



(REVIEW ARTICLE)



## United states sanctions and nuclear disarmament in North Korea

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World Journal of Advanced Research and Reviews, 2023, 17(01), 749–755

Publication history: Received on 06 December 2022; revised on 19 January 2023; accepted on 21 November 2023

Article DOI: <https://doi.org/10.30574/wjarr.2023.17.1.0094>

### Abstract

More than five United States administrations have employed unilateral and multilateral sanctions on North Korea; the same tool of coercion exerted on Iran, yet all efforts to record a successful nuclear deal with North Korea has proved abortive till date. This article seeks to address a key question: How do United States sanctions influence the behavior of North Korea towards nuclear disarmament? The aim is to analyze sanctions effectiveness with particular reference to the role of the United States in the denuclearization of the Korean peninsula. The theory adopted was political realism, which argues that power and coercion are major instruments for achieving state's national interests. This article relied on secondary data which were analyzed through content analysis. The finding of the article suggests that United States sanctions have limited impact on the behavior of North Korea as the Supreme leader of North Korea continues with the aggressive behavior of six nuclear testing between 2006 to November, 2017. The key factor that undermines the effectiveness of the United States sanctions includes lack of credibility and relative menace in US use of coercion over North Korea, lack of airtight implementation of sanctions on North Korea, Plurality of objectives and the indoctrination of North Korea Juche Ideology. The study concludes that the United States ultimate goal of complete, verifiable and irreversible denuclearization (CVID) in Korean Peninsula is an inconsistent policy objective of various US administrations which conflicts with North Korea's national interest. This article recommends setting up eagle-eyed monitoring committees to keep track on sanctions implementations protocols within United States ranks and member states of United Nations with the aim of tightening loopholes militating airtight execution of agreed sanctions.

**Keywords:** Nuclear disarmament; Sanctions; United States; Coercion; Korean Peninsula; Sanctions effectiveness; North Korea

### 1. Introduction

The concatenation between sanctions and norms cannot be overemphasized as it flows from the definition of crime (offenses) or defiant behavior and the delimitation of acceptable actions. As sanctions are consequences of non-conformity with values within an established system. Even without a formal definition, most observers from social environments would agree that the execution of a felon or setting a fine for traffic offenses represents a sanction [12]. Despite the anarchical and belligerent nature of international politics, no country is an island, so interactions, trade partnerships, associations and joining international bodies is inevitable. International organizations, treaties and alliances shape acceptable norms & behaviors of member states by encouraging strict adherence to body of existing laws and codes of conduct as well as punitive measures for contravention which can take the form of a sanction(s). Sequel to the collateral damages occasioned by the US bombing of Hiroshima and Nagasaki, 1945, some states came together to ensure peaceful use of nuclear weapons by becoming signatories to the non-proliferation treaty(NPT) in 1968. North Korea was amongst the states that signed the ratification of the non-proliferation treaty in 1985 and eventually withdrew in 2003, three years later conducted her first nuclear weapon testing citing US aggression as justification. International sanctions are actions taken by countries against others for political reasons, either unilaterally or multilaterally. North Korea has received various forms of sanctions as responses to money laundering,

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human right violations, censorship and cyber-attacks and nuclear missile testing [6]. The use of sanctions comes handy and unequivocally pivotal to influence North Korea to relinquish her nuclear aspirations, because all other options on the table are too exorbitant to contemplate which includes the consequence of a full scale nuclear war and the recognition of North Korea as a nuclear state which may escalate the nuclear arm race.

