

CHAPTER IV

THE EFFECTIVENESS OF INTERNATIONAL REGIME

In this chapter, the writer would analyze the failure of United Nations Security Council's Resolution to prevent and stop North Korea Nuclear Weapon Programs from both sides. The analysis would use the basic concept of Regime from Olav Schram Stokke which contain three indicators that can identify whether the regime is effective or not. The resolution of UNSC has been issued six times and the ineffectiveness could be identifies since the North Korea still develop the nuclear weapons.

A. The Existence of International Regime

As global governance, UN Security Council is an international organization that has a rule in solving the international problem and maintaining peace and security in the world. In maintaining international peace and security, security council also concern in nuclear non-proliferation, because nuclear known as one of the most dangerous weapons on earth that can kill millions of people and destroy an entire city. Nuclear non-proliferation becomes an international current issue that security council must be faced. To face this problem, security council has issued several resolutions related to nuclear weapons program that conducting by North Korea like what I have stated in chapter two. A resolution that issued by the UN Security Council is a regime if viewed from the concept of the regime. This resolution regime is a regulation or basic in setting non-nuclear proliferation..

B. The Effectiveness of UN Security Council Resolution

According to Olav Schram Stokke, there are three criteria that become benchmarks in determining

the level of effectiveness of a regime: Validity; Determinacy; Generality.

In a regime, the effectiveness becomes one of the most important factors to form or create a rule and policy in solving a certain problem. So, the regimes and regulations that made in the regime itself must be effective in solving the problem.

1. Regime's Social Goals

Validity is a standard measure that shows the accuracy or validity of an instrument.¹ According to Stokke, validity is how a regime can capture the essence of an international phenomenon to realize the regime's social goals out of to achieve national interests.² Social goals defined as "perceived social purposes of trying to achieve academically." social goals can also be said as socially-driven. The motivation to gain comes from different social forces.³ So, regime's social goals can be said valid, if the regime is eligible or suitable enough to achieve its social goals.

The regime is categorized not success to achieve their goals and also there are differences understanding and interest. Security Council considers this issue disturbing international peace and security, as the goals of the security council are to maintain international peace and security. However, North Korea considers nuclear weapons development as a form of defense of the country from the other countries who has nuclear weapons.

¹Brown, James Dean. 2000. *What is Construct Validity?*, Manoa: the University of Hawai'i at Manoa, p.9

²Stokke, Olav Schram. 2006. *Determining the Effectiveness of International Regimes*, Lysaker: Fridtjof Nansens Institutt. p.6

³Mcinerney, Dennis M, and King, Ronnel B. 2012. *Including Social Goals in Achievement Motivation Research: Examples from the Philippines*. International Association for Cross-Cultural Psychology. Retrieved from

<https://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1104&context=orpc> (Accessed on April 5th, 2018)

Security Council considers North Korea nuclear weapons program must be faced because these issues are interfering and disturbing international peace and security. Like what I stated in chapter two that UN Security Council is very strict towards nuclear proliferation, related to this issue, treaty on the Nuclear Weapons prohibitions and provisions, told that bans Non-Nuclear Weapons State (NNWS) members from using, developing, manufacturing, gaining everything that related with nuclear weapons based on the Treaty on the Prohibitions of Nuclear Weapons Article 1, and Article 2 talked about declaration for a state who is joining, deleted a previous nuclear weapons program, recently has nuclear program the agreement, it should eliminate its own nuclear. Article 3 talked about for the Non-nuclear weapons state NNWS are needed to possess a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) “without prejudice” Based on Article 4, there are two ways for the NWS members to agree to a nuclear weapons Treaty to abolish: first, they can join the treaty and then destroy its nuclear weapons or destroy its nuclear weapons and then join the treaty, and should immediately delete nuclear weapons from operational status and submit a time-bound plan for their destruction within 60 days since joining the agreement and also to verify that nuclear material is not transferred from a peaceful to weapons purposes. The agreement, open for signature on September 20, 2017, takes effect 90 days after the 50th country ratifies it.⁴

