

FROM A WILLING GOOD COP TO A RELUCTANT BAD COP: THE (D)EVOLUTION OF UNITED NATIONS SANCTIONS ON NORTH KOREA

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ABSTRACT

This study posits that the ineffective and futile efforts of the United Nations Security Council (UNSC) to contain North Korean nuclear ambition are a result of the United States (U.S.) consistently and strategically developing its sanctions regimes, rather than the limited implementation of the UNSC's measures or by the non-compliance of China and Russia, the two North Korean-leaning permanent UNSC members. The U.S. has endeavoured to maximise its strategic leverage against North Korea by consolidating bilateral channels to increase its foreign policy capacity and flexibility, instead of reinforcing multilateral pressures through the UNSC. Although both the U.S. and the UNSC share the goal of nuclear non-proliferation in Northeast Asia, the former deliberately exploited the deficient decision-making process of the latter to maximise its foreign policy flexibility. Consequently, the U.S. has flexibly pursued both engagement and containment of North Korea while maintaining its hard-line stance against it at the UNSC, whereas the UNSC's sanctions on North Korea have gradually become rigid and inflexible, without achieving tangible outcomes. We argue that the U.S.'s unilateral use of sanctions against North Korea

is building on its instrumental use of the UNSC's multilateral framework, which has significantly lost its legitimacy and effectiveness amid the looming U.S.-China rivalry over hegemony in Asia.

Keywords: United Nations Security Council, multilateral sanctions, sanctions on North Korea, U.S. foreign policy, North Korean nuclear crisis, nuclear non-proliferation, U.S.-China rivalry

INTRODUCTION

Throughout the past decades, North Korea continued its nuclear venture while maintaining the status of a *de facto* nuclear state. The international community, in return, has consistently responded with tightened cumulative economic sanctions.¹ The previous Trump administration in particular, through its means of carrots and sticks, brought about changes to this deadlocked North Korean nuclear crisis. After the failed Hanoi Summit in early 2019, the United States (U.S.) imposed new sanctions on two Chinese shipping companies for helping North Korea evade U.S. sanctions. However, a few days later, President Trump announced that he “ordered the withdrawal of those additional sanctions” (*New York Times* 2019a: A-1). He even improvised a summit with Kim Jong Un at Panmunjom, which was indeed a “surreal” event (*New York Times* 2019b: A-1). After a devastating year of the pandemic that halted nearly all negotiations, the newly launched Biden administration has declared to “undo” the Trump legacy and is likely to return to a multilateral framework (Klingner 2020). However, it is expected that the Biden administration will continue to use individual sanctions as a “central instrument of U.S. power” (Spetalnick et al. 2020).

While the U.S. claimed that multilateral comprehensive sanctions, the so-called “maximum pressure”, against North Korea was successful in securing the deal (Crowley 2018), bilateral diplomatic engagement has been frequently made with North Korea, which makes this country less sanctioned than Iran or Syria (Eberstadt 2018). Trump has demonstrated that the North Korean nuclear problem should be handled by the U.S.; this is while blaming Obama’s strategic patience for not doing enough to stop North Korea (Dias 2017).² At the same time, Trump was deft in relaxing the overall situation, including the rollback of large-scale sanctions in return for North Korea’s cooperation (Gordon and Talley 2019). In doing so, Trump effectively signalled to North Korea that “he is the man to make a deal with” (Friedman 2019). A good cop, however, needs a bad cop.

The United Nations (UN), on the other hand, has been stalled by the reinforcement of multilateral sanctions regimes. Conforming to U.S. policy on North Korea, the UN Security Council (UNSC) has continuously ratified stronger resolutions. As two of the UNSC's five permanent members (i.e., China and Russia) had maintained constant trade with North Korea, the U.S. pressured them to stop any prohibited activities. Prioritising North Korean denuclearisation, the U.S. has used the UN's multilateral space as a policy arena for exercising pressure against North Korea's allies (Kim 2017).

History reports that economic sanctions have been largely ineffective (Jones 2015; Carisch et al. 2017) and can be effective only under certain circumstances, particularly when countries have minimal anticipation of conflict (Drezner 2010: 308). While the sanctions have a 33% likelihood of succeeding (Hufbauer et al. 2009: 129), some empirical studies have demonstrated that the actual success rate is far lower than that, considering the proclaimed goals of successful cases and their contributing factors other than economic sanctions (Pape 1997; Elliott 1998; Blake and Klemm 2006). The sanctions on North Korea are not exceptional (Chang 2006; Fuqua 2007; Noland 2009; Kim and Martin-Hermosillo 2013). The puzzling paradox is why the UNSC has continued to use sanctions and with increasing frequency, despite persistent pessimism towards their utility, which has only led to the expediting of North Korea's nuclear weapons programme.

This study finds that the ineffective and futile efforts of the UNSC have been caused by the U.S.'s consistent development of its own unilateral sanctions regimes, rather than by the limited implementation of the UNSC's multilateral measures or by the sabotaging efforts of China and Russia (Kerr 2005; Moore 2008; Buszynski 2009; Nanto and Manyin 2011). Although both the U.S. and the UNSC share the goal of nuclear non-proliferation in North Korea, the former deliberately exploited the deficient decision-making process of the latter³ to maximise its foreign policy flexibility. Consequently, the U.S. has imposed both the engagement and containment of North Korea, playing good cop while maintaining a hard-line stance against North Korea at the UNSC, which plays bad cop. The flexible swings of the U.S.'s foreign policy towards North Korea have become more frequent and salient under the Trump administration, whereas the UNSC's sanctions on North Korea have gradually become rigid and inflexible, without achieving tangible outcomes. Thus, conforming to the recent discussion (Brands 2017; Weiss 2018; Nye 2019), we argue that the U.S.'s recent series of policy triumphs against North Korea is built on discrediting multilateralism, which has become a salient pattern of U.S. foreign policy, particularly under the Trump administration.

