

## In Defense of North Korea Sanctions\*

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South Korean President Moon Jae-In's administration has sought sanctions relief for North Korea, but South Korea's allies have rejected those solicitations. This paper formalizes the allies' anti-relief impulses. It argues both against sanctions critiques and on behalf of sanctions. First, it disputes common sanction critiques, arguing that: 1) the humanitarian crisis in North Korea is the fault of the regime's choices, not sanctions; 2) sanctions have in fact been somewhat effective; and 3) North Korean leader Kim Jong Un is not a reformer. Second, this paper defends sanctions, because they: 1) express the international community's moral rejection of North Korean totalitarianism; 2) constrict North Korean economic growth in the strategic interest of South Korea and its partner democracies; 3) deter other states from following North Korea's nuclear and missile path; 4) give teeth to United Nations Security Council resolutions; and 5) punish North Korea for international law (UNSCR) violations.

**Key Words:** North Korea, South Korea, Sanctions, Détente, Moon Jae-In

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After Moon Jae-In's election as president of the Republic of Korea (ROK, or South Korea) in 2017, international and other sanctions against the Democratic People's Republic of Korea (DPRK, or North Korea) became a major topic of debate in South Korea and the Korea policy community in the West. The Moon government has persistently sought to roll back or otherwise soften sanctions (Yoon and Norman 2018; Kim 2020a; Kim 2020b; Lee 2020b; Lee 2021b; Shin 2021a). A lightening of the sanctions regime on the DPRK would permit a broad, multi-front engagement of the North by the South.

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Détente with the North is a core policy aspiration of the Moon administration (Ministry of Unification n.d.). Indeed, Moon has arguably elevated DPRK détente over all the other foreign policy goals of his administration, pinning his presidential legacy on a hoped-for breakthrough (Cha 2021; Shin 2021b). More broadly, détente is a long-standing goal of the South Korean political left (Harrison 2003; Moon 2012). South Korea has elected three progressive presidents: Kim Dae-Jung (1998-2003), Roh Moo-Hyun (2003-2008), and Moon. Each has sought robust engagement with the North, with Moon arguably pushing the hardest of the three. Moon personally has been committed to this path for decades, since his time as a staffer in the previous progressive government (Campbell 2021).

Unfortunately for Moon, robust engagement with the DPRK is substantially inhibited by international sanctions, specifically those approved by the United Nations Security Council (UNSC) in response to the North's nuclear weapons and missile programs. Hence the Moon administration's persistent effort to unwind sanctions. Without that, thick engagement and, possibly, a deeper North-South reconciliation, is impossible.

This paper seeks to defend sanctions on North Korea against this rollback campaign. The Moon government and its various intellectual avatars have aggressively argued for loosening sanctions (Cheong Wa Dae 2018a and b; *Global Asia* 2019 [a special edition on Moon's détente]; Moon 2021; much other anti-sanctions literature is introduced below). Yet South Korea's democratic partners - the United States, the European Union (EU), Australia, and Japan - have continuously rebuffed Moon's entreaties against sanctions (Zwirko 2021; Chung 2021; Jewell 2021), suggesting there must be a compelling if unarticulated case for sanctions.

This paper seeks to make that case. Despite the vigorous debate over North Korea sanctions, the pro-sanctions position lacks an integrated, scholarly overview. Indeed, the germination of this paper was repeatedly experiencing this intellectual gap at South Korean conferences during the Moon period. Multiple panelists would argue that sanctions inhibit peace and reconciliation, yet no one would offer a structured, conceptually-informed defense of them. This review and summation essay fills that gap, roping together and refining disparate pro-sanctions arguments. There is also a direct policy utility to this integration and concept-formation exercise because of the widespread support for sanctions among the ROK's democratic partners and domestic conservatives.

The paper proceeds as follows:

Section I sketches the sanctions placed on North Korea by the international community. It focuses on recent UN sanctions, which have substantially reduced North Korean access to the global economy.

Section II sketches the arguments made to rollback sanctions. This paper bins them into three categories: 1) sanctions are inhumane; 2) they are not effective; and 3) they are unnecessary, because North Korea is reforming.

Section III contests these critiques, arguing that: 1) the humanitarian crisis in North Korea is the fault of the regime's choices, not sanctions; 2) sanctions have in fact been somewhat effective; and 3) North Korean supreme leader Kim Jong Un is not a reformer.

Section IV then makes five positive arguments for sanctioning North Korea, namely that sanctions: 1) express the international community's moral rejection of North Korean totalitarianism; 2) constrict North Korean economic growth in the strategic interest of South Korea, the US, and partner democracies; 3) deter other states from following North Korea's nuclear and missile path; 4) give teeth to international law/UNSC resolutions; and 5) respond in kind, tit-for-tat, to North Korean truculence.

Section V concludes the paper with a discussion of which conditions might permit a rollback of sanctions. Where the Moon administration would unilaterally rollback sanctions to ignite negotiations, a more strategic choice would be to trade them away for counter-concessions from the North.

## **I. Sanctions**

Sanctions are generally trade restrictions on a targeted state. They are largely a twentieth century phenomenon and turn on the rising interdependence of the world economy (Drezner, Farrell, and Newman 2021). Because most states import from, or export to, other states, they are vulnerable to a constriction of those ties, including the financial transactions facilitating exchange. Ideally, threats to those links - both import and export, plus financial - create leverage over the target state's political choices. Sanctions seek to compel the target to change (Hufbauer et al. 2007).

