

Failure of Global Governance: The United Nations' Failure to Stop North Korean Nuclear Weapons

فشل الحوكمة العالمية: فشل الأمم المتحدة في وقف الأسلحة النووية الكورية
الشمالية

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Abstract:

The United Nations' efforts to prevent North Korea from acquiring nuclear weapons is an example of global governance, working together to solve a problem that collectively affects global security. North Korea has long been on the international stage and its rogue regime threatens safety and security through nuclear weapons. As a result, the United Nations has pushed sanctions efforts to slow and discourage the North Koreans from developing these weapons, but their efforts have largely failed to stop them.

key words: United Nations; Nuclear Proliferation; Nuclear Programme; Global Governance; Sanctions.

الملخص:

تمثل جهود الأمم المتحدة لمنع كوريا الشمالية من حيازة أسلحة نووية مثالا على الحوكمة العالمية. تعمل معًا لحل مشكلة تؤثر بشكل جماعي على الأمن العالمي. لطالما كانت كوريا الشمالية على المسرح الدولي ونظامها المارق يهددان السلامة والأمن من خلال الأسلحة النووية. نتيجة لذلك، دفعت الأمم المتحدة جهود العقوبات لإبطاء وإثناء الكوريين الشماليين عن تطوير هذه الأسلحة، إلا أن جهودهم فشلت إلى حد كبير في إيقافها.

الكلمات المفتاحية: الأمم المتحدة؛ الانتشار النووي؛ البرنامج النووي؛ الحوكمة العالمية؛ العقوبات.

1. Introduction:

In the context of addressing the nuclear and ballistic missile programs of the Democratic People's Republic of Korea (North Korea), the United Nations Security Council has adopted ten resolutions imposing increasingly broad sanctions since 2006. While seemingly comprehensive, the North Korea continues to advance its programs and procurement Prohibited by relevant United Nations resolutions, according to the expert body established by United Nations Security Council Resolution 1874 (Group of Experts 1874). The country appears to be benefiting from inadequate implementation of resolutions. There are ongoing discussions about how to improve United Nations Member States' implementation of resolution commitments. However, shortcomings in the language of the resolutions must also be examined, as they affect the implementation of United Nations member states. Sometimes it is left to each member state to determine the elements of sanctions to allow room for their adaptation to each state's administrative and legal system. However, ambiguity and a lack of definitions are often a result of compromises in the United Nations Security Council.

The threat from North Korea is likely to persist with the apparent absence of any intention or interest in relinquishing its nuclear ambitions for the foreseeable future. North Korea's provocations are likely to feature conventional weapons backed by Pyongyang's nuclear arsenal to deter any Korean and US response against North Korea. In general, there is the potential for more military challenges from the North and an unstable situation on the Korean Peninsula.

Therefore, Korea should support the activities of the Security Council and the North Korea Sanctions Committee, vigorously encourage the resumption of the Nuclear Non-Proliferation Treaty, and make all diplomatic efforts to focus international pressure on Pyongyang with the aim of preventing it from disrupting regional security or furthering its nuclear ambitions. The best policy towards North Korea is the peaceful resolution of the nuclear crisis through the United Nations Security Council with the Nuclear Non-Proliferation Treaty.

As a result, the study's central problem will be: Why has the United Nations failed to halt North Korea's nuclear and missile activities?

Authenticity/Value - The value of the article lies in its explanation of the failure of economic sanctions against North Korea, the consequences of failed sanctions against North Korea, and policy options regarding a nuclear North Korea.

This study aims to study the relationship between the United Nations and North Korea, which dates back to before the Korean War in 1950, in addition to

evaluating the sanctions of the United Nations and its failure to achieve the goal of stopping North Korea's nuclear and missile activities as an example of global governance.

The research method requires the use of descriptive and analytical approaches, depending on the nature of the study. The descriptive method was used to highlight the relationship between North Korea and the United Nations, as well as the various sanctions that the Security Council has imposed on the ROK for 15 years.

An analytical approach was used to discuss and analyze the content and shortcomings of these sanctions, highlighting the camouflage and deception tactics North Korea uses to mitigate the sanctions.