Both North Korea and Iran were highlighted by President George Bush administration among the “axis of evil” associating them with terrorism and Nuclear weapons. The United States use of sanctions led to Iran’s signing of the Nuclear Deal with the P5+1 (United States, China, Britain, France, Russia and Germany) under President Barak Obama’s administration but a different negative outcome persists for North Korea for decades. The United States sanctions have been further strengthened by playing active role in the United Nations, usurping the “BIG FIVE platform” to influence resolutions that exert more pressures on North Korea through sanctions. The United states expanded coercion by adding humanitarian aids as incentives of 1.3 billion dollars as food, disaster relief materials and aids to the North Korean regimes [13]. Yet the United states sanctions on North Korea does not inspire optimism as the aggressive behavior of North Korea’s Supreme Leader Kim Jon Un has conducted six nuclear and long-range missile tests between 2006 and 2017, [9]. Against this backdrop, this article seeks to understand how United States sanctions influence the behavior of North Korea towards nuclear disarmament.

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## 2. Theoretical Framework: Political Realism

Political realism argues that states’ major driving force in international politics is caused by one or a combination of factors, namely the quest for power, desire to secure or promote and the need to create a power equilibrium for the sake of peace. [17] Avers that international politics is governed by objective universal laws based on national interest defined in terms of power. [19] Pinpoints that power may be soft power or hard power. The subsets of realism include behavioralism, national interest, power politics and balance of power. Realists therefore believe that the decisive dynamics among countries is a struggle for power in an effort by each to preserve or, preferably, improve its military security and economic welfare in competition with other countries. [18] Corroborates the stances of Clausewitz, Carr, Hobbes, Tzu that man cannot be trusted to do only good and peaceful actions as the stain of original sin is on him. [23] posits realism as strategic; hence it helps states on how to deal with threats through rationality especially when faced with dangers of nuclear war. The national interest of United States in the Korean Peninsula is that of South Korea which makes bold the alliance theory of international relations. [5] Extrapolation on Alliance theory, this is the balance of threat theory which suggests that states will react to increases towards threat in other states’ capabilities; alliances are regarded as a response to external threat. This article posits that the anarchical and belligerent nature of international politics implies that the sanctions and coercion on North Korea is based on national interest as the interest of United States is that of her allies. This also implies that the US capitalist agenda with South Korea is antithetical to the ideological lining of Communist North Korea with China and Russia.

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## 3. The Nature of United States Sanctions on North Korea

There are several types of sanctions including diplomatic sanctions and economic sanctions, sanctions may be classified as negative sanctions and positive sanctions, this article will focus on US economic and diplomatic sanctions on North Korea. Economic sanctions take a variety of forms, ranging from a mere refusal to renew trade agreements to a total export and import embargo against the target state [15]. Economic sanctions placement of embargoes and restrictions, the suspension of economic agreements with trade partners, the freezing of financial assets of the coerced state, blacklisting states and companies doing business with state. Economic sanctions or embargoes have been key incentives or deterrents which have been used to curtail aggressive behaviors and bring about a peaceful resolution to a serious dispute or crisis. The goal of sanctions is to force the target state (or actor) to choose between conceding the disputed stake and suffering future pain that making such a concession would avert. The United States has made several attempts to coerce North Korea to relinquish her nuclear aspirations. The United States employed ‘reputational’ financial sanctions against Iranian and North Korean banks, which is one of the most promising emerging levers of coercive statecraft which aim to freeze investments into these countries by threatening the financial reputations of legitimate institutions in an interconnected world. They have received considerable press attention and policymakers have heralded them as the key to “smart sanctions” discriminating and effective [7].

Sanctions can be intensified though stifling its adversary’s diplomatic relations with others by threatening political consequences, such as the expulsion from an international organization with the coercer exerting pressures on other states for compliance. Diplomatic sanctions encapsulate the severing of diplomatic ties especially with state officials, such as embassies cutting off dealings with the defiant state. For instance as at 2018, North Korea continued to face international isolation from Spain, Kuwait, Mexico, Vietnam and Peru which had severed diplomatic ties with the

Democratic People's Republic of Korea, while the Philippines suspended trade relations as well as Thailand cutting its economic relations [22].