Since the end of the Cold War, the United States particularly has expanded its application of sanctions (Gilsinan 2019). It frequently targets small states on the fringes of the global economy, such as Cuba, Syria, or Belarus, and it has expanded sanctions, beyond simply blocking the movement of goods, into finance and against third parties who trade with targeted states ('secondary sanctions'). The contentious sanctions on North Korea date from 2006, the year of the first North Korean nuclear test. The sanctions initially narrowly targeted the military, weapons of mass destruction (WMD) programs, and elite persons; in 2016 they widened to target whole sectors of the Northern economy such as mineral or seafood export - 'sectoral sanctions' akin to a blockade (for an overview

of DRPK sanctions, on which the following discussion draws, see Heintz, Shurkin, and Mallroy 2019, and Albert 2019).

The UNSC has passed nine unanimous resolutions sanctioning North Korea for nuclear and missile activities since 2006. UNSC resolutions (UNSCR) are formally international law to which all members states - including South Korea, hence Moon's rollback efforts - are obliged. These have increasingly shut North Korea out of almost every aspect of the global economy. As the Rand Corporation notes (Heintz, Shurkin, and Mallory 2019, 2), at this point, "to engage in nearly any activity or transaction...with the DRPK...constitutes a violation of UN, EU, or US sanctions." They restrict imports, exports, and financing.

Import ban 'highlights' include: dual use technologies (those with civilian and military applications), machinery, metals, luxury goods, and oil and gas. The petroleum ban is particularly painful, as North Korea has no domestic sources. Export ban highlights include: coal, seafood, wood, stone, and agriculture. The coal and fish restrictions are especially punishing as these are two of North Korea's few genuinely competitive exports.

Beyond impeding the in- and out-flow of physical items, sanctions have expanded to include freezes on individual North Koreans' assets, blocks on North Korean overseas labor, restrictions on foreign cooperation with Northern institutions, and financial and banking prohibitions. That last has been particularly challenging for the North. It continues to try to import, illicitly, for which it requires financing, usually in US dollars.

That dollar-denominated financing creates unique leverage for the US. America can use its currency's preeminent role in the global economy to threaten non-US institutions which might do third-party business with the DPRK. These 'secondary sanctions' are controversial due to the extra-territorial application of US law. But they have increasingly become America's premier policy tool regarding North Korea, as the limits of physically blockading it have been become apparent (Ruys and Ryngaert 2020).

## **II. The Case Against Sanctions**

The Moon government has sought for most of its tenure to rollback or lighten these sanctions as a high-profile, unilateral expression of goodwill which would galvanize North Korea into serious negotiations. The North clearly wants rollback (Hershovtiz 2019), and there is indirect evidence that sanctions are hurting the North Korean economy (Choe 2018, 2020; Silberstein 2019). Neither the Americans nor the Europeans have budged, though, on repeated requests for sanctions relief. This issue became a flash-point

between South Korea and its partners. In this debate, the rollback position makes three broad arguments to ROK partners:

### ***A. Sanctions are Inhumane***

A common criticism, especially from the humanitarian and nongovernmental organization (NGO) community, is that the sanctions are inhumane. They punish the weak inside North Korea, while the elite does not feel their weight due to the smuggling and criminal operations it uses import goods for itself.

The United Nations Children's Fund worries that sanctions punish North Korean children and worsen their food insecurity (Nebehay 2018). Jessica Lee (2021c) laments "a byzantine and flawed process that makes legitimate humanitarian activities in North Korea extremely difficult." She notes, for example, that humanitarian projects often require waivers for materials, and that fuel restrictions impact broadly, rather than narrowly, across North Korean society. She concludes that sanctions' "effect is the stigmatization of humanitarian activities inside North Korea."

Korea Peace Now (2019, 31) argues that "sanctions are having large-scale adverse consequences for the humanitarian and human rights situation in the DPRK,... obstructing the importation of humanitarian-sensitive items and the financial flows necessary to support humanitarian efforts." It singles out humanitarian INGOs' logistical troubles with complicated exemption procedures and their consequent withdrawal from the country. Recent sectoral sanctions targeting entire economic sectors - rather than earlier ones targeting only the regime and military - constitute collective punishment (Korea Peace Now 2019, 10, 31, 33, 35) by reducing North Korean gross domestic product (GDP) across the board (Silberstein 2019).

### ***B. Sanctions are Ineffective***

Other scholars argue that sanctions are ineffective. They note that it is unclear which policy changes sanctions have wrung from North Korea. The country has not denuclearized or de-missilized; there has been no change on human rights or other political issues. And the Kim family regime has generally pushed the costs of the sanctions onto the population while continuing to live well itself via smuggling.

Ruediger Frank argues (2018, 7-8, 12) that sanctions have not substantially impacted North Korean growth nor its trade. He writes, "economic growth, the expansion of foreign trade, and the slow modernization and marketization of the North Korean economy

have happened despite sanctions." Instead, the actual effect of sanctions to "deliberately starve the population."

John Mueller and Joseph DeThomas argue that nuclear weapons are so valuable to the North Korean elite that it will simply absorb sanctions punishment no matter what. Mueller writes (2020, 1, 8), "North Korea considers these weapons to be vital to its security [so]...downplaying the nuclear weapons issue is essential to make any progress." As North Korea will never surrender its weapons, the US should "relax or remove the sanctions, stop the threats, and let South Korea take the lead." Similarly, DeThomas says (2016, 8) "no one can argue that sanctions have been successful in preventing North Korea's nuclear future...sanctions are not appropriate to the size of the policy objective [denuclearization]."

