

CHAPTER I INTRODUCTION

A. Background

As one of the main purposes of United Nations is to maintaining peace and international security. Since the establishment, UN and especially Security Council has been asked to prevent conflicts or disputes as well not become a war. The sanctions could be the action using violence, without a military, and could be using the military.¹ Resolution adopted by United Nations Security Council is a formal text adopted by UN organs and decision of the fifteen Security Council members. In decision-making process according to UN Charter article 27, the decision is determined by at least nine members of the UN Security Council and each decision could not be rejected by the five permanent members of United Nations Security Council.² This responsibility also for maintaining international peace and security and agree to carry out its duties under the responsibility that mentioned under the UN Charter. Although all UN organs can issue the resolutions, in practice, the most common is the United Nations Security Council or General Assembly of UN.

The Security Council has succeeded in stopping the civil war in Liberia by issuing several resolutions that have succeeded in stopping this conflict. This civil war began in 1999 and ended in 2003. This second civil war was the result of an uprising of several groups under President Charles Taylor's administration, which had previously won the first Liberia civil war. Liberia United for Reconciliation and

¹United Nations Headquarters. 2013. *Fact Sheet: This is the United Nations, the six main organs*, New York: Public Inquiries, UN Visitor Centre. Retrieved from <https://www.scribd.com/document/326058907/FS-This-is-the-UN-2013-pdf>(Accessed on October 26th, 2017)

²UN Security Council, *Security Council Resolutions*. Retrieved from <http://www.un.org/en/sc/documents/resolutions/index.shtml> (Accessed on October 26th, 2017)

Democracy (LURD) was the first rebellion group against the Charles Taylor regime with getting support from Guinea. The second rebellion group that also succeeded in dropping Charles G. Taylor regime was known as Democracy Movement, and at that time President Charles Taylor was exiled to Nigeria. The National Patriotic Front, led by Charles Taylor, emerged as winners after the first Liberia civil war, that is very brutal. Abuja peace agreement in 1995 brought a controversial ceasefire recognize Taylor as the unelected Liberian president.³

The prolonged crisis in Liberia interferes Sierra Leone as their neighbor. President Taylor got the benefit from his support against the rebellion group which controlled the diamond mining areas. Under Taylor's rule, United Nations has given sanction to Liberia. The Security Council imposed an arms embargo in 1992 and in 2001 issued Resolution to ban the import of Liberia's diamonds and impose travel ban against members of the Taylor regime. Resolution 1478 in 2003 prohibited import of wood. In November 2005, and Taylor was exiled to Nigeria. After that, Liberia held a successful democratic election with the aid of UN. Ellen Johnson-Sirleaf became Liberia's first woman president in Africa and with the help of the UN Security Council. She called to arrest Taylor and handover to the Special Court.⁴

UN is very sensitive with this issue of Nuclear Weapons. United Nations has been trying to eliminate such nuclear weapons since its establishment. Nuclear weapons are the most dangerous weapons on earth. It could destroy an entire city, potentially killing millions of people, and endanger the natural environment and the lives of future generations through the long-term impact of the disaster. Although nuclear weapons only used twice in warfare in the bombings of Hiroshima and

³ Global Policy Forum, *Liberia*. New York. Retrieved <https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/liberia.html>(Accessed on November,10 2017)

⁴ *Ibid*

Nagasaki in 1945, around 22,000 reported still in our world at the moment, and there have been more than 2,000 nuclear tests conducted to date.⁵

One of the part and obligation of the UN Security Council is managing the nuclear development to expand the military guard framework. The Nuclear Non-Proliferation Treaty is endeavoring to repress the spread of atomic weapons. Yet, just Nuclear-Weapon States (NWS) can utilize atomic as vitality, NWS comprises of the United States, Russia, China, France, and the United Kingdom. NWS individuals focus on seeking after general and finish disarmament, while the Non-Nuclear Weapons States (NNWS) consent to swear off creating or gaining atomic weapons. As indicated by Articles I and II of the bargain, the NWS concur not to help, create and increase atomic weapons.⁶

As one of UN Security Council assignment is to complete and to face international disputes with issued the resolutions. In any case, truth be told, there are a few nations which did not follow and comply with the resolution embraced by Security Council, in spite of the fact that said under the UN part there will be sanctions for a nation which did not comply and follow the regulation. There are some countries which are not included NWS but still pursuit the nuclear weapons. Besides India, Pakistan, and that is still suspected of having nuclear weapons Israel and North Korea. North Korea suspected of having nuclear weapons since 1989 where the weakened of Uni Soviet power and the loss of security assurance and economic support.⁷

