

The Failure of United Nations Security Council Resolutions Towards North Korea Nuclear
Weapons Program

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Abstract

The purpose of this research is to analyze the failure of UN Security Council Resolutions in preventing and stopping North Korea nuclear weapons program. In this era, nuclear weapons program that conducted by North Korea is becoming hot issue and got condemned by some countries. As one of main purpose of UNSC is to maintain international peace and security, UN Security Council has sanctioned through resolution to the North Korea. The research method used was Theory of regime by Stephen Krasner and the effectiveness of regime by Olav Schram Stokke. The resolution regime is not effective because of several factors, such as validity, the result of the regime is inappropriate with the main goals of regime causing the regime becomes invalid; Determinacy, the regime does not succeed in influencing a country and minimize domination from others country; Generality, the regime is irresolute so, that causing the country does not obey or follow the regime.

Keywords: UN Security Council, North Korea, Nuclear Weapons Program

INTRODUCTION

The main purposes of United Nations is to maintaining peace and international security. Since the establishment, UN Security Council has been asked to prevent conflicts or disputes as well not become a war. For those countries who disobey or did not want to follow the regulation, UN Security Council has sanctioned through resolution.¹ Resolution adopted by United Nations Security Council is a formal text adopted by UN organs and decision of the fifteen Security Council members. In decision-making process according to UN Charter article 27, the decision is determined by at least nine members of the UN Security Council

¹United Nations Headquarters. 2013. *Fact Sheet: This is the United Nations, the six main organs*, New York: Public Inquiries, UN Visitor Centre. Retrieved from <https://www.scribd.com/document/326058907/FS-This-is-the-UN-2013-pdf>(Accessed on October 26th, 2017)

and each decision could not be rejected by the five permanent members of United Nations Security Council.²

United Nations has been trying to eliminate such nuclear weapons since its establishment. Nuclear weapons are the most dangerous weapons on earth. It could destroy an entire city, potentially killing millions of people, and endanger the natural environment and the lives of future generations through the long-term impact of the disaster. Although nuclear weapons only used twice in warfare in the bombings of Hiroshima and Nagasaki in 1945, around 22,000 reported still in our world at the moment, and there have been more than 2,000 nuclear tests conducted to date.³ UN is very sensitive with this issue because this issue is disturbing international peace and security and many countries in the world condemned the North Korea nuclear weapons program.

One of the role and responsibility of the UN Security Council is overseeing the nuclear development in order to keep. The Nuclear Non-Proliferation Treaty is trying to inhibit the spread of nuclear weapons. However, only Nuclear-Weapon States (NWS) can use nuclear as energy, NWS consist of the United States, Russia, China, France, and the United Kingdom. NWS members commit to pursuing general and complete disarmament, while the Non-Nuclear Weapons States (NNWS) agree to forgo developing or acquiring nuclear weapons. According to Articles I and II of the treaty, the NWS agree not to help, develop and gain nuclear weapons.⁴

However, in fact, there are some countries which did not obey the resolution adopted by Security Council, although mentioned under the UN chapter there will be sanctions for a

²UN Security Council, *Security Council Resolutions*. Retrieved from <http://www.un.org/en/sc/documents/resolutions/index.shtml> (Accessed on October 26th, 2017)

³United Nations Office for Disarmament Affairs, *Nuclear Weapons*. Retrieved from <https://www.un.org/disarmament/wmd/nuclear/> (Accessed on November 3rd, 2017)

⁴Arms Control Association, *The Nuclear Nonproliferation Treaty (NPT) at a Glance*, Retrieved from <https://www.armscontrol.org/factsheets/nptfact> (Accessed on November 11th, 2017)

country which did not obey the rule. North Korea suspected of having nuclear weapons since 1989 where the weakened of Uni Soviet power and the loss of security assurance and economic support.⁵ There has been a perception that the UN is no longer effective in dealing with international disputes as well as those situations threatening international peace and security. One case that has been going on for a long time and has not been able to be resolved by the Security Council. even more jeopardizing international peace and security is a problem North Korea's nuclear development.

Security council targets in this issue are, to make North Korea dismisses or discontinues nuclear proliferation, as this threatens the stability of the Korean peninsula and international community. As we know the main purpose of United Nations Security Council is to maintain international peace and security.

