverage of the aftermath of Sept. 11. On August 4, 2003, Mr. Frantz published a lengthy, in-depth report in the Los Angeles Times, headlined “Iran Closes In On the Ability to Build a Nuclear Bomb.” In this story, he reported that: “North Korean military scientists recently were monitored entering Iranian nuclear facilities. They are assisting in the design of a nuclear warhead, according to people inside Iran and foreign intelligence officials. So many North Koreans are working on nuclear and missile projects in Iran that a resort on the Caspian coast is set aside for their exclusive use.”

The State Department has refused my repeated requests to make Mr. Frantz available for an interview on this topic. It might be worthwhile for Congress to inquire of Secretary of State John Kerry what he makes of Mr. Frantz’s 2003 account of lively nuclear cooperation between Iran and North Korea, and why the Administration has not confirmed any such information. Is it available only to “foreign intelligence officials”? There’s every reason to believe Mr. Kerry respects Mr. Frantz’s investigative and reporting skills. Before employing Mr. Frantz at the State Department, then-Senator Kerry employed him as deputy staff director and chief investigator of the Senate Foreign Relations Committee.

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19 Department of State, biography of Assistant Secretary Douglas Frantz. (http://www.state.gov/r/pa/ei/biog/213904.htm)
Iran and North Korea's Nuclear Negotiations Playbook

For purposes of analyzing the Iran-North Korea alliance in the context of the JCPOA, there is at least one more angle that is vital to at least consider. With the JCPOA, the U.S. and its Western partners are effectively gambling that this deal will either greatly moderate the terror-sponsoring, despotic character of Iran’s regime (with its chants of “Death to America” and threats to obliterate Israel), or at least buy time for its transformation -- preferably before the lifting of the arms embargo in five years, the missile embargo in eight, and the sunset clauses on nuclear restrictions in 10 years, 15 and beyond.

The irony is that this deal, with its gifts to Tehran, makes reform of Iran’s regime less likely. This is not the first time that western negotiators desperate for a deal have dished out concessions which actually increase the dangers.

The model is North Korea, which over the past 21 years has cut a series of nuclear climbdown deals, cheated, pocketed the gains and walked away. The North Korean nuclear deals turned out to be not regime-transforming, but regime-sustaining.

Iran’s regime, with its close ties to Pyongyang, and shared interest in proliferation, has surely paid close attention to how North Korea gamed the U.S.

The first of these North Korean deals was the 1994 Agreed Framework, signed under President Clinton, in which the negotiators on America’s side of the table offered huge concessions, hoping -- as former IAEA expert Olli Heinonen testified last week -- “that the North Korean regime would not live a very long time.” At the time, North Korea was in crisis; its Soviet patron had collapsed, its founding tyrant, Kim Il Sung, died as the talks were about to begin. Defenders of the Agreed Framework like to argue that they at least delayed North Korea’s nuclear progress. My counter-argument is that the Agreed Framework, with its aid, fuel, plans for two modern lightwater reactors and de facto legitimization of North Korea’s second-generation tyrant Kim Jong Il, quite likely rescued the North Korean regime from a collapse that would have spared us the virulent and far more dangerous situation on the Korean peninsula today.

The Agreed Framework also allowed North Korea to retain the spent fuel rods from its Yongbyon reactor. Years later, having cheated on the nuclear deal, and -- when confronted by the Bush administration in 2002 -- walked away, North Korea retrieved the spent fuel from the Yongbyon cooling pond, and reprocessed

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it into plutonium for its first nuclear test, in 2006. It does not take great imagination to see how this might apply on a far worse scale to Iran’s retention of its nuclear infrastructure under the JCPOA.

The failure of the Agreed Framework was followed, during the Bush administration, by the 2005 Six-Party Agreement and the 2007 Denuclearization Action Plan. Both offered concessions to North Korea in exchange for promises of denuclearization. Both failed, punctuated by North Korea’s first nuclear test in 2006, followed by its second and third nuclear tests, on President Obama’s watch, in 2009 and 2013 -- and accompanied by the transition of power in late 2011 to North Korea’s third-generation current tyrant, Kim Jong Un.

Now comes the Iran nuclear deal, replacing sanctions with vistas of cash and technology. If you believe Iran’s regime sincerely plans to transform itself, and that all oil-rich Tehran ever really wanted was a large-scale civilian nuclear power program, complete with uranium enrichment facilities, for its electrical grid, then the JCPOA may seem a good bet. If, on the other hand, you think there’s a chance Iran is pursuing its own variation on the North Korean playbook, that script leads to the bomb, quite possibly much sooner than even those JCPOA sunset clauses suggest.