Theoretically, this study revisits the traditional debates on UN(SC)'s⁴ multilateral sanctions between the *sanctions-advocates*, who maintain that sanctions are an effective instrument for pursuing foreign policy objectives, and the *sanctions-sceptics*, who claim that there is little evidence that sanctions can achieve those goals.⁵ We posit that, as will be elaborated in the next section, the *sanctions-advocates* selectively overemphasise the limited number of successful sanctions-cases, and the *sanctions-sceptics* underscore the fundamental limitations of the multilateral-sanctions policy that originated from the conflict of interests among participating nations as well as the “fragmentation” (Portela 2010) between international and domestic bodies in implementing sanctions.

However, both perspectives simply view the UN(SC) as a decision-making body through which member states that have different national interests develop, implement—or boycott—sanctions. Consequently, sanctions-related discussions have largely centred on their “effectiveness”—or “ineffectiveness”—and claim their theoretical legitimacy by identifying and applying selective cases. However, admitting both the effective and ineffective imposition of the sanctions, the organisational impact on the UN(SC) as a result of the power politics that ensues between participating nations has largely been ignored. While some recent accounts demonstrate that UN sanctions have “evolved” into more smart and targeted sanctions that have higher effectiveness (Chesterman and Pouligny 2003; Giumelli 2015), passing the so-called “sanctions decade” of the 1990s (Cortright and Lopez 2000), we, on the other hand, find that the effect has decreased and, more importantly, the organisational mechanism for implementing multilateral sanctions has gradually been impaired.

To identify the different evaluations of policy proposals for North Korea-related problems, this paper begins by reviewing theoretical accounts regarding the effectiveness of the UNSC's sanctions against North Korea. This is followed by an empirical analysis of the sanctions to reveal analytical evidence regarding how the UNSC's sanctions resolutions were ineffective at achieving denuclearisation. Finally, discuss the political ramifications of these ineffective sanctions, as concluding remarks; i.e., the implications of this devolution of the UN(SC) will be suggested, underscoring how the U.S., through unilateral means, has utilised the UN(SC) to contain the rise of China and revive U.S. hegemony in the region.

SANCTIONS, THE UNSANCTIONABLE, AND THE SANCTIONS BUSTERS

Sanctions-advocates vs. Sanctions-sceptics

Over the years, two radically different perspectives have arisen regarding the effectiveness of sanctions in achieving the decade-long goal of North Korea's denuclearisation. First, *sanctions-advocates* believe that previous sanctions have not been effective enough to threaten the North Korean regime (Frank 2006; DeThomas 2016; Fishman 2017); they criticise both the isolation/containment policy of the Bush administration and the strategic patience policy under the Obama administration.⁶ Even though the U.S. has finally laid the groundwork for possible direct talks with North Korea and has revealed its willingness to negotiate a peace treaty, *sanctions-advocates* argue that North Korean people do not know what such a treaty would entail. As was seen in 1994, when the U.S.'s nuclear deal with North Korea eventually collapsed after North Korea was found to be cheating (Samore 2003: 20), harsher sanctions became necessary for containing the country's nuclear programme and fostering denuclearisation. *Sanctions-advocates* thus suggest "an unrelenting campaign of political subversion and financial isolation", because "Pyongyang remains determined to build its nuclear arsenal" (Stanton et al. 2017: 73–74).

Sanctions-sceptics have a completely different mindset. They believe that the best way to achieve denuclearisation is to establish an interdependent relationship between North Korea and the world that could prevent a potential crisis, because "[n]either the military option nor containment seem to be feasible or desirable" (Moon and Bae 2003: 39). *Sanctions-sceptics* oppose unilateral sanctions by the West and advocate for diplomatic engagement and negotiation. "The more [countries] trade with the North and the more exposed North Korean citizens become to capitalism and Western ideas, the harder it will be for the North Korean leadership to reverse the reforms" (Kang 2003: 126). Criticising the hard-liners' "[w]ishful thinking about North Korea's imminent collapse" (Delury 2017: 50), they stress the fact that North Korea has engaged in economic reform and has been slowly restructuring the economic base that is in line with the information-technology revolution (Kang 2003).⁷ They also underscore that sanctions have jeopardised "millions of innocents" and are thus "unethical" (Smith 2020). In agreement with *sanction-advocates* who are assuming that North Korea "is unlikely to pursue denuclearization on its own", they differ in proclaiming that "armed conflict on the Korean Peninsula

is not a viable option; nor is forced regime change” (Fuqua 2007: 158). Since diplomatic engagement with North Korea can be considered useful from the viewpoint of regional stability (Jackson 2017: 102), they argue that “positive sanctions” are more efficient than “negative sanctions” that are endorsed by *sanctions-advocates* (Martin 2002: 62–64).

While these two opposing views compete in establishing an approach to denuclearisation in North Korea, the UNSC over the past decade has consistently opted for tougher sanctions. To improve the effectiveness of sanctions on North Korea, the UNSC continues to ratify resolutions, with the belief that economic and financial sanctions would destabilise North Korea and eventually achieve the denuclearisation goal. The next section explores the logic and rationale behind the UN’s continued application of sanctions to deal with North Korea, despite the mounting evidence of the ineffectiveness of sanctions and North Korea’s ever-evolving evasion tactics.