The article is divided into two parts: 1) the relationship between the UN and North Korea, and 2) the failure of UN sanctions against North Korea.

2. The United Nations and North Korea relationship

The United Nations 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 U.N. 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 at the United Nations called for the “elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.” Since then, the United Nations disarmament machinery has been running in place in pursuit of that goal (Godsberg, 2012, pp. 581-582).

2.1 . Historical Background of United Nations in North Korea

The relationship between the Democratic People’s Republic of Korea (DPRK) and the United Nations has been one of mutual distrust. In June 1950, just five years after the United Nations was established, the North Korea ignored the results of a it- overseen election in the South and attacked it. The invasion was brought before the Security Council.

Given that the Soviets were busy boycotting the meetings, the council promptly

condemned the attack and called on the North Korea to withdraw its troops. This was ignored, the troops stayed where they were, and the Security Council convened once again. This time the use of force was authorized, as again the Soviets were absent. A sixteen-member-state United Nations Joint Command was created, led by a resolute United States of America, which effectively put it at war with the North Korea (ALBRECHT, 2013, p. 2).

Upon establishment of the United Nations, Article one of its charter outlined the maintenance of international peace and security agreed upon by the Security Council. During this period, the Security Council condemned Soviet endeavors to spread communism to other parts of their neighboring countries. During the Korean conflict, China was yet to be admitted into the United Nations and the Soviet Union vacated their seat in the Security Council (Goodrich, 1953, pp. 90-104).

The absence of these two nations allowed the United Nations to enter the Korean peninsula. Without the Soviet Union to veto any actions taken by the Security Council and the United Nation’s substantial interest in the Korean peninsula, the Security Council found it easy to gain support to intervene in the conflict. The United Nations Security Council resolution which outlined the intervention in Korea asked for member states to self-determine their contributions to the conflict whether it was with troops, supplies, or both. Additionally, the Security Council asked the United States to take the strategic lead in the conflict by establishing a unified command for the conflict as it had the preponderance of strategic interest in the region. This was the United Nation’s first intervention in North Korea—perhaps the first and last successful intervention in the Korean peninsula (Goodrich, 1953).

Moreover, even though as the only lawful international organization of the post-war international system which provided legitimacy for being a member of the international community, the United Nations had no capacity to solve disputes that concerned the great powers. The case of Korea, therefore, perfectly demonstrated what would happen in future disagreements among great powers (Goodrich L. M., 1952, p. 116).

Due to the Korean Question, many of the members of the United nations General Assembly ended up being forced to choose sides. Mostly favored the United States position which became the leader of the so-called “free world” and that the United States due to its effective diplomatic ability was able to organize and convince non-communist members of the organization (Goodrich L. M., 1952,

pp. 117-118).

In this context, the case of Korea was an arduous test for the United Nations General Assembly which compelled the organization to fall aside from its original ideas of being impartial. However, the Korean Question continued to be a source of struggle at that moment not only just between two competing great powers but also between two rival regimes. In recognizing South Korea as the sole legitimate representative of the Korean people, the United nations had to consolidate its previous stance by supporting the Rhee regime (Rauschnig, Katja Wiesbrock, & Martin Lailach, 1997, p. 191).

Critical Failures of the United Nations throughout Key Strategic Eras

During the first decade of existence upon the Armistice Agreement from the Korean War, North Korea enjoyed robust relationships with its communist “big brothers,” but the United Nations miscalculated how these partnerships would be critical in allowing North Korea to procure weapons (Myers, 2019).

During this time, The Soviet Union began training North Korean scientists and building the Yongbyon Nuclear Scientific Research Center, which began in 1960 after the two countries signed a nuclear cooperation agreement in 1956 and 1959, respectively.

The agreement clause also stipulated that the Soviets would assist North Korea in establishing a nuclear research center located on the bank of the Koryong River, about eight kilometers from downtown Yongbyon. The Soviets provided significant technical assistance such as the installation of a Soviet nuclear research reactor IRT-2000 and the Soviet engineer participated in the construction of the reactor, which became operational in 1965 (Ogunnoiki & Ademola Adefisayo Adeyemi, 2020, p. 3).

