

The security Council sanctions against North Korea

عقوبات مجلس الأمن على كوريا الشمالية



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Abstract:

The security Council sanctions have been effective in some cases, and not in many others. With regard to North Korea, the research showed that the sanctions that were imposed on it were largely ineffective due to the lack of adequate implementation of the sanctions. Therefore, we expect sanctions targeting North Korea to remain ineffective. The Security Council could pursue a more effective sanctions strategy by incorporating it into a broader strategy that could slow, freeze, and ultimately reverse North Korea's nuclear and missile programs.

key words:

Sanctions, nuclear proliferation, The Security Council, The North Korea.

ملخص:

كانت عقوبات مجلس الأمن فعالة في بعض الحالات، ولم تكن فعالة في كثير من الحالات الأخرى. فيما يتعلق بكوريا الشمالية، أوضح البحث أن العقوبات التي فُرضت عليها كانت غير فعالة إلى حد كبير بسبب عدم تنفيذ العقوبات بالشكل المطلوب. لذلك نتوقع أن تظل العقوبات التي تستهدف كوريا الشمالية غير فعالة. يمكن لمجلس الأمن أن يتبع استراتيجية عقوبات أكثر فاعلية من خلال دمجها في استراتيجية أوسع يمكن أن تبطئ وتجمد وتعكس في نهاية المطاف برامج كوريا الشمالية النووية والصاروخية.

الكلمات المفتاحية:

العقوبات، الانتشار النووي، مجلس الأمن، كوريا الشمالية.

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Introduction:

The role of the Security Council in the field of nuclear arms control began in the 1990s; Since 1991 and the Security Council's adoption of Resolution 687 ratified regarding Iraq, where its role has taken on prominence, the Council has turned in the name of maintaining international peace and security, into a means of implementing the obligations imposed by the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 and other agreements related to weapons of mass destruction and Accordingly, the intervention of the Security Council has always remained one of the available solutions, whether it is related to Iraq or Iran from imposing sanctions resulting from the violation of the Treaty on the Non-Proliferation of Nuclear Weapons.

North Korea's nuclear program is one of the most serious threats to the international nuclear order and world peace. Not only did North Korea leave the Nuclear Non-Proliferation Treaty (NPT) in 2003 - becoming the first country to do so in the treaty's 40-year history - and tested nuclear devices from 2006 to 2017, but it has also repeatedly exported conventional weapons, missiles and nuclear technology .countries in South Asia and the Middle East. Moreover, North Korea does not fully recognize the 1953 demarcation line, particularly in the waters around the Korean Peninsula, and continues to question the status quo on the peninsula through targeted military provocations, including the sinking of the South Korean warship Cheonan in March. 2010 and the bombing of Yŏnp'yŏng Island in November 2010 and other provocations to this day.

World powers, including the Security Council, have pursued economic and financial sanctions against North Korea for more than a decade to pressure it to denuclearize. As a result, the study's central problem will be: How were the Security Council sanctions targeting the North Korean nuclear program?

The objective of this study is to Studying the sanctions imposed by the Security Council on the Republic of North Korea as a model for the proliferation of nuclear weapons that challenges the international community, in addition to evaluating these sanctions against the goal it seeks, which is the denuclearization of North Korea.

The research methodology necessitates the use of descriptive and analytical approaches according to the nature of the study. The descriptive technique was utilized to Present the various sanctions imposed by the Security Council on the Republic of North Korea for a period of 15 years.

Analytical approach was use to discuss and analyze the content of these penalties and their shortcomings.

In order to understand the aspects of the subject, it was divided into two sections: the first, The Security Council and the denuclearization of North Korea.

The second is Security Council sanctions regime against North Korea.

The first Topic

The security Council sanctions against North Korea

The Security Council and the denuclearization of North Korea

The Security Council was formed as World War II was ending with the lofty goal of preventing the scourge of war from ever again engulfing the world in global conflict. Mechanisms were devised to enable the community of nations to work together by negotiating through their disputes instead of resorting to war. Just as the The Security Council was coming into being, the United States dropped two atomic bombs on Japan, changing the future nature of warfare from devastation to annihilation. The very first General Assembly Resolution called for the “elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.” Since then, The Security Council and disarmament machinery has been running in place in pursuit of that goal.