Sanctioning the Unsanctionable

Upon North Korea’s announcement of its nuclear test on 3 October 2006, the UNSC issued a unanimous warning to North Korea. The test was conducted as scheduled, and on 14 October the Council promptly passed Resolution 1718, which demanded North Korea to abandon all existing nuclear weapons and its development programmes. In accordance with obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the International Atomic Energy Agency (IAEA), the UNSC demanded that North Korea provide transparency measures so that the UNSC could monitor whether it is following the requirements (UNSC Subsidiary Organs 2006). The UNSC also established the Security Council Sanctions Committee 1718, which can implement appropriate sanctions, collect information to effectively implement the resolution, examine the member-state’s reports, and issue recommendations (Security Council Report 2006). Nevertheless, North Korea continued to develop nuclear weapons, both its warhead and long-range missile capacity.

Three years later, the UNSC issued a statement that condemned North Korea’s multi-stage rocket launches. Amid a looming leadership succession issue, North Korea announced its second nuclear test that would take place in May 2009, which included an increased explosive yield (Yokota 2009). Immediately following the test on 12 June 2009, Resolution 1874, condemning North Korea, was adopted. Furthermore, on 24 September 2009, the UNSC unanimously passed Resolution 1887, which is a comprehensive resolution

that includes all sanction measures of the previous Resolutions 825 (1993), 1695 (2006), 1718 (2006), and 1874 (2009) (United Nations 2009). For this, the UNSC, to negotiate regulations for banning the production of explosive products, called for the Conference on Disarmament (McGrath and Savvidis 2009). However, North Korea responded to these measures by launching some short-range missiles off from its eastern coast, processing 8,000 nuclear fuel rods, and continuing its plutonium enrichment efforts, which exhibited that all of those harsh sanctions were little more than mere paperwork (Security Council Report 2020).

On 2 March 2016, the UNSC, in response to North Korea's nuclear test and ballistic missile launch, adopted Resolution 2270, which included tougher sanction measures. Weeks later, the UNSC passed Resolution 2276, which applied greater pressure by extending the mandate of the Panel of Experts to apply with respect to Resolution 2270's measures. The UNSC called for the renewal of the Panel's mandate to strictly investigate North Korea on any violations of the resolutions (Security Council Report 2016). However, these efforts could not shun North Korea from conducting a fifth nuclear test during that same year.

Throughout 2017, the Council adopted five resolutions against North Korea, beginning in March with Resolution 2345, followed by cumulative recommendations in the next four resolutions, each with increasingly stronger terms. Imposing harsh measures to completely isolate North Korea from the international community was believed to be the only effective means of derailing North Korea's nuclear programme. Issuing resolutions has become the UNSC's automatic response to North Korea's provocations. Resolution 2371 was unanimously adopted by the Council on 5 August 2017 and included provisions such as prohibiting any joint business ventures with North Korea and banning countries from employing North Korean workers (Security Council Report 2017a). Any delivery of humanitarian assistance or additional cooperation with North Korean citizens or entities was halted. Although the Council, through sanctions and threats of isolation, attempted to bring North Korea to diplomatic negotiations, these futile efforts resulted in North Korea initiating another nuclear test on 3 September 2017.

North Korea's sixth nuclear test led the Council to adopt Resolution 2375. Once again, another resolution was ratified after a pre-emptive provocation by North Korea. Also, to the previous resolutions, Resolution 2375 primarily targeted North Korean oil imports, textile exports, and overseas labourers. In particular, the Resolution imposed asset freezes on the most

critical institutions such as the Organisational Guidance Department (*chojik chidobu*) and the Central Military Commission (*chung'ang kunsu wiwonhoe*), which operate the North Korean military (United States Mission to the United Nations 2017).

A UN report notes that North Korea's evasion techniques were "increasing in scale, scope, and sophistication" (Nichols and Holland 2017). Despite Resolution 2375's ban on making ship-to-ship transfers of prohibited goods to North Korea, it was revealed that Russian tankers were supplying fuel to North Korea, and China also was maintaining its trade with North Korea, implying that China and Russia had failed to follow the resolutions. The U.S. issued unilateral statements on Russia and China to have them comply with the UN's sanction measures, including the ban on any transfers of petroleum or coal to North Korea, which was followed by Resolution 2397 (Nichols and Holland 2017).

Busting Sanctions Busters

Compared to the four resolutions adopted in 2017, Resolution 2397 contained the harshest sanction measures for North Korea's denuclearisation. As it became obvious that lack of responsibility of the participants of sanctions was the problem, the resolution sought to find legally binding means. The Council thus urged all member states to cooperate with seizing items designated by the resolutions (Security Council Report 2017b). It also made it clear that additional nuclear weapons or missile tests by North Korea would trigger further restrictions on its import of petroleum. Besides, the Resolution mandated that all North Korean labourers earning income abroad be deported to North Korea within 24 months (US Mission 2017).

China agreed in principle but manipulated its influence in the UN to not seriously impede North Korea from nuclear development (Burton 2017). While China did affirm that the imposed sanctions reflected the unanimous position of the international community and urged North Korea to abide by the Council, it also stressed that the nuclear issue should be solved peacefully by addressing the security concerns of all parties (Ministry of Foreign Affairs 2017).