Here there are some actions undertaken by the UN security council by issuing sanctions such as resolution number 1718 (2016) demands for returns to the NPT also returns to the Six-Party Talks. Sanctions were given are required to freeze the funds or financial assets that support for North Korea's nuclear programs, and member states are prohibited from the supply, sale, or transfer of heavy weaponry. Related second underground nuclear testing, Security Council has issued resolution number 1874 (2009). The resolution repeats a number of provisions of resolution 1718, which contain: expanding an arms embargo by banning all arms imports and exports and give some sanctions are: member states were authorized to Inspect North Korea cargo on land, water, and sea.

Resolution number 2094 (2013) related to North Korea's uranium enrichment in its condemnation of Pyongyang's nuclear activities. Moreover, impose sanctions in the form of expands a number of sanctions measures from earlier resolutions; give travel ban;

⁵Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*. Retrieved from <http://www.nti.org/analysis/reports/nuclear-disarmament/> (Accessed on November 7th, 2017)

strengthened the authority of legislation and supervision; economic sanctions in the form of restricting North Korea's relationship with the international banking system. Related fourth underground nuclear testing, Security Council has issued resolution number 2270 (2016) decides that North Korea shall abandon all chemical and biological weapons programs; expanding an arms embargo; prohibiting UN member states from hosting North Korean financial institutions that may support proliferation activities in North Korea; prohibiting states from opening a new financial institution or bank branches in North Korea; also prohibited from selling aviation fuel to North Korea.

Resolution number 2321 (2016) calls on all members of the North Korea diplomatic missions and consular post; condemns North Korea for the pursuing nuclear weapons instead of the welfare of its people. Sanctions: prohibit North Korea from exporting minerals, such as copper, nickel, silver, and zinc, selling or transferring iron and coal. Related to sixth underground nuclear testing, resolution 2375 (2017) condemns North Korea for pursuing nuclear weapons instead of the welfare of its people. Sanctions are entirely prohibiting textile exports; Caps import of crude oil products 2 million barrels per year; Freeze the number of crude oil imports; Prohibit all gas and condensate imports.⁶

North Korea also will improve their nuclear development by replying to sanctions received by their country. UN Security Council was pressing North Korea to stop their nuclear weapon programs because this is very disturbing peace and security stability. Rejection and condemnation from International world towards North Korea nuclear testing have made Security Council issued several sanctions above.⁷

⁶*Ibid*

⁷United Nations, *Security Council, Acting Unanimously, Condemns in Strongest Terms Democratic People's Republic of Korea Nuclear Test, Toughens Sanctions* (2009) Retrieved from <https://www.un.org/press/en/2009/sc9679.doc.htm> (Accessed on November 5th, 2017)

The regime of UN Security Council is no longer effective in this issue. Resolution can be said effective if the states who are involved in this issue agree or obey the resolution that has been issued by United Nation Security Council that already negotiated and mutually agreed upon. A regime that should be able to resolve international conflicts and problems but, one case that has been going on for a long time and has not been able to be resolved by the Security Council, even more jeopardizing international peace and security is a problem North Korea's nuclear development. In the case of North Korea, nuclear weapons programs are not effective, evidenced by the nuclear weapon program in North Korea that is continuing every year until even now.

THEORITICAL FRAMEWORK

1. CONCEPT OF REGIME

According to Stephen Krasner a regime as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors expectations converge in a given area of international relations." The principle according to Krasner is the belief, in fact, causation, and rectitude. Whereas norms are standard behaviors defined regarding obligations and rights.⁸ According to this concept, it can be said that the regime here is a resolution adopted by the Security Council has binding rules to all countries, and the country is obliged to follow and comply with the rules as stated in the resolution. The Security Council here has issued several resolutions against this issue, but still categorized not effective or fails because the country involved do not want to and do not follow this regime because of several reasons.