The first requirement: The role of the Security Council in nuclear disarmament

The United nations Charter vests the Security Council with the authority and responsibility of maintaining and restoring international peace and security.⁶ In exercising this responsibility, the Security Council determines, first, that there is a “threat to the peace, breach of the peace, or act of aggression,” and second, where there is a threat, breach, or act of aggression, “decide(s) what measures shall be taken in accordance with Articles 41 and 42” to restore or maintain international peace and security.

The Security Council’s authority to impose economic sanctions flows from Article 41, which states:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations¹.

The Security Council has an important role to play in the abolition of nuclear weapons, as the disarmament machinery of the United nations is uniquely empowered to negotiate multilateral disarmament treaties. While there have been a few successes, the world remains under the threat of over 20,000 nuclear weapons². More than 4800 of these nuclear weapons are operational, and nearly 2000 of these remain on high alert, ready to be launched within minutes of an order.

¹ - Maiko Takeuchi, Smart Language: How to Address an Inherent Weakness Undermining the Implementation of U.N. Sanctions on North Korea, International Law Studies, the Stockton Center for International Law, Volume 96,2020, p-p60-61.

²- Alicia Godsberg, NUCLEAR DISARMAMENT AND THE UNITED NATIONS DISARMAMENT MACHINERY, Journal of International & Comparative Law ,Vol. 18:2,2012,p.583.

The main disarmament machinery at the U.N. consists of the General Assembly's First Committee, the sixty-five nation Conference on Disarmament, and the all-inclusive Disarmament Commission. Other international conferences impact the U.N.'s nuclear disarmament activities, notably the Review Conferences of the Parties to the Treaty on the Non- Proliferation of Nuclear Weapons held every five years¹.

The Security Council has established two committees that act under Chapter VII of the UN Charter: the Counter-Terrorism Committee (CTC) and the 1540 Committee.

The Counter-Terrorism Committee prepares a preliminary implementation assessment that provides an overview of the counter-terrorism situation in each Member State, which are then used to survey each country's implementation of Resolution 1373 (2001). Since 2005, Counter-Terrorism Committee has been carrying out on-site visits to follow up on countries' implementation of the resolution and to determine what type of assistance a State may need to implement the resolution. The Security Council oversees the work of the Committee and hears briefings from the Committee Chairman at open meetings².

The 1540 Committee is charged with imposing binding obligations on States to establish controls to prevent non-State actors from "developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems³.

One success has been the containment of nuclear weapons to just a few countries. In contrast to predictions in the 1950s that nuclear weapons would spread to more and more countries, only nine countries have acquired nuclear weapons. This is nine too many, but still an indication of international restraint. The United Nations hosts the secretariat for the Non-Proliferation Treaty, and undertakes other non-proliferation action through the Security Council and General Assembly.

The norm of non-proliferation has held up rather well, given the scarcity of States that are clamouring to acquire their own nuclear arsenals—far from it, the world's 182 non-nuclear-weapon States support getting rid of them all⁴.

The second requirement: The North Korea's Nuclear Program and the Early Security Council's Actions

¹-ibid,p.583.

² - the James Martin Center for Nonproliferation Studies at the Middlebury Institute of International Studies at Monterey ,United Nations Security Council, <https://www.nti.org/education-center/treaties-and-regimes/un-security-council/>.

³ -the James Martin Center for Nonproliferation Studies at the Middlebury Institute of International Studies at Monterey, ibide.