### ***C. Sanctions are Unnecessary***

A final objection to sanctions is that they unnecessarily punish North Korea, because it is changing under recently ascended leader Kim Jong Un. If Kim is a reformer, then the North's weapons are less dangerous, because the North itself is less dangerous. Thus, sanctions would be less necessary. This idea is most associated with President Moon, who has frequently argued that Kim is a new kind of leader, "very honest...very enthusiastic, [and] who has a good idea of what is going on around the world" (in Campbell 2021; also Cheong Wa Dae 2018b).

The perception that Kim is (or might soon be) a reformer or modernizer is widely debated (Kim 2017; Delury 2018; Borowiec 2018; Detrani 2021). Usually, these observers note some economic change and then extrapolate that Kim might be a political reformer too.

Researchers from the Korea Institute for National Unification (KINU) find that Kim has ignited notable socio-economic change across eight distinct sectors, concluding that "Kim is committed to globalization and country normalization" (Park et al. 2018, 111). Mueller analogously notes (2020, 5) the rise of private markets and some lightening of economic controls to conclude that "the direction so far is distinctively positive, and judicious efforts to nudge the progress along...could create a more relaxed atmosphere... it seems entirely possible that Korea is at one of the most important turning points in its history."

Sanctions then are unnecessarily punishing, retarding North Korea's modernization and, possibly, liberalization. Cooperation with reformer-modernizer Kim will obviate the nuclear problem.

### **III. Responses to Sanctions Critiques**

Despite these important arguments for sanctions relief, there remains a compelling case for sanctions on North Korea, which is likely why South Korea's democratic partners have regularly rejected Moons' sanctions relief requests. This section responds to the negative interpretations of sanctions presented above, while the next section makes five positive arguments for sanctions.

#### ***A. The Humanitarian Critique and the Culpable North Korean State***

The humanitarian critique of sanctions is emotionally powerful given the North's dire human insecurity, but it is empirically contestable in that it downplays the culpability of the North Korean state. There are three counter-arguments specifically:

1) North Korea's mismanagement of its economy is the primary cause of the DPRK's humanitarian troubles (Eberstadt 2004; 2007; 2013; Commission of Inquiry 2014, 195ff; UN Human Rights 2019; Zadeh-Cummings and Harris 2020, 17). In the 1970s, the North, like other planned economies, slid into stagnation from which it has never fully recovered (Eberstadt 2013, 121). These economic problems long predate the imposition of sanctions.

North Korea accepted aid from the Soviet Union and China almost from its inception yet, crucially, never used those inputs to build a resilient economy, one which could eventually survive without aid or withstand predictable external shocks such as poor weather. If aid-recipients treat aid as a permanent input rather than as a temporary windfall to be used judiciously, then any withdrawal of aid will automatically trigger a crisis. North Korea has done precisely this, using food aid as means to subsidize commercial imports rather than fund domestic resilience (Commission of Inquiry 2014, 198). This is unrelated to sanctions.

Similarly unrelated is the North's lavish military spending. Perhaps up to 25% of North Korean GDP goes into the military (Jo 2020), which is higher than any other state in the world according the World Bank (n.d.). Prioritizing guns over butter this way has stripped resources from civilian agriculture for decades, leaving millions in chronic food insecurity and dependent on foreign assistance to eat (Eberstadt 2013, 121-22, 128; Commission of Inquiry 2014, 195-97). With a DPRK GDP of just twenty billion USD (*Trading Economics*, n.d.), the opportunity costs of such high military spending are the worsening deprivation of an already small civilian economy. UN Secretary-General Kofi Annan made this point about North's own responsibility to

balance defense spending with its population's basic needs (in Commission of Inquiry 2014, 197),

These are choices the regime makes. These are distinct from sanctions and mostly predate them. The regime could make other choices, but it does not. As the Centre for Humanitarian Leadership concluded in its review of DPRK aid operations (Zadeh-Cummings and Harris 2020, 17), "The North Korean regime's actions are, and likely will continue to be, the key driver determining humanitarian need. Without significant and comprehensive reform, which is unlikely, the DPRK's low production and import capacities are likely to continue."

The most obvious example of this state mismanagement - unaffiliated with sanctions - is the famine of the late 1990s. Its most proximate causes may have been poor weather and the withdrawal of Soviet subsidies, but the regime had also made no preparations for such predictable risks, nor made any serious policy adjustments in real-time to respond to the catastrophe. The military-first *songun* policy, which directed state resources to the army, was not altered. The military's manipulation of the harvest was not relaxed, nor were private gardens endorsed. External food aid with conditionality was rejected (Commission of Inquiry 2014, 195-197). As Amartya Sen argued (1981), modern famines are man-made, because they, paradoxically, take place in a world of highly productive, post-green revolution agriculture and a global glut of calories. The regime responded apathetically as one million of its people died (Natsios 2001).

Kim Jong Un - with his *byungjin* line of dual economic and military development - is a better economic manager than his father who oversaw the famine, but the deep perestroika necessary for North Korea to reliably feed its own people has not occurred (Lee 2021d), nor is sanctions-relieving policy change forthcoming, nor has Pyongyang redirected its enormous military spending (Jo 2020; Commission of Inquiry 2014, 197). These are regime choices, unrelated to sanctions, to worsen food insecurity, and Pyongyang continues to make them (Lee 2021a). Nor is it obvious that lifting sanctions would do much for the majority of the population, as most of the new economic surplus generated would likely be captured by the state and spent on the military (Stanton 2021).

The Korea Peace Now report makes no mention of the North Korean state's culpability, but the regime's resources are obviously far greater than those of humanitarian NGOs (Zadeh-Cummings and Harris 2020, 7), so sheer budgetary fungibility places the primary blame on Pyongyang. Put more bluntly, it could spend less on the army and more on its people.