Sanctions are unique tools with which the international community and individual states employ to exert financial cost for unwanted behavior in the international space. These sanctions are difficult to implement and even more difficult to enforce given the varied types of tools and political enthusiasm for adhering to the rules in place; even large financial institutions struggle with sanctions. Enforcement is often the primary focus of Western governments, but little attention is often paid to the way in which sanctions are implemented across governments and the private sectors, as well as the challenges those with less resources have when faced with executing stipulated sanctions.

The United States has pursued economic and financial sanctions for more than a dozen years to pressure North Korea to denuclearize using her key role in international organizations such as United Nations to promote and justify sanctions on the Kim regimes. The US sanctions are primarily designed to impede North Korea's development of missile and nuclear technology, but some have come in response to North Korea's cyber-attacks, such as its 2014 breach of Sony's computer systems and 2017 WannaCry ransomware attack; human rights violations; censorship; and money laundering, among other activities. Additionally, the United States sanctions has sanctioned banks, companies through restricting their economic activities and targeting larger list of individuals and businesses, outside North Korea particularly in China and Russia for supporting its weapons program [6]. The United States has also fined international companies for violating U.S. export controls, however, at intervals, the United States has partially lifted its sanctions on North Korea in exchange for a promise to freeze its nuclear program and dismantle parts of its facilities

Despite the plethora of US sanctions on North Korea, the incessant nuclear testing makes it difficult to understand the level of its impact on the regime. However, compared to other US administrations, the intensity of US sanctions and its implementation under the President Trump administration led to the first ever meeting of a sitting US President and a North Korea supreme leader to the negotiation table. The meeting of President Trump and Supreme Leader, Kim Jon Un at the Singapore summit 2018 and Hanoi summit 2019 is a testament that the discourse of denuclearization of the Korean Peninsula had taken a serious posture.

Precisely, 2017 under the President Trump administration witnessed prompt responses to North Korea nuclear testing, stiffer restrictions, and more implementation of sanctions against North Korea which are captured below.

- In July 2017, after the death of tourist Otto Warmbier, the US government banned Americans from visiting North Korea from September 1, 2017. On 25 September 2017, President Donald Trump issued an executive order banning entry of North Korean nationals to the USA.
- In August 2017, Countering American Adversaries through Sanctions was enacted. On 21 September 2017, US President Trump issued an executive order allowing USA to cut from its financial system and/or freeze assets of any companies, businesses, organizations and individuals trading in goods, services or technology with North Korea. Also any aircraft or ship upon entering North Korea is banned for 180 days from entering the USA. Same restrictions apply to ships which conducted ship to ship transfers with North Korean ships. Treasury Secretary Steven Mnuchin asserts that foreign financial institutions are now on notice that going forward they can choose to do business with the United States or North Korea, but not both [16].
- Following the abduction of a South Korean fishing vessel, additional sanctions were ordered by Donald Trump on 26 October 2017, following a culmination of 'flagrant' rights abuses including executions, torture, and forced labor. Seven individuals and three North Korean entities were affected by the sanctions. Imports of textiles from North Korea would also be banned immediately, but textile trade contracts signed before 11th September, 2017 would be respected if import formalities were completed before 10<sup>th</sup> of December, 2017. This move followed the adoption of a unanimous UN security agreement on sanctions after the nuclear tests on 3rd September and 29th November, 2017. These UN resolutions only work when complemented by robust US sanctions which is exactly what happened to Iran [21].

In March 2016, United States exerted more pressures on North Korea through the United Nations resolutions in which United States is a member of the "BIG FIVE", consequently sanctions skyrocketed the following year under President Trump. This saw the (UN) Security Council with China's consent unanimously passed Resolution 2270 to significantly strengthen the sanctions regime that restricts arms transfers and limits trade with North Korea. The UN 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. Crude oil imports are only allowed up to 4 million barrels annually, and refined oil imports up to 0.5 million barrels. 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,

UN member countries were to return North Korean workers to North Korea by the end of 2019, but in practice, a number of them remained abroad, notably in China and Russia.

