

## The United Nations and Nuclear Non Proliferation: a Case of North Korea

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**Abstract:** This paper is a scholarly contribution to extant literature in international Security and Strategic Studies on Nuclear Non-proliferation and Disarmament in multilateral diplomacy under the aegis the United Nations with special focus on North Korea. The paper chronicles the atomic age, how it all began, its deployment in WW II pacific theatre, the anthropogenic catastrophes it brought about and how it altered the dynamics of modern warfare both in terms of the instruments and the theaters of war, as well as its implication for global peace and security. This study attempt a discursive response to ethical and strategic questions surrounding the nuclear weapon, the global response throughmultilateral diplomacy under the UN, the Nuclear Non-Proliferation Treaty (NPT) and the UN's atomic watchdog, the International Atomic Energy Agency (IAEA). This paper adopts qualitative method and theoretically hinges on the Regime, Deterrence and Nuclear Peace Theories. The paper attempts a holistic perspective on the North Korea's rise to nuclear power with special focus on the impact of communism on North Korean militarism as well as the efforts of the international diplomatic community to ensure the re-unification of the Koreas since the 1953 Armistice that ceases hostilities without ending the war. The paper highlights the implications of a nuclear North Korea for the *Regional Order* in the Korean Peninsula and how it undermines the adherence to rule of law in the conducts of international diplomacy. As a Super power and a key player in Post-war diplomacy, the paper spotlights the unilateral and bilateral roles of the United States in the global efforts towards denuclearization Democratic People's Republic of North Korea. Findings revealed that the diplomatic bargains and tradeoffs between the Nuclear Weapon States and the non-nuclear weapon states of the NPT had not been complied with by the former (NWSs) which correspondingly are the five permanent members of the United Nations Security Council (the United States, Russian Federation, the People's Republic of China, the United Kingdom and France) with respect to their pledge on disarmament in exchange for which the Non-Nuclear Weapon States undertook under the NPT not to acquire a nuclear device. This lack of demonstration of good faith on the part of the five permanent members of the UNSC provided a strong argument for Non-Nuclear Weapons States to acquire the unconventional weapons citing sovereign equality principle of international diplomacy. While nuclear strategy falls short of the Just War Theory (Jus in Bello) its deployment in two Japan's cities (Hiroshima and Nagasaki) further elicits posthumously, political, ethical and strategic questions. Nuclear weapons lacked the same status under international law as other non-conventional weapons: biological and chemical weapons in that they are yet to be prohibited globally as the inchoate Treaty on the Prohibition of Nuclear Weapons 2017 is yet to attract the ratification of the Fiftieth Instrument 90 days after which it will come into force. The paper Spotlights the international laws on nuclear weapons and the viability of the regimes set aside by the diplomatic community to enforce them. *Defectively, the NPT under Article IX created unequal legal status among ratifying states and by that process brought a partial ban on nuclear weapons leaving a legal gap on nuclear weapons in the eye of international law.* The denuclearization of North Korea is not only critical to mitigating the heightened tensions in the Korean Peninsula but also critical steps towards the reunification of the Koreas and a gradual transition from one the last bastion of communism to a true "*Democratic Republic of Korea*". North Korea has argued against complete denuclearization citing national security. There is need for a fundamental shift in nuclear diplomacy by transferring all nuclear arsenals in national stockpiles and the exclusive authority to nuclear acquisition from member states to the United Nations as an association of sovereign states. To this end, the IAEA statute, the NPT 2019 review treaty template should be incorporated into the United Nations Charter as Additional Protocols. A new organ should be created to oversee the global nuclear order under the UN in the title of the United Nations Atomic Energy Council (UNAEC). The current five permanent members of the UNSC will still play complimentary role in this emergent nuclear order but multilaterally under the aegis of "the UN". The 2020 review conference should be utilized to kick start the final negotiations to transfer the international nuclear regime/jurisdictions under the NPT to the United Nations. The conference should also serve to garner support among the diplomatic community for the finalization of the ratification of the Fiftieth instrument of the inchoate Treaty on the Prohibition of Nuclear Weapons which should be incorporated into the UN Charter as additional Protocols. This landmark reform when actualized will give the United Nations the unparalleled diplomatic clout on matters that borders on international peace and security, unveiling the United Nations Peace in the rubric: "*Pax- United Nations*". On North Korea, the paper stands with stronger sanctions regime, embargoes, assets freezes and diplomatic alterations to compel the defiant regime to yield to the call for total denuclearization as the Democratic Peoples' Republic of North Korea has demonstrated some of the worst diplomatic characters typical of Machiavellian diplomacy fraught with secrecy and double-dealings.

**Keywords:** Atomic Age, Non-proliferation, Multilateral Diplomacy, anthropogenic Catastrophes, Nuclear-Non Proliferation Treaty, International Atomic Energy Agency, Communism, Militarism, Disarmament, Jus en bello, Democratic People's Republic of Korea, United Nations Atomic Energy Council, Pax-United Nations, Diplomatic Alterations, Denuclearization, Machiavellian diplomacy.

## INTRODUCTION

Mutual security and survival is the goal of post -World War II international diplomacy for which the United Nations remained the fulcrum. The effort at controlling the spread of non-conventional weapons through international regimes set aside by association of states is at the ideological foundations of the NPT, IAEA and the United Nations. Wars have been fought on light scale before the outbreak of World War I in 1914. World War I ended in 1918 with the Treaty of Versailles. However, the failure of Versailles diplomacy and the League of Nations it produced led to another World War in 1939. The invasion of Pearl Harbor, the United States' Pacific Fleet, marked the beginning of the entering of America into another major European conflict despite all preemptive efforts by the Isolationists and Pacifists against a United States' military intervention in another major European conflict. The resistance of the Nazis and the imperial Japanese forces compelled renowned Scientists Albert Einstein and Leo Szilard (the Einstein-Szilard letter) to suggest to President Franklin D. Roosevelt of the strategic significance and formidability of the nuclear weapon to ending the War. Heeding the appeal, Roosevelt ordered the creation of the Advisory Committee on Uranium. To this end, a group of Scientists were assigned at the Los Alamos National Laboratory in New Mexico (est. 1943) (the Manhattan Project) now under the Triad National Security (LLC). It paid off; on the 16 of July 1945 the world entered the atomic age following the successful trinity test at Los Alamos New Mexico. The combat version, a plutonic bomb was ready shortly (codenamed "Little Boy"). Because of the less sophisticated delivery system of that time, the bomb was conveyed onboard *USS Indianapolis* in a top secret trip bearing the first combat version of the nuclear bomb "Little Boy" to the US Air force 409th Composite Unit Base in Tinian Island from where Paul Tibbets (29) delivered the bomb on Hiroshima through a B-29 Superfortress Jet *Enola Gay* on 6 August, 1945. The success of the mission will trigger the nuclear race that revolutionized both the weapons and theatre of modern war leading to *the militarization of the outer space*. The nuclear arm-race spurned the negotiation and final ratification of the NPT and the Outer Space Treaty in 1968 (NPT ratified in 1970) and 1967. With the Geneva Conventions in view, the status of nuclear weapons under international law has also raised legal questions about *the existing gap between the nuclear weapons and other non-conventional weapons in the eye of international law: Chemical and Biological Weapons which are under total ban while nuclear weapon is yet to come under total ban*. The end of WWII saw a new arm race: "*Russo-American nuclear-space races with new threats and strategic dynamics*". The "*Nuclear Monopoly*" the United States enjoyed beginning from July 16 1945 following the *Trinity Test* was shattered and substituted with Nuclear Pre-eminence when the Soviet Russia successfully detonated its first nuclear device (Joe 1) on 29 August 1949 at Semipalatinsk, Kazakh Soviet Socialist Republic with a total yield of 22 Kilotons. By 1964 five countries that corresponds neatly as the Five Permanent Member of the United Nations Security Council have all detonated nuclear devices: United States (1945), Soviet Union (1949), the United Kingdom (1952), France (1960) and the People's Republic of China (1964).

The Atom for Peace Address by President Dwight D. Eisenhower in December 1953 marked a watershed in nuclear diplomacy, bringing the strategic, diplomatic and security implications of the Atomic Bomb to global Spotlight. These fears had been heightened in contemporary times with the rise and spread of terrorist sects and the concerns that they may gain access to nuclear materials or the technology, particularly as they had no respect for international norms and convention outlined under the NPT, IAEA and the UN.

The year 1945 was one of the most eventful years in modern diplomatic history:

- On 6 May 1945 the Flensburg government surrendered to the Allied powers ending World War II in Europe;
- On 16 July 1945 the United States conducted the first nuclear test (Trinity Test) ushering in the Atomic Age;
- On 6 and 9 August the 509th Composite Group of the USAF in Tinian Island Japan firebombed two Japanese cities of Hiroshima and Nagasaki;
- On 15 August 1945 Japan announced the surrender of the Imperial Forces in the Pacific Theatre and on 2 September 1945 onboard *USS Missouri* when representatives of the Empire of Japan signed the Japan's instrument of surrender in Tokyo Bay;
- On 24 October 1945, the most outlasting world body charged with the preservation of peace and security world-over (the United Nations) was founded.

Significantly, unlike the League of Nations, the predecessor world body charged with similar task, the establishment of the United Nations marked a great shift in multilateral diplomacy, moving strategically from the appeasement diplomacy in the phase of one international threat to another by incorporating the Collective Security framework declared under its charter under Chapter VII vesting on the Security Council the primary but not exclusive task to determine whether there exist anywhere in the globe "a threat to peace, breaches of the peace and an act of aggression"...enjoining the security council to make recommendations or decide what measures should be taken in

accordance with Articles 41 and 42, to maintain or restore international peace and security (Chapter VII Article 39 of the UN Charter). Since its inception, the UN Security Council in pursuant to Chapter VII (Article 39) had authorized seventy two Peace Keeping Missions, completed 55 with 15 currently ongoing (Seven in Africa: MINURSO, UNAMID, MONUSCO, UNISFA, UNMISS, UNSMIL, MINUSMA and MINUSCA; one in the Americas: MINUJUSTH in Haiti; one in Asia: UNMOGIP on Indian Pakistan territorial disputes over Kashmir; two in Europe: UNFICYP in Cyprus, and UNMIK in Kosovo; and three in the Middle East: UNTSO which is the longest intervention force in the history of the United Nations' "Peacekeeping diplomacy" (since 1948). UNDOF in Syria, Lebanon and Israel, UNIFIL in Lebanon since 1978). The leaders of the victorious belligerent having learned from the history of the post-war diplomatic fiasco in Versailles and the League of Nations it produced substituted *reparation* with *reconstruction* thus "*rebuilding Europe out of the Ruins and ashes of the war marked a major shift in post-war diplomacy in continental Europe*" [1]. In a marked departure from the post-WWI "*Reparation Diplomacy*" to "*Reconstruction Diplomacy*" under the IBRD (World Bank), the founding fathers of the United Nations with their experiences of the two last two World Wars in view, empathically declared that they were committed to "Save (saving) next generation from the horrors of war which they witnessed twice in their lifetime."