Russia largely stood with China and North Korea, as economic partnership among the three nations is important. Furthermore, Russia demanded that all members be open to dialogue, emphasising the importance of diplomatic missions (United Nations 2017b). China and Russia seemed to agree about stopping movements that would escalate military exercises but still issued a joint statement in support of North Korea.

For imposing sanction measures, the Trump administration, under the banner of “maximum pressure”, relied on both unilateral and multilateral pressures, whereas the UNSC imposed stronger sanctions, despite its shortcomings with implementation. Washington, at the UN, demanded augmented sanctions against Pyongyang, while the tensions between the U.S. and North Korea thawed in early 2018 (*New York Times* 2018a: A-1). Trump claimed victory through U.S. sanctions, not UNSC resolutions, which he claimed were tainted and neutralised by sanctions busters, China in particular.

SANCTIONING NORTH KOREA AGAINST RISING CHINA

The U.S. was ever more seeing the strategic importance of the Asia-Pacific region to counterbalance China’s growing influence. Such a rebalancing strategy has deepened China’s mistrust of the U.S. and has led to the two superpowers competing, especially regarding North Korea’s denuclearisation. The Obama administration focused on North Korea’s human rights issues, promoted “strategic patience”, and relied on its allies through multilateral agreements to impose stronger sanctions against North Korea, while containing the rise of China (Jin 2016). Trump, on the other hand, imposed a different way of targeting North Korea and containing China. He was the first president to, in negotiations with a despot, de-prioritise human rights-related considerations. At the same time, Trump, at the UNSC, demanded the strongest sanctions resolutions and imposed unilateral economic sanctions, which directly targeted China. This was succinctly illustrated in his remarks: “I am very disappointed in China. Our foolish past leaders have allowed them to make hundreds of billions of dollars a year in trade, yet... [*sic.*] they do NOTHING [*sic.*] for us with North Korea, just talk” (Phillips 2017).

De-prioritising Human Rights Issues in Sanctions

The Obama administration regarded the UNSC as a multilateral arena for North Korean policy by emphasising the country’s human rights violations.⁸ Since joining the UN Human Rights Council (UNHRC) in 2009, the U.S. has raised concerns about North Korea’s human rights violations and been committed to establishing the Commission of Inquiry on Human Rights in Democratic People’s Republic of Korea (COI). Samantha Power, the then U.S. ambassador to the UN, officially proposed sanctions on North Korea’s human rights abuses after its third nuclear test, which was the first time that

the UNSC turned its attention to human rights issues (*BBC News* 2014). North Korea, however, opted not to speak to the Council. China also sought to boycott the proposal, claiming that the UNSC is not entitled to investigate a sovereign country's human rights record (*New York Times* 2014: A-12). China further backed North Korea by declining to let COI commissioners conduct an investigation and by not attending the UNSC's meeting regarding the COI's report (Human Rights Watch 2014).

Nevertheless, the UNHRC passed a resolution urging North Korea's human rights crisis to be taken up at the UNSC, and the Council tabled this issue. China and North Korea criticised the UNHRC's resolution and claimed that "the U.S. and other hostile forces had fabricated the report" (Park 2014). The U.S. prioritised human rights issues in the agenda and sought multilateral cooperation to contain China and eventually to re-engage North Korea in negotiations on denuclearisation (United Nations 2016). In 2016, China had to endorse the UN's multilateral pressure against North Korea, while realising the possibility of a greater U.S. presence in the region (Morello and Mufson 2016). Beijing thus attempted to deprioritise the human rights issues, claiming: "[S]anctions are not an end in themselves. Our goal should be to bring the nuclear issue on the Korean Peninsula back to the negotiating track" (Morello and Denyer 2016). Whereas the Washington-led UNSC held a strong stance on investigating Pyongyang under the banner of human rights, Beijing was underscoring the importance of dialogue and consultation.

On the contrary, the Trump administration, at the UNSC, began to prioritise a focus on imposing unilateral sanctions on individuals and entities that did business with North Korea, while maintaining the strategy of containing North Korea and its neighbours. Nikki Haley, the Trump administration's ambassador to the UN, stated at the UNSC: "We call on all members of the Security Council to use available resources to make it clear to the North Korean regime, *and its enablers*, that these launches are unacceptable" (Roth 2017, with emphasis added). All resolutions ratified by the UNSC in 2017 placed the highest attention on economic issues, as the Council, via Resolution 2356, mandated to freeze funds and any other economic resources (United Nations 2017a).

Believing that only U.S.-led (i.e., unilateral) economic sanctions could weaken North Korea, Trump deliberately put human rights-related concerns at the bottom of the U.S. foreign policy agenda (Holland and Mason 2018). He even accused the UNHRC, with its membership of Cuba, Venezuela, and China, of being a politically biased organisation, and the U.S. finally withdrew

in 2018 (*New York Times* 2018b: A-7). Jettisoning the U.S.’s traditional human rights agenda, which is dependent on multilateral cooperation, the Trump administration prepared for unilateral retaliation if sanctions busters failed to become tougher on North Korea (Friedman 2017). As a result, the UNSC became less likely to have an interest in humanitarian losses but rather prioritised blocking economic resources, which would be undesirable for North Korea’s neighbouring countries. Considering the UNSC’s decision-making protocol, the Council would produce only perfunctory resolutions that are devoid of China and Russia’s consent.