North Korea has become one of the most sanctioned countries in the world, by the UN and the individual countries. However, as experts point out, these sanctions are not only expensive but also technically difficult to apply. Because the regime considers its nuclear program important to its national security (and therefore non-negotiable), some of the analysts

⁴Arms Control Association, 2017. *The Treaty on the Prohibition of Nuclear Weapons At A Glance*. Retrieved from <https://www.armscontrol.org/factsheets/nuclearprohibition> (Accessed on April 5th, 2018)

agree that their effectiveness regarding non-proliferation, preventing nuclear testing and even ballistic missile launches, has been limited. Under UN sanctions North Korea is banned from carrying out some activities, including supporting nuclear programs through financial transactions and providing related materials, technology, equipment, and goods.

Meanwhile, North Korea thinks that their nuclear weapons program to build self-defense capabilities, to protect people safety and national sovereignty and against threats from others countries.⁵ Especially from the powerful country that has nuclear energy that still growing in their countries. North Korea claimed that all the tension that happened in Korean peninsula merely because of US military training conducted in the Korean peninsula with Japan and South Korea.⁶ It is made North Korea afraid and improve their security system and continuing their nuclear weapons program and claimed what they did is not interfere the international law. So, here the regime is categorized invalid because the regime could not achieve or influence the social goals.

2. Domination from Others Countries towards North Korea Nuclear Weapons Program

According to Stokke, determinacy 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 also. The ability of the

⁵ Maulana, Victor. 2017. *Korut Sebut Sanksi Baru DK PBB Deklarasi Perang*. *Sindo News.com*. Retrieved from <https://international.sindonews.com/read/1268424/40/korut-sebut-sanksi-baru-dk-pbb-deklarasi-perang-1514093268> (Accessed on April 3th, 2018)

⁶ *Cohen, Cohen, et al.* 2017. *North Korea Issues Warning as US Strike Group Heads to Korean Peninsula*. *CNN*. Retrieved from <https://edition.cnn.com/2017/04/10/politics/us-aircraft-carrier-carl-vinson-north-korea-strike-capabilities/index.html> (Accessed on April 9th, 2018)

concept to distinguish the regime in a clear and reliable way so, it can minimize leeway for arbitrary or careless use.⁷

The domination of another country such as the US has been clearly that since Kim Il Sung era, US has been involved in the North Korea nuclear weapons issue. In the era of Kim Il Sung, the infrastructure established for a nuclear weapons program. The program caused the first US-North Korean nuclear crisis in the early 1990s. In 1994, the crisis was tamed when the President of US at that time Clinton administration concluded the Framework Agreement with North Korea, a deal that stopped the program that may help produced enough plutonium for scores of nuclear bombs.

After Kim Il Sung died, his son Kim Jong-Il has followed his father's by continuing an alternative path to a nuclear bomb, a gas centrifuge project that could produce enriched uranium. In October 2002, a senior official of the U.S. State Department who represented the Bush Administration presented the North Korea representative in Pyongyang on charges that they had a secret uranium enrichment program. This thing was surprising everyone; North Korea claimed that they have a right to have it. Thus the second North Korea nuclear crisis. The US also offered a choice to North Korea: first, improved overall ties with the United States in return for leaving or stopping its missile programs; failed it, resumed a confrontation with America and the possibility of a deteriorating economic and security situation for North Korea.⁸ Here we can see that from the beginning of North Korea nuclear crisis, the US is already involved even until Kim Jong Un era nowadays.

⁷Stokke, Olav Schram. 2006. *Determining the Effectiveness of International Regimes*, Lysaker: Fridtjof Nansens Institutt. p.6

⁸Goodby, James E. 2003. *North Korea: The Problem That Won't Go Away*. The Brookings Institution. Retrieved from <https://www.brookings.edu/articles/north-korea-the-problem-that-wont-go-away/> (Accessed on April 7th, 2018)

The US President Donald Trump has pressured China to curb North Korea, showing that it could reduce US-China relations on trade and other issues.⁹ North Korea's nuclear and ballistic missile program is one of the most serious national security challenges facing the US. This represents an immediate risk to the United States continent and interfere the security circumstance in East Asia. a few diplomatic efforts have been made by the US to stop North Korea's nuclear weapons program.¹⁰ In spite of over and again recognizing that North Korea has tried a nuclear device, U.S. has demanded that North Korea's ownership of atomic weapons is "are unacceptable."¹¹