⁸Krasner, Stephen. 2001. *Structural Causes and Regime Consequences: Regime as Intervening Variables*. New York: Cornell University. p.186

2. The Effectiveness of Regime

Olav Schram Stokke mentions that the effectiveness of international regime can be known when a regime could affect the state actions and how the regime could solve a certain problem. According to Olav Schram Stokke, there are three criteria that become benchmarks in determining the level of effectiveness of a regime:

1. Validity is how a regime can capture the essence of an international phenomenon to create the regime's social goals.
2. Determinacy in this context is the concept of the ability to minimize the space for authoritarian acts of the state within a regime so that all the countries involved in the regime do not feel harmed by domination.
3. The generality of the regime emphasizes the number of relevant area issues to then compare with pre-existing regimes and prove causal relation in them. The regime can be said to achieve its effectiveness when it can solve problems persuasively without any physical contact between the state and its national interests.⁹

RESEARCH METHODOLOGY

In this thesis, the writer uses two methods of research: method of collecting data and method of research approach. First, a method of collecting data is the main step because the purpose of this study is to answer based on the data obtained. Which is derived from books, e-books, journals, articles, reports, newspapers and also official websites. Second, the writer also uses a research approach. In this thesis, the author uses a qualitative approach because it takes observation of the subject of research.

⁹*Ibid*,p.6-7

CONTENT

THE EFFECTIVENESS OF INTERNATIONAL REGIME

A. The Existence of International Regime

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

B. The Effectiveness of UN Security Council Resolution

According to Olav Schram Stokke, there are three criteria that become benchmarks in determining the level of effectiveness of a regime: Validity; Determinacy; Generality. In a regime, the effectiveness becomes one of the most important factors to form or create a rule and policy in solving a certain problem. So, the regimes and regulations that made in the regime itself must be effective in solving the problem.

1. Regime's Social Goals

Social goals defined as "perceived social purposes of trying to achieve academically." social goals can also be said as socially-driven. The motivation to gain comes from different

social forces.¹⁰ So, regime's social goals can be said valid, if the regime is eligible or suitable enough to achieve its social goals. The regime is categorized not success to achieve their goals and also there are differences understanding and interest. Security Council considers this issue disturbing international peace and security, as the goals of the security council are to maintain international peace and security. However, North Korea considers nuclear weapons development as a form of defense of the country from the other countries who has nuclear weapons.

Security Council considers North Korea nuclear weapons program must be faced because these issues are interfering and disturbing international peace and security. Like what I stated in chapter two that UN Security Council is very strict towards nuclear proliferation, related to this issue, treaty on the Nuclear Weapons prohibitions and provisions, told that bans Non-Nuclear Weapons State (NNWS) members from using, developing, manufacturing, gaining everything that related with nuclear weapons based on the Treaty on the Prohibitions of Nuclear Weapons Article 1, and Article 2 talked about declaration for a state who is joining, deleted a previous nuclear weapons program, recently has nuclear program the agreement, it should eliminate its own nuclear. Article 3 talked about for the Non-nuclear weapons state NNWS are needed to possess a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) "without prejudice" Based on Article 4, there are two ways for the NWS members to agree to a nuclear weapons Treaty to abolish: first, they can join the treaty and then destroy its nuclear weapons or destroy its nuclear weapons and then join the treaty, and should immediately delete nuclear weapons from operational status and submit a time-bound plan for their destruction within 60 days since joining the

¹⁰Mcinerney, Dennis M, and King, Ronnel B. 2012. *Including Social Goals in Achievement Motivation Research: Examples from the Philippines*. International Association for Cross-Cultural Psychology. Retrieved from <https://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1104&context=orpc> (Accessed on April 5th, 2018)

agreement and also to verify that nuclear material is not transferred from a peaceful to weapons purposes..¹¹

North Korea has become one of the most sanctioned countries in the world, by the UN and the individual countries. However, as experts point out, these sanctions are not only expensive but also technically difficult to apply. Because the regime considers its nuclear program important to its national security (and therefore non-negotiable), some of the analysts agree that their effectiveness regarding non-proliferation, preventing nuclear testing and even ballistic missile launches, has been limited. Under UN sanctions North Korea is banned from carrying out some activities, including supporting nuclear programs through financial transactions and providing related materials, technology, equipment, and goods.