2) Sanctions are in fact designed to accommodate humanitarian concerns. There are carve-outs and exemptions for humanitarian assistance, and for NGOs and imports to support

their work. At the time of this writing, the US Congress is considering an "Enhancing North Korean Humanitarian Assistance Act" (H.R. 1504/S. 690) to further streamline the waiver process, and Aaron Arnold (2021) notes that there is widespread UN support for a funding mechanism for NGO operations consonant with sanctions on DPRK WMD-supporting financial operations. Foreign governments have also routinely offered North Korea aid during its various crises, most recently covid. And international organizations committed to food security, particularly the World Food Program, provide resources.

Yet again however, the core problem is the counter-humanitarian behavior of the regime, which long pre-dates sanctions (Bennett 1999). The North routinely rejects aid offers, usually for reasons which betray its indifference to its own people and cannot reasonably be attributed to sanctions (Commission of Inquiry 2014, 200): it fears aid workers are spies (Kim 2009); it dislikes US-ROK military drills (Shim 2020); the offer is too small (Kim 2019b); punishing its own people pressures South Korea to change policy (Borowiec 2019). It rejected covid assistance as well for no stated reason (Park 2021).

Critics contend that the exemption process is complex and slow (Korea Peace Now 2019, 10ff). Perhaps, but that is marginal compared to the regime's political manipulation of food aid (Bennett 1999; Natsios 2001, Commission of Inquiry 2014, pp. 197ff). The regime knows the outside world cares more for its people than it does itself. The Kim regime instrumentalizes its population's suffering by rejecting aid in pursuit other foreign policy goals. This is unrelated to and pre-dates sanctions.

3) To blame sanctions substantially for North Korea's humanitarian problems is to contend that foreigners are more responsible for Northerners' health and well-being than their own government. This is facially absurd as a general principle in state-centric international relations. It implies that every country which cuts off subsidies, does not provide untethered aid, or imposes sanctions is morally culpable for any recipient dislocations or suffering which follow.

In the North Korean case, this logic would blame the Russians for the 1990s famine, because Moscow ended Soviet-era subsidies on which North Korea had grown dependent. Yet this argument is rarely heard, because it is understood that North Korea had decades to prepare for life without Soviet subsidization yet squandered that time and money. As early as 1985, with Mikhail Gorbachev's ascension, Pyongyang could see that the USSR was changing, yet it continued to absorb Soviet assistance as indefinite welfare rather than a contingent windfall. Sanctions have been similarly telegraphed in advance, yet, just as in the 1990s, North Korea has not changed to accommodate these pressures by, for example, directing more state resources to agriculture or responding to the military concerns which triggered the sanctions.

The Westphalian state system places the onus of domestic governance on the state. To accept as principle that foreign humanitarianism preempts the leading developmental role of the state would foment chaos. This would create a massively intrusive version of the 'responsibility to protect' concept (R2P), which is already hotly disputed. And deeply nationalist and statist North Korea would obviously not accept R2P or any humanitarian interference principle. It is simply using the sanctions-cause-starvation argument strategically, to push for sanctions relief by cynically trading on foreigners' concern for its population.

### ***B. Sanctions are Somewhat Effective***

Sanctions have not driven North Korea to denuclearize, and Mueller, Frank, and others are likely correct that they will not. But the complete, verifiable, and irreversible disarmament (CVID) of the DPRK, the formal goal of US policy particularly, was always an unrealistic demand. It is likely maintained because no US president wants to be the one to actually admit that North Korea is a nuclear weapons state (Kazianas 2021). A more realistic standard against which to judge sanctions' effectiveness on the North's WMD program would be a counterfactual world without sanctions.

Richard Lebow argues that counterfactuals turn on their "plausibility" (2000, 565ff): a credible, focused causal mechanism returning believable outcomes in a minimally-changed alternate world. In the North Korea case then, is it plausible or credible that DPRK WMD programs would be further along if the North were unsanctioned? The North's pre-2006 behavior - before the start of UN sanctions with Resolution 1718 - strongly suggests this. North Korea used its easier access to world finance in the wake of the 1990s Agreed Framework to import weapons rather than agricultural materials, and to participate in the A. Q. Khan proliferation network. And the North's sanctions-running since 2006 has continued its long-standing illicit activities to fund WMD development (Greitens 2014; Griffiths 2017; Kim 2021b; Byrne 2021), strongly suggesting that if unsanctioned Pyongyang would do this even more.

In 2015, North Korea analyst Joel Wit suggested three possible 'nuclear futures' for North Korea. His worst-case scenario suggested that Pyongyang could have one hundred nuclear warheads by 2020, while his middling one suggested fifty by 2020 (2015, 7). Yet it appears that the North had less than forty by 2020 (Davenport 2020b). There may be other causes for this lower-than-expected figure, but certainly the wide breadth of sectoral sanctions makes it very hard for the North to import the machinery, chemicals, and metals necessary to build complicated systems like warheads and missiles. The North previously participated in the Khan network; such behavior is harder now

because of greater oversight (US Treasury 2020). And North Korean financial operations, such as money-laundering, to support its WMD program, are also harder as the US pursues Northern illicit money in banks around the world (Zarate 2013, ch. 9; US Treasury 2017; Ward 2018). Hence, sanctions are likely 'working,' if only by preventing the North Korean WMD program from being even worse than it currently is, an achievement overlooked because of the misplaced focus on COVID. Thomas Bierstecker and Zuzana Hudáková (2021) make a variation on this argument as well, claiming a partial success of sanctions at blunting even more WMD development.

