US pleased with “compromise” resolution on North Korea

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After 11 days of diplomatic standoff following North Korea’s testing of seven missiles on July 5, a last-minute agreement in the UN Security Council resulted in the passing of resolution 1695, imposing limited sanctions on Pyongyang.

The US and Japan have hailed the unanimous vote as sending a strong and unambiguous message from the “international community” to North Korea. In reality, none of the tensions underlying their relations with China and Russia has been resolved.

The resolution was a compromise. It did not use the initial US-backed Japanese draft, submitted on July 7, which invoked Chapter 7 of the UN Charter against North Korea. Nevertheless, it largely achieved the political objectives of the US and Japan: further tightening the noose around the North Korean economy and sending a message to the other major powers, especially China, that the US backs a stronger political role for Japan.

With China’s threat of veto and interventions from Britain and France, the resolution dropped all reference to Chapter 7 of the UN Charter, which allows, on the basis of an alleged “threat to international peace and security”, economic sanctions and military action. However, it retained an insistence on harsh measures, and the threat of military action remains.

The resolution demanded North Korea desist from further missile tests, dismantle its nuclear and missile programs and unconditionally return to the so-called six-party talks with the US, China, Japan, Russia and South Korea. It also required member states, “in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent missile and missile related items, materials, goods and technology being transferred to [North Korea’s] missile or WMD programs.”

Predictably, within less than an hour, North Korea rejected the resolution, denouncing the “gangster-like” conduct of the Security Council and declaring it would proceed with further missile tests. The North Korean state news agency even warned that the resolution was “a prelude to the provocation of a second Korean War”.

In response to Pyongyang’s reaction, US ambassador to the UN, John Bolton, expressed the prevailing contempt towards North Korea’s sovereign rights: “I could exercise the right of reply on behalf of the US—but on the other hand, why bother?”

Initially both China and Russia opposed a binding resolution invoking Chapter 7, proposing instead a UN Security Council presidential statement, condemning North Korea’s missile tests.

China, in particular, threatened to veto any resolution mentioning Chapter 7. Last week, Beijing delayed the vote on the grounds that it was sending a diplomatic envoy to persuade North Korea to return to the multilateral negotiations. The mission was largely an attempt to buy time to work out a compromise.

However, further negotiations failed to reach agreement. A resolution drafted by China and Russia, with similar provisions to the Japanese draft, but with no reference to Chapter 7, was rejected by Japan and the US on the basis that, without the reference, the resolution would not be mandatory or legally binding.

Japan and the US responded by allowing a reference under Article 40 of Chapter 7, which meant that, unless a new and separate resolution were passed, no economic sanctions or military action would be taken against North Korea. China, however, refused to accept any reference whatsoever to Chapter 7.

Finally, in the last stages of the negotiations on Friday evening, the US and Japan agreed to a revised resolution, delicately worded by Britain, and supported by France—the country holding the current UN presidency.

While all references to Chapter 7, and to North Korean missile tests as “a threat to global peace and security” were omitted, the British draft carefully stated that the Security Council was “acting under its special responsibility for the maintenance of international peace and security.” The ambiguous reference could constitute the legal basis for

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further punitive actions against North Korea.

The British draft also softened the wording of the section dealing with sanctions from “decides” to “requires” and “demands” that member states “exercise vigilance and prevent missile and missile related items, materials, goods and technology being transferred....” This was tougher than the Chinese and Russian version, which “call[ed] upon” or “urge[d]” member states to carry out sanctions.

Although China and Russia accepted the final draft, the resolution remains vague and ambiguous—it may still be binding, and it does not explicitly rule out military action against North Korea.

China and Russia declared the resolution constituted a “balanced” message to North Korea to return to the six-party talks, while the US, Japan, Britain and France insisted it was “binding”. Bolton told reporters the resolution “could still be legally binding without a specific reference to Chapter 7.” Dan Bartlett, senior Bush aide also declared the resolution would have “very much the same effect as a Chapter 7 resolution.”

South Korean newspaper *Dong-A Ilbo* expressed concern about how the resolution would be used. It pointed out that the resolution authorised military action during the Korean War (1950-1953) “had no reference to chapter 7 of the UN Charter, but it was recognised it was legally binding. The key is how each country carries out the resolution.”

According to the Japanese newspaper *Yomiuri Shimbun* on July 17, the ambiguous wording of “special responsibility for the maintenance of international peace and security” could allow almost any measure. “Although the resolution appears at first glance to have been watered down, it nonetheless includes all the items Japan and the United States wanted incorporated as requirements for North Korea and other UN member countries over the missile launches. The legally binding council-imposed ‘requirements’ will have substantial political significance. UN sources noted that should Pyongyang violate even a single item of the requirements, the Security Council would then proceed to a ‘resolution under Chapter 7’ with little dispute.”

The apparent consensus among the major powers over North Korea is only temporary. Faced with a split in the UN Security Council, the European powers wanted to avoid having to choose between China and Russia on the one hand, and the US and Japan on the other. Moreover, the US, France and Britain are rapidly shifting their focus to the Israeli assaults on Lebanon, which threaten a wider conflagration in the Middle East. It was in the Bush administration’s interests to find a way of dropping North Korea from the immediate agenda, while at the same time maintaining pressure on the country through the auspices of the UN.

Pyongyang’s refusal to return to the negotiation table is largely due to the sanctions already being implemented by the US since the six-party talks stalled last September. The US has imposed restrictions on American banks and financial institutions, forcing them to end relations with a number of Asian and European banks that have North Korean accounts. Under the guise of opposing illicit activities, the sanctions are aimed at restricting North Korea’s limited access to foreign exchange and economically strangling the stricken country.

Japan’s government of Prime Minister Junichiro Koizumi is considering extensive legal measures, which will enable it to restrict trade, halt remittances from Japan to North Korea or freeze North Korean assets in Japan.

Both the Bush administration and the Koizumi government have cynically hailed the UN resolution as the means by which North Korea will be forced back to the six-party talks. In an interview with “Fox News Sunday”, US secretary of state, Condoleezza Rice, welcomed China’s “responsibility”, declaring “we have an affirmative Chinese vote—not an abstention”, characterising the resolution as a diplomatic victory.

Right-wing elements in the US ruling elite are nevertheless pressuring the White House for tougher measures. The *Wall Street Journal* commented on July 17: “The weakness of this UN action is that it continues to have as its goal prodding Kim [Jong Il] back to the six-party talks, which have gone nowhere. Secretary of State Condoleezza Rice said yesterday on ‘Fox News Sunday’ that the message to the North is, ‘You’re isolated; come back to the six-party talks.’ But what really gets Kim’s attention is if China and South Korea declared that they will cut off his financial lifeline if he doesn’t abandon his nuclear ambitions.”

Washington’s real concern is not Kim Jong Il’s nuclear ambitions, but its preoccupation with undermining China’s strategic position in Northeast Asia by forcing a collapse of the North Korean regime. Although Beijing was certainly grateful to see the latest conflict over North Korea disappear from international headlines, its explosive re-emergence, in one form or another, is just a matter of time.

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