⁴ - UNFOLD ZERO , Nuclear disarmament – can the United Nations deliver?, <https://www.unfoldzero.org/nuclear-disarmament-can-the-united-nations-deliver/>

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After the general Assembly admitted both south and North Korea to the United Nations, its relations with the DPRK have seen several contrasts. The North Korea has progressively tightened up its policy based on economic self-reliance and heavy-handed isolationism (reflecting the so-called *juche*); today, it is the only United Nations member state that has not complied with any of the (more than 130) recommendations addressed by the general Assembly. All these recommendations concern violations of human rights and its nuclear weapons program. Its nuclear warheads program is a source of instability and tension in a region vital to global security and economic prosperity and it continues to be the subject of intense diplomatic efforts mostly aimed at reversing its nuclear status. Only North Korea tested nuclear explosive devices in this century; over the last decade, it did so five times: in 2006, 2009, 2013, and twice in 2016¹.

International Nuclear Energy Agency inspections that year revealed inconsistencies in North Korea's declaration and, based on United States of America-supplied overhead imagery, the International Nuclear Energy Agency was aware of two undeclared underground nuclear waste sites. North Korea's refusal to allow inspector access to the sites, even when the International Nuclear Energy Agency in 1993 called for a rarely requested 'special inspection', sparked the first Korean nuclear crisis².

Rejecting a bombing option because of the massive casualties of the war that would surely ensue, the administration of US President Bill Clinton reached a diplomatic solution with the North Korean leader, Kim Jong-il.

Under the terms of the 1994 Agreed Framework, North Korea froze its plutonium production facilities and the USA agreed to arrange for the provision of two light-water reactors, which would be more proliferation-resistant than the indigenous reactors that North Korea agreed to shutter³.

The initial Council's actions in respect of North Korea nuclear proliferation can be traced back to 1993, when, following the International Atomic Energy Agency discovery that the North Korea had underreported its plutonium holdings, the agency asked for special inspections, which Pyongyang denied. Instead, on March 12, 1993, the North Korea issued its three-month mandatory notice to withdraw from the as per Article X of the treaty - the first of such declarations by a Nuclear Non-Proliferation Treaty Party – and notified the President of the Security Council accordingly. Rather

¹ - Leonardo BorLini, *The North Korea's Security and International Law and The New Sanctions Imposed by The Security Council*, *The Italian Yearbook of International Law Online*, V.26, 2017, p.320.

² - International Atomic Energy Agency (IAEA), 'Application of Safeguards in the Democratic People's Republic of Korea', GOV/2011/53-GC(55)/24, 2 Sep. 2011, paras 3–9.

³ - Wit, J. S., Poneman, D. B. and Gallucci, R. L., *Going Critical: The First North Korean Nuclear Crisis* (Brookings Institution Press: Washington, DC, 2004).

than dealing with the case in Vienna, also the International Nuclear Energy Agency Board of Governors referred it to the Council¹.

In response, the Security Council resorted to its ‘soft powers’, passing Resolution 825 (with abstentions of China and Pakistan), which simply asked North Korea to reconsider its withdrawal from the Nuclear Non-Proliferation Treaty and called on United Nations Member States to facilitate a solution².

The second Topic

Security Council sanctions regime against North Korea

since its withdrawal from the Nuclear Non-Proliferation Treaty, in 2003, North Korea’s unpredictable, erratic and provocative behaviour heightens regional instability and world insecurity. The Security Council has responded adopting five Resolutions, which, inter alia, demanded that North Korea abandon its nuclear program, address the arena of ballistic missile (hence, the issue of development of North Korea’s military arsenal more comprehensively), and laid the groundwork for increasingly tightened economic and targeted sanctions³.

The first requirement: Description of the sanctions regime

The Security Council adopted five resolutions against North Korea since its first nuclear underground test in 2006, paving the way for an international sanctions regime focused on denying North Korea access to technology, materials and assistance for its nuclear and missile programmes.

The Council showed a more resolute attitude when the North Korea, on July 4, 2006, conducted a series of missile tests, including its longest-range missile. As a result of compromise between the United States of America, France, and Japan – who wanted the harshest language, and Russia and China who sought less severity²⁰ – it unanimously passed Resolution 1695. This was not expressly taken under Chapter VII of the United Nations Charter. It was wide in scope though, calling, inter alia, the DPRK to “suspend all activities related to its ballistic missile programme.” Its effectiveness was hampered by the fact that, in the same period, the Council ignored similar missile launches by other countries, including China, France, Russia and the United States. North Korea firmly declared that it would not be bound by the resolution. Instead, it teased and mocked the Council on October 9, 2006, when it detonated its first atomic bomb⁴.