By the early 1970s, the North Korean engineer used his own technology to expand the IRT-2000 research reactor, and they also acquired plutonium reprocessing technology from the Soviets. In July 1977, North Korea signed a facility protection agreement with the International Atomic Energy Agency with the Soviet Union (Gunawan & Rima Ayu Andriana, 2019, p. 35).

Despite the agreement, the 80’s marked the most expansive growth of indigenous North Korean research when it was a major expansion by North Korean engineers as uranium milling facilities, a fuel rod manufacturing complex, and a 5 megawatt (e) nuclear reactor were built. They began to conduct an experimental test of the mechanism of detonation of a high-explosive nuclear

bomb. Not only that, North Korea has started building a 50-megawatt nuclear reactor at the Yongbyon Nuclear Research Center and has begun doing some expansions of its uranium enrichment facilities (Braun, 2016, p. 4).

Exploration by North Korea did not stop there. They also made some explorations of light water reactor technology in the early to mid-1980s. This period also consists of the expansion of the reactor program. The reactor program was designed and interpreted locally by North Korea, which is based on a 25-megawatt reactor prototype cooled with graphite and carbon dioxide and commissioned in 1986 (Braun, 2016, p. 4).

On January 30, 1992, North Korea agreed to a full safeguards agreement with the International Atomic Energy Agency on the basis of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons and agreed to postpone the 1977 agreement, and the North Korean government ratified the agreement on April 9, 1992. The full safeguards agreement entered into force Implementation on April 10, 1992. Based on the clause in this agreement, it required North Korea to make an initial declaration of its nuclear material and facilities as well as to grant IAEA inspectors access to verify the declaration (Fischer, 1997, p. 289).

Inspections by the International Atomic Energy Agency that year revealed inconsistencies in North Korea's declaration, and based on overhead photos provided by the United States, the agency was aware of two undeclared underground nuclear waste sites. North Korea's refusal to allow inspectors access to the sites, even when the International Atomic Energy Agency in 1993 called for a rarely requested "special inspection", sparked Korea's first nuclear crisis (Energy, 2011).

The North Koreans violated the agreement within a few years after its ratification, as a result of none of the original declaration's provisions being held accountable as one of the agreement's greatest failures, particularly by the United Nations (Council on Foreign Relations, 2018).

The failure of the United Nations to properly share intelligence and take action contributed to the failure to prevent North Koreans from developing and acquiring weapons technology. Because of American strategic interests in the region, the United Nations has relied on the United States to keep North Korea a nuclear-weapon-free state. Had the United Nations established a common platform involving interested countries other than the United States to disrupt North Korea's weapons program, the United Nations might have had an opportunity to disrupt North Korea in its early stages (Myers, 2019).

2.2 The United Nations’s Engagement in North Korea’s Nuclear Issue

The initial United Nations’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 than dealing with the case in Vienna, also the International Nuclear Energy Agency Board of Governors referred it to the Council (EnergyAgency, 2022).

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 solution (Resolution, 1993).

From 2006 to 2017, the international community relied on sanctions as the “go-to” tool to punish and condemn North Korea for conducting nuclear and long-range missile tests. During that period, the Security Council unanimously passed nine sanctions resolutions in response to North Korean weapons tests (Yeo, 2022).

Among the first United nations measures to address proliferation activities, Security Council Resolution 1718 was passed after North Korea’s first nuclear, which came on the heels of North Korea's first nuclear test, expressed grave concern about the Korean test as it included in its content an order for North Korea to give up all nuclear weapons. arms and return to the Six-Party Talks without conditions. In advance, it stipulated some obligations of United nations countries such as preventing the entry of conventional weapons and luxury goods into North Korea through inspections and imposing asset freezes and travel bans on people involved in the country's nuclear program (Unies, 2006, p. 6).

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 North Korea 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 bomb (BORLINI, 2017, p. 4) .

Resolution 1718, determined that the increased tension created by the North Korea’s nuclear weapons test constituted a “clear threat to international peace and security (Council, Security Council, 2006).” and 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. 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. Further, it imposed a ban on the import of luxury goods by the North Korea and froze the assets of persons and entities involved in the nuclear program (ORGANIZATION, 2006).