UK Prime Minister Theresa also condemns the North Korea's military action and said: "China should be using its influence to make North Korea obey the resolutions." France's foreign minister Jean-Yves Le Drian, has called for both harsher sanctions and negotiations denounced North Korea's nuclear and missile tests as "unjustifiable and illegal acts," and called for "very strict implementation of sanctions." In response North Korea's missile test, Abe said "his country would increase its security defense capabilities and work with the US to protect itself against North Korea" and Japan has called for more sanctions against Pyongyang. As the nearest or called brother sister with the North Korea, South Korea President, Moon Jae In said: "We will not give up our goal of working together with allies to seek a peaceful denuclearization of the Korean Peninsula." In a phone call that same day, Moon and

⁹ Lendon, Brad. 2017. *China Criticizes North Korea, Praises US On Nuclear Issue*. CNN. Retrieved from <https://edition.cnn.com/2017/04/19/asia/china-us-north-korea-statements/index.html> (Accessed on April 7th, 2018)

¹⁰ Arms Control Association, 2017. *Recalibrating U.S. Policy Toward North Korea*. Retrieved from <https://www.armscontrol.org/Issue-Briefs/2017-02-01/Recalibrating-US-Policy-Toward-North-Korea> (Accessed on April,8th 2018)

¹¹ Chanlett-Avery, et al. 2016. *North Korea: U.S Relations, Nuclear Diplomacy, and Internal Situation*. Congressional Research Service. p.8

Japanese Prime Minister Shinzo Abe affirmed their “understanding there must be the most powerful sanctions and pressure applied on North Korea” via the UN.¹²

Different with the US, UK, France, South Korea and Japan. Russian President Vladimir Putin has warned of “a global catastrophe” if countries continued their military threats against North Korea. Russia thinks that the threatened from international will make North Korea using or increasing their nuclear weapons program and will attack those countries. Even though China is North Korea’s largest trading partner. China approved the latest of UN sanctions against North Korea. Chinese Ambassador to the UN Liu Jieyi called on Pyongyang to “stop choosing the wrong action, deteriorate their situation and not be in line with its own interests and actually get back on track to solve problems through dialogue.”¹³

China also wants to prevent North Korea from becoming a full nuclear power –potentially risk carrying a US military presence into the China border and of course wants to prevent a war on the southern border that could harm China with sending millions of refugees to China. So, Russia and China here said if the Security Council should reduce their sanctions and changes the sanctions with giving North Korea more talks or peace talks, in order to create peace in Korean Peninsula.

Determinacy in this context is categorized not success in minimizing the existence of another country, so that dominant is appear, such as the United States that insists on and reports every security activities that related with nuclear weapons that undertaken by North Korea to the UNSC. The tension between North Korea and the US that caused the crisis

¹² 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, 10th 2018)

¹³ *Ibid*

is quite hard to resolve. North Korea thinks that the US has provoked the UN Security Council to impose sanctions in the form of a resolution against North Korea. To stop their development of a nuclear program. North Korea also believes the United States and its allies are too concerning to their country.

The US considers that North Korea has made provocative actions. It is because the US believes that North Korea continuously threatened to launch a nuclear to their country. Nowadays the US publicly stated a desire to be enemies against North Korea by increasing military training with South Korea and Japan in the Korean Peninsula. The US and its allies are also concerned that nuclear weapons programs threaten the security of other countries.

3. North Korea Response Towards Resolutions that Issued by Security Council

According to Oxford dictionary, generality is a statement or guideline having universal rather than detail validity or force.¹⁴ Meanwhile, Stokke stated that the regime emphasizes the number of relevant area issues to then compare with pre-existing regimes and prove causal relation in them. So does the regime that issued by UN Security Council related to the nuclear proliferation issue should be applied in every country but in practice, the regime still rejected by the North Korean government.