### **Statement of the Problem**

This paper problematizes the nuclear debacle in North Korea and the ineffective nuclear non-proliferation regime under the NPT on the partial ban the NPT imposed on nuclear weapons under Article IX by which did not only created a legal gap on the status on nuclear weapons Vis-a-Vis other non-conventional weapons and further created nuclear weapon states from non-nuclear states with no concrete safeguard criteria other than a time line for realizing the effort towards proliferation (those that had built and detonated a nuclear device before January 1, 1967); the non-commitment to their obligations under *Article IV* on Disarmament; as well as the North Korea's continued adherence to Old-style Stalinist Communism, standing as one of the last bastion of a dying ideology at a time in history when the second foremost communist country the PRC had redefined her notions of communism infusing the ideals of market principles in what President Xi Jinping described as "Socialism with Chinese characteristics". In as much as Pyongyang sticks to communist ideas upon which her founding father Kim II Sung established the state, it will remain a diplomatic mirage to assume North Korea that professed revolutionary communism will yield to international pressure or total denuclearization. Since the dawning of the Atomic Age following the successful *Trinity Test* in Los Alamos, New Mexico on 16 July 1945 and the deployment of their combat versions against two Japan's cities of Hiroshima and Nagasaki on 6 and 9 August of that year ending WWII in the Soviet bloc that the strategic feat of the United States for having first produced and used the bomb was altered in 1949 when the Soviet successfully conducted its first atomic test. By 1964, it burgeoned further: the five permanent member of the UN Security Council had all developed and tested nuclear devices. Tragically, the deployment of the unconventional weapons in 1945 at the Pacific Theater was not carried with prior study of effect of the bombs on humans. This came as a strategic afterthought when a posthumous investigative commission: "the Atomic Bomb Casualty Commission" ABCC of 1946 to carry out "*a post-invasion investigation*" of the effect of radiation on the atomic bomb survivors ("*the Hibakusha*") in Hiroshima and Nagasaki, an initiative not borne out of empathy but scientific research purposes (*a sad tale of scientific inhumanity and nuclear atrocity*).

Several concerns have been raised about the strategic, political and ethical justification for weapons of mass destruction that does not distinguish between combatants and non-combatants thereby endangering the most vulnerable of conflicts (women and children at the same target line with combatants), neither does it conform to the rule of Proportionality of conventional warfare. Since the first nuclear test on 16 July 1945 over 2000 such tests have been conducted by 1992: the United States carried out 1,032 tests 1945 to 1992), Soviet Union carried out 715 tests (1949 to 1990), United Kingdom 45 tests (1952 and 1991), France 210 tests (1960 and 1996), China 45 tests (1964 and 1996). India, Pakistan and DPRK had all conducted tests covertly with North Korea representing the most recent case in September 2017. In spite of several Test Ban Treaties these tests had continued undeterred. North Korea conducted three nuclear tests in 2017 alone. The quest for a safe planet freed from nuclear, chemical and biological weapons had been undermined by power mongering member states of the UN which undermining all their treaty obligations on disarmament and against proliferation under the NPT, IAEA and the UN. More problematic is the danger posed by the likelihood non-state actors (terrorist groups) gaining access to the nuclear materials or technology to make the bomb particularly as they show no conformity with the rules and norms outline in international regime on nuclear energy. North Korea, a UN member State since 1991 via S/RES/702 and A/RES/46/1 became a signatory to the NPT in 1985, but withdrew twice in 1993 and 2003 and began to pursue a more *hyper-aggressive nuclear program* thereby heightening tensions in the Korean Peninsula. One of the boldest steps towards total prohibition of nuclear weapons was taken 20 September, 2017 when the Treaty on the Prohibition of Nuclear Weapons was signed, however, this inchoate Instrument has not received the ratification of the Fiftieth Instrument, a condition for its coming into force. The implications of this is that as of April 20 2019, nuclear weapons are yet to be totally outlawed globally in the same contexts with other non-conventional weapons: chemical and biological weapons which have all been prohibited by a litany of treaties, conventions and protocols: the Strasbourg Agreement (1675); the Brussels Declaration (1874); the Hague Convention (1907); the Treaty of Versailles (1919); the Washington arms Conference (1922) World Disarmament Conference (1933)

;the Biological and Toxins Weapons Convention (1972); the Geneva Protocol(1925); the Chemical Weapons Convention(1993); the Rome Statute 1998 which collectively imposed outright ban on the use of chemical and biological weapons in warfare. The NPT failed to improve on the weakness of its predecessor Treaty: the Partial Nuclear Test Ban Treaty (October 10,1963) which attempts a partial ban on nuclear test on the atmosphere or outer space except underground nor does it incorporate retrospectively, the ideals in the “Baruch Plan”The Korean nuclear crisis has dominated the diplomatic debates in the United Nations General Assembly as the United Nations Security Council. Two bilateral summitries ended without a permanent peace agreement rather threatened by nuclear activities according to satellite imagery report by 38 North which reveals rapid upgrades Yongbyon Nuclear Scientific Center on June 21 less than ten days after the Singapore Summitry. Similar pattern followed after the Hanoi Summit when(Commercial) satellite imagery reports massive rebuilding ongoing at the Sohei ICBM Launch Site facility which has been tentatively dormant since August, 2018. These diplomatic conducts are totally incompatible with the philosophical underpinnings of the UN diplomacy (*Kantianism*) and evinced ancient Greco-Italian diplomatic practices characterized by military conquests,elitism, bilateral agreements, deception,secrecy, double-dealing and in a singular rubric “Machiavellianism”. Alarmed by the danger the North now poses to regional and global security, the *Doomsday Clock* tilts to 11:58... 2 minutes to midnight suggesting an apocalyptic catastrophe in no distant time from now.

### **Historical Background**

Since the dawning of the atomic age on July 16 1945 and the deployment of the combat versions(a plutonic bomb, “*Little Boy*” and a Uranium bomb “*Fat Man*”) in two Japan’s cities of Hiroshima and Nagasaki on the 6 and 9 of August 1945, there was a strategic shift in both the theatres of war and the weapons of warfare unconventionally. The firebombing actually forced Japan into surrendering to the Allied Powers on the 15 August 1945 aboard *USS Missouri*, a military gesture unprecedented in the history of imperial Japan which has not lost any war prior to 195. One of the earliest attempt to address the dangers posed by the Atomic bomb where articulated in the Baruch Plan (1946), alaudable diplomatic proposal made by the United States on the dangers posed by the nuclear bomb. That was a year into the Atomic age. In that proposal, Washington offered to relinquish all her stock of nuclear weapons in exchange for a pledge by all other states and the institution of a viable monitoring system, Moscow already in her path to acquire the bomb feared the plan will preempt her push to acquire the bomb and thereby guarantees Washington’s nuclear monopoly. That monopoly short-lived,it got shattered in 1949 when Moscow detonated a nuclear device. The Baruch plan had envisaged the ideals now aspired by diplomatic community seventy three years after:

- To extend between countries the exchange of the basic scientific information for peaceful conclusions;
- Implement control of nuclear weapons to the extent necessary to ensure its use only for peaceful purposes;
- Eliminate from national armament atomic weapons and all other major weapons adaptable to mass destruction;
- Establish effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasion.

As a way of guaranteeing against the veto power contraction in the UN Security Council, it was suggested in the plan that none of the Permanent members of the UNSC should reserve veto powers on disciplinary measures against a violating state party.The national appetite for power, prestige and diplomatic clout and above all the fear of Washington’s nuclear monopoly robbed the plan of Soviet support.

The Korea became a pawn under Japan after the defeat of the Qing dynasty, a defeat secured by Meiji Japan via gunboat diplomacy forcing Korea to sign the Japan-Korea Treaty of 1876 which granted Japan extra territorial rights and opened Korean Ports to Japanese trade in an unequal treaty.

The Japan-Korea Treaty of 1905 prepared the ground for the final occupation of the Korean Peninsula by Imperial Japan which culminated in a final annexation of Japan by *the 1910 Annexation Treaty*. The treaty (*the Japan Protectorate Treaty*) denied Korea its diplomatic sovereignty. The 1905 *Treaty of Portsmouth* recognized Japan’s occupation of Korea and the evacuation of Tsarist Russian troops from the Korea leaving Japan indisputably as the imperial power in the Korean Peninsula for the next four decades.

North Korea was a buffer state between the People’s Republic of China and the United States forces in South Korea while the cold war lasts. This era in the history of the two Koreas laid the foundation for the ideological divide that had spitted a people of the same culture, history and ethnic affiliation. Militarily, it laid the foundation for an aggressive North Korea that has become a threat to regional and global peace in contemporary times.

By the end of WWII, ideological tensions mounted in the Korean peninsula in the character of *the Berlin Occupation* by the Allied Powers, the acrimonious alliance between the Soviet Union and the United States turned into rivalry as the Japanese forces surrendered partly to the Soviet forces in the Northern Occupied Zone and the United States forces in the Southern Occupied Zone. These areas were divided by the *38th Parallel* from which the present South and North Korea sprang from geopolitically and ideologically. This historical antecedent set the stage for the

ideological cleavage within a people of homogeneous nationality in the mold of Germany after WWII until October 3 1990, China since the 1930s between the Republic of China and the People's Republic of China, and Vietnamese from 1954 until April 30 1975.

Two events occurred that fostered communist footholds in the Korean Peninsula:

- The Communist led by Mao Ze Dong defeated the nationalist of Chiang Kai Shek and took control over mainland China in 1949 as Peoples Republic of China with HQ at Beijing;
- The Soviet Union broke the nuclear monopoly of the United States by testing a nuclear device on 29 August, 1949 in Semipalatinsk Test Site pushing the nuclear clout from nuclear monopoly to nuclear preeminence in the ensuing arm and space race [1].

These development spurned Ideological appeals and sympathy to and from North Korea in the 1950s: “we must give our all in the struggle to unify the entire society with revolutionary ideology of the Great leader Kim Il-sung”...; “we must learn from the Great leader comrade Kim Il-sung and adopt the communist look, revolutionary work methods and people-oriented work style. Paragraph 1 and 7 of the *Ten Principles of the Communist Workers Party declared on 16 December, 1967*). Having caught an ideological disaster in communism, twenty eight years into the collapse communism was followed by de-communization, de-Stalinization and de-Sovietization of the erstwhile communist countries in Eastern Europe and a massive ideological reform in the mold of transition from centrally planned to market economies, Kim Jong Un's Pyongyang still stands as the “*last bastion of old-style Stalinist communism*” at a time Beijing professed “*Socialism with Chinese Characteristics*” introducing massive market reforms to Marxist ideas.

Analyzing modern Korea requires an analytical reflection on *38th Parallel*. Geopolitically, the 38<sup>th</sup> parallel emerged after Japanese forces surrendered on 15 August 1945 as boundaries separating the then acrimonious Allied occupation forces of the Soviet Union and American Zones in the Korean Peninsula. In geostrategic terms the 38<sup>th</sup> Parallel Balkanized the Korean Peninsula roughly from the middle in 1948.