¹ - IAEA, “IAEA and DPRK: Chronology of Key Events”, document available at: <<https://www.iaea.org/newscenter/focus/dprk/chronology-of-key-events>>.

² - S Resolution 825 of 11 May 1993.

³ - Leonardo Borlini, *The North Korea’s sgAuNTleT, INTeRNATIOnAlAwANd The New sANcTIOnsImpOsed by The secuRITycOuNcIl, The Italian Yearbook of International Law Online*, V.26, 2017 p.321.

⁴ - LEONARDO BORLINI, *A DANGEROUS CAT-AND-MOUSE GAME: THE NORTH KOREAN NUCLEAR PROLIFERATION AND THE UN SECURITY COUNCIL*, Bocconi Legal Studies Research Paper No. 3010751, 2017, p.4.

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On October 9, 2006, the North Korea conducted its first nuclear weapons test¹. The Security Council condemned this act and issued Resolution 1718, which determined that the increased tension created by the North Korea's nuclear weapons test constituted a "clear threat to international peace and security."² Resolution 1718 imposed numerous sanctions, including a ban on the import of and export to the North Korea of major military equipment, such as tanks, armored vehicles, combat aircraft, and missiles.³ It also prohibited items, materials, equipment, goods, and technology that could contribute to the North Korea's nuclear, missile, and other weapons of mass destruction programs.⁴ Further, it imposed a ban on the import of luxury goods by the DPRK and froze the assets of persons and entities involved in the nuclear program.⁵

Security Council Resolution 1718 thus formulates the initial demands from North Korea, that is, to refrain from further nuclear or missile tests, suspend all ballistic missile and all further activities related to weapons of mass destruction, abandon its nuclear program in a "complete, verifiable, and irreversible" manner, retract its announcement of withdrawal from the Nuclear Non-Proliferation Treaty and International Atomic Energy Agency safeguards agreement, and provide it with transparency measures extending beyond the safe-guards agreement to include access to individuals, documentation, equipment and facilities, re-establish its pre-existing commitments to a moratorium on missile launching, and return to the Six-Party Talks and the Nuclear Non-Proliferation Treaty.

Against this background, Security Council Resolution 1718 initiated a ban on specific military systems and machinery as well as specific weapon systems such as combat air-crafts, battle tanks, or missile (systems); a range of imports and exports that could contribute to the North Korea's nuclear-related, ballistic missile-related, or other programs; and an export and import ban on luxury goods. Although individual sanctions measures (asset freezes and travel bans) were also authorized, no individual or entity designations were made during sanctions episode 1⁶.

On May 25, 2009, North Korea conducted an underground nuclear explosion.² In response, the UNSC on June 12 unanimously passed Res. 1874, which puts in place a series of sanctions on North Korea's arms sales, luxury goods, and financial transactions related to its weapons programs and calls upon states to inspect North

¹ -9 October 2006 – First DPRK Nuclear Test, COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION, <https://www.ctbto.org/specials/testing-times/9-october-2006-first-dprk-nuclear-test>

² -S.C. Res. 1718

³ - Id.8(a)(i)–(ii), 8(b).

⁴ -Id.

⁵ - Id. 8(a)(iii), (d).

⁶- Eric J. Ballbach , Moving Beyond Targeted Sanctions The Sanctions Regime of the European Union against North Korea, German Institute for International and Security Affairs,2022,p.16.

Korean vessels suspected of carrying such shipments. The resolution does allow for shipments of food and nonmilitary goods.

the new resolution includes specific guidelines for inspecting and interdicting ships that transport banned materials. Resolution 1874 calls on all states to “inspect, in accordance with their national legal authorities and consistent with international law, all cargo to and from the North Korea, in their territory, including seaports and airports,” if that state has information that the cargo is prohibited by Security Council Resolution Resolutions¹.