**Table 1** United Nations Main Resolutions on North Korea

| Events                                                                 | UNSCR                        | Sanctions                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Korea announces it will leave the NPT, March 1993.               | UNSCR 825<br>March 1993      | Adoption of a resolution condemning North Korea's withdrawal from the Nuclear Non-proliferation Treaty.                                                                                                                                           |
| North Korea leaves NPT January, 2003.                                  |                              |                                                                                                                                                                                                                                                   |
| First Nuclear Test, October, 2003.                                     | UNSCR 1718<br>October 2006   | Prohibition of the sale and transfer of weapons of mass destruction (WMD) and luxury goods.                                                                                                                                                       |
| Second Nuclear Test, May, 2009.                                        | UNSCR 1874<br>June 2009      | Expansion of the prohibition of WMD transfers and authorization for countries to inspect North Korean cargo on sea, land and air.                                                                                                                 |
| Third Nuclear Test, February, 2013.                                    | UNSCR 2094<br>March 2013     | Air cargo sanctions (no landing of aircraft with suspect cargo).                                                                                                                                                                                  |
| 4th nuclear test, January 2016 Long-range missile test, February 2016. | UNSCR 2270<br>March 2016     | Ban on arms trade with North Korea, tightening of obligations to monitor North Korean ships, export sanctions on minerals (anthracite coal, iron ore, gold, rare earths, etc.), and prohibition of technical cooperation on satellites and space. |
| 5th nuclear test, September 2016.                                      | UNSCR 2321<br>November 2016  | Quota for North Korean coal exports (within USD 0.4 billion or 7.5 million tons per year) and addition of silver, copper, zinc, nickel to the list of prohibited minerals.                                                                        |
| Ballistic missile launch, July 2017.                                   | UNSCR 2371<br>August 2017    | Prohibition of exports of North Korean coal and iron ore, export sanctions on seafood, ban on new investments in North Korea, and freeze of the overseas dispatch of North Korean workers.                                                        |
| 6th nuclear test, September 2017.                                      | UNSCR 2375<br>September 2017 | Ban of textiles exports and limitation of annual imports of oil to 4 million barrels of crude oil and 2 million barrels of refined oil.                                                                                                           |
| Ballistic missile launch, November 2017.                               | UNSCR 2397<br>December 2017  | Prohibition on the purchase of fishing rights in North Korea, tightening of the restriction on imports of refined oil to 0.5 million barrels, repatriation of overseas North Korean workers by end-2019.                                          |

Source: United Nations: Ministry of Unification; Korea Institute for National Unification.

Within the same year 2016, the US Congress adopted the North Korea Sanctions and Policy Enhancement Act. It prohibits the provision of goods, technologies, services and financial transactions in connection with goods subject to sanctions. It also includes a potential secondary boycott that could affect third-party firms with businesses in the United States, in the case of illegal transactions with North Korean individuals and firms. The United States designated North Korea as a primary money laundering concern in 2016 and as a state sponsor of terrorism in 2017. US Republican Senator Cory Gardner, Chairman of US Senate's East Asia subcommittee adds that maintaining official diplomatic relations with a regime that continues to defy international law and threatens nations across the globe only serves to reward nefarious behaviors [21]. Since the United States Act deals with human rights and money laundering issues as well as weapon of Mass destruction (WMD), North Korea would need to address those concerns together for the United States to lift sanctions [3]. In September 2016, the United States first imposed secondary sanctions on Chinese companies and executives on charges of illegal transactions with North Korea. In 2018, President Trump administration indicted Singaporean companies on similar charges. The United State stance against Nuclear North Korea shapes the behavior of South Korea both as a world leader and a formidable ally. The dynamics of the behavior of Some South Korean Presidents from history have kept up a hard line against North Korea, while others, including the then South Korea president, Moon Jae-in, have opted for a more conciliatory approach, attempting to expand bilateral exchanges as a path toward peaceful coexistence. South Korean governments had provided well over \$7 million dollars in aid from

1991 mostly in form of food and medical assistance to the North Korean counterpart to 2015. Furthermore, South Korea also pledged over \$8 million dollars with fifty thousand tons of rice to North Korea [6]. This article argues that humanitarian aids, foods and medical assistance from South Korea, China and even the US cushion the effect of the sanctions.