Geopolitically, at the departure of the Allied forces, the 38<sup>th</sup> Parallel emerged as a geopolitical sovereign entity as “*Democratic People's Republic of North Korea*” and the “*Republic of South Korea*” with each adjudicating claims over the other in the mold of the two Chinas. When the North Korean Army crossed the 38<sup>th</sup> parallel and invaded South Korea and triggered the Korea War. The United Nations responded by passing a Resolution 82 (of June 25, 1950), demanding North Korea ends its invasion on South Korea. It was a unanimous resolution by a vote of nine; none opposed but one abstained (Yugoslavia) describing North Korean act as an *act of aggression* and drafted the UN forces backed by American forces to the Peninsula. Following the July 27 1953 Armistice a new line was established to separate Pyongyang from Seoul, a military demarcation line surrounded by a Demilitarized Zones (DMZs). Kim Sung II the North Korea's Prime Minister (1948-72) and president (1972-94) took asylum in Moscow during the War years a diplomatic odyssey which spurned the Soviet invasion of Seoul [2]. On the 27 of June, the UNSC is.

An Armistice was concluded in 1953 which facilitated a ceasefire with the hope that the Geneva Peace conference could produce a final peace treaty, it was an anti-climax. Till date the Korean War has not formally ended. The possibility for a peace treaty to end the Korean war, re-unify the two Koreans in the mold of modern Vietnam (since 1975) and Germany (since 1990), along with a complete denuclearization of the Peninsula is at the core of international diplomatic efforts multilaterally under the UN, NPT and IAEA.

As a cold war doctrine that had influenced the United States strategic engagements outside its territory, the Domino Theory offered analytical postulates that if one country falls to communism in a region, the “domino effect” will force other countries in the region will contagiously follow suit. It was in view of the Domino effect that communism will likely spread to other contiguous states that the Domino Theory became strategic underpinnings of American anti-communist campaign in the Far East Asia. President Dwight D. Eisenhower once described these spheres as the “the Dominoes”: Burma, Thailand, Laos, Malaya, South and North Korea, Vietnam, Cambodia, Indonesia and India. For President G.W. Bush the descriptive rubric was “the Evil Axis.”

On the 27 of April 2018, in a build up to the Kim-Trump bilateral summit scheduled for June 12 2018 in Singapore, DPRK's leader Kim Jong Un stepped on the Demarcation Line where the two leaders made the *Panmunjom Declaration* alongside his Southern counterpart Moon Jae In. This *inter-Korea thaw* signaled a hope for potential reunification of the Koreas and will speed up the signing of a *Permanent Peace Treaty* between two imperial powers: Japan and Macau with aggressive invasions from these two rivals in the 16<sup>th</sup> and 17<sup>th</sup> centuries and later became a contested sphere between Japanese and Russian imperialism.

Although the Cairo Declaration promised independence for the region, however, while the Koreans were on the threshold to self-government (independence), certain factors altered that trajectory:

- The vanquished imperial Japanese forces surrendered partly to the Russian and partly to the Americans resulting in the creation of two military camps that came to be divided by the 38th Parallel from which the two Koreas separately emerged ideologically. Because Japanese forces never surrendered their Korean satellite territory at the end of WWII to a single power among the Allied forces, the Korea was divided into occupation zones in the character of Germany at the end of the European theatre which culminated in the East-West Germany geopolitical dichotomy until 1990;
- The United States had charged the Korean question to the United Nations in 1947 to which a commission was established. Accordingly, elections were held in the South in 1948; however, the Commission was prevented from conducting same for the North. The fallout from this lacuna was the creation of a government which claimed to be the legitimate government in the Korea with no authority over the North of the 38th Parallel (now North Korea).

By the time the Russian and the United States withdrew their forces Korea became a country with a parallel government with the Russian troops now in Manchuria and Siberia and the United States maintaining their occupation in Japan under the SCAP (Douglas Mac Arthur).

A family dictatorship emerged from North Korea, beginning with Kim Il Sung (1948-1994), who was succeeded by his late son Kim Jong il (1994-2011) [3]. Kim Jong-il was in turn succeeded by his son Kim Jong Un (2011 to date) [4]. Article 10 Clause II of the edition of the Ten Fundamental Principle of the Worker's Party of Korea states that: "the party and revolution must be carried out 'eternally' by the "Baekdu (Kim's) bloodlines." (*Paragraph 10 and the 10<sup>th</sup> principle of the Korea's worker's party principles*)

Dozens of UN Security Councils Resolutions had been passed on North Korea with no restraining impact. The last two UNGA Summits saw the issue of North Korea's nuclear program dominating the theme of global diplomacy with the US leading in the call for stricter measures to deny the government of Kim Jong Un both funds and the fuel it needed to sustain her nuclear program. The White House has been tough and terse on North Korea until the Singapore summit when Trump toned down optimistically that Kim will comply with the terms of their bilateral pledges with no specific agreement reached. Tragically post-Singapore development shows that North Korea still defiantly runs secret nuclear sites in Yongbyon raising doubts about the viability of the June 12 2018 Bilateral Summit between the two leaders. With the obvious poor impact of the first Trump-Kim bilateral summit, the Second Summitry was held in February 22 2019 which also produced no permanent agreement with another satellite imagery revealing activities ongoing at the Sohei ICMB Launch site evincing a leadership which has no regard for international commitments.

### **The Objective of the paper**

This paper is poised to accomplish the following objectives:

- To examine the role of the United Nations in nuclear non-proliferation with special focus on North Korea;
- To examine the effectiveness of Nuclear Non-proliferation regime under the NPT;
- To assess the historical, political, diplomatic and ideological factors that gave rise to an aggressive North Korea;
- To examine the level of compliance with the UNSC sanction regime on North Korea by member states;
- To examine the military, strategic and ethical questions of the nuclear strategy; and
- To make valuable recommendations on how to secure a peacefully denuclearized of North Korea and a sustainable nuclear order in the 21<sup>st</sup> Century.

### **Research Questions**

This paper interrogates some salient political, historical, diplomatic, ethical and strategic issues surrounding nuclear proliferation debate in general and nuclear North Korea in particular. Particularly, the paper interrogates the following aspects of the nuclear proliferation debate:

- What political and strategic significance does the nuclear strategy offers to modern states that induces their propensities to acquire the bomb?
- What are the historical, political, diplomatic and geopolitical justifications advanced for North Korea's quest for nuclear bomb?
- What conventions of war support or proscribe the nuclear strategy in modern warfare?
- What ethical and humanitarian concern does the nuclear options throws up among pacifists and humanitarian community?
- Why has the nuclear weapon states not demonstrated sincere commitments to their treaty obligations in the area of "Disarmament" as mutually agreed to by all ratifying states as spelt out in article VI of the NPT?
- Why North Korea renegade hason her NPT treaty obligations and on the extreme, withdrew from the NPT?
- How can the international community under the UN auspices bring North Korea to the fold of multilateral diplomacy under the NPT, IAEA and create a stable nuclear order under the United Nations?

### **The Nuclear ethics Debate, what is it about?**

Nye, J remarked [5]:

“Ever since the first bomb was dropped by the United States on Hiroshima, there was a lingering sense that nuclear weapons were immoral, that they went beyond the realm of what was acceptable in war. Though that normative restraint is hard to measure, it clearly sufficed the debates over nuclear weapons and was one reason for the unwillingness of states to use”

Nuclear ethics remained a core theme in Post-war Japan’s diplomacy with lessons from the horrific and most anthropogenic disasters in Hiroshima and Nagasaki against nuclear proliferation. Nuclear bomb was described as a sinister strategic device with indiscriminate military damage, in a protest letter of August 10 1945 to the Government of the United States dispatched via Swiss Government Japan’s authority declared that:

*“The use of nuclear bomb, was “a new sin towards human culture” and strictly demand the abandonment of the use of the inhuman weapons”* (Asashi Stimson, Tokyo Edition, 11 August, 1950).

Japan consequently took up the task of communicating to the world of the tragic brute caused by the use of nuclear weapons which according to it must never be repeated and that they must be abolished”. (Disarmament, Non-proliferation and Science Department, the Ministry of Foreign Affairs, Japan ed., 2011 [6]. Strategic debates on nuclear ethics had spawned several studies particularly in the 1980s. Examples abound: Lackey [7]; Blake and Pole eds. [8]; Davis ed. [9]; Kipnis and Meyer Ed. [10]; Shue ed. [11]; and Nye [12].

Faith-based organizations are not left out in intellectualizing the campaign against the worst weapons of war. National Conference of Catholic Bishops [13] argues that it is unethical if the objectives is to destroy urban areas or kill many citizens indiscriminately...the good objectives of protesting the safety and freedom of the home country does not justify the unethical means of killing innocent people indiscriminately and that the use of nuclear weapons as a retaliatory measures needs to satisfy the principle of proportionality ( in conventional war doctrine) to balance objectives and means as well as the principle of “discrimination” to distinguish combatants from non-combatants.

Nye, J underscores five maxims of nuclear ethics [12]:

- With regards to motive, self-defense is just but a limited cause;
- On the issue of means, Nye declared, never treat nuclear weapons as normal weapons;
- Minimize harm to innocent people;
- On consequence, he suggested a reduction in the risk of nuclear weapons in the near terms”; and
- Reduce reliance on nuclear weapons over time [12].

To properly situate the issue of nuclear ethics in the context of scholarly debates on nuclear weapons, it is important to contextualize the concept of ethics in international politics vis-à-vis the Realist-Idealist debates to incorporate theoretical insights from E.H.Carr, Morgenthau and Immanuel Kant [14].

Three key perspectives abound in the nuclear ethics debates:

Nye, J. identified instances to consider in ethical debate in international politics:

- The first is skeptics, which hinges on the idea that moral categories have no meanings in international relations because *“no institution exist to provide order”* therefore no moral right or duties exist in the international system [5];
- The second stance is that of “state moralists”: this is a perspective to consider...that international politics rests on a society of states with certain rules although those rules are not always perfectly obeyed[5].

This according to Nye ensures the respect for the principle of sovereignty and objects to interference in the domestic affairs of other countries. Nye noted that Afghanistan’s invasion by the Soviet undermined the principle of national sovereignty [5].

Realist E.H Carr[14] argued that in international politics, the centrality of the role of power is greater than morality. To “forge out order” noted Carr, those who befitted most from the current order must make concessions to who gain lesser and fore a working order through two concepts of: “self-sacrifice” and “give and take” [14].

Morgenthau [15] noted that peace in the international society is maintained with balance of power in the form of a power struggle as well as international morality and world public opinions that impose normative limitations on the power struggle. Morgenthau’s perspective on nuclear ethics was a consequentialist: “politics, ethics judges actions by its political consequences”[15].