Strategic Patience to Maximum Pressure

Under the Obama administration, the U.S. firmly stated that it would not engage in negotiations with North Korea until the country first showed concrete evidence of committing to denuclearisation. The fundamental assumption of this strategic patience was that North Korea would either collapse on its own or eventually be forced into nuclear disarmament by China; therefore, the U.S. would wait. Yet, North Korea’s nuclear capability became more sophisticated while the U.S. and China exchanged accusations over who was at fault (Pomfret 2016).

To force China to join the multilateral sanctions regime, the Obama administration focused on secondary sanctions while waiting for North Korea to be affected by the sanctions. However, as the U.S. did not step forward and directly engage in the North Korean issue, the UNSC kept ratifying perfunctory resolutions while the North Korean economy kept its pace, realising remarkable performance in 2016 (Kim and Chung 2017). This is mostly because of its backdoor trading with China. The UNSC was thus mulling over sanctions against North Korea to get China back to another new resolution that imposed stiffer pressures, as is delineated in Table 1.

Table 1: List of perfunctory UNSC sanctions, 2006–2016

	Date	Contents	Descriptions
Resolution 1718	14 October 2006	Established a sanctions committee. Prevent the direct and indirect supply to North Korea.	Imposed after North Korea’s first nuclear test.
Resolution 1874	12 June 2009	Authorised inspection of cargos on high seas.	Condemned North Korea on second nuclear test.

(continued on next page)

Table 1: (continued)

	Date	Contents	Descriptions
Resolution 1887	24 September 2009	Reaffirmed resolutions related to North Korea's nuclear weapons. Supported NPT and IAEA safeguard measures.	North Korea tested a number of short-range missiles and completed processing 8,000 nuclear fuel rods.
Resolution 2094	7 March 2013	Extending the mandate of the Panel of Experts. Imposed additional sanctions against North Korea.	Enforced after the third nuclear test.
Resolution 2270	2 March 2016	Recalled the inspection of all passing cargo with North Korea. Additional restrictions on North Korean imports.	Imposed after the fourth nuclear test.
Resolution 2321	30 November 2016	Imposed a series of additional sanctions measures.	Adopted after the fifth nuclear test.

Source: Authors' collection of data from UN resources.

Facing deadlock in the denuclearisation process, the Obama administration deployed the Terminal High-Altitude Area Defence (THAAD) system to South Korea, claiming that it would protect U.S. allies from North Korea's ballistic missiles. The U.S. Forces Korea noted that "the system would be deployed in response to North Korea's continued development of ballistic missile technology in contravention of the UNSC resolutions" (U.S. Army 2016). China viewed it as a threat to its security (Panda 2016), which resulted in only another perfunctory UNSC resolution.

Trump rapidly departed from Obama's legacy and gravitated towards direct sanctions, which escalated tensions with China. The U.S. explicitly and repeatedly emphasised that the UNSC, to implement its tougher sanction measures, should interfere with Chinese-North Korean trade. Trump's maximum pressure strategy included bringing pressure to bear on China to enforce UNSC sanctions (Kim 2020).

First, Trump ordered the U.S. Treasury Department to impose sanctions on Chinese banks for allegedly laundering money for North Korea (Friedman 2017). He also emphasised the need to pressure China and had the UNSC sanction countries that employ North Korean labourers (Resolution 2371). UNSC Resolution 2375, passed in September 2017 by strong request from the U.S., and just eight days after North Korea's nuclear test, was the most effective policy initiative that impacted China-North Korea trade, which

constitutes roughly 90% of North Korea’s global trade. Furthermore, the U.S. asked for North Korea’s entire non-military manufacturing industry to be sanctioned by the UN, in addition to a complete freeze of the country’s assets (Noland et al. 2017).

Nevertheless, Pyongyang conducted another missile launch, which reached the highest altitude ever recorded (Elleman 2017). In return, the UNSC passed a series of resolutions regarding Washington’s statement on Beijing to work closely to stop prohibited activities, including the transfer of petroleum or coal to North Korea (Nichols and Holland 2017). However, these resolutions have limited means of implementation, as depicted in Table 2. For instance, all member states were required to submit reports within 45 or 90 days of the adoption of North Korea-related sanctions (Department of Political Affairs 2017). However, only 78 out of 193 states submitted reports on the implementation of Resolution 2371, and 76 on Resolution 2375. On Resolution 2397, this number dropped to 47, despite the Council repeatedly expressing strong and official concerns about such a consistently high rate of non-cooperation (as shown in Figure 1). It was also revealed that some submitted reports lacked detailed information or credibility (Government Accountability Office 2015).

Table 2: Cumulative UNSC sanctions measures with limited implementation in 2017

	Date	Contents	Problems
Resolution 2345	23 March 2017	Added statement to deepen the monitoring control and maximise pressure.	North Korea initiated missile test on 28 July, 2017 and launched the sixth nuclear test.
Resolution 2356	2 June 2017	Condemned North Korea on nuclear and missile development. Added more specific targets on the sanctions list.	Simply recalled previous resolutions.
Resolution 2371	5 August 2017	Imposed in response to North Korea’s two Intercontinental Ballistic Missile (ICBM) tests. Banned North Korean labourers in other countries.	Only analysed additional resources to monitor and included new sanctions.
Resolution 2375	3 September 2017	Banned any transfer of textiles, gas, petroleum, crude oil, etc.	Simply expanded sanctions to additional sectors of the economy.

Source: Authors’ collection of data from UN resources.