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, reestablish 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 1 (Ballbach, 2022, p. 16) .

Resolution 1874 condemns the 25 May 2009 the second nuclear test, demands that North Korea not conduct additional nuclear tests or ballistic missile tests, says North Korea should suspend its ballistic missile program and re-establish the missile launch moratorium, calls on the North Korea to abandon all nuclear weapons and existing nuclear programs in a “complete, verifiable and irreversible manner” and calls on North Korea to return to the Non-Proliferation Treaty and the Six Party Talks.

The resolution includes a ban on all arms transfers from the North Korea and all arms except exports of small arms or light weapons to the North Korea. As with past resolutions, this ban includes weapons of mass destruction or missile-related technology. The resolution also provides for new economic and financial sanctions on the North Korea. It calls on states not to provide grants, assistance, loans, or public financial support for trade if such assistance could contribute to North Korea’s proliferation efforts. It also calls on states to deny financial services, including freezing assets, where such assets could contribute to prohibited North Korea programs (Nikitin, 2010, p. 2).

on 12 February 2013 The Security Council passed unanimously a resolution strengthening and expanding the scope of United Nations sanctions against the Democratic People’s Republic of Korea by targeting the illicit activities of diplomatic personnel, transfers of bulk cash, and the country’s banking relationships, in response to that country’s third nuclear test under the Charter’s Chapter VII, through resolution 2094 (2013), the Council In that connection, a travel ban and asset freeze were imposed on the Chief and Deputy Chief of a mining trading company it deemed “the primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons”, as well as on an official of a company designated by the Sanctions Committee to be the main financial entity for sales of conventional arms, ballistic missiles and goods related to assembly and manufacture.

States are directed under the resolution to enhance their vigilance over the diplomatic personnel of the Democratic People’s Republic of Korea, in a provision aimed at halting any activities that could contribute to the country’s weapons programme, or which would violate any prohibited activities.

The four rounds of sanctions the Security Council imposed between 2006 and 2013 in response to North Korea’s first three nuclear tests and a satellite launch were aimed at its nuclear program and high-level government officials and entities.

The sanctions included an arms embargo and import and export ban on related materials; empowered United nations member states to seize and destroy cargo suspected to be connected to North Korea’s military; targeted North Korean officials and entities involved in the nuclear program with assets freezes and travel bans; requires banks to ban money transfers and prevent financial transfers that could contribute to the programs; and prohibited exports of luxury goods to North Korea (Watch, 2013).

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 United nations sanctions regime against North Korea and created the most comprehensive, legally-binding, sanctions program imposed against a State since Iraq in the 1990s (BORLINI, 2017, p. 1) .

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 Russia (KOEN & Jinwoan BEOM, 2020, p. 19) .

By the terms of resolution 2375 (2017), the Council imposed was a ban on the supply, sale or transfer of all condensates and natural gas liquids to the Democratic People’s Republic of Korea, as well as a ban on its exports of textiles such as fabrics and apparel products. The Council further decided that all Member States would prohibit the direct or indirect supply, sale or transfer to the Democratic People’s Republic of Korea of all refined petroleum products beyond 500,000 barrels during an initial period of three months — beginning on 1 October 2017 and ending on 31 December 2017 — and exceeding 2 million barrels per year during a period of 12 months beginning on 1 January 2018 and

annually thereafter. In addition, Member States would not supply, sell or transfer crude oil to the Democratic People’s Republic of Korea in excess of the amount supplied, sold or transferred by that State in the 12-month period prior to the adoption of resolution (Council, resolution 2375, 2017).

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 country (BorLini, 2017, p. 333).

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.

To continue North Korea's development of its nuclear and missile program through missile tests to this day to increase its technical strength.

3. Title: Failure of United Nations Sanctions against North Korea.

The comprehensive multilateral economic sanctions against North Korea appear to have had little effect on the regime’s pursuance of nuclear programs. Under the increasingly strict measures, Pyongyang has been demonstrating ever greater resolves to stick to its way of nuclear buildup. This part explores the reasons behind the failed economic sanctions from the international community.