Proponents of sanctions have also observed that sectoral sanctions are new and difficult to enforce, so more time is needed to gauge their effectiveness. Joshua Stanton (2015a) and David Feith (2017) have pointed to the 'myth of maxed-out sanctions' on North Korea - the widespread belief in the media that North Korea is the most sanctioned country in the world (which is only recently the case). Sectoral sanctions began just five years ago, and the previous Donald Trump administration implemented its 'maximum pressure' campaign against Pyongyang only erratically at best (Stanton 2020). Further, Kim sought sanctions rollback from both Trump and Moon in his meetings with them, suggesting they are indeed painful (Stanton 2020). Heavy sanctioning of Iran and Myanmar arguably pushed them to relent (Stanton, Lee, and Klinger 2017).

Finally, implementation is a widely understood problem (Albright, Burkhard, and Fargasso 2020; Compliance and Capacity Skills International 2019). For opponents like Frank (2018, 12), this indicates the pointlessness of sanctions: if they cannot be made air-tight, then they will not work and just hurt the population. But proponents note that Russia and China and others voted for the resolutions every time and are legally obligated to them. The sanctions are international law. The response, then, is not to surrender sanctions but to build coalitions to enforce them (Stanton, Lee, and Klinger 2017). And despite Sino-Russian non-compliance, North Korean trade with the rest of the world has dropped dramatically (Koen and Beom 2020, 24ff).

One specific incident does suggest that Pyongyang will respond to serious external pressure. In 2005, the administration of then-US President George Bush barred a little-known Macanese bank from the US financial system. North Korean monies there were frozen, and other banks hosting Northern money began to back away too. As Victor Cha notes (2012a, 265), the North panicked so much that the contemporaneous Six Party Talks became solely about the return of the North's frozen dollars. Former US Treasury official Juan Zarate (2013, x), who oversaw some of this effort writes, "a North Korean deputy negotiator at the time quietly admitted to a senior White House official, 'You finally found a way to hurt us.'" Hence Cha, Zarate, and others endorse financial

sanctions; North Korea is clearly vulnerable here (Cha 2012a, 465; Zarate 2013, 227ff; US Treasury, 2017; Stanton, Lee, and Klinger 2017, 74-75).

### ***C. Kim Jong-Un is not a Reformer***

Finally, it seems unlikely now, ten years into Kim Jong Un's reign, that he or those around him are political reformers. That he was educated somewhat in the West appears to make no difference. Kim biographer Anna Fifield rejects this thesis. She writes of Kim's full embrace of the totalitarian dictatorship handed down to him. She speaks of Kim's "contrived metamorphosis into a cosmopolitan global statesman," and that he "has taken full advantage of the repressive system" of gulags, even though they have been compared to Nazi concentration camps by a UN investigation (Fifield 2019, 261, 126; NBC News 2014). Cha notes (2012b) that desperate optimists looked even to the western clothing of Kim and his family as signs of a new openness, while Andrei Lankov (2021) asserts, likely correctly, that the autocracy is central to the survival of the Kim clan and thus unlikely to change. In a sure sign of autocratic continuity, the DPRK has begun referring to its national ideology as 'kimjongunism' and Kim himself as 'suryong' (Choi 2021).

If Kim Jong-Un is analogous to reformers in other authoritarian states, such as Mikhail Gorbachev in the Soviet Union or Aung San Suu Kyi in Myanmar, there is little to suggest their glasnost. The regime has not softened its totalitarianism (Lee 2020a). Kim ramped up the North's WMD development on his ascension, blithely ignoring repeated UNSCRs. In his meetings with Trump, Kim offered little beyond the closure of the obsolete Yongbyon nuclear facility. Before the dovish Moon administration, the North continued its long tradition of border provocations, and it continued to gimmick the now-closed Kaesong Industrial Zone for higher wages and rents despite repeated 'final' agreements. It has continued to manipulate humanitarian efforts such as family reunions, inter-Korean sports teams, and food aid for political gain. And even under Moon, its rhetoric has frequently been harsh.

There has been some economic change. Kim launched the *byungjin* line in 2013 to revive the economy. But it is debatable if *byungjin* deserves to be called perestroika, and it does not appear to have encouraged political liberalization of any kind. In other reformed, post-socialist states, there are easily identifiable indicators of economic opening (modern cities, bustling markets, efficient infrastructure); a durable political coalition in support of reform; and a rough date at which such reform was launched. China changed dramatically after Deng Xiaoping's ascension, Russia after 1989, India after 1991, and so

on. In each case, the state approved of the new policies and altered the law accordingly.

By contrast, economic change in North Korea has mostly been around, beneath, or in the teeth of the state. Notable in KINU's upbeat portrayal (Park et al. 2018) of economic change in North Korea under Kim Jong Un is low formalization. North Korean producers, laborers, and consumers still lack the basic policy frameworks of economic liberalization - property rights, foreign exchange laws to normalize the widespread use of foreign currency, enterprise protections for the new markets so that vendors are not shaken down by corrupt local officials, independent courts for dispute resolution, foreign investment laws to make foreign direct investment into North Korea less hazardous, and so on (UN Human Rights 2019; Lee 2020a, Parts II and III).

Just as important, the state is still capricious about these changes (Kim 2021a). North Korean defectors routinely mention the arbitrariness of the state when they speak (in personal conversation; Demick 2010; UN Human Rights 2019). They speak of successful vendors in the small markets who face regular demands for bribes. Chinese investors in the North Korean extractive sector have complained of this too. And the largest foreign business in North Korea - Egypt's Orascom, which built the country's cellphone network - saw its investment expropriated (Lankov 2015).