To support the direct sanctions on North Korea, the active role of United States as a key member of the United Nations Security Council (UNSC) has had enormous influence on the UN resolutions and reactions to Nuclear weapon testing of successive Kim regimes. Making and justifying a case for the North Korea nuclear weapons being inimical to global peace and security. These bold move demands international collaborations from other states because security concerns leaves no state in exemption, this has been a major US strategy to convince others. Below are UN main resolutions as response to Nuclear North Korea.

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#### 4. The Effectiveness of United States sanctions on North Korea

North Korea's leadership under successive Kim's, considers nuclear weapons the sole means to guarantee its survival. The North Korean historical experiences of subjugation by imperial Japan infiltrated the Korean culture and distorted the belief in the Korean identity. More so, the use of technology by the United States in the Korean war 1953 as well as provide food, aids and other relief materials for South Korea registered the development of technological weapons as indispensable tools for survival of a state [10]. The introduction of Juche ideology by Kim Sung II in North Korean education curriculum system framed the communist national re-orientation with ideals that takes cognizance of the peculiar needs of North Korean people. The North Korean regime sponsored education schemes that taught Juche political ideology till its indoctrination produces commitment and nationalism of North Koreans. The Juche ideology implies self-reliance with three footholds in 1956 which are "Chaju" to achieve political independence, the "Chawu" which emphasized self-defense in military affairs and "Charip" a self-supportive economy. [24] Asserts that the self-reliance of juche political ideology rationalizes North Korea's recalcitrant stance of prioritizing military science development over economic prosperity.

The US has imposed financial sanctions to punish the North Korean regime for cyber-attacks, money laundering and human right violations but chief of them is for the development of nuclear weapons. Some of these Sanctions have had its tolls on the North Korean economy but not been able to bring the regime to its knee. Its effectiveness has been undermined by the laxity of some countries whose role in strengthening the sanctions are pivotal to ensuring airtight implementation. For example, China's implementation of the United Nations resolutions must not interfere with safeguarding her hegemonic strongholds because the survival of the North Korea Government as her ally is monumental for regional balance of power in South Asia and Asian continent at large.

In practice, the identification of sanctions violations is difficult especially with North Korean exports diverted via Russia or bearing "made in China " labels [22]. However, in 2018, North Korea received 263 deliveries of oil via ship-to-ship transfers from China keeping gasoline prices relatively stable [1]. China and North Korea economic activities through the Yalu River as a bridge that has constantly seen goods, products services as well as aids navigate to North Korea. More so, Strategic companies have remained lukewarm flouting the sanctions because if even the sanctions are tightened, there is no guarantee of the desired outcome.

North Korea views the routine US military drills and exercises with South Korea termed THAAD(Terminal High Altitude Area Defense) as pure aggression and a provocative gesture reiterating the stance of Chinese Strategist Sun Tzu that morality should not be expected from a man surrounded with dangerous neighbors(Tzu,446,BC). The current supreme leader, Supreme Leader, Kim Jon Un perceives nuclear weapons as a military asset holding other frameworks of the juche ideology together, describing it as an insurance policy and a vast source of prestige all in one [10] Reneging upon by agreements after several rounds of US talks, negotiations on denuclearization epitomizes typical lack of trust between the US and North Korea for decades. Ranging US withdrawing sanction's concessions of supplying fuel for the nuclear water reactor in North Korea under Clinton 1994 framework agreement to pulling out of non-proliferation treaty in 1985 after ratification and subsequent withdrawal from the Non-proliferation treaty (NPT) in 2003 with North Korea citing US aggression as justification. This depicts mistrust, misgivings and credibility concerns in their diplomatic relations.