The idealists, gleaned from the philosophical underpinnings of Immanuel Kant have argued that in spite of conflicts and antagonism, cooperation can still be forged among civilized nations of the world and that rules, norms and values that regulate state behaviors can be institutionalized among nations. This takes the form of regimes, to which the NPT represents a classic example though weakly institutionalized [1].

### **NPT and North Korea: a Chronological Overview**

Four years into the atomic age following the successful Trinity test at Los Alamos Desert of New Mexico on 16 July 1945, the Soviet Russia detonated her first nuclear device ending Washington's short-lived nuclear monopoly in 1949. By 1964, three more states have joined the nuclear club: Britain (1952); France (1960); and the People's Republic of China, PRC (1964). The concerns over global peace and security in a world with many nuclear weapon states spurred post-war diplomatic convergence that culminated in the emergence of the NPT in 1968, the NPT a multilateral agreement against the military use of nuclear energy setting up the first major international regime on nuclear non-proliferation. Opened for signature in 1968 with Finland as its first signatory state, the NPT came into force on 5 May, 1970.

While three of the UNSC members were inaugural signatories of the NPT: United States, Soviet Russia and the United Kingdom, France and the People's Republic of China only signed the Treaty in 1992 as the last nuclear power states to do so. The NPT as the United Nations (Security Council membership composition), has unequal membership by virtue of Article IX which creates the nuclear weapons states from among five signatories to the Treaty leaving all other members as non-nuclear states (those that have not built or detonated a nuclear device before January 1<sup>st</sup> 1967 and those that are yet to acquire both the technology and the bomb) (Article II of the NPT 1967). Coincidentally, the five permanent members of the UNSC fits neatly into classificatory scheme even when China the youngest kid in the bloc only gained UN membership in 1971 at the expense of now international outcast the Republic of China (ROC)[1].

While virtually all UN member states have acceded to the NPT Treaty, India, Pakistan and South Sudan are yet to do so. Meanwhile, North Korea controversially withdrew from the treaty in diplomatic riposte to global reactions to her nuclear tests. In 1995, the member states met after 25 years and agreed to extend the treaty's validity indefinitely. Interestingly, a review conference for the NPT has been agreed upon to hold in 2020 while a Preparatory Committee meets from April 20 to May 10, 2019 to be chaired by a Malaysian diplomat Ambassador Syed MdHasrim.

As of August 2016, 191 UN member states have acceded to the NPT. Pyongyang joined the NPT in 1985; however, following her violations of her treaty obligations amidst steady nuclear build ups covertly pursued, she withdrew in the phase of threats of sanctions by the UN in 2003. As of April 2019, the DPRK is yet to return to the NPT as Washington broke uncommon yet unyielding summitry in Singapore last June 2018 and yet again another summitry in February 2019 between President Donald Trump and President Kim Jong Un both of which failed to produce a concrete agreement.

The NPT was founded upon three pillars that set the tone for the diplomatic tradeoffs between the “*nuclear haves and the nuclear have nots*”:

- Non-proliferation
- Disarmament; and
- The Right to peaceful use of nuclear technology.

Critics charged that the NPT has not been able to stop the proliferation of nukes or the motivation to acquire them. While four states are believed to have acquired the weapon un-approved: India, Pakistan, North Korea, Israel's nuclear program has been highly covert in a mold described as one of “*deliberate ambiguity*”. Multilaterally, the NPT can be adjudged as a diplomatic tradeoff between the UN members states who had agreeably struck a bargain between the nuclear wielding states to give up their strategic weapons (Disarmament) in exchange for a pledge by the (then non-nuclear weapon states) not to acquire the weapon (Article 1 NPT of the NPT 1967). The failure to uphold the sanctity of this diplomatic bargain provides one of the stumbling blocks and strategic grounds for defiant states to pursue a nuclear program citing the failure to disarm by the nuclear wielding state. How was the bargain struck?

In the course of the negotiations that produced the NPT, the Nuclear Weapons states (NWSs), undertook not to transfer nuclear weapons or the nuclear explosive devices to any recipient or assist non-nuclear weapons in exchange for a pledge by the non-nuclear states never to acquire the weapon (Article 1 of the NPT Treaty 1967).

Furthermore, Article III of the NPT provides that the non-nuclear states should not seek to receive assistance in the manufacture of such devices. Under Article III of the NPT, the non-nuclear states pledge to accept IAEA safeguards to verify that their nuclear activities serve only peaceful (civilian) purposes.



The texts of Article I of the NPT indicate that five nuclear weapon states of the NPT agreed not to transfer nuclear explosive devices and not in any way to assist encourage or induce a non-nuclear weapon state to acquire the weapon. The nuclear weapon states guaranteeing the safety of the non-nuclear states under the NPT undertook not to use their nuclear weapons against a non-nuclear state party to the NPT except in response to a nuclear attack or a conventional attack in alliance with a nuclear weapons state.

Under the second pillar: “Disarmament” as outlined in Article VI of the NPT all parties undertook to pursue good faith negotiation on effective measure relating to cessation of the nuclear arms race to nuclear disarmament and to general and complete disarmament

Article VI represents the only binding commitment in a multilateral treaty to incorporate the goal of disarmament by the nuclear weapon states. The NPT’s preambular texts affirms the desire among the diplomatic community to defuse international tension; strengthen international pact to halt the quantum of nuclear weapons and in specific terms, strategically, attain complete disarmament.

Article VI requires member states negotiate disarmament rather than to conclude a treaty on disarmament:

“Each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measure relating to cessation of the nuclear disarmament of the nuclear arm race at an early date”.

The language of Article VI has remained contested by the non-nuclear state parties to the NPT as being vague and ambiguous. In their counterview, Article VI of the NPT constitutes formal and specific obligations on the NPT’s recognized Nuclear Weapons state parties had failed to respect their treaty obligations. Article VI of the NPT remains one of the central dilemmas besetting international regimes on nuclear non-proliferation.

The ICJ, in its advisory opinion on the legality of the use or threat to use of nuclear weapons issued on the 8 July 1996 unanimously interpreted the texts of Article VI as implying that: “there exists an obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In the view of the UN’s principal judicial organ (the ICJ), all parties and not just the NPT’s Non-Nuclear state parties are bind by their treaty obligations.

Critics of the recognized nuclear weapon states (United States, Russian Federation, United Kingdom, France and the People’s Republic of China) argue critically that the failure of the P5 to disarm their nuclear arsenal in congruence with the NPT diplomatic trade off in Article VI remains a major stumbling block to all sincere diplomatic efforts to denuclearize the non-recognized nuclear states including North Korea as well discourage any potential nuclear state from acquiring the weapons.

No serious nuclear weapon state will consider total denuclearization without high confidence in the international security environment, hence the strategic dictum: “proliferation begets proliferation” in so the economic sustainability is constant [1].

With view of the political and economic sovereignty of modern state, the NPT under Article IV recognized the right of sovereign states to peaceful development of nuclear energy that could aid industrial activities in power, medical and other sectors of their economy fostered by peaceful transfers of nuclear energy that will facilitate international cooperation in so far as they conform with non-proliferation rules outlined in Article II.

Article IX *lacks falls short of every wisdom that induces strategic restraints*. How?, it merely states: “ for the purposes of this Treaty a nuclear weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive devices prior to January 1<sup>st</sup> 1967. Put to perspective retrospectively, this Clause would have set out verifiable safety protocols that would have required proven safeguard capabilities against nuclear accidents/fallouts, rather, the drafters of the treaty were quick to draw the “*strategic red line*” between the legal nuclear states while out rightly but technically banished any potential state from becoming a legally recognized nuclear state. That these five nuclear weapon states fits neatly into the five permanent membership of the United Nations Security council further confirms the skepticism that the NPT was an extension of the clout, prestige and exclusive diplomatic leverage accorded the five permanent members under Chapter V, Article 23 of the UN Charter was re-enacted in another language and purpose under Article IX of the NPT Treaty [1]. These Clauses institutionalized diplomatically, the power asymmetries among associations of sovereign states (the UN and NPT after it) while its founding instruments: *the UN Charter preaches Sovereign equality of all states big or small, weak or strong in a realist manner, “Kantianism must have been tainted with realist fervor”* [1].

According to a Washington Post report of August 8, 2017 and the US Defense intelligence Agency, the Democratic Republic of North Korea had successfully produced a miniaturized warhead that can fit in a missile and that it could have up to 60 warheads in its inventory. Former Director at Los Alamos Laboratory, Siegfried S. Heckler who visited North Korea nuclear facilities severally on behalf of Washington estimated Pyongyang's nuclear stockpile of plutonium and highly enriched Uranium was probably sufficient for 20 to 25 nuclear weapons.

### **Theoretical Perspectives**

This paper hinges eclectically on *Regime, Deterrence and Nuclear Peace Theories of international Relations*. The reason is to afford the author the wide range of analytical framework they provide to which a single theory will be inadequate to analyze all the data gathered on the subject matter. In light of Stephen Krasner's definition of Regime Theory, the Regimes in international politics are set of multilateral rules, values and norms agreed upon by comity of states as a way of regulating interstate behavior. Examples being the NPT, WTO and the UNSC sanction regimes.

According to Robert Keohane, International Regimes is capable of fostering cooperation by providing information on inter-state behavior, monitoring and ratifying states' levels of compliance, thereby setting the redline between conformists and deviants in the international system. This according to him allays fears of diplomatic exploitation by stronger nations and serves as a cost saving means for future cooperation, setting standards that are usable in future negotiations and deal.

There is a divergence between the Liberals and Realists on the Regime Theory: "the role of international institutions in setting the standards, rules, norms and principles to regulate inter-state behavior. While the Liberals view international institutions as viable platforms towards creating the diplomatic atmosphere for the convergence of inter-state interests on specific issues as a precondition for the resultant cooperation which would have been inconceivable in an atmosphere of anarchical order as postulated by the Realists, the Realists on the other hand conceives of regimes as a continuation diplomatically of power politics, strategically cloaked by non-existent ideals while in reality are channels towards achieving national goals: power, prestige and wealth. Critical of the cooperation that exists under international regimes, the Realists argued that international regimes are diplomatic ruse to hypocritically advance, pursue and accomplish individual state's political, economic, and national objectives.

The Realists attempt to buttress their perception of international regimes by arguing that such regimes have no supranational authorities over the sovereign states that formed them (e.g. North Korea's withdrawal from the NPT)

Susan Strange, in light of the Realist postulations argues that institutions such as World Bank, GATT, IMF and other post-World War II Organizations are tools of the United States grand strategy.

The role of the NPT as the International Regime on Nuclear non-proliferation has been severely undermined by the failure of the Nuclear Weapon state parties to comply and uphold their treaty obligations. This apparent disregard for rule of law set the tone for other forms of non-compliance with non-proliferation clauses in the NPT.