⁵United Nations Office for Disarmament Affairs, *Nuclear Weapons*. Retrieved from <https://www.un.org/disarmament/wmd/nuclear/> (Accessed on November 3rd, 2017)

⁶Arms Control Association, *The Nuclear Nonproliferation Treaty (NPT) at a Glance*, Retrieved from <https://www.armscontrol.org/factsheets/nptfact> (Accessed on November 11th, 2017)

⁷Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*. Retrieved from

In recent years there has been a perception that the UN is no longer effective in dealing with international disputes as well as those situations threatening international peace and security. One case that has been going on for a long time and has not been able to be resolved by the Security Council. even more, jeopardizing international peace and security is a problem North Korea's nuclear development.

North Korea is one of the countries which conducts nuclear development. Related to North Korea first underground nuclear testing on October 9th, 2006, until recently nuclear testing was issued resolution number 2375 on September 3rd, 2017. This represents one of the rules to control and give sanctions if North Korea is proven and develop nuclear weapons.⁸ In maintaining peace and security, this is one of UN Security Council task to solve and to face international disputes with issued some resolutions. This nuclear development and testing held by North Korea has created a tension in International community and surroundings.

<http://www.nti.org/analysis/reports/nuclear-disarmament/> (Accessed on November 7th, 2017)

⁸Arms Control Association, *UN Security Council Resolutions on North Korea* Retrieved from

<https://www.armscontrol.org/factsheets/UN-Security-Council-Resolutions-on-North-Korea>(Accessed on October 18th, 2017)

Table 1 1.1 International actions towards North Korea's Military Reaction

No.	List of Countries	Statements
1.	The United States	More sanctions, more military action
2.	China	No more sanctions, more talks
3.	Russia	No more sanctions, more talks
4.	Japan	More sanctions, more defence, more talks
5.	South Korea	More sanctions, more talks
6.	United Kingdom	More sanctions, China should give more pressure
7.	France	More sanctions, more talks

Source: Business Insider Singapore⁹

The table above shows that North Korea's military action is the disturbing international community. It made there is condemnation from some countries such as the US, UK, China, Russia, France, Japan, and certainly South Korea and other countries who did not mention in the table above.

Security Council issued a few resolutions condemning and anticipating North Korea's nuclear and missile programs. Even though a few sanctions, for example, ban were given to North Korea and furthermore peace talks with stop their nuclear projects. Be that as it may, this nation still demands to proceed with their nuclear projects. North Korea underline if the nations

⁹ Ma, Alexandra, *How the world's superpowers are reacting to North Korea's latest nuclear test* (2017) Business Insider Singapore. Retrieved from <https://www.businessinsider.sg/north-korea-countries-response-2017-9/?r=UK&IR=T> (Accessed on April, 26th 2018)

and UN expanding their authorizations to help atomic disablement. Security council targets in this issue are, to make North Korea dismisses or discontinues nuclear proliferation, as this threatens the stability of the Korean peninsula and international community.¹⁰ As we know the main purpose of United Nations Security Council is to maintain international peace and security.

Here there are some actions undertaken by the UN security council by issuing sanctions such as resolution number 1718 (2016) demands for returns to the NPT also returns to the Six-Party Talks. Sanctions were given are required to freeze the funds or financial assets that support for North Korea's nuclear programs, and member states are prohibited from the supply, sale, or transfer of heavy weaponry. Related second underground nuclear testing, Security Council has issued resolution number 1874 (2009). The resolution repeats a number of provisions of resolution number 1718, which contain: extending an arms ban by prohibiting all arms imports and exports and give a few sanctions are: part states were approved to inspect North Korea cargo on land, water, and ocean.¹¹

Resolution number 2094 (2013) identified with North Korea's uranium improvement in its condemnation of Pyongyang's atomic activities. In addition, impose sanctions in the form of extends a number of sanctions measures from earlier resolutions; give travel prohibition; strengthened the authority of legislation and supervision; economic sanctions in the form of restricting North Korea's relationship with the international banking system. Related fourth underground nuclear testing, Security Council has issued a resolution number 2270 (2016) chooses that North Korea should relinquish all chemical and

