



📞 202.464.1982 📍 1800 K Street NW

THE PENIN

The Failed UN Security Council Resolution on North Korea

Published August 11, 2022

Author: [Stephan Haggard](#)

Category: [North Korea](#)



In May of this year, the United States introduced a draft UN Security Council Resolution ([S/2022/431](#)) that would have responded to a North Korean ICBM test on March 24. By chance, the formal Chinese and Russian rejection of the proposal—which included additional sanctions on Pyongyang—came in the wake of a landmark decision taken by the UN General Assembly to hold the P5 accountable for their vetoes. The failed resolution thus opened a much wider debate and provided a window into current Russian and Chinese thinking about the peninsula in the aftermath of the Russian invasion of Ukraine.

The results were not surprising, but nonetheless revealing. According to China and Russia, responsibility for the resumption of tests by North Korea resides primarily with the misguided policies of the United States and its failure to engage appropriately. But a wider theme also surfaced: that the deterioration of the security environment on the peninsula was not just a result of failure to engage but was ultimately linked to the U.S. alliances and

its broader Indo-Pacific strategy. Given this new Cold War divide, we should not expect an iota of assistance from Beijing and Moscow; to the contrary, they are likely to be more open in their support for Pyongyang as relations with Washington deteriorate.

The backdrop for the saga in New York was the parade of North Korean missile tests in the new year. Whatever considerations had generated restraint in Pyongyang during the first year of the Biden administration, they quickly fell away in 2022. Even before the invasion of Ukraine, North Korea had undertaken six tests, including two medium-range Hwasong 8's. Following the invasion of Ukraine, the pace accelerated with an additional 25 launches. The U.S. claimed at the UN that there were no fewer than six ICBM tests up through the May 26 meeting, but we at least are certain about one confirmed ICBM test on March 24; it was that launch that triggered the tabling of the draft resolution. Two other tests (on May 4 and May 24) were also suspected to be of intercontinental range. Moreover, the successful test on March 24 was of an extraordinarily large missile which could in theory carry multiple re-entry vehicles. In an earlier post, I speculated that the timing in relationship to the Ukraine conflict was not coincidental; it provided a ready-made opportunity for North Korea to show its fealty to its authoritarian patrons by resuming its role as regional troublemaker.

The United States' draft resolution contained a number of specific sanctions measures, including a reduction in world crude oil exports (from 4 million to 3 million barrels) and refined petroleum products, as well as a ban on tobacco exports. Interestingly, the resolution also held out a humanitarian olive branch by adopting language that would facilitate COVID-related assistance to the country, assistance which North Korea itself has periodically refused.

For two reasons, the introduction of the draft resolution forced China and Russia to play defense. First, under UNSC Resolution 2397 of 2017, the Security Council had adopted, by unanimity, quite specific language with respect to how it would respond to a resumption of ICBM tests (para. 28). While it expressed its "determination" to take further action in the

case of North Korean launches, it “decided” that if those tests reached intercontinental ranges, the council “will” further restrict petroleum exports to North Korea. The automaticity that the prior resolution implied was a recurrent theme among the thirteen UNSC members that supported the draft. According to the U.S. Ambassador Thomas-Greenfield, China and Russia failed to engage on the resolution and sought a weaker

Presidential statement instead. According to Thomas-Greenfield, however, they failed to provide a draft Presidential statement either and ultimately asserted their prerogative vetoed the proposed draft.

In addition to this legal embarrassment—failing to abide by the terms of a resolution that China and Russia had themselves supported—the two countries also faced the gauntlet of a new UN General Assembly procedure introduced in April in the wake of the Ukraine war. The deepening divide among the P5 on a range of issue threatens to immobilize not only the UN, but a host of other multilateral institutions as well. Amid mounting criticism of Security Council inaction with respect to Ukraine—due ultimately to the Russian veto—the UNGA resolution required the UNSC to submit a special report on any veto and to convene a formal meeting of the 193-member UNGA to permit a debate about its merits. The views of the UNGA could not override the UNSC outcome, but extended the debate from the Security Council meeting to a wide-ranging point-counterpoint from over 40 UNGA members, the overwhelming majority of which supported the draft resolution. The common theme: frustration that the Security Council veto sent a message of impunity to Pyongyang just as it was ramping up.