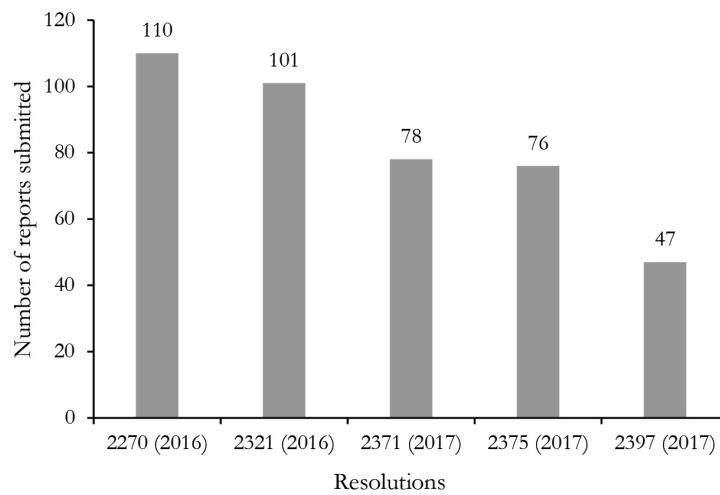


Figure 1: Number of implementation reports submitted to the Panel of Experts, 2016–2017.

Source: Authors’ collection of data from UN resources.

China and North Korea have sophisticated sanction-evasion tactics. North Korea was charged for secretly importing petroleum through Hong Kong-flagged vessels that were boarded with Chinese crews (Park and Jin 2017). China denied its involvement in the charge, but Trump harshly criticised China for the violation of UN resolutions. Furthermore, the U.S. played a key role in the UNSC’s decision to require all member states to inspect any vessels that are in their territorial waters for prohibited activities. Maximum pressure significantly affected North Korea’s economic growth, but the China-North Korea trade volume remained stable, as is illustrated in Figure 2.

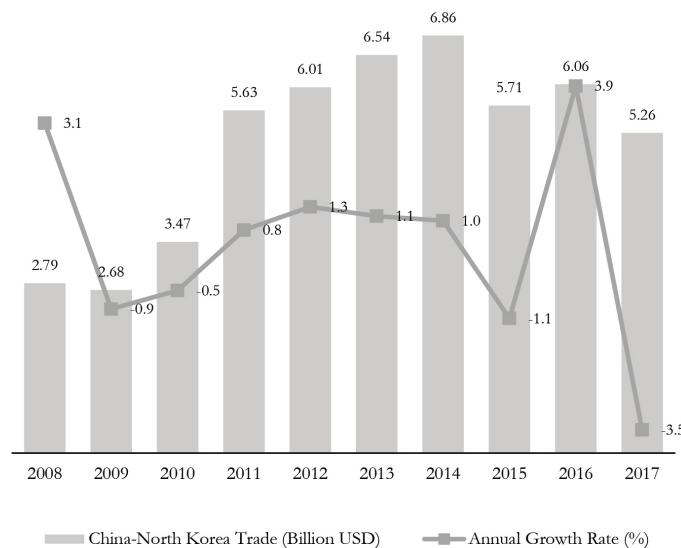


Figure 2: North Korea’s trade with China and economic growth rate, 2008–2017.

Source: KOTRA (2018: 14); Bank of Korea (2019).

Even though the UNSC resolutions had largely been ineffective in deterring North Korea from achieving its nuclear capability, the U.S. could continue utilising the multilateral arena to effectively handle the biggest sanctions buster: China (Davenport 2018). In brief, since the UNSC was portraying the image of an incompetent bad cop against the target and sanctions busters, Trump now could play a competent good cop, underscoring the importance of bilateral diplomacy and negotiation.

The UN at a Multilateral Impasse; the U.S. with Unilateral Carrots and Sticks

Amid heightened sanctions in late 2017, President Trump triumphantly declared at the UN: “We are winning on trade. We are winning at every level” (Paletta and Lynch 2018). At the beginning of 2018, he provoked North Korea, tweeting: “I too have a Nuclear Button, but it is a much bigger and more powerful one than his, and my Button works” (Trump 2018a). Yet, in just one month, Washington and Pyongyang began to show their willingness to start talks. Trump praised Kim Jong Un as being “very open and very honourable” and, in return, North Korea set a date to begin shutting down its nuclear test sites (*New York Times* 2018c: A-1). Finally, Trump announced that he would meet Kim in Singapore in June. North Korea dismantled key missile facilities while returning the remains of 55 soldiers who had died in the Korean War 65 years prior (*New York Times* 2018d: A-5; 2018e: A-12).

Chinese Foreign Minister Wang Yi, in response to thawing tensions, stated at the UNSC that China would enthusiastically support diplomatic efforts by the U.S. while expecting the Council to lift economic sanctions (*UN News* 2018). Russia also supported China and pressed the UNSC to ease the sanctions, while considering the “positive development of the past few months” (Borger 2018). In fact, the UNSC initially seemed to loosen its sanctions and passed Resolution 2407 in March 2018, which simply extended the mandate without adding any new sanctions measures (United Nations 2018).

However, unlike Obama, who had focused on multilateral cooperation to counterbalance the rise of China, Trump relied on strong unilateral pressure against China to solve economic issues; he released a list of proposed punitive tariffs on goods that ranged from auto parts and food ingredients to construction materials.⁹ He stated at the UN that the U.S. would “no longer tolerate trade abuse and would do anything to rectify the trade imbalance with China and its unfair practices” (Pramuk 2018). Since North Korea’s denuclearisation

process was stumbling after the summit, the Trump administration urged the Council to impose harsher sanctions and condemned the sanctions busters as being “actively working to undermine the enforcement of the Security Council’s sanctions on North Korea” (United States Mission to the United Nations 2018). Throughout the latter half of 2018, the U.S. issued a series of unilateral sanctions measures against North Korea and sanctions-busters, as is described in Table 3.