In response to a resolution issued by the UN Security Council on some North Korea's nuclear tests. North Korea was very angry and rejected criticism and statements from the security council. North Korea strongly rejects statements against the Security Council and any resolution to its country, ambassador of North Korea, Han Tae Song said that several nuclear testing conducted by North Korea is mere to build self-defense capabilities, self-defense to protect people safety and national sovereignty against threats from foreign powers.

¹⁴ Oxford dictionary

In a statement North Korean Foreign ministry said new steps proposed by the United States break the North Korean sovereignty and also break peace and stability on the Korean Peninsula. "We define this 'sanction resolution' cheated by the US and its followers as a gross violation of the sovereignty of our Republic, as an act of war that violates peace and stability on the Korean Peninsula and the region and firmly rejects 'resolution,'" the Foreign Ministry said..¹⁵ "The United States, completely terrified at our accomplishment of the great historic cause of completing the state nuclear force, is getting more and more frenzied in the moves to impose the harshest-ever sanctions and pressure on our country," the foreign ministry added.¹⁶

North Korea has also suggested that it will not stop its nuclear stockpile until all nuclear weapons are eliminated in this world.¹⁷ BBC has reported that sanctions through resolutions that designed by the United States supported by the 15 members of UN Security Council. This sanctions included cut imports of some North Korean goods by up to 90%. This proves that there is some national interest in among those countries towards the issue of stopping North Korea nuclear weapons program.

In response threatens from North Korea to the US, that some sanctions resolutions that initiated by the US. North Korea thinks this is one of US interest to become the only superpower state and they feel threaten towards North Korea nuclear

¹⁵Maulana, Victor. 2017. *Korut Sebut Sanksi Baru DK PBB Deklarasi Perang*. Sindo News.com. Retrieved from <https://international.sindonews.com/read/1268424/40/korut-sebut-sanksi-baru-dk-pbb-deklarasi-perang-1514093268> (Accessed on April 3th, 2018)

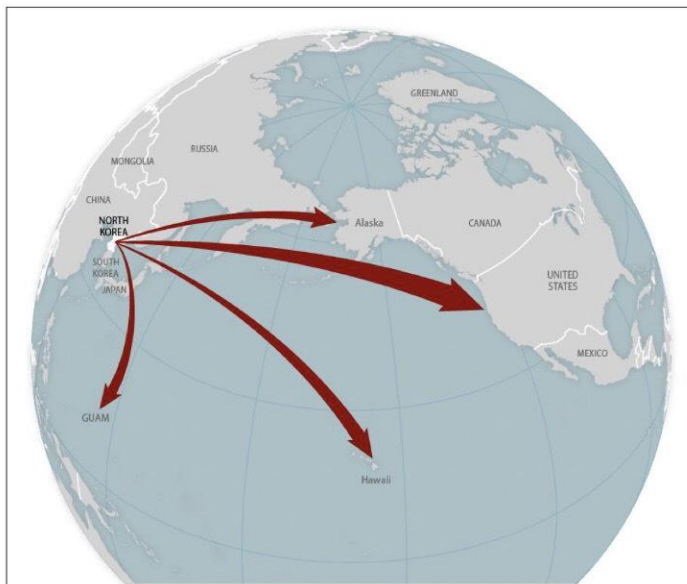
¹⁶ *Ibid*

¹⁷Chanlett-Avery, et al. 2016. *North Korea: U.S Relations, Nuclear Diplomacy, and Internal Situation*. Congressional Research Service. p.8

weapons program..¹⁸ The resolution regime made by UN Security Council specifically for North Korea could not be applied in every country. That is why North Korea disobey because North Korea said that it is not fair and still there is much national interest from others countries that involved in this regime.

¹⁸ Revere, Evans J.R, 2018. Endgame: A Reflection on U.S Strategic Choices and the North Korean Threat. Beijing: The Brookings Institution, p.6.

Figure 1 4.1 Range Estimate Based on North Korea's July 2017 Missile Test



Source: Congressional Research Service ¹⁹

¹⁹ McInnis, Kathleen J. Et al. 2017, *The North Korean Nuclear Challenge: Military Options and Issues for Congress*. Washington, DC: Congressional Research Service, p.44