The Chinese and Russian statements led with the humanitarian cost of sanctions—particularly in a post-COVID North Korea—and the fact that sanctions did not work. But the finger-pointing with respect to the current stalemate went deeper: that it was the U.S. that had failed to reciprocate North Korean initiatives. The pause in nuclear and missile tests associated with the summit era—though long a legitimate demand of UNSC resolutions going back to 2006—was interpreted by China and Russia as a North Korean concession that the U.S. failed to reciprocate through a suspension of exercises and sanctions relief. Moreover, they argued that the Singapore summit reached a consensus on how to improve relations—although utterly lacking in detail—that is seen (in China’s words) as “an important step in the denuclearization process.” By failing to follow up on the opportunities in Singapore and Hanoi and returning to the policy of “strategic patience and maximum pressure” the U.S. “intensified that country’s distrust of the United States

Received by NSD/FARA Registration Unit 08/12/2022 12:34:30 PM
bringing talks to a complete deadlock.” “The Peninsula situation has developed to what it is today primarily due to the flip-flop of United States policies, its failure to uphold the results of previous dialogue and its disregard for the reasonable concerns of the Democratic People’s Republic of Korea.”

The “correct” policy, as China is now wont to say, is to revisit the unilateral sanctions relief proposed by Russia and China in late 2019 (for an analysis, see [here](#) and [here](#)), an approach which pretty closely mirrored the failed North Korean initiative of Hanoi. The Hanoi proposal—to the extent it could be called one—envisioned substantial multilateral sanctions relief for vaguely-defined concessions with respect to Yongbyon that Kim Jong-un’s delegation was completely unprepared to talk about in any detail. Trump’s disinterest in the substance of negotiations—despite the subsequent exchange of the so-called “[love letters](#)”—no doubt had some effect on the possible resumption of serious negotiations. But there is little truth in the Chinese and Russian claim that the Biden administration has been unwilling to talk. The Biden administration has repeatedly issued its “any time, any place” offer; it is clearly North Korea that has shown little interest in a meeting or has attached a variety of vague preconditions to it (the U.S. dropping its proverbial “hostile policy.”)

Yet the Chinese and Russian critique went further still, mirroring a common talking point dating to the February joint statement between the two countries: that the U.S. is responsible for the new Cold War in Asia. The U.S. is promoting its Indo-Pacific strategy, which both China and Russia see as detrimental to developments on the peninsula, and in a particularly disingenuous critique are even undermining the non-proliferation regime by cooperating with Australia and the UK through AUKUS and selling missiles to non-nuclear states in the region. In one of the more cynical interventions in the UNSC debate, Chinese representative Zhang Jun claimed that “the crux of the matter is whether or not anyone wants to use this issue as a card in their so-called Indo-Pacific strategy,” as if the U.S. and its allies actually *benefitted* from stalemate on the peninsula.

According to the most recent UN Panel of Experts [report](#), sanctions evasion slowed in 2021 in line with more strict COVID-related restrictions; for example, the Panel claims that illicit petroleum shipments fell to practically nothing in the first nine months of the year. But prior to that time, the sanctions regime had clearly sprung wholesale leaks as a result of smuggling of both oil and coal; as the border is gradually opened we can expect that

Received by NSD/FARA Registration Unit 08/12/2022 12:34:30 PM
politically, the future is pretty clear. North Korea will continue to test until it decides it no longer needs to. But that may be never. It is increasingly clear that North Korea's strategic toolkit for getting the world's attention has only one tool in it at the moment—continued testing—and given the downward spiral in U.S. relations with both countries, Russia and China are unlikely to provide much pushback.

Stephan Haggard is a Non-Resident Distinguished Fellow at the Korea Economic Institute and the Lawrence and Sallye Krause Professor of Korea-Pacific Studies, Director of the Korea-Pacific Program and distinguished professor of political science at the School of Global Policy and Strategy University of California San Diego. The views expressed here are the author's alone.

Research assistance was provided by Jae Chang, Korea Economic Institute of America.

Photo from [Shutterstock](#).

Return to the Peninsula