Resolution 2094 was issued after another nuclear test was conducted by North Korea continue in February 2013 where UN Security Council adopted the Resolution condemns the test and strengthen existing sanctions given to the North Korea. Another target of the Resolution is denying big amount of cash transfer into North Korea and calling for sanction to any bank account that related to the North Korea nuclear program².and which further reinforced the exiting sanctions regime by expanding the prohibited items list concerning nuclear, ballistic missile and other related items; providing a non-exhaustive list of prohibited luxury goods; adding new financial sanctions, including blocking bulk cash transfers; making it obligatory for States to deny export assistance (such as export credits and loan) to any of their company trading with North Korea, if the trade could assist this country in the proscribed activities; and designating additional individuals and entities suspected to have contributed to the North Korea’s prohibited programmes³.

All in all, the international sanctions regime against Pyongyang’s nuclear and ballistic programmes between 2006 and 2013 has progressively strengthened but it was linked to a demonstrated nexus between North Korean activity and its Weapons of mass destruction programmes.

Thus, any ambiguity could be a means for countries to avoid taking action. Besides, some of the provisions in these four resolutions could be differently interpreted. The will of North Korea’s trading partners to take action was key for the nascent international regime to have any real value⁴.

The point of these measures by the Security Council is to influence the behavior of the North Korea’s government. These measures, in which the Security Council condemns specific behaviors, are meant to persuade the North Korea not to repeat these behaviors in the future. Such pressure is purportedly applied to make that

¹ - Congressional Research Service, North Korea’s Second Nuclear Test: Implications of U.N. Security Council Resolution 1874,2010,p.1.

²-Yordan Gunawan, Rima AyuAndriana, THE PROLIFERATION OF NUCLEAR WEAPONS IN NORTH KOREA: INTERNATIONAL LAW PERSPECTIVE, Jurnal Cendekia Hukum: Vol. 5, No 1, September 2019,p.46.

³-See Resolution 2094 of 7 March 2013.

⁴ - Benjamin HAUTECOUVERTURE ,Nuclear Proliferation in North East Asia, the European Parliament’s Sub-Committee on Security and Defence ,2017,p.16.

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government, among other things, more compliant to international norms concerning nuclear proliferation and weapons testing. If such pressure is effective, the North Korea will be encouraged to enter within the fold of the international community and its norms¹.

The Security Council's reaction to the nuclear tests conducted by the Democratic People's Republic of Korea (North Korea) on 6 January and 9 September 2016 and its ballistic missile launch of 7 February 2016 through Resolutions 2270 and 2321 have significantly changed the picture of UN sanctions regime against North Korea and created the most comprehensive, legally-binding, sanctions program imposed against a State since Iraq in the 1990s².

Sanctions has extended against North Korea. Prior to 2016, these mainly covered conventional armament and weapons of mass destruction .Thereafter, the United nations expanded their scope to include general trade transactions and economic cooperation. The intensified sanctions restrict the inflow of foreign currency and directly affect the North Korean economy. The United nations banned key exports such as coal, textiles and seafood. It also cut off imports of machinery and electronics, which could be used for weapon development.

Financial transactions and economic cooperation with North Korea were also restricted and North Korean workers were prohibited from working abroad, reducing an important source of foreign currency. In principle, United nations member countries were to return North Korean workers to North Korea by the end of 2019, but in practice, a number of them seem to have remained abroad, notably in China and Russia³.

Building on the imposition of new and intensified sanctions, the Security Council has made extensive use of the near-comprehensive scope of Article 41 measures, the provisions of which cover military programs as well as broader economic concerns, and target North Korea's major weaknesses and potential paths to continuation. Purchasing any foreign materials necessary for its nuclear and missile programs⁴.

In response to North Korea missile test on July 2017, Resolution 2375 was adopted by Security Council. The Resolution imposed oil sanctions against the North Korea by reducing level of oil barrel exports from 4 million barrels to 2 million

¹ - EDUARDO ZACHARY ALBRECHT, North Korea & the UN Security Council: Action, Reaction, Trust, and Mistrust, International Peace Institute, 2013,p.2.