This is not akin to the economic liberalization of other East Asian dictatorships. It appears more like state manipulation of crony capitalism or grey markets. By North Korean standards, this is indeed positive change. But it is more accurate to term this adaption or corruption than structural adjustment. Grey marketization likely serves internal security, because a starving population has little to lose from revolt, and small plots and markets improve nutritional resilience at the grassroots. Also, the DPRK state extracts rents from this new 'capitalism.' State officials have learned that they can extort the North Korea private economy by leaving it unformalized in the black and grey market. This is certainly more capitalist and efficient than the near-defunct public distribution system, but it does not accord with typical developmentalist understandings of reform, structural adjustment, perestroika, and so on.

#### **IV. An Affirmative Case for Sanctions**

Where section III challenged critiques of North Korea sanctions, this section builds a case for them. But admitting that sanctions are unlikely to fully denuclearize and de-missilize North Korea is a crucial first step. CVID was always highly unlikely; sanctions opponents such as Mueller or Frank are correct to point this out. The most

prominent North Korean defector, for example, has said CVID is impossible (in Ock 2018). Policymakers insisting on CVID for domestic political reasons warp the debate by creating high expectations which inevitably disappoint and then call into question the whole sanctions effort (Kazianas 2021; Kelly 2018).

With this caveat conceded, there are five interlocking reasons to maintain the sanctions cordon on North Korea:

### ***A. Ethical: Expressing the International Community's Moral Displeasure with Orwellianism***

North Korea is arguably the most repressive regime on the planet. The UN Commission of Inquiry on Human Rights in the DPRK (COI) has issued the most definitive report to date on human rights in the North (Commission of Inquiry 2014), and it is devastating. KINU's annual reviews of human rights in that country suggest no improvement since the COI (Lee 2020a). The Kim family regime's casual, wide-ranging brutality, coupled to its theocratic personality cult (Shin 2007), raise obvious concerns about such a country possessing such dangerous weapons. Even Pakistani nuclear weapons do not provoke similar anxiety.

Even without its WMD programs though, the ethical argument to cordon North Korea off from the world economy in order to pressure it to change is strong. Human rights is now a substantial, well-theorized, heavily-documented part of global governance, complete with UN agencies and NGOs dedicated to it; reports and observation from democratic governments' foreign ministries; regular news coverage; an embryonic world court - the International Criminal Court; and a congealing norm that states have a responsibility to at least minimally protect their own people (R2P). To treat North Korea - arguably the worst human rights abuser in the world - as inappropriately sanctioned would call into question the entire human rights edifice developed over decades. If there is one country in the world which has 'earned' sanction and isolation for its human rights repression, it is the DPRK.

Realist and dovish proponents of sanctions rollback argue that to hold North Korea to these standards puts unnecessary obstacles in the path of diplomacy. But North Korea is such a totalitarian outlier that treating the DRPK like a normal state raises persistent ethical issues. WMD are just technologies. What matters is who has them, and Michael Kirby, the lead investigator of the COI, analogized North Korea to Nazi Germany and its camps to Soviet gulags. As Kirby said (in NBC News 2014), "the gravity, scale and nature of these violations reveal a state that does not have any parallel in the contemporary

world." If anti-sanctions analysis can question the ethics of sanctions (for their humanitarian impact), then it is logically permissible to also debate the ethics of engaging the world's worst human rights and R2P violator.

### ***B. Strategic: Constricting North Korean Growth for Security***

Sanctioning North Korea to slow its GDP growth is in the national security interest of South Korea, its democratic partners, and the wider international community. North Korea has for decades posed a direct and existential threat to South Korea. Even before Pyongyang's recent nuclearization and missileization, it has long stationed a massive conventional force, including long-range artillery and short-range rockets, flush against the South Korean border with regular threats to turn the ROK capital into a 'sea of fire.' The North's WMD programs expand its ability to strike South Korea's partners, jeopardizing their security as well. Stephen Walt (1987) argues that states balance threats rather than power, and this well fits North Korea. Despite its small economy, the DPRK threatens a wide array of states through its rhetoric and capabilities.

Sanctions retard the North Korean economy's ability to support its national military, including its WMD programs. Sanctions may not be able to reduce its WMD and conventional arsenals, but they do slow their growth. Sanctions help by making threats from the DPRK against democracies less worse. Were North Korea given normalized access to the world economy, it would likely embark on a weapons-buying spree with its new access and new resources from improved growth (Stanton 2021). It might also proliferate WMD elements in a less surveilled economic environment (Kim 2021b). This is obviously not in the interest of the international community.

Such sanctioning is not unusual (Hufbauer et al. 2007; Drezner, Farrell, and Newman 2021). Democracies have long used economic pressure to target threatening totalitarian and authoritarian states, including the Soviet Union, other cold war Marxist states, Russia today, and, quite possibly, China in the future. Sanctions are not intended to completely shut down an economy but, rather, to exact an economic cost for international norms violation. When necessary, democracies have simultaneously offered humanitarian assistance to soften the blow to sanctioned populations, and of course, the targeted nondemocracies could also change policy to seek sanctions relief. These aid and policy change options remain open to the DPRK. Sanctioning a state like North Korea in the interest of national security is conventional and hardly unique.

Yet sanctions opponents such as Frank often read blunting North Korean GDP growth as a negative outcome and the cause of the North's humanitarian problems. It is unclear

why this is so. There are multiple options for Pyongyang to relieve its domestic humanitarian travails, including aid receipt, policy change in pursuit of sanctions relief, and less domestic military spending in favor of more welfare spending. The North Korean regime chooses not to do these things. Other states have been sanctioned without losing their ability to feed their population or falling into a humanitarian crisis. Sanctioned Russia and Iran, for example, have endured economic dislocation over the last decade, but neither face North Korean levels of human insecurity. They do not mimic North Korean choices, such as 25% of GDP spent on defense despite chronic malnutrition, an inefficient planned economy, and widespread corruption.