*Krasner, Stephen. (ed) [16] International Regimes, Ithaca, NY: Cornell University Press.*

*Krasner, Stephen D. [17] "Structural Causes and Regime Consequences: Regime as International Variables" International Organization 36/2 (spring)*

*Keohane, Robert O. and Lidsa L. Martin (1995:395) "the Promise of Institutional Theory". International Security Summer 2011 [18].*

Deterrence Theory proponents hold that despite its destructive capacity (as evident anthropogenic ally in the tragic firebombing of Hiroshima and Nagasaki) can deter a more powerful adversary from attacking resulting from strategic restraints with MAD in view which leaves no pay offs to the attacker.

Bernard Brodie [19] nuclear deterrent must be always at ready, yet never deployed or used.

Thomas Schelling [20], a proponent of the Deterrence Theory postulate that the capability to do harm to another state remains motivating factor for other states to avoid adversarial attack, it thereby influencing others state's behavior as regards nuclear option.

The central thesis of Deterrence Theory is the propositions that a state's capability to strike strategically is a bargaining instrument in regulating adversarial relationship among contesting states. Critics of Deterrence Theory argued that the theory holds no strategic relevance in the phase of burgeoning impacts of non-state actors amidst fears over

possible nuclear terrorism when the terror sects gained access to both the technology and the materials. Suicidal strategy implies that these radicalized fundamentalist groups are not deferrable in the mold postulated by deterrent theorists. The stock of nuclear warheads in any Arsenals has nodeferrable effect when terrorism comes to the strategic thinking. What can check against nuclear terrorism is freedom, equality and the respects of cultural diversities. That will neutralize undue/unwarranted anti-Americanism in the Middle East and elsewhere where the role of the United States in global diplomacy is often being misunderstood.

Former British Prime Minister Margaret Thatcher, in a speech to Conservative Party Conference espousing Nuclear Deterrence remarked:

*“Deterrence has not only kept the peace but it will also continue to preserve our independence”*-Margaret Thatcher, October 10,1980 ([www.margaretthatcher.org](http://www.margaretthatcher.org)) [21].

Kissinger, H, and others: Bill Derry, George Schultz and Sam Num[22] corroborated this view in an Article published in Wall street Journal when they took a relook and submitted that nuclear weapons have posed more dangers and insecurity to world peace than global security worrying about the safety of a world with many nuclear states with attendant huge defense budget to sustain the upgrading of existing nukes:

*“The risk of accident of Pariah state, such as North Korea possibly soon to be joined by Iran, misjudgment or unauthorized launches they argue was growing more acute in a world of rivalries between relatively new nuclear states that lacked the security safeguards developed by America and Soviet Union. The emergence of pariah states such as North Korea possibly soon to be joined by Iran with the fear as was declared ambition of terrorists to steal buy or builds a nuclear device”*- The Economist, June 16, 2011. (Accessed April 12, 2019)

While Deterrence theory proved strategically logical under conventional environments dominated by rational state actors, predicated upon its ability to “deter” an intended nuclear strike for fear of mutual annihilation or *“collective catastrophe”* [1]. This paper corroborated the views of Deterrence proponents juxtaposing the theoretical strength of the Deterrence Theory on the premise that unlike the fallout of the Anglo-German Arm Race between Kaiser Wilhelm II and Herbert Henry Asquith degenerated into the stiff and aggressive of a contestation for naval supremacy (an aggressive foreign policy “Weltpolitik” that replaced the shrewd and moderate “Realpolitik” of Otto Von Bismarck) that pushed Britain to keep pace in her Naval superiority by inventing the Dreadnought (a shift from the pre-Dreadnought battleships which replaced the ironclad warships of the 1860s). This strategic build ups upended the centenary peace in continental Europe since the defeat of Napoleon in 1815 and snowballed into a total war: WWI (1914-1918) (triggered by the assassination of Archduke Franz Ferdinand in Sarajevo, on 28 June 1914). On the contrary, the nuclear arms race and its associated space race beginning from 1945 left a more tense security atmosphere in the world at the height of which was the Cuban missile crisis of 1962, yet the adversarial relations never degenerated into a full blown nuclear conflagration, the most plausible strategic factor for this strategic restraint remains Deterrence underpinned around the Mutually Assured Destruction strategic dictum [1].

Huth, P.K, opined that a policy of deterrence can fit into two categories [23]:

- Preventing an armed attack against a state’s territory ( direct Deterrence); and
- Preventing an armed attack against another state’s(s’) territory (extended deterrence)

The second deterrence fits into the United States strategic policy objectives in the Korean Peninsula: “to shield her allies, Japan and South Korea from potential nuclear attack by North Korea.

Jentlesonet *al.*, underscored the following fundamentals for successful deterrent [24]:

- The defending states strategy must balance credible coercion and leave diplomacy consistent with the three criteria of proportionality, reciprocity and coercive credibility; and
- The extent of an attacking state’s vulnerability as shaped by its domestic political and economic conditions for a state exercising deterrent to succeed, the cost of non-compliance it can impose on the adversarial states (as currently being met out to North Korea by UNSC and the United States) and the benefits for compliance it can offer to the adversarial state are greater than the benefits of non-compliance.

These cost-benefit tradeoffs do not guarantee successful nuclear deterrence but coercive credibility which implies additional calculation. Coercive credibility demands the state exercising deterrence convinced the potential attacking state that non-cooperation will have fundamental implications.

Huth, P. K further underscores four determinants for rational deterrence [23]:

- The military balance;
- Signaling and bargaining power;
- Reputation for resolve; and

- The interest at stake.

Jentleson, B.A. (2005: 47-86) Why Tock, C.A. "Who Won Libya?", *International Security*, 30, doi: 10//62. (Accessed April 12, 2019) [24].

Schultz, George P. and Goodbye, James E, *The War that must never be fought*, Hoover Press [25]

Huth, P. K "Deterrence and International Conflict. Empirical Findings and Theoretical Debate, *Annual Review of Political Science* [23].

George, A. "the General Theory and the Logic of Coercion Diplomacy". *Forceful Persuasion: Coercion Diplomacy as an Alternative to War*. Washington, D.C., United States Institute of Peace Press [26].

The NPT and the UNSC sanction regimes represent idealistic cooperation among states facilitated by convergence of interests among the ratifying states on matters pertaining to nuclear technology development and their deployment. The existence of such international obligations among ratifying states was reaffirmed by the ICJ in its advisory opinion when it unanimously interpreted the texts of Article VI of the treaty as implying that:

*"There exists an obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control"*.

However, the non-compliance with their treaty obligations as outlined in Article IV of the NPT by the ratifying states portends the NPT as "*a diplomatic ruse, a non-binding breakable multilateral agreements*" among competing states, instituted to create the *nuclear havesthereby* lending credence to the realist arguments that eternal conflicts of interests will continue to shape the international system, that whenever cooperation abound, it is aimed at furthering national interests of the individual states and not in the interests of global peace, order and security. Why will civilized states wittingly renege on their international obligations they dully undertook? What questions does such behavior raise about adherence to rule of law in the conduct of international diplomacy? If the leading states of the UNSC continue to show disregards for the sanctity of an international law they willfully entered into, where will emerging states model from as the leading states failed to show good examples by adhering to rule of law?

The United Nations is Kantian from its philosophical foundation: "that nations can cooperate in spite of anarchy; that international rules forged by association of modern states can restrain the excessive behaviors of states by preventing powerful states from imposing their wills on weaker ones; that these rules, values and ideals can be collectively secured from threats to peace, breaches of the peace and acts of aggression (Chapter VII of the UN Charter, 1945).

As a body, the United Nations has done remarkably well in retrospect, this regard through collective security it has prevented "*the reoccurrence of a Third World War (WWIII) since its inception (October 24 1945) 74 years down the line*", a diplomatic, political and historical feat that discredits the description of the world body as a toothless bulldog or a club for the political aggrandizements of the superpowers. *Indeed there are myriad of challenges, weaknesses and needed reforms in the UN as an evolving body, nonetheless, there are monumental accomplishments that deserves analytical commendations* which its staunchest critic cannot deny or expunge [1].

The non-cooperation with multilateral obligations in Treaties, Charters makes the international politics more Realist than Idealist. The intended cooperation that would have brought the gains of the diplomatic trade off in the NPT under Article IV has been impeded to the detriment of global peace and nuclear order.

### **Nuclear Peace Thesis**

Within the neorealist theorists exists two schools of thought:

- a. While one favors "*selective proliferation*" with Professor John Mearsheimer of the University of Chicago, as a leading exponent;
- b. The others advocated for a *laissez faire /non-interventionist* approach to nuclear strategy.

Kenneth Waltz [27] a founder of Neorealism in International Relations and a proponent of Nuclear Peace argues that nuclear proliferation may be beneficial for inducing stability in an adversarial environment. In Waltz's view more nuclear weapons may be better and no new state will deploy the acquired capacity to deter threats and preserve the peace.

Theoretically, both Mearsheimer and Waltz advocated some form of proliferation that it would decrease the tendencies of armed conflagration particularly in conflict prone regions of the world [28]. However, they diverged

strategically on their approaches. How?, while Mearsheimer favored selective proliferation, Kenneth Waltz advocated for a Laissez-faire nuclear order with no regime such as the NPT of UNSC Resolutions on Nuclear programs [27].

To buttress his position, Waltz argues that the Mutually Assured Destruction Thesis applies to all security environment, regardless of historical tensions or contemporary hostilities, citing the cold-war as a strategic vindication of the effectiveness of nuclear proliferations and that nuclear proliferation and missile build ups promote the strategic restraints among rational decision makers against the collective catastrophic scenario hypothesized in Mutually Assured Destruction (MAD). According to Waltz, neither Moscow nor Washington could risk a potential nuclear holocaust to advance territorial or power goals, hence a peaceful stalemate ensued [29]. Waltz submitted that the cold-war deterrence logic be applied to all security circumstances and environments.

The Neorealist predicated their arguments on three premises:

- The Primacy of military security in state agenda;
- The antithetical pressure of globalization and economic integration to state's strategy; and
- The weakness of international institutions.

Mearsheimer postulated that Europe is bound to return to pre-cold war environment of regular conflagration and suspicion at some point in near future. In view of this, he advocated for the rearming of Germany and Ukraine with nuclear power to acquire a balance of power between the states in the East and France as well as in Western Europe. When this happens, he predicts war will broke out in continental Europe. Outside military band strategic prism, Mearsheimer downplayed the impact of economic cooperation taking place within the EU bloc as postulated by *Henri de Saint Simon* in the 19<sup>th</sup> Century that only Pan-European integration can curtail aggressive nationalism that had pushed European nations apart into internecine war and complex web of military alliances. In the EU France and Germany swept memories of Alsace-Lorraine behind and found reasons to live together, the former Soviet Republics are not left out, de-communization, de-Sovietization and de-Stalinization came side by side with massive realignments of their economic principles to come to terms with those advanced by the EU while joining their erstwhile strategic foe the NATO bloc all in an attestation to shaking off the vestiges of communism in Eastern Europe. It was an ideological transition from Central Planning to Market economies. The de-federalization and re-federalization of Russian federation asymmetrically leaves post-Soviet Russia with national questions that demands liberal response when the Chechnya national Issue is spotlighted. In China, the success of post-war Japan sent signals against the ideological short sightedness of Maoist, Stalinist and Marxist Communism. 21<sup>st</sup> Century China is professing a market socialism defined as communism with Chinese characteristics. North Korea, *the Last bastion of old style communism* may follow the same trajectory as the ensuing crisis of legitimacy and statehood began to suffice in the wake of diplomatic isolations in response to her nuclear build up [1].