² - LEONARDO BORLINI, *ibide*,p.1.

³ - Vincent KOEN and Jinwoan BEOM, NORTH KOREA: THE LAST TRANSITION ECONOMY?

ECONOMICS DEPARTMENT WORKING PAPERS ,Organisation for Economic Co-operation and Development ,No.1607,2020,p.19.

⁴-Leonardo BorLini ,*ibid*,p.332.

barrels per year. It also applied to exports of refined petroleum products. The Resolution bans the North Korean textile also restrict the country's workers export.¹

Resolutions 2270 and 2321 that were imposed in 2017 also expand the list of proliferation-sensitive materials that North Korea can no longer purchase, including any item that according to another country could contribute to its nuclear or missile programs. It also prohibits member states from any specialized education or training of North Korean nationals in areas that could contribute to North Korea's proliferation of sensitive nuclear activities or its development of nuclear weapons delivery systems. Finally, they expanded the list of luxury goods prohibited from being exported to North Korea, a measure generally seen as a direct blow to Kim Jong Un and the pro-party families who run the country².

So, Resolutions 2270 and 2321 are therefore central to the international community composite response and represent the culmination of the increasingly harder line of political and economic coercion the security council has taken on containing the North Korea's nuclear ambitions. In terms of "security council treaty action", they extensively rely on the existing skeleton of non-proliferation norms and, more importantly, expand it. Regarding sanctions, the two resolutions created one of the most comprehensive, binding, sanctions programs ever.

The second requirement: Assessment of the Security Council sanctions regime against North Korea

Deficiencies include Security Council decisions a lack of reports by member states ("low rate of reporting" and "poor quality and lack of detail" in the reports submitted), the absence of regular inspections and confiscations, and the need for domestic implementation. legislation. More generally, "lack of capacity and political will" to pursue sanctions vigorously. The result, that "the sanctions have not prevented the North Korea from gradually improving and expanding its nuclear and ballistic missile capabilities³.

In addition to the collective action problems inherent in a sanctions regime, the limited capacities of some states, and differing political interests among the relevant parties, there are basic structural issues that make enforcement difficult.

The first is simple geography. The North Korea sits astride China, the second largest economy in the world and until recently, a country enjoying double-digit rates of economic growth.

¹ - Yordan Gunawan, Rima Ayu Andriana, *ibid*,p.46.

² - Leonardo BorLini ,*ibid*,p.333.

³ - Report of the Panel of Experts established pursuant to resolution 1874 (2009). http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/157.

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The simple fact that the North shares a permeable 875-mile border with an economic powerhouse makes the task of isolating North Korea more difficult¹.

A second unalterable reality is economic, namely that North Korea is pursuing its weapons programs at a moment in history that is characterized by the rise of globalization, international and intra-regional trade, and decentralized and distributed manufacturing. These trends have had transformative effects on the economies of Asia, but it is an ecosystem that has created new opportunities for North Korea to pursue the procurement of weapons-related technologies.

Third, given the volume of international trade, especially in East Asia, there are limits to what can be physically inspected. It is simply not reasonable to expect that customs officials can physically inspect even a fraction of what passes through ports and other transit points².

North Korea also takes advantage of its diplomatic privileges to support foreign procurement efforts. North Korea has traditional diplomatic relations with most countries, particularly in Asia. And it has embassies and diplomatic representation in these countries, where it grants normal consular privileges. These privileges include the use of diplomatic "pouches" that can travel across countries and across borders without the risk of search. Diplomatic carriers carrying these bags are immune from arrest, and the Democratic People's Republic of Korea has taken advantage of this system and used diplomatic personnel as agents involved in illegal procurement and as helpers transporting unreported cash and other illegal materials. However, if they are caught, they can be expelled³.