Finally, North Korea is quite dangerous. It is governed by a closed elite steeped in a personality cult with record of brutality. It has developed, and possibly trafficked, the world's most dangerous weapons outside of any international oversight and threatened to use them. It has a long record of destructive international behavior including drug and other trafficking, assassinations, terror-sponsorship, and so on (Stanton 2015b). It seems natural to sanction such a frightening and disruptive state.

### ***C. Deterrent: Discourage Future WMD Aspirants***

Sanctions on states like North Korea which egregiously violate WMD UNSCRs encourage other WMD aspirants to reconsider their choice to nuclearize and missileize.

North Korea is a case rich in lessons and anxieties springing from an unchecked WMD program. Its extremist political system, doctrinal and decision-making opacity, and history of violence raise global anxiety. Trust in North Korea is low, even among ostensible allies like China and Russia. Hence its possession of very powerful weapons raises obvious fears about its threshold for use. The North has also been untransparent on WMD. It withdrew from the Non-Proliferation Treaty (NPT) and has acted outside the International Atomic Energy Agency. The outside world has a poor sense of just how many facilities, missiles, warheads, and so on the North has, raising concerns about accidental launch, safety protocols, warhead loss, and so on (Sagan and Waltz 2002). Inspections have been rare and highly controlled. There is also anxiety that the North may proliferate parts of its WMD program.

It is obviously in the international community's interest to deter other countries from following the North's aggressive, opaque nuclear and rocket development path. Even if sanctions do not push North Korea itself back to zero (CVID), they do still illustrate to other countries what punishments await them if they follow a similar course. Sanctions slow a WMD program's march and impose associated, expanding costs, including on

elites (*Guardian* 2021). As noted above, Northern WMD would be even worse - i.e., Pyongyang would have more and better weapons - without sanctions, even if COVID remains out of reach. Sanctions on the North make it more likely that other states will be restrained or deterred as their leaders observe the rising costs the North suffers for its WMD drive: restricted growth, internal social dislocation, diplomatic isolation, military countermeasures abroad, elite punishments such as lost travel opportunities and import cut-offs, and so on.

Northern elites, trapped in a unique, orwellian system which may turn on them without warning, may tolerate such global isolation for fear of even higher domestic costs - imprisonment or death. But no other state in the world is governed like North Korea; its extreme autocracy and brutality are unique. Elites in other potential WMD aspirants - mostly obviously Iran - have more political space to contest leadership decisions and resist a WMD course akin to the North's. The demonstration effect of North Korea sanctions is valuable even if North Korea itself is unbowed.

In short, even if North Korea is a lost cause, sanctions against it have important externalities for international rule-making. Global governance, such as UNSCRs or the NPT, is reinforced by responding to North Korean violations with appropriate punishments which at least slow the march of its programs.

#### ***D. Legal: Enforcing UNSC Resolutions***

North Korea is a blatant, egregious, and serial violator of UNSC resolutions. If the international community wishes international law to be more respected, and to be understood more as real law than as just customs or norms, then punishing North Korea for repeated, clearly identifiable violations is an obvious place to start.

Between 2006 and 2017, the UNSC passed nine resolutions regarding DPRK WMD (Heintz, Shurkin, and Mallory 2021). Each resolution was supported unanimously, a 15-0 vote with no abstentions. That is a remarkable global consensus over eleven years of 135 member-state votes in favor of sanctions and none against. UN sanctions against North Korea do not simply represent the will of a belligerent or neoconservative United States, distant EU bending to US pressure, or Japan locked in ideological hostility with Korea over the past. The coalition behind North Korea sanctions is far larger. Those nine unanimous UNSCRs also included the votes of China and Russia, plus a wide diversity of states around the world.

That represents a greater international consensus than behind any other global sanctions regime since the end of the Cold War. The sanctions efforts against Iran and Saddam

Hussein's Iraq were akin to those against North Korea in their severity and high political profile, but they were always far more contested. They were much more clearly a creature of the United States, and multiple important powers - both democratic and nondemocratic - tangled with the US over their rules (Noland 2013a and b; Kim 2019a).

By contrast, the implementation and efficacy of North Korean sanctions, not their political content, provoke most of the debate over them. The goals of North Korean denuclearization and de-missilization are widely shared, as unanimity across nine UNSCRs over eleven years suggests. Unsurprisingly, few countries, not even China and Russia, are comfortable with a closed, cult-like autocracy possessing a spiraling WMD program with no international safeguards or inspections.

South Korean President Moon learned of this global unanimity against North Korean WMD on trips to Europe in 2018 and 2021. After the Trump and Joseph Biden administrations turned him down, Moon sought support for sanctions alleviation from Europe. He received none (Council of Europe 2017 [this statement is still valid in 2021]). Even the pope was cool to his solicitations to visit North Korea. European states - far from the northeast Asian theater, unlikely targets of DPRK missiles, and often opposed to the US on Iraq and Iran sanctions - are still unnerved enough by Northern WMD to oppose sanctions rollback (Alexandrova 2019).

In short, sanctions against North Korea represent the will of the international community about as well as that will can be expressed through the UN system. The sanctions regime has been voted for repeatedly by states all over the world, including states hostile to the West, culminating in a remarkable 135-0 record of national votes in favor of sanctions, including Russia and China. Two UN structures exist to monitor sanctions implementation (the 1718 Committee and the Panel of Experts), and concerted efforts by the Moon administration to soften this framework have failed.