Accordingly, the effectiveness of sanctions is largely subject to the dynamic contexts of the target, senders and international community. Considering the

causal logic from different aspects, this part identifies several obstacles. The most important one is that owing to North Korea’s political structure and history, there is almost no constituency that may respond to the sanction pressure; on the contrary, economic sanctions seem to only increase domestic resistance against exogenous hostilities. In other words, it is not a regime that is likely to yield to coercive policies. Therefore, tougher sanctions may only generate pressure, but they can hardly change North Korea’s nuclear policy (Jiawen, 2017, p. 513).

3.1 Shortcomings of the United Nations Sanctions System

The United Nations has remained an indirect player in regional disputes, especially during the North Korea’s nuclear crisis. Anne Wu points out five reasons for this situation: (Kim, 2011, p. 294)

First, interpretation of the nature and scope of the North Korea nuclear threat varies among the five permanent members of the Security Council who have divergent geopolitical considerations.

Second, the difficulty of decoupling development, energy assistance, humanitarian aid, and human rights issues from the nuclear problem has impeded United Nations efforts to formulate a coherent approach to dealing with the North Korea.

Third, the antagonistic relationship between the North Korea and the United Nations has made it difficult for the North Korea to accept a United Nations resolution.

Fourth, a similarly antagonistic relationship hindered the participation and efforts by the International Atomic Energy Agency to resolve the North Korea nuclear problem.

Finally, the solid, ongoing (albeit off-and-on) Six-Party Talks spearheaded by major regional players including three of the five permanent members of the Security Council, save for occasions on which the North Korea’s provocative behavior prompted calls for international condemnation or sanctions that required a council resolution and rendered direct involvement by the United Nations less necessary.

In reality, we know that the world is not fair, and that double standards abound. However, the problem with the United Nations goes deeper than the violation of its Charter infringement of natural justice. Resolutions such as these exacerbate situations rather than lead to peaceful resolution. Take, for instance, Security Council resolution 1695 which proclaimed, inter alia: “Registering profound

concern at the North Korea's breaking of its pledge to maintain its moratorium on missile launching." It went on to say that it "Demands that the North Korea suspend all activities related to its ballistic missile programme, and in this context re-establish its pre-existing commitments to a moratorium on missile launching.

There is no mention here of the fact the moratorium was entered into in the course of negotiations with the United States of America, was contingent on those negotiations continuing, but that the United States of America broke them off. At the very least the s Security Council hould have called upon the United States of America to resume negotiations. The missile and subsequent nuclear test have been portrayed as unprovoked and irrational; they are clearly nothing of the kind (BEA1, 2007, p. 123).

The United Nations actions cause damage in two ways. Firstly, the resolutions were a violation of its Charter, and of natural justice, and their passing further undermines the moral credibility of the organisation. Secondly, the resolutions did not offer any solution to the problems that the tests exemplified, but, if implemented thoroughly, would exacerbate them. The other members of the United Nations Security Council, permanent and non-permanent, bear some moral responsibility as do countries such as New Zealand, who voiced uncritical, and one suspects, unthinking, support of the United States of America.

However, the resolutions should not be read too literally. They were the result of pressure from the United States of America (and from Japan) in pursuit of particular foreign policy aims. If neither China nor Russia felt it worthwhile to oppose them formally, then it would be unreasonable to expect smaller, non-permanent members of the United Nations sanctions to be quixotic and resist the United States of America (BEA1, 2007, p. 124).

Indeed, the North Korea considers that an anti- foreign policy, which has created a "very dangerous situation on the Korean Peninsula". Only the powerful at the United Nations can stand up for justice in today's world where the law of the jungle reigns. Neither the United States nor anyone else can protect it. North Korea strongly condemns and vehemently refutes the United Nations Security Council "resolution", which is the product of the United States' hostile policy toward the Democratic People's Republic of Korea. North Korea, and will not abide by it in the least, North Korea will strengthen its self-defense war deterrent with all its means and methods now that the situation has reached its worst because of the very aggressive action of the United States (ALBRECHT, 2013, p.