¹⁰ *Op.Cit*

¹¹ United Nations, *Security Council, Acting Unanimously, Condemns in Strongest Terms Democratic People's Republic of Korea Nuclear Test, Toughens Sanctions* (2009) Retrieved from <https://www.un.org/press/en/2009/sc9679.doc.htm> (Accessed on November 5th, 2017)

biological weapons programs; extending an arms ban; disallowing UN part states from facilitating North Korean money related foundations that may bolster expansion exercises in North Korea; prohibiting states from opening another monetary organization or bank offices in North Korea; additionally denied from offering avionics fuel to North Korea.¹²

Resolution number 2321 (2016) approaches all members from the North Korea diplomatic missions and consular post; condemns North Korea for the seeking after nuclear weapons rather than the welfare of its people. Sanctions are: ban North Korea from trading minerals, for example, copper, nickel, silver, and zinc, offering or exchanging iron and coal. Identified with 6th underground nuclear testing, resolution 2375 (2017) condemns North Korea for seeking after atomic weapons rather than the welfare of its kin. Sanctions are totally prohibiting textile exports; Caps import of crude oil or petroleum products 2 million barrels per year; Freeze the number of crude oil imports; Prohibit all gas and condensate imports.¹³

North Korea also will improve their nuclear development by replying to sanctions received by their country. UN Security Council was pressing North Korea to stop their nuclear weapon programs because this is very disturbing peace and security stability. Rejection and condemnation from International world towards North Korea nuclear testing have made Security Council issued several sanctions above.¹⁴

The regime of UN Security Council is no longer effective, especially in solving the international conflict and the situation that threaten peace in the world. Resolution can be said

¹² United Nations, *Security Council, Acting Unanimously, Condemns in Strongest Terms Democratic People's Republic of Korea Nuclear Test, Toughens Sanctions* (2009) Retrieved from <https://www.un.org/press/en/2009/sc9679.doc.htm> (Accessed on November 5th, 2017)

¹³ *Ibid*

¹⁴ *Ibid*

effective if the states who are involved in this issue agree or obey the resolution that has been issued by United Nation Security Council that already negotiated and mutually agreed upon. A regime that should be able to resolve international conflicts and problems but, one case that has been continuing for quite a while and has not possessed the capacity to be settled by the Security Council, considering all the more risking global peace and security is an issue North Korea's nuclear advancement. In the case of North Korea, nuclear weapons programs are not effective, evidenced by the nuclear weapon program in North Korea that is continuing every year until even now. However, it emerged a question about the factors that become a reason for ineffective or failure.

B. Research Question

Why was United Nations Security Council Resolutions not effective to prevent and stop North Korea nuclear weapons programs?

C. Theoretical Framework

1. Concept of Regime

According to Stephen Krasner a regime as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors expectations converge in a given area of international relations." The principle according to Krasner is the belief, in fact, causation, and rectitude. Whereas norms are standard behaviors defined regarding obligations and rights. The rule is the specific key to an action and decision-making procedure are the practices of the creation and execution of the appropriate collective action. Procedures in decision-making are implemented collectively.

Two variables will determine the continuity of a regime, i.e., norms and rules.¹⁵

Regime theory argues that power in the international system is distributed across different states and non-state actors, such as nongovernmental organizations, intergovernmental organizations, and multinational companies, that cooperate on specific issues according to the set of international regimes. Regimes are the manifestation of cooperation among actors in the international system. The regime can be said as tools in problem-solving in the international world that could not be solved only by one country. International regime represents one of alternative instrument that can be used for the country to achieve the same interest, such as solve the international problem or conflict.

According to this concept, it can be said that the regime here is a resolution adopted by the Security Council has binding rules to all countries, and the country is obliged to follow and comply with the rules as stated in the resolution. The Security Council here has issued several resolutions against this issue, but still categorized not effective or fails because the country involved do not want to and do not follow this regime because of several reasons.