Table 3: List of U.S. unilateral sanctions after the Singapore Summit in 2018

Date	Agencies	Rationales	Targets and contents
July 23	Department of Treasury; Department of Homeland Security; Department of State	Countering America’s Adversaries Through Sanctions Act (2017)	Prohibiting hiring North Korean labourers
August 3	Department of Treasury	Financial transaction with North Korea	Agrosoyuz Commercial Bank (Russia); Dandong Zhongsheng Industry & Trade; Ri Jong Won; Korea Ungum Corporation
August 15	Department of Treasury	Commercial traffic to/from North Korea	Russian companies and individuals
August 21	Department of Treasury	Transshipment to/from North Korea	Russian companies and vessels
September 6	Department of Treasury	Sony Pictures hack; WannaCry ransomware attack	Chosun Expo Joint Venture; Park Jin Hyok
September 13	Department of Treasury	Profit-making for North Korea	Yanbian Silverstar Network Technology (Chinese); Volasys Silver Star (Russian); Jong Song Hwa
October 4	Department of Treasury	Trading in arms and luxury goods	Turkish companies and individuals; Ri Song Un
October 25	Department of Treasury	Commercial contracts with North Korea; Money laundering	Singaporean companies, individuals and vessels
November 19	Department of Treasury	Connection with sanctioned companies; Sanctions evasion	South African individuals
November 26	Department of Justice	Money laundering	Singaporean and Chinese companies

(continued on next page)

Table 3: (continued)

Date	Agencies	Rationales	Targets and contents
November 29	President; Secretary of State	Trafficking Victims Protection Act (2001)	Prohibiting non-humanitarian assistant to North Korea; Prohibiting participation in educational and cultural exchange programmes
December 10	Department of Treasury	Human rights abuses; Otto Wambier incident	Choe Ryong Hae; Jong Kyong Taek; Pak Kwang Ho

Source: Adopted and modified from Suh (2019).

Both the U.S. and the UN maintained a strong stance against North Korea, pressuring Kim Jong Un to provide a more comprehensive concession in exchange for the lift of U.S.-led sanctions (*New York Times* 2019c: A-1). However, while those strong sanctions were in place, the U.S. had implied the potential lifting of sanctions from time to time, as was in the recent case of the review of the travel ban to North Korea (*New York Times* 2018f: A-11). Trump said that a third U.S.-North Korea summit “could happen”, although sanctions would “remain in effect until Pyongyang agrees to relinquish its nuclear arsenal” (Jeong and Martin 2019):

On the other hand, most of the UNSC sanctions remain intact, despite opposition from China and Russia. It does not, however, mean that these sanction measures are being effectively implemented. On the contrary, the effectiveness of UNSC sanctions has been substantively undermined not only by the U.S.’s potential adversaries (e.g., China and Russia) but also by its core regional allies, including Japan and South Korea (*New York Times* 2019d: A-1).¹⁰

It is apparent that North Korea cares more about its bilateral relationship with the U.S. than the UNSC’s multilateral sanctions regime. In fact, North Korea has been obstinate with this stance since its first nuclear provocation in the 1990s, while the U.S. has relied on both multilateral sticks through UN sanctions and bilateral carrots to “sweeten the pot” and keep “its allies on its side” (Dorn and Fulton 1997: 37). The degeneration of multilateral UN sanctions has largely been led, ironically, by U.S. bilateralism. The U.S. has been promoting both sticks and carrots unilaterally through its bilateral channels, not only with North Korea but also with other countries in Northeast Asia, most significantly, China, whereas the multilateral UNSC sanctions regime has been tied to one option of U.S.-led “maximum pressure”.

CONCLUSION

At the UN General Assembly, President Trump once unapologetically swaggered: “In less than two years, my administration has accomplished more than almost any administration in the history of our country” (Trump 2018b). In recent years, the North Korean nuclear issue has indeed undergone upheavals between near-ultimatums and near-peace treaties that include denuclearisation. While these remain to be seen, what seems obvious is that fewer and fewer countries will take the UNSC resolutions seriously if the U.S. gains the upper hand in North Korean issues. Facing the rise of China and the decreasing effectiveness of UNSC resolutions, the U.S. is gravitating towards imposing unilateral sanctions. The U.S. has underscored multilateralism with its allies only for the sake of sharing security costs and burdens. Consequently, following North Korea’s missile test in August 2019, Trump conceded that North Korea might have flouted UN sanctions, but he did not consider it a violation of Kim’s commitments to him, whereas the Council condemned it as a clear breach of UNSC resolutions (Salama and Jeong 2019).

There may be a United Nations violation, but [...] Kim does not want to disappoint me with a violation of trust. [...] Kim has a great and beautiful vision for his country, and only the United States, with me as President, can make that vision come true (Trump 2019).