3).

North Korea example demonstrates a troubling reality: global governance does not work anymore. The failure of the United Nations in North Korea is a great example of the re-emergence in the primacy of the state, especially for major power countries such like China. Global governance has and always will be state-centric in efforts to further individual interests in the global stage. In the example of North Korea, the United Nations failed to keep its most strategic member state accountable for their actions— China (Myers, 2019).

For China, despite its role as a member of the United Nations Security Council, North Korea’s existence will always be of paramount priority and will prevent the failure of the state at extended costs. Furthermore, although the United Nations produces resolutions that require its member states to “comply”, the actual accountability of these resolutions are merely guided by international norms, trade relations, and global reputations. Therefore, the United Nations cannot truly hold China accountable for not following through with its resolutions. As an economic giant and with its preponderance of military presence throughout the world, China has afforded itself the ability to shield itself from the backlash of the international community. Furthermore, countries like China and Russia care little about their international norms allowing for them to operate freely in the setting of international governance where their actions require little accountability (Albert, 2017).

3.2 North Korean Sanctions Evasion and Adaptation

The analysis of why sanctions did not work in North Korea merits a unique assessment of its own independent of its timeline. Despite heavy international sanctions posed by the United Nations, North Koreans have developed sophisticated ways to get around them through illicit means.

Firstly, North Korea has established mechanisms designed to consolidate its supply of goods and technologies whose exporting is regulated. These mechanisms evolved over time to contribute to the financing of the North’s nuclear and ballistic programmes. They have been bolstered to allow Pyongyang to maintain its proliferating activities despite all the sanctions regimes being in force.

The North Korean system of proliferation centres on front companies which are acting within a network. They can be found in the nuclear and ballistic fields, but also in other fundamental sectors, such as finance or transport, or linked to

strategic goods and raw materials, such as graphite and metals. The lifespan of these companies is short, principally because of the camouflage attempts to which the authorities in Pyongyang resort in an effort to circumvent sanctions. In the same vein as vessels of the North Korea merchant navy, which are regularly renamed and re-registered, the companies and institutions in question commonly change their company name and address. This makes the job of the authorities tasked with implementing export-control measures and following up on the execution of sanction regimes vis-à-vis North Korea all the more difficult (Benjamin, 2017, p. 11).

In practice, sanctions violations are difficult to identify, as North Korean exports are diverted through Russia or bear "Made in China" labels. However, some sources indicate that during 2018, North Korea received 263 cargoes of oil via ship-to-ship transfers, which likely helped keep gasoline prices relatively stable (KOEN & Jinwoan BEOM, 2020, p. 21).

Secondly, the shortcomings include the lack of reports by Member States ("low reporting rate" and "poor quality and lack of detail" in the reports submitted), the absence of regular inspections and confiscations, and the need for local implementation legislation. More generally, the Panel sees a "lack of capacity and political will" to aggressively pursue sanctions. The result, the team says, is that "the sanctions have not prevented the North Korea from gradually improving and expanding its nuclear and missile capabilities (the Panel of Experts established pursuant to resolution 1874, 2016).

Thirdly, to the collective action problems inherent in the sanctions regime, the limited capabilities of some states, and the differing political interests among the parties involved, there are underlying structural issues that make implementation difficult.

The first is simple geography. The Democratic People's Republic of Korea is located close to China, the second largest economy in the world, and until recently was a country with double-digit economic growth rates. The simple fact that the North shares a permeable 875-mile border with an economic powerhouse makes the task of isolating North Korea more difficult (Albert & Beinz Xu, The China-North Korea Relationship, 2016).

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 (Bliss, 2012).

Fourthly, North Korea abuses its diplomatic privileges to support its procurement efforts abroad. North Korea has traditional diplomatic relations with most countries, particularly in Asia. It has embassies and diplomatic representation in these countries, where it is accorded normal consular privileges. These privileges include the use of diplomatic “pouches” which can travel through countries and across borders without the risk of search. Diplomatic couriers carrying these pouches enjoy immunity from arrest. The North Korea has taken advantage of this system and used diplomatic personnel both as agents engaged in illicit procurement and as couriers who transport unreported cash and other illicit items (Park & Jim Walsh, 2016, pp. 26-27).