### **The Effect of the Bomb: A Reflection**

Investigation on the effect of atomic bomb on humans regrettably came as an afterthought in strategic thinking, after the most anthropogenic disasters in modern history had occurred in Hiroshima and Nagasaki beginning with the death and post-mortem autopsy of Naka Midori, *the first non-Scientist victim* of the bomb to be certified to have died of radiation poisoning on 24 August 1945, bringing the whole catastrophic implications of the bomb to global spotlight. Sad, and truly mutually destructive as the bomb truly is, before Midori died on August 24 1945 *Harry Daghlion* [30], an Armenian American Scientist at Los Alamos, a promising young Scientist (24) has irradiated himself only to die 25 days after on the 15 September 1945, coinciding with the day the Pacific theatre ended following the surrender of Imperial Japanese Forces at Tokyo Bay onboard USS Missouri at the Instance of General Marc Arthur Douglass, the Supreme Commander of the Allied Forces in the Pacific. The establishment of the Atomic Bomb Casualty Commission in 1946 to inquire into the radiation effect of the bomb on humans which regrettably and un-empathically came as an initiative for pure research purposes and not humanistic ally for the purpose of providing medical remedies for the victims of the bomb, “ *what a scientific atrocity?: “a Science without Human phase”* [1]. This Commission metamorphosed into the Radiation Effect Research Foundation, an inter-state research establishment between Japan and the United States to study the effect of radiation on humans to render welfare services for the Hibakushas and humans generally. Epidemiologically, the RERF has been carrying out studies for over seven decades on about 120,000 individuals without any meaningful breakthrough in terms of identifying the medical implications of atomic radiation on humans.

Scientific Community is has established a ground breaking findings on the effects of the atomic bomb on humans and the environment. According to the International Atomic Energy Agency radioactive contamination resulting from the presence of radioactive substances on surfaces as well as the human body unintended and undesirably caused by the release of radioactive gases, liquids or particles that poses threats to the biosphere (*-IAEA, 2007, “IAEA Safety Glossary” Terminology Used in Nuclear Safety and Radiation Protection*)

The impacts of “*nuclear fallouts*” by which residual radioactive materials are propelled into the upper atmosphere following a nuclear blast after the shock wave has passed also threaten environmental sustainability. Post-invasion reports on Hiroshima and Nagasaki had it that half of those died of the blasts were killed later by radiation poisoning (Necrosis) caused by radiation fallouts. Atomic radiation caused biological changes in all living organism with critical environmental consequences.

According to toxicological survey, Acute Radiation Syndrome (ARS), a critical health condition that becomes symptomatic within hours of exposure to high doses of Ionizing radiation. The health symptoms can take the form of gastrointestinal effects: nausea and vomiting, falling blood counts, bleeding, neurological effects, seizure tremors, lethargy. Medical care may take intensive measures such as bone marrow transfusion and blood transfusion. Radioactive syndrome can lead to cellular degradation resulting from damage in the DNA and other molecular structures within the cells in various tissues, skin reddening and Cancer (*Acute Radiation Syndrome, “Center for Disease Control and Prevention May 20,2005*).

*(Acute Radiation Syndrome: A Fact Sheet for Physicians. Center for Disease Control and prevention, March 13, 2005).*

Nostalgically and regrettably, Midori who voluntarily walked into the Tokyo University hospital where she examined by radiation experts including Dr. Matsuo Tsuzuki, haven undergone serial blood transfusion to save her but gave up on the 24 August, 1945.

After 37 autopsies were conducted on Midori on 11 September, 1945 by a team of Scientists at University of Tokyo, the results were confiscated by the military authority under General Thomas Farrell including the remains of Naka which was later returned 17 years later in 1972 in a glass sets now exhibited at the Hiroshima Peace Memorial Children of the Ashes: The Story of a Rebirth Harcourt Brace & World [31].

The lessons from Harry Daghlian and Louis Slotin after him are two notable cases of the dangers the atomic weaponry portends for both the inventors and the intended targets. A promising young scientist (24), Daghlian got himself irradiated performing a critical mass experiments when he accidentally dropped a tungsten carbide brick onto a 6.2 kg plutonium –gallium alloy bomb core and died 25 days after. The following year in 1946, on 21 May, while working on a fission reaction at Los Alamos, it released a burst of hard radiation and died nine days after hospitalization becoming the second victim of atomic experimentation [30].

The authorities in Los Alamos claimed to have improved on safety regulations following Daghlian’s tragedy, however, the tragic incidence of Louis Slotin, (Daghlian’s colleague) at Los Alamos laboratory indicated that no amount of cautious can prevent a nuclear sinister, *Chernobyl and Fukushima are cases in point*[1].

Besides, the imperatives for environmental sustainability which is a precondition for human security indicates that the ecological impacts of atomic blasts also pose threats of extinction of living things.

The Atom for Peace address of President Dwight D. Eisenhower of December 8, 1953 first bring the implications of the nuclear strategy to international diplomatic scrutiny marking the watershed between “*the era of atomic secrecy and the era of atomic diplomacy*”[1].

BBC World War II Archival Video reports that:

*“The bomb delivered its destruction in stages, a temperature directly below the fireball were 4000 degree Celsius. The heat rays left shadows... anyone in the open air were either vaporized or turned to carbon in an instance. The flash sent out a powerful radiation ray which can penetrate walls and attack the cells in human bodies. Hiroshima became a city of the dead with corpses littered and many trapped in rubble as relatives search in ruins for their survivors”.*

### **North Korea and Weapons of Mass Destruction: Facts Figures and Strategic Analysis**

Beginning with the “All-Fortressization” military doctrine in 1962 which set the tone for an aggressive and militarized North Korea, North Korea had sought unsuccessfully a strategic assistance from Soviet Russia to develop a nuclear weapon in 1963 and made similar futile strategic overture from the People’s Republic of China (PRC). However by 1974, it found response in that regard when Soviet engineers rendered assistance to North Korea in the building the Yongbyon Nuclear Scientific Research Center. The Koreans indigenously build the Second Yongbyon Research Reactor (an Ore processing and fuel rod fabrication plant. By the 1980s, North Korea has begun full proliferation process following the completion of a nuclear weapon development system. By this time, Pyongyang had begun to operate nuclear facilities for uranium fabrication as well as conducting explosive detonation tests.

In 1984, Pyongyang took a remarkable diplomatic step by ratifying the NPT. However, it failed to incorporate the required safeguard agreement required by the International Atomic Energy Agency until 1993 while the IAEA was verifying North Korea's initial declaration concluded that "*strong evidence of incomplete declaration exists*". Following North Korea's refusal for IAEA inspectors to carry out their required inspection, the global nuclear watchdog reported Pyongyang to the UN. In a swift diplomatic riposte, North Korea announced its intension to withdraw from the NPT.

Under a *1994 Agreed Framework*, the United States agreed to facilitate two light water reactors to North Korea in exchange for North Korea's disarmament. However, the implementation of the Agreed Framework was unsuccessful leading to its abandonment. In 2002 Pakistani authorities declared North Korea had gained access to her nuclear technology since the late 1990s, the United States reacted by blockading oil shipment to North Korea. This led to the abrogation of the Agreed Framework and a year later North Korea officially announced her withdrawal from the NPT on January 10, 2003.

In 2005, North Korea admitted having nuclear weapon and pledge to close the Program. In March 2007, it declared to the delegates at the International Nuclear Talks that it was preparing to shut down her main nuclear facility. Following the Six Party Talks involving North Korea, South Korea, China, Russia, Japan and the United States, agreements were reached beginning from 2003. According to the terms of the Six Party Talks, a list of nuclear programs would be submitted and the nuclear facility would be disabled in exchange for fuel aid and normalization talks with the United States and Japan.

On July 14, the International Atomic Inspectors confirmed the shutdown of North Korea's Yongbyon nuclear reactor and consequently North Korea began to receive aid. This milestone achievement in nuclear diplomacy saw a relapsed in 2009 when Pyongyang defiantly staged a satellite launch [1].

In April 2009, there were reports that North Korea has begun a full fledged nuclear Power development, an opinion held by the IAEA's DG Mohammed EL Baradei. On May 29 2009, North Korea conducted the second nuclear test resulting in an explosion estimated to be between 2 and 7 kilotons in yield. In 2012, North Korea announced deceptively, that it would suspend uranium enrichment at the Yongbyon nuclear Research Center and desist from conducting any further test while negotiations involving the United States were underway. This time the agreement entails the following:

- A moratorium on Long-range missile tests;
- Additionally, Pyongyang undertook to allow IAEA's inspectors to monitor operations at the Yongbyon Research Center

In spite of the optimism that greeted this landmark in the effort to restrain North Korea from full blown proliferation, the diplomatic milestone was shattered when DPRK carried out defiantly, along-range missile test April 2012 forcing Washington to halt its pledge to Pyongyang in a diplomatic reaction. On the 6 January 2016, the United States Geological Survey detected magnitude 5.1 seismic disturbances, reported to be *the fourth underground nuclear test* by North Korea. In a clear admittance as a show of national military and scientific strength, Pyongyang claimed the blast was an H-Bomb.

On February 7, 2016, after a hydrogen bomb test, North Korea claimed to have shut satellite into the orbit around the earth. Japanese Prime Minister Shinzo Abe warns DPRK might launch a rocket which if it did, will amount to a violation of Japan's territorial sovereignty. Defiantly North Korea nonetheless launched the rocket citing peaceful scientific purposes. Beijing cautiously criticized the act, stating that both sides tread cautious to avoid an escalation of the nuclear crisis capable of upending the regional order in the Korean peninsula. On September 9, 2016 DPRK carried out her 5<sup>th</sup> nuclear test since its first successful detonation in 2006, an underground test with an estimated yield of about 10 kilotons.

In 2017, the DPRK launched two ICBMs the second of which was claimed to have continental America within range. This peak nuclear feat (detonated September 3, 2017) coincided with the emergence of President Donald Trump marking a new swift in *Washington-Pyongyang bilateral nuclear diplomacy* [1].