After enlisting the North Korea as "axis of evil", the President Bush administration's North Korea's strategic policy of engagement demanded first and foremost a change of behavior from the regime before concessions, sanctions lifting and negotiations. While President Obama's North Korea policy of "strategic patience" which entertained "carrots" before "stick" approach saw more nuclear weapon testing (4) as well as North Korea openly unveiling her Uranium Enrichment Program (UEP) during the same administration. Consequently, North Korea declared and enshrined her nuclear status

into the 2012 national constitution. However, President Trump administration's policy of "strategic accountability" addressed North Korea nuclear development as a threat to national security along same axis with his America first policy. [11] Avers that the Trump administration strategic accountability centered upon economic sanctions and diplomatic pressures proved the direction and basic strategy of United States policy on North Korea have been the challenge. The pressures exerted on North Korea through President Trump Financial and diplomatic sanctions had more air tight implementation through various US departments which led to the first ever meeting of any sitting US President and North Korean Supreme leader on the denuclearization of the Korean Peninsula. The meeting of President Trump and the Supreme Leader Kim Jon Un at the Singapore summit on June, 2018 and Hanoi summit, 2019 suggests a positive outcome of US sanctions to reach the negotiation table with a front-foot towards the ultimate goal of denuclearization. However, these meetings has been interpreted as one for the cameras because no concrete and realistic agreement was reached when juxtaposed with the US ultimate goal of complete, verifiable and irreversible denuclearization(CVID) as it lacks the pragmatic cutting edge to change North Korea's position. President Trump did not just tighten sanctions but tenaciously upheld his own end of bargain by keeping to the promise of suspending the high profile military drills with South Korea. Nonetheless, lessons learnt from Ukraine relinquishing her nuclear weapons, consequences of Libya's Gadhafi and Iraqi's Saddam Hussein in relations with US on their nuclear weapons make the stance of Supreme Leader, Kim Jon UN even more determined to improve the development of military science through nuclear technology.

This article found that while most US sanctions towards North Korea were reactionary to the various nuclear missiles testing, the Trump administration was more swift, decisive and tenacious with sanctions meted as response to the nuclear missile tests. The meeting between U.S President Trump and Supreme Leader, Kim Jon Un as the first-ever of sitting leaders over the denuclearization of the Korean Peninsula depicts a measure of sanctions effectiveness. The article found that the psychological tensions attached to the North Korea's flagrant nuclear missiles testing at will is a more worrisome conundrum than actual deployment of the nuclear weapons or case of military warfare realistically. This article also found that the North Korean regimes views their nuclear weapons as an indispensable military assets requisite for national survival in a belligerent and anarchical international system in consonance with her national interest.

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## 5. Conclusion

Devising North Korea sanctions, its implementation and the degree of coercion by states including the United States is directly proportional to their national interests on the subject matter. This article concludes that even though President Trump administration gets credit for reaching the negotiation table with North Korea, the ultimate goal of complete, verifiable and irreversible denuclearization (CVID) is unrealistic and not good enough because North Korea's nuclear weapon is her only bargaining chip. The article concludes that leadership personalities/styles is a significant driver in screwing sanctions as tools of coercion and therefore each US administration's policies implicates on the behavior of a nuclear North Korea.

### *Recommendations*

Hence, the Korean War of 1953 ended in an armistice implying that North Korea and South Korea are still technically at war. This article therefore recommends that the United States should spearhead the processes, conditions and modalities for the ratification for a peace treaty as incentive for denuclearization in the Korean Peninsula. Another recommendation of this article is setting up eagle-eyed ad-hoc committees to monitor the implementation of sanctions both within the United States ranks and member states of United Nations with the aim to tighten loopholes militating airtight execution of agreed sanctions.

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## Compliance with ethical standards

### *Acknowledgments*

I hereby acknowledge Mrs Comfort Oche for relentlessly assisting me throughout this article.

### *Disclosure of conflict of interest*

The collaboration with Kiale Nyianaana(Ph.D) towards this manuscript was unified and seamlessly done; no conflict of interest of any kind on this article.

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