Not surprisingly, the North Korea rejected the Security Council resolutions, calling it "gangster-like to have adopted today a coercive resolution while neglecting the nuclear threat and moves for sanctions and pressure of the United States against the North Korea, and specifying how "this clearly testifies that the Security Council has completely lost its impartiality and still persists in applying double standards in its work⁴. And the current strategy of tighter and tighter sanctions has not decreased the number of warheads on the peninsula. In fact, the North Korea has been

¹-Albert, Eleanor, and Beinz Xu. "The China-North Korea Relationship." CFR Backgrounder, February 8, 2016. <http://www.cfr.org/china/china-north-korea-relationship/p11097>.

²-Bliss, Jeff. "U.S. Backs off All-Cargo Scanning Goal with Inspections at 4%." Bloomberg, August 13, 2012. <http://www.bloomberg.com/news/articles/2012-08-13/u-s-backs-off-all-cargo-scanning-goal-with-inspections-at-4->

³ - John Park , Jim Walsh , Stopping North Korea, Inc.:Sanctions Effectiveness and Unintended Consequences, Brookings Institution ,2016,p.26.

⁴ - Security Council Imposes Sanctions on DPR Korea After its Claimed Nuclear Test," UN News Centre, October 14, 2006, available at www.un.org/apps/news/story.asp

successfully developing a nuclear arsenal in slow motion for the past thirty years despite all kinds of resolutions and provisions¹ .

Conclusion:

For nearly twenty-five years, multilateral institutions, coalitions and national governments have been actively working to ensure that the North Korea, an Nuclear Non-Proliferation Treaty state party until 2003, does not have a nuclear-weapon program. North Korea tested nuclear weapons, fired long/medium-range ballistic missiles, showing unsettling improvements in its delivery system which the Security Council qualify them as a “clear threat” to international peace and security.

the Security Council expanded sanction measures drastically, and as a result, State obligations increased significantly. At the same time, due to the political sensitivity of this issue and disagreements among the members of the Security Council, the resolution’s language sometimes lacks clarity or leaves room for ambiguity. Thus, States’ obligations are not always clearly specified, which in turn creates problems for the competent authorities that need specific legal grounds to establish domestic law to implement Security Council resolution obligations. Furthermore, the ambiguity of the language permits interpretations inconsistent with the Security Council’s intent. Both deficiencies result in what is essentially the partial implementation of the sanctions.

Since these ambiguities and lack of adequately detailed obligations are mostly the result of compromises among the Security Council members, it is very difficult for the 1718 Committee to provide more comprehensive guidance on the prohibitions and restrictions of a resolution when requested by States. In the absence of 1718 Committee clarification, the States themselves must interpret the language.

So for, in order to succeed, sanctions must be capable of coercing their targets into adjusting the particular course of behaviour that, according to the Security Council, poses a threat to international peace and security, the article concludes that the new sanctions regime is still affected by weaknesses that impair its effectiveness.

Our most important recommendations:

-In the absence of some form of common ground between international actors, lasting disarmament is not likely to be achieved. For this reason it may be relevant to look at what contributes to building such “interaction capacity”—which we could also call “trust”— between the North Korea and the Security Council, and how this trust might influence the North Korea’s behavior.

-Enhancing and reinforcing the current sanctions regime with a view of making it more effective. drawing on the panel of experts’ reports, further measures are (at least) worth exploring. For instance, the current regime does not seem to cover some

¹ - EDUARDO ZACHARY ALBRECHT, North Korea & the UN Security Council: Action, Reaction, Trust, and Mistrust, International Peace Institute, 2013,p.2.

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non-rare minerals, such as magnesite and graphite, used in smartphone production, of which North Korea is rich. Further, measures should be studied with a view of blocking the regime's offshore hard currency reserves and income with stricter financial sanctions, including secondary sanctions against its foreign enablers as well as banks and individuals/entities that still do businesses with pyongyang and trade in banned commodities.

-Disarmament efforts with "defiant states" have not always resulted in improved behavior. And these efforts can actually augment the alienation felt by certain states and provoke an escalation of nuclear tensions in the long run. This risk is especially prevalent among states that have a very low level of integration into international society to start with, like North Korea. Such integration, based on the sharing of common norms, is termed "interaction capacity.

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