Rationalizing the strategic feat, Korean Central news Agency stated that DPRK needed a strategic counter measure against possible, U.S long standing nuclear threat against North Korea. The international community's response was swift; on February 18, 2017 China announced that it was suspending all imports of Coal from North Korea as part of the effort to enforce the UNSC sanction regime on North Korea. President Trump remarked:

"The United States will fight the war on terrorism no matter the cost"

### **The United Nations Sanctions and Diplomatic Alterations on North Korea: a Synoptic Overview**

The United Nations had been up to its diplomatic task in the search for nuclear peace in the Korean Peninsula since the 1950s. Chronologically, the UN has passed dozens of Resolutions on Korea which this paper attempts to spotlight:

- Resolution 82 (S/RES/82) of 25 June 1950 held that North Korea's invasion of South Korea constituted a "breach of the peace" and demanded immediate cessation of hostilities in the Korean War;
- Resolution 83, (S/1511) of June 27, 1950 called for the Cessation of hostilities at the 38<sup>th</sup> Parallel and Required member states provide assistance to South Korea;
- Resolution 84(S/1588) established a Unified Command led by the United States to coordinate the war efforts of the Allies of South Korea in the Korean War;
- Resolution 85 (S/1657) coordinated relief for victims of the Korean War. It held that North Korea's invasion of South Korea constituted an act of aggression;
- Resolution 90 (S/RES/90) of January 31 1951 unanimously removed the Korean War from the agenda of the Security Council;
- S/RES/702 of August 8 1991 recommended both North and South Korea for the United Nations membership;
- Resolution 825 (S/RES/825) of 11 May 1993 urged North Korea to reconsider her withdrawal from the NPT and abide by its international obligations;
- S/RES/ 1695 of 15 July 2006 condemned North Korea's 2006 launch of Ballistic Missile and imposed sanctions in consequence;
- S/RES/1718 of October 14, 2006 expressed concerns over North Korea's 2006 nuclear test and imposed sanctions. It established the UNSC Sanction Committee on North Korea(the 1718 Committee), a panel of experts was set up side by side to assist the committee;
- S/RES/ 1874 of 12 June 2009, express concerns over North Korea's nuclear test, extends sanctions to include all arms materials and related financial transactions, technical training advise services or assistance ,manufacture and maintenance;
- S/RES/1928 of 7 June 2010 extends the mandate of the panel of experts until 12 June 2013;
- S/RES/2087 of 22January 2013 condemned North Korea's 2012 satellite launches and added to sanctions;
- S/RES/ 2094 of March 7 2013 imposed sanctions after North Korea's 2013 nuclear test, enforcing sanctions on North Korea to condemn the third nuclear tests;
- S/RES/ 2141 of 5 March 2014 extended the mandate of the panel of experts until 5 April 2015;
- S/RES/ 2270 imposed sanctions after North Korea's 2016 nuclear and missile test. Sanctions include inspection of all passing cargo to and from North Korea; prohibition of all weapons trade with Pyongyang; imposed additional restrictions on North Korea imports of luxury goods and expulsion of certain North Korea diplomat suspected of illicit activities;
- S/RES/ 2276 extend the mandate of the Panel of experts, assisting the DPRK Sanction Committee established by the UNSC RES 1718 of March 24 2016;
- R/RES/2356 of 2 June 2017 saw a unanimous UNSC decision, sanctioned a list of individuals and entities designated as being engaged in or providing support for Pyongyang's nuclear related program;
- R/RES/2375 of 11 September 2017 saw the UNSC strengthening its sanction regime on North Korea tightens ban on oil in response to North's sixth nuclear test (a current annual level of 4 million barrels) and limits its exports of petroleum products to North Korea by 2 million barrels annually. These sanctions together, slashed North Korea's oil supplies from outside countries by 30 per cent. It also bans overseas sales of North Korea's textiles and further restrict the country's exports of its workers for international labor immigration;
- S/RES/ 2397 saw the UNSC strengthening sanctions on North Korea in response to Hwasong -5 build up;
- R/RES/2407 of March 21 2018 extended the mandate of S/RES/ 1718 until April 24 2019 and further enforcement of prior resolution;

### **UN Sanctions Analytical Overview**

The UN Security Council's sanction regime on North Korea touches different aspects of the diplomatic instruments: arms embargoes, assets freeze, travel bans, transport restrictions, commodity bans, and financial restrictions. As multilateral efforts within the UN to check the proliferation of nuclear, chemical and biological weapons and the steady build ups in their delivery systems (ICBMs and Rockets), which poses threat to regional and global peace, the United Nations have in the course of time reeled out dozens of resolutions to put a lid on North Korea's nuclear program. Resolution 2397 of December 22, 2017 calls upon member states to redouble their efforts and implement in full, the measures in Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) collectively of which the most extant Resolution 2397 attempts to reinforce sanctions regime on North Korea.



Specifically, Resolution 2270 paragraph 3 called on states to desist from making sale or supply by their nationals or entities from their territories using their flags or aircrafts, of aviation fuel, including aviation gasoline, naphtha-type, jet fuel, kerosene fuel, whether or not originating from their territories to the DPRK, except so approved by the 1718 Sanction Committee that such products are critical to humanitarian needs.

Both condensates and natural liquid are also prohibited. Member states are prohibited from the direct sales or indirect supply sale or transfer to the DPRK all condensates and natural liquids (Res 2375 paragraph 13). Resolution 2397 paragraph 4 placed a ceiling on crude oil shipments into the DPRK. States shall prohibit direct or indirect supply, sale or transfer to the DPRK of crude oil and the DPRK shall not procure such items beyond 4 million barrels of 525000 tons in the aggregate per 12-months period unless approved by the 1718 Sanction Committee.

Resolution 2270 paragraph 33 and Resolution 2094 paragraph 23 collectively placed bans on luxury goods such as jewelries, yachts, and luxury automobiles etc. Resolution 2321 paragraph 30 prohibits states from directly or indirectly supply, sale or transfer to the DPRK of new helicopters or any used or new vessels except otherwise approved by the 1718 Sanction Committee. Resolution 2397 paragraph 7 bans states from dealing on manufactured goods such as steel, industrial machinery, transportation vehicles, iron and Steel with certain exceptions.

Resolution 2375 paragraph 14 and Resolution 2397 paragraph 5 collectively placed a quantity ceiling on refined petroleum products by member states to the DPRK to which procurement should not exceed 500000 barrels per year with certain conditions.. Resolution 2270 paragraph 6 placed embargoes on all arms related materials and services such as financial transactions, technical training and brokering.

Restrictions on imports includes: Coal, Iron, Iron Ore, Lead and lead Ore as well as Copper, Nickel, silver and Zinc. Resolution 2397 paragraph 3 imposes assets freeze covering funds and other liquid resources, intangible assets owned controlled by designated persons or entities of the DPRK. DPRK banks are also not left out of the “*diplomatic ice*”,. Resolution 2371 paragraph 14; Resolution 2270 paragraph 33 and Resolution 2094 paragraph 12 respectively prohibited DPRK from opening new branches subsidiaries or representative offices in the territories of member states and prohibits the financial institutions of member states from taking ownership interests in or establishing /maintaining correspondent relationships such as joint ventures with the DPRK banks unless after express approval by the 1718 Sanction Committee.

Resolution 2397 paragraph 8 provides for the repatriation by member states of all DPRK’s nationals working in their home states, earning incomes and all DPRK’s safety oversights attaches monitoring DPRK workers abroad immediately but no later than 24 month unless such repatriation is prohibited, subject to applicable national and international law, in order to prevent them from generating foreign export earning that can be used for prohibited activities.

While Resolution 1874 paragraph 18 prohibits new grants to North Korea by international Organizations such except for humanitarian purposes and civilian needs or for promoting the denuclearization, Resolution 2321 paragraph 11 of 30 November, 2016 called on states to put a suspension on scientific and technical cooperation involving persons or groups officially sponsored by or represent the DPRK except for medical exchanges with certain exceptions [32].

*UN Security Council Resolution on North Korea, Arms Control Associations. [www.armscontrol.org](http://www.armscontrol.org). Accessed April 16, 2019 [33].*

*UN Documents for DPRK, Security Council Resolutions. Security Councils Report.org. Accessed April 16, 2019 [34].*

*United Nations Security Council Committee established pursuant to Resolution 1718 (2006) work and mandate, New York, USA. United Nation Security Council. Accessed April 16, 2019 [35].*

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*United States Mission to the UN (September11 2017),“factsheets Resolution 2375 (2017). Strengthening sanctions on North Korea” USA United States Department of State. Accessed April 16 2019 [42].*

*The UNSC imposes fresh sanctions on the DPRK including bans on natural gas sales, Work authorization for its nationals \_ Resolution 2375. Also takes humanitarian situations into account as member urged Resume talks on Denuclearizing the Korean Peninsula” New York USA: UNSC September 11, 2107. Accessed April16 2019 [43].*

At the 2017 UNGA summitry, the Korean nuclear crisis dominates the debates as President Donald Trump had his first appearance at the UN General Assembly where he unveiled his foreign policy doctrine “*Principles Realism*” a variant of mainstream political realism sandwiched by the pressing dictates and strategic imperatives of the time rather than the submissions of politicians of every ideological hue. Diplomatically, *the United States has no homogeneous foreign policy doctrine that endures across times*, but one driven by the idiosyncrasies of the ruling elites and party. The Democrats are foreign policy liberal while the Republicans are foreign policy conservative and President Trump is no exception [1].

While Harry S Truman on board USS Augusta rom the Potsdam Conference could not boast of sending the second bomb *Fat Man* by a punch of a button in his “*Rain of Ruin*” speech after the Hiroshima firebombing, Trump could boast of who has a bigger and more powerful nuclear briefcase button than Kim, responding to Kim’s earlier remark that his nuclear launch button was always on his table. These remarks are indicative of the level of technological advancement accomplished in strategic weapons build ups and the fact that disarmament as touted has not been achieved [44].

Stricter measures were again meted out to North Korea, onAugust 2017 UNSC Resolution imposed a ban on iron and Coal exports and all its textiles exports with almost \$800 million decline in her net revenue. When the economic impacts begin to mount, the political economic fundamentals to her nuclear clout will come to bare.“*An economically plummeted North Korea will surely finds her strategic feet’s back to the table of multilateral diplomacy of civilized nation under the UN, NPT and IAE, as there is no autarchic or completely closed economy in contemporary international political economywhere massive integration in markets and internationalization of consumption are defining features*” [1]. The governments of the Philippines had cut off all trade with Pyongyang and Thailand is towing the same line, drastically cutting off its economic ties with the Democratic People’s Republic of North Korea. Impressive signs in the efforts of the diplomatic community to isolate defiant North Korea had also emerged in the Americas,the Mexican authorities declared her North Korean ambassador Persona non grata.

Just like the post- Singapore summitry satellite imagery reports claimed northKorea continues her nuclear build ups at secret sites, days after the Hanoi summitry, private satellite imagery gave similar reports of the reconstruction of the Sohae ICMB launch site which Pyongyang was previously dismantling. Another report confirmed activities going on at the Sanumdong ICMB factory. This Machiavellian diplomatic character of the Korean leaders cast doubts on the credibility of any pledge made by the regime and further attests to the fact that tougher multilateral sanctions are the viable way out of this *nuclear imbroglia*[1].