Finally, Pyongyang receives help from the United Nations member states that are unwilling or unable to enforce sanctions. Recent the United Nations Panel of Experts reports indicate that sixty-two countries were involved in 250 sanctions violations related to North Korea during a year covering parts of 2019 and 2020. While there have been some successful interdictions of shipments of prohibited components for North Korea’s weapons programs, the lack of political will in some countries and the lack of an adequate enforcement infrastructure in others have meant that North Korea has been able to maintain some access to items necessary for its nuclear weapons and missile delivery programs (Stangarone, 2021, p. 10).

4. Conclusion:

The article discussed the effectiveness of economic sanctions against a nuclear North Korea in light of the tougher sanctions imposed by the United Nations. We conclude that the United Nations economic sanctions against outlaw states usually incur heavy costs for the targeted countries, but they fail to change the political behavior of their leaders. Sanctions against North Korea have largely failed because not every country takes North Korean sanctions as seriously as the United States, its allies, and the United Nations.

Current the United Nations sanctions on North Korea are focused solely on addressing the country’s nuclear weapons proliferation activities. Under Chapter VII of the the United Nations Charter, the Security Council is empowered to take measures to “maintain or restore international peace and security. In numerous

past resolutions, the council has determined that the “proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security.” After North Korea began testing long-range missile technology and nuclear weapons in 2006, the council began passing resolutions imposing sanctions and setting up a committee and panel of experts to monitor the measures taken.

The role of the United Nations was considered weak and quiet. in dealing with the North Korean nuclear file. that Any attempt by the international community to employ negative incentives will almost certainly prove counterproductive. North Korea traditionally has resisted efforts to force it to follow undesired courses of action. North Korea recently indicated, for instance, that it would consider the imposition of economic or political sanctions as tantamount to an act of war.

There is a major challenge involved in developing a verification regime for North Korea that is sufficiently robust to deal with the concerns of the international community and is acceptable to North Korea. It is critical, though, that the process is successful. Not only does the dispute have the potential to destabilise Northeast Asia, but the international community’s success or failure in addressing it will set an important precedent for future cases of nuclear proliferation.

A more effective sanctions strategy, when incorporated into a broader strategy, could slow freeze, and eventually reverse North Korea's nuclear and missile programs.

Key Findings and Recommendations

-The United Nations sanctions against North Korea will not work as a sufficient deterrent to North Korea’s nuclear program development. These sanctions only work to provoke North Korea, harm the country’s citizens, and amount to nothing more than political showoff and flash rather than diplomatic substance. The international community cannot afford to tether itself to the sole solution of sanctions. If it does, it risks the possibility of war in the Korean peninsula. We must seek an alternate path: open up negotiations and talks with North Korea so that we can come to an agreement similar to the deal reached with Iran over its nuclear program.

-The failure of United Nations sanctions in North Korea reveals another reality of global governance— realism. Countries like China and Russia, who have the most amount of regional influence on North Korea, have the political and

economic means to enforce sanctions against North Korea if they wanted to. However, their own state interests of wanting a buffer zone between United States of America -backed South Korea and a former Soviet-backed North Korea is more attractive to them.

-North Korea has become adept at evading sanctions that the international community has imposed on it North Korea engages in four types of sanctions evasion: activities that generate hard-currency income, activities using the hard currency acquired to buy essential raw materials and dual-use and restricted technologies, covert transportation of goods that obfuscates North Korean involvement, and movements of hard currency, precious metals, and jewels internationally without North Korea's beneficial ownership of those funds becoming known.

-Four types of entities are involved in North Korea's sanctions evasion: North Korean government officials accredited to North Korea's embassies, North Korean overseas workers, front and shell companies, and trusted third-party intermediaries.

-The fact that the obstacles to a resolution of the North Korean nuclear crisis are more political than technical or technological offers hope. This suggests that the proper political environment could enable the parties to overcome their differences, given political will.

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