Meanwhile, North Korea thinks that their nuclear weapons program to build self-defense capabilities, to protect people safety and national sovereignty and against threats from others countries.¹² Especially from the powerful country that has nuclear energy that still growing in their countries. North Korea claimed that all the tension that happened in Korean peninsula merely because of US military training conducted in the Korean peninsula with Japan and South Korea.¹³ It is made North Korea afraid and improve their security system and continuing their nuclear weapons program and claimed what they did is not interfere the international law. So, here the regime is categorized invalid because the regime could not achieve or influence the social goals

¹¹ Arms Control Association, 2017. *The Treaty on the Prohibition of Nuclear Weapons At A Glance*. Retrieved from <https://www.armscontrol.org/factsheets/nuclearprohibition> (Accessed on April 5th, 2018)

¹² Maulana, Victor. 2017. *Korut Sebut Sanksi Baru DK PBB Deklarasi Perang*. Sindo News.com. Retrieved from <https://international.sindonews.com/read/1268424/40/korut-sebut-sanksi-baru-dk-pbb-deklarasi-perang-1514093268> (Accessed on April 3th, 2018)

¹³ Cohen, Cohen, et al. 2017. *North Korea Issues Warning as US Strike Group Heads to Korean Peninsula*. CNN. Retrieved from <https://edition.cnn.com/2017/04/10/politics/us-aircraft-carrier-carl-vinson-north-korea-strike-capabilities/index.html> (Accessed on April 9th, 2018)

2. US Interfere towards North Korea Nuclear Weapons Program

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

The US President Donald Trump has pressured China to curb North Korea, showing that it could reduce US-China relations on trade and other issues.¹⁴ North Korea's nuclear and ballistic missile program is one of the most serious national security challenges facing the US. This represents an immediate risk to the United States continent and interfere the security circumstance in East Asia. a few diplomatic efforts have been made by the US to stop North Korea's nuclear weapons program.¹⁵ In spite of over and again recognizing that North Korea has tried a nuclear device, U.S. have demanded that North Korea's ownership of atomic weapons is "are unacceptable."¹⁶

Eventhough China is North Korea's largest trading partner. China approved the latest of UN sanctions against North Korea. Chinese Ambassador to the UN Liu Jieyi called on Pyongyang to "stop chosing the wrong action, deteriorate their situation and not be in line

¹⁴ Lendon, Brad. 2017. *China Criticizes North Korea, Praises US On Nuclear Issue*. CNN. Retrieved from <https://edition.cnn.com/2017/04/19/asia/china-us-north-korea-statements/index.html> (Accessed on April 7th, 2018)

¹⁵ Arms Control Association, 2017. *Recalibrating U.S. Policy Toward North Korea*. Retrieved from <https://www.armscontrol.org/Issue-Briefs/2017-02-01/Recalibrating-US-Policy-Toward-North-Korea> (Accessed on April,8th 2018)

¹⁶ Chanlett-Avery, et al. 2016. *North Korea: U.S Relations, Nuclear Diplomacy, and Internal Situation*. Congressional Research Service. p.8

with its own interests and actually get back on track to solve problems through dialogue. "¹⁷
Not only US, China also wants to prevent North Korea from becoming a full nuclear power – potentially risk carrying a US military presence into the China border and of course wants to prevent a war on the southern border that could harm China with sending millions of refugees to China.¹⁸

Determinacy in this context is categorized not succeeds in minimizing the existence of another country, so that dominant is appear, such as the United States that insists on and reports every security activities that related with nuclear weapons that undertaken by North Korea to the UNSC. The tension between North Korea and the US that caused the crisis is quiet hard to resolve. North Korea thinks that the US has provoked the UN Security Council to impose sanctions in the form of a resolution against North Korea. To stop their development of a nuclear program. North Korea also believes the United States is too concerning to their country.

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

¹⁷ Ma, Alexandra. 2017. How the World's Superpowers are Reacting to North Korea's Latest Nuclear Test. Singapore: Business Insider. Retrieved from <http://www.businessinsider.sg/north-korea-countries-response-2017-9/?r=UK&IR=T> (Accessed on April 10th, 2018)

¹⁸ *Ibid*

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

So does the regime that issued by UN Security Council related to the nuclear proliferation issue should be applied in every countries but in practice the regime still rejected by the North Korean government. In response to a resolution issued by the UN Security Council on some North Korean nuclear tests. North Korea was very angry and rejected criticism and statements from the security council. North Korea strongly rejects statements against the Security Council and any resolution to its country, ambassador of North Korea, Han Tae Song said that several nuclear testing conducted by North Korea is mere to build self-defense capabilities, self-defense to protect people safety and national sovereignty against threats from foreign powers.

In a statement North Korean Foreign ministry said new steps proposed by the United States break the North Korean sovereignty and also break peace and stability on the Korean Peninsula. "We define this 'sanction resolution' cheated by the US and its followers as a gross violation of the sovereignty of our Republic, as an act of war that violates peace and stability on the Korean