The 2018-2019 Korean Peace Process saw series of diplomatic entreaties, parleys between the two Korea and an uncommon thaw as part of the effort towards ending the Korean Conflict by signing a permanent peace treatyand facilitating the re-unification of the Koreas. President Kim had pledged before his South’s counterpart Moon Jaethrough his special envoy Chung Eun-Yong to accomplish the denuclearization of the Korean Peninsula before president Donald Trump completes his first term in White House in January 2021.*(Kim Jong Un offers rare olive branch to South Korea . CNN.By AlanneOrjoux and Steve George. January2, 2018. Accessed April16, 2019).*

North Korea’s foot-dragging on the call for her total denuclearization might be a strategy to seek recognition as a nuclear weapon state as the last bargaining terms haven come this far. This diplomatic ploy will pose two problems if the international community compromises on that:

- It may require the NPT statute be reviewed to alter the wordings and texts of Article IX; and

- The ensuing nuclear dilemma will upend the regional order in the Korean peninsula, creating new threats while attempting to resolve old ones as Japan will be face with the dangers of security dilemma there reinforcing the debate over Article IX of the 1947 post-Meiji Constitution, under which the people of post-war Japan aspiring to international Peace, forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes, setting the stage for a post-war pacifist Japan.

**Diagrammatical depiction of North Korea Nuclear/Missile trajectory**



\*Estimates based on currently available information

Source: Al Jazeera, 38North, MissileThreat, CSIS | August 2017

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Source: Al Jazeera, 38North, Missile Threat, CSIS August 2017. Accessed 20 April, 2019  
(North Korea Ballistic Missile Hwasong and Taepodong-2 Diagram)

**Summary**

North Korea had diplomatic antecedents of serial non-compliance with international pledge, commitment and treaty obligations and the most recent of such pledges as seen in the Singapore- Hanoi bilateral Summitries as well as inter-Korean summit may not produce any difference. The character of Pyongyang’s diplomatic practices is incompatible with modern diplomacy. It will be a colossal diplomatic gamble to assume that North Korea will Yield to international pressure towards complete denuclearization peaceably without tougher sanctions. As President Trump expressed optimism for a third summitry, North Korea once again defiantly test fired a tactical guided weapon in a show of defiance observed by Kim Jong Un who remarked that: “the development of the weapon system serves as an event of very weighty significance in increasing the combat power of the People’s Army”

In the light of the above, one is compelled to be cautiously optimistic and circumspective as significant milestones towards resolving the Korean Nuclear crisis ended in debacle in the past as North Korea only defiantly reciprocated by steady rise conducting more nuclear tests to the chagrin of the diplomatic community [1].

The US-Korea Agreed Framework collapsed due to breach of contractual terms by North Korea to freeze her plutonium program in 2002 and North Korea withdrew from the NPT in January 2003. Again, under the Six-Party Talks, North Korea pledged to abandon all nuclear weapons program and return to the NPT. This landmark effort was botched by non-compliance with IAEA verification process coupled with a rocket launch after which North vowed not to return to the Talks nor be bound by its terms.

The Atomic Scientists bulletin the *Doomsday Clock* in a January 2019 report attested to the danger the activities of the North now posed to global security as it sets its clock at 11:58 “2 minutes to midnight” suggestive of the dangers nuclear weapons and climate change now posed to human survival, metaphorically signifying the end of the world. North Korean leader confirmed this danger while he boasted of his nuclear strike capability in his New Year message: “Nuclear Button Always on My Table”. That’s the most unambiguous confirmation by a state’s and an admittance to have not only possessed the bomb but of her capability to swiftly deliver them unlike Israel’s strategic policy of “*Deliberate Ambiguity*”.

Prior, under the South-North Joint Declaration on the Denuclearization of the Korean Peninsula, the two Koreans undertook never to “test, Manufacture, produce, receive, possess, store, deploy or use nuclear reprocessing and uranium enrichment facilities. That was in January 20, 1992. One is tempted to ask, who broke these agreements if not the North? North Korea concluded safeguard agreements with IAEA, however, as a state that never respects her international commitments in good faith, by September 1992, IAEA’s inspectors’ found discrepancies in the initial reports of North Korea on her nuclear program.

North Korea’s recent pledge to end all nuclear test programs and dismantled the nuclear sites at Yongbyon only met with new threats stemming from Satellites imagery reports of secret nuclear site activities in Pungyi-ree after the Korean summit. Same development followed after the Hanoi summit when it was found that secret nuclear activities are ongoing in Sohae ICBM launch site and the Sanumdong ICBM factory. The most deceptive of all is to state that Pyongyang will totally denuclearize and that a full unification of the two Koreas will be attained before the end of President Trump’s first tenure in 2021. There is no nexus or significance, politically, diplomatically and strategically between a denuclearized North Korea and the tenure of a US president. What is at stake, or more significant is the restoration of peace and stability, the de-escalation of the tension in the Korean Peninsula, a fall out of Pyongyang’s nuclear ambition. The people of Korea, like the Germans and Vietnams need to unify as a truly one nation that they are and shed the culture of intra-national rivalries, belligerency and antagonistic legacies communism implanted by their first leader Kim II Sung. That should be the ideal the trajectory “a unified Korea that is truly democratic in the mold of the post-cold war German Democratic Republic with a national name Democratic Republic of Korea”.

## **CONCLUSION**

Since the World entered the nuclear age in July 1945 and its ensuing nuclear and space races that occasioned it, there is yet to be in force, a comprehensive nuclear ban treaty. This gap is intended to be filled by the inchoate Treaty on the Prohibition of Nuclear Weapon (TPNW), 2017. The NPT attempt only partially a ban on nuclear weapons under Article IX. The un-equal nuclear status created under Article IX of the NPT and the slow observance by the Nuclear weapons states of their disarmament obligations under Article VI remains two major obstacles to every ideal envisaged in the Non-Proliferation Treaty (NPT), IAEA and the UN. The Pillars of the NPT: Non-proliferation, Disarmament and the Right to peaceful use of nuclear energy have been violated by member states have not been upheld by ratifying states to their letters. The failure to keep to their treaty obligations on Disarmament as outlined in Article VI of the NPT provide strategic and diplomatic ground for the non-nuclear states to proliferate or seek to acquire the bomb. On North Korea, this paper concludes that, given the diplomatic history of North Korea occasioned by her serial violations of her international commitments, agreements and pledges, in light of this old diplomatic character shrouded in secrecy, double dealing and Machiavellianism, only tougher sanctions forged through multilateral diplomacy under the United Nation remains the way forward to a nuclear-freed North Korea.

The United States bilateral efforts on non-proliferation against North Korea deserves a big commendation, however, multilateralism remains the way forward. All member states of the UN must rise to their Charter obligations and ensure they enforce the UN sanction regime on North Korea in their fullest senses.

The nuclear weapon unlike other unconventional weapons is yet to come under an enforceable total ban been as chemical and biological weapons had been under the Strasbourg Agreement (1675); the Brussels Declaration (1874); the Hague Convention (1907); the Treaty of Versailles (1919); the Washington arms Conference (1922) World Disarmament Conference (1933); the Biological and Toxins Weapons Convention (1972); the Geneva Protocol (1925); the Chemical Weapons Convention (1993); the Rome Statute 1998 which collectively imposed outright ban on the use of chemical and biological weapons in warfare. The Treaty on the Prohibition of Nuclear Weapons is one of the boldest steps yet by the diplomatic community towards outright prohibition of nuclear weapon. It is auspicious for the nations of the world to ensure the ratification of the 50<sup>th</sup> Instrument of ratification to bring it into force.

On the Korean nuclear debacle, only renewed/stiffer sanctions can compel North Korea to yield to international call for her total denuclearization. When the impacts of these sanctions begin to take more crippling effects on her already plummeting economy, North Korea will be forced to the table of nuclear diplomacy and conform to the rules. It would be a colossal diplomatic gamble to roll back sanctions on pledge that North Korea will comply with the call for a total

denuclearization. UN past sanctions had not prevented the steady rise of North Korea nuclear power. Stiffer sanctions multilaterally negotiated and implemented under the UN is the way to go in the diplomatic push to securing a nuclear-free North Korea.

## RECOMMENDATIONS

This paper's recommendations on nuclear diplomacy are three-fold:

- As a response to North Korea's Machiavellian diplomacy, stiffer sanctions from the United Nations that will not only isolate the regime but also broke her economic sustainability will be restraining. By the time the economy beginning to face the strains of sanction-induced downturn domestically, her defense budget will witness drastic decline. No surviving nuclear state is economically weak. When North Korea begins to shift hard stance and begin to comply with the international regime, safeguards and regulations of the world bodies, then the diplomatic communities must swiftly reciprocate through embargo lifting and granting of economic aid in reward for compliance. This will show that the whole efforts were to bring North Korea to the table of civilized nations and to conform to multilateral standards rather than inveterate antipathy against Pyongyang;
- The partial prohibition provided for under the NPT is incompatible with contemporary international security. An outright ban on nuclear weapons as provided for under the Treaty on the Prohibition of Nuclear weapons (TPNW) is one of the most viable steps to ending the nuclear impasse and the gradual negotiation towards the transfer of national nuclear authorities and stockpiles of nuclear arsenals to the UN as the exclusive authority of association of States supervised by a new organ proposed by this paper: "the United Nations Atomic Energy Council (UNAEC)";
- Finally, at the next preparatory Committee conference, the Chairperson of the NPT Preparatory Committee should seize the auspicious moment to push the advocacy for the exclusive relinquishment of nuclear sovereignty to the United Nations, the incorporation of the final reviewed NPT treaty into the UN Charter and the establishment of a new UN Permanent Organ for Nuclear diplomacy. This grand reform towards a safer nuclear world order should take the mold of wholesale incorporation of the NPT, (1970); IAEA (1957); and the *inchoate* Treaty on the Prohibition of Nuclear Weapons (2017) into the United Nations System under a new United Nations permanent organ: "the United Nations Atomic Energy Council (UNAEC)". As the 75<sup>th</sup> Commemoration Summit of the UN General Assembly beckons (September, 2020), the diplomatic push from the international community should be geared towards giving the *inchoate* Treaty on the Prohibition of Nuclear Weapons (signed on 20 September 2017 but not yet in force shortcomings) the ratifying requirements of its Fiftieth Instrument to come into force should top the diplomatic agenda while the negotiations to incorporate the NPT Treaty, IAEA Statute as additional protocols to the United Nations Charter should be considered. Finally, a complete transfer of the stock of all strategic weapons currently is held national IX of the NPT to the United Nations as a body of sovereign states. This will mark a new dawn in international diplomacy. When this happens, the parallel nuclear arsenals by all Nuclear Weapons States (NWSs) and their Treaty Rights under Article clout the UN has shared with states in international diplomacy since the its inception will give way for a more stronger, effective United Nations that will police the world through association of sovereign states in what will be described under an emergent diplomatic lexicon: "Pax- United Nations". If all nations give up their rights to acquire Chemical, Biological and Nuclear weapons to the United Nations, then the doctrine of sovereign equality of all states (that has been piously affirmed rhetorically in principle) will take practical meanings in the conduct of international diplomacy [1].

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