2. Effectiveness of Regime

Olav Schram Stokke mentions that the effectiveness of international regime can be known when a regime could affect the state actions and how the regime could solve a certain problem. In addition, Stokke also defines the effectiveness of the international regime as a significant contribution to reduce or resolve the problems. A regime can effectively be

¹⁵Krasner, Stephen. 2001. *Structural Causes and Regime Consequences: Regime as Intervening Variables*. New York: Cornell University. p.186

categorized when the regime can solve the problem with persuasive without physical contact to fulfill their interest.¹⁶

There are four things for a regime to be effective. First, identifying the sources of the problem through empirical evidence, the second proves that the regime has cause and effect related to changes in the problem-solving process. Third, the consideration of the effects of the problem-solving process that regimes give to other causal factors, and the fourth measurement of the effects that arise from the problem-solving process in the proper measure of the benchmark.¹⁷

According to Olav Schram Stokke, there are three criteria that become benchmarks in determining the level of effectiveness of a regime:

1. Validity is how a regime can capture the essence of an international phenomenon to create the regime's social goals.
2. Determinacy in this context is the concept of the ability to minimize the space for authoritarian acts of the state within a regime so that all the countries involved in the regime do not feel harmed by domination.
3. The generality of the regime emphasizes the number of relevant area issues to then compare with pre-existing regimes and prove causal relation in them.

The regime can be said to achieve its effectiveness when it can solve problems persuasively without any physical contact between the state and its national interests.¹⁸

The regime becomes invalid to achieve their goals because there are differences basic social values or understanding and interest, thus causing the social goals regime can not be fulfilled. Security Council considers this issue interfere international peace and security, as the goals of the security council are to maintain international peace and security. However, North Korea considers nuclear weapons

¹⁶ Stokke, Olav Schram. 2006. *Determining the Effectiveness of International Regimes*, Lysaker: Fridtjof Nansens Institutt. p.6

¹⁷ *Ibid*

¹⁸ *Ibid*, p.6-7

development as a form of defense of the country from the other countries who has nuclear weapons.

Determinacy in this context is the regime has not succeed because the regime could not influence North Korea to stop their nuclear weapons program and regime also not succeed in minimizing the existence of another country, so that dominant is appear, such as the US that insists on and reports every action or security activities undertaken by North Korea to the UNSC.

Generality in this context is the regime categorized inappropriate because Security Council has issued six resolutions related to six nuclear tests conducted by North Korea. However, North Korea did not want to obeys and follows these rules because of only North Korea that banned by the UN Security Council and still continuing to develop their nuclear weapons program.

These factors show that in this case, resolutions adopted by UN Security Council is not effective

D. Hypothesis

North Korea's nuclear weapons development problem has caused the UN Security Council regime is not effective because of several factors, such as validity, determinacy, and generality:

1. Validity, there are differences in basic social values, thus causing the social goals regime can not be fulfilled and the regime becomes invalid
2. Determinacy, the regime does not succeed in influencing a country and minimize domination from another country.
3. Generality, several resolutions are still categorized irresolute so, that causing the country does not obey or follow the regime,

E. Purpose Writing

To find out and analyze the effectiveness of the UN Security Council's regime in issuing resolutions or sanctions number (1718) from 2006 to (2375) in 2017 against the development of nuclear weapons in North Korea.

F. Range of Research

The range of research for this thesis is limited on the effectiveness of the UN Security Council in issued some resolution on the nuclear weapons program in North Korea, started from the first resolution on 2006, 2009, 2013, 2016, until recently in 2017.

G. Research Methodology

In this thesis, the writer uses two methods of research: method of collecting data and method of research approach. First, a method of collecting data is the main step because the purpose of this study is to answer based on the data obtained. Which is derived from books, e-books, journals, articles, reports, newspapers and also official websites. Second, the writer also uses a research approach. In this thesis, the author uses a qualitative approach because it takes observation of the subject of research.

H. Organization of Writing

To provide a clearer and more detailed description of the preparation of this thesis then used the organization of writing. This thesis consists of 5 chapters, and the explanation of each chapter will be elaborated in detail through sub chapters. The writing systematic of the research is as follows:

CHAPTER I describes the background to the problem, research question, theoretical framework, hypothesis, purposes of research, research methodology, the scope of research and organization of writing.

CHAPTER II describes the profile and history of the UN Security Council, the overall organizational structure, functions, and duties of the Security Council and the concerns of the UN Security Council and what has been done in resolving international conflicts by issuing resolutions in the form of sanctions, resolutions following North Korea nuclear testing

CHAPTER III discuss the North Korea historical background, chronology of nuclear weapons development in

North Korea and nuclear weapons testing, as well as the reason that North Korea is developing its nuclear weapons which disrupt international security and peace.

CHAPTER IV which is the main chapter in the writing of this thesis which focuses and explain the failure of the UN Security Council regime and the resolutions that have been issued to prevent the proliferation of nuclear weapons in North Korea.

CHAPTER V contains the conclusion from all explanation that has been presented in the previous chapters.