This aids the heft of international law. North Korea flagrantly, flamboyantly violated one UNSCR after another. Such open flouting requires a serious response if UNSCRs are to have meaning.

### ***E. Punishment***

Finally, the most direct reason to continue sanctions on North Korea is simply to punish the regime for behavior the rest of the world deeply, consistently, and near-unanimously opposes. The other reasons for sanctions discussed above - ethical, strategic, deterrent, and legal - are all 'second-order' arguments. That is, they support sanctions on North Korea to serve a larger purpose - expressing the international community's moral disdain for the

regime's harsh behavior; hobbling its national power in the security interest of the rest of the world; deterring other states from WMD acquisition; and bolstering international law.

But a more straightforward argument is to simply respond to North Korean behavior in kind: Pyongyang has violated multiple UNSC edicts and ignored decades of international solicitation to eschew WMD; now the international community is pushing back in return. As an independent state under anarchy, the DPRK is indeed free to pursue whatever foreign policy it chooses, regardless of outside opinion (NDTV 2016). But that selfish logic entitles the outside world to do the same. So if the North insists on its "sovereign right" to develop whatever weapons it sees fit (in Davenport 2020a; similarly in Oberdorfer 2002) - in gross violation of a global consensus expressed in multiple unanimous UNSCRs - then that same logic permits others to try to limit that build-up.

North Korea need not live in such "raw and unmoderated anarchy," as Barry Buzan terms it (1993, 338). As Buzan notes (334ff), most states actually want some minimal international society or community, not just a harshly anarchic system. Yet North Korea has so radically violated the basic norms of global governance - flagrant, constant UNSCR violations, unchecked WMD, criminality, extreme human rights repression, overseas terror, deception, and so on - for so long, that it has removed itself from global society. It has forsaken the benefit of the doubt earned by acting as a responsible member of society, exiling itself into "raw and unmoderated anarchy." Specifically, Pyongyang's long history of imprudent behavior inspires no confidence in its responsible possession of WMD or that a unilateral sanctions rollback would elicit better behavior from it. The rest of the world has resorted instead to tit-for-tat punishment as the only plausible response.

Until North Korea acts in greater recognition of the international society in which it operates, sanctions are likely the international community's reciprocal or tit-for-tat response. Sanctions are the flip-side of Pyongyang's persistent truculence and will, hopefully, motivate more pro-social behavior. As Stanton puts it (2020), sanctions are "a powerful coercive incentive to force Pyongyang to come back to talks and at least promise to make concessions...it's either to force Kim Jong Un to recognize that Pyongyang's financial vulnerability is a political vulnerability, and to negotiate toward disarmament and peace, or to bring those vulnerabilities to their logical conclusion, undermine the confidence of the elites, and cause the end of his rule from within." This is the asocial, harshly anarchic world in which the North, with its insistence on its "sovereign rights," has chosen to live.

## V. Conclusion

This paper sought to refine and discipline disparate pro-North Korea sanctions arguments into a structured, scholarly overview, both rebutting arguments for sanctions relief and advancing positive arguments for the sanctions.

It argues that core sanctions critiques are disputable. First, the DPRK's humanitarian problems are more accurately pinned on regime's budget choices than on the cut-off of much smaller external aid flows. Second, sanctions may not disarm North Korea, but they almost certainly inhibit its ability to arm faster and better. A preoccupation with COVID should not obscure that. Third, hopes for perestroika/glasnost-style reform from the new Kim Jong Un regime have not panned out.

Next, this paper argues that sanctions: 1) express the international community's moral rejection of North Korean orwellianism; 2) constrict DRPK economic growth in the strategic interest of South Korea, the US, and partner democracies; 3) deter other states from following North Korea's nuclear and missile path; 4) give teeth to UNSC resolutions; and 5) reciprocally punish North Korea for its intransigence.

Finally, it is worth considering the conditions under which sanctions could be rolled back. The impulse of Moon and his dovish coalition is to give them away as an enticement to Kim to negotiate (*JoongAng Daily* 2021). Yet North Korean bargaining behavior - specifically its unreciprocated pocketing of concessions during the Sunshine Policy and its lopsided Yongbyon-for-sanctions offer to Trump in 2019 - strongly suggests that Pyongyang would simply bank Moon's sanctions concessions as its due or entitlement (Cha 2012a, 148ff). In effect, this trades them away for nothing.

An alternative would be to roll them into a 'big-bang' deal to reset US-DRPK relations, as the Trump administration sought. But Trump's proffered deal - COVID-for-sanctions - was (also) too lopsided, and Kim unsurprisingly rejected it. Strategic trust between Washington and Pyongyang is low, making such an all-or-nothing deal extremely difficult to clinch.

A more achievable approach would trade individual sanctions for specific North Korean concessions in limited, highly controlled and observed exchanges, what Robert Keohane (1986, 4) calls "specific reciprocity." For example, the Pyongyang elite intensely dislikes the luxury goods ban (*Guardian* 2021). That could be rolled back for the surrender of one complete, modern nuclear missile (warhead, missile, and launcher), so that the international community could empirically verify what North Korea possesses. A sectoral sanction could be repealed for something more substantial, such as regular inspector access. Other sanctions could be traded away from human rights improvements, such as the

closure of specific gulags.

Such trades would be politically challenging of course. North Korea is a closed society with high incentives to misinform the outside world. But this approach is more strategic than simply giving sanctions away in hopes of Kim's goodwill. There are many strategic and human rights issues where the international community seeks North Korean change. Sanctions are potential chits to be swapped in pursuit of those goals.

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