North Korea, having endured years of famine and economic hardship under the banner of the “Arduous March”, has become almost immune to sanctions (Hastings 2016: 22–60).¹¹ The country’s networks, under a hostile international environment, have been comprehensively stretched to the rest of the world not only through state trading networks but also through private trading networks (Hastings 2016: 174), which are “global, adaptive, and resilient” (Salisbury 2017). Even the latest Chinese energy sanctions on North Korea, as Nautilus reports, would make little or no immediate impact on its military’s routine or wartime ability as it has developed a variety of sanctions workarounds (Hayes and von Hippel 2017; von Hippel and Hayes 2017). The most recent budget report of the North Korean parliament demonstrates the political and economic stability of North Korea as well as a resuscitated Chinese-North Korean relationship, despite the tightened sanctions (Frank 2019).

All sanctions regimes endeavour to establish a collective approach to interacting with a target country (Haggard and Noland 2017: 8). Successful imposition of sanctions on North Korea thus requires collaborating with the

sanctions busters. The fundamental challenge to this collaborative imposition of the sanctions is that the strongest buster, China, “definitely has the power to block or negate any of America’s strategies either at the UN or around the globe” (Kazianis 2017: 9). A Chinese foreign minister asserted that “[w]e always believe that sanctions are not the end of the Security Council’s actions, nor are sanctions the fundamental way to resolve the relevant issues” (Chauhan 2018: 244).

Sanctions have raised tensions between the U.S. and the involved powerful countries that have veto power at the UN. The Council has become the arena for their political struggles; the U.S. wants to close off the backdoor to sanctions evasion through the UNSC, while sanctions busters are unwilling to cooperate not only because of the lack of economic incentive but also because of complicated political issues, both domestic and international. China even increased its trade with North Korea after the Trump-Kim meeting, fearing a loss of influence with its ally (Gehrke 2018).

Instead of breaking through this multilateral deadlock at the UN, President Trump, to satisfy the U.S.’s interests, relied on bilateral negotiations and dealt with individual states. As economic nationalism and domestic issues were the primary policy rationales of the Trump administration, it was far from unthinkable for him to combine the bilateral issues of the trade war with China and the denuclearisation of North Korea, all the while discarding multilateral issues such as global warming and international human rights (Kim 2018).¹² While Biden has avowed to return to multilateral order, it is unlikely that this new administration will be able to ignore the American constituents who prefer the bilateral handling of these issues (deLisle 2021).

Pundits and practitioners have viewed this stalemate and deadlock of those existing multilateral institutions as being caused by the U.S.’s inability to lead, the sabotage by the superpowers, the growing challenges of emerging powers to the system of Western leadership, or the Trump administration’s unwillingness to compromise (Robertson 2019; Charbonneau 2019; Stephen 2017; Fehl and Thimm 2019). The sanctions on North Korea that we have discussed showcase the devolution of the UNSC’s multilateral approaches that are rooted in the U.S.’s instrumental use of the UNSC due to the hegemon’s “imperial under-stretch” (Traub 2013). The U.S.’s deepening domestic problems finally gave birth to the rise of populism and, eventually, Trumpism (Kim 2018; Norris and Inglehart 2019).

As discussed thus far, the U.S. has utilised UNSC resolutions against North Korea’s nuclear development as a political means for curtailing China’s rise. China has also strengthened or loosened its imposition of sanctions to

discipline North Korea or because of domestic public opinions, rather than in compliance with the U.S.-led UNSC (Kim 2020; Li and Kim 2020). The goals of the UNSC's sanctions have been displaced and blurred, their implementation has been protracted, and the legitimacy of these sanctions has been undermined. Meanwhile, although the U.S.'s maximum pressure policy has become more comprehensive and intensive, the denuclearisation of North Korea now carries more political nuance and severe implications. In fact, the "decades of effort in nuclear arms control" are now at stake (*The Economist* 2019: 35).

Conventional theories have assumed that the UN(SC) is basically an arena for political contention and a decision-making body for sanctions implementation and, thus, while focusing on their effectiveness (or ineffectiveness), have addressed mostly how sanctions are implemented (or interrupted). Besides, the conventional views have justified the unilateral pursuit of national interests by powerful nations. This study, by reviewing the "complex, multilayered, multi-empowered" (Kennedy 2006: 135) decision-making process of the UN(SC) amid a series of sanctions-impositions, suggests that the pursuit of national interests by powerful nations on the contrary has caused the UN(SC)'s organisational changes, leading to the degeneration of sanctions-impositions to the point of ineptitude.

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- ¹ See the list in Albert (2018).
- ² The Trump administration issued 3,800 international problems-related sanction designations, which was much more than Obama’s 2,350 (during the second term) (Spetalnick et al. 2020).
- ³ See Wilson (2019).
- ⁴ UN(SC) hereafter refers to both the UN and the UNSC.
- ⁵ Among the numerous theoretical debates, see Hufbauer and Elliott (1988), Baldwin and Pape (1998), Cortright and Lopez (2000), Chesterman and Pouligny (2003), Farrall (2007), Portela (2010), and Giumelli (2015).
- ⁶ See Cha (2003) and Pyon (2011), respectively.
- ⁷ See also Harrison (2003).
- ⁸ See McDonald and Patrick (2010).
- ⁹ For the full list, see Pong et al. (2018).
- ¹⁰ See also Kuo and Arterbun (2019).
- ¹¹ See also Haggard and Noland (2007).
- ¹² The deliberate negligence of multilateralism had become a key feature of U.S. foreign policy under the Trump administration, as was demonstrated in the U.S.’s withdrawal from the Trans-Pacific Partnership (TPP), UNHRC, UN Educational, Scientific and Cultural Organisation (UNESCO), and the Paris Agreement (Weiss et al. 2019).

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- _____. 2018d. North Korea reportedly dismantling sites. 24 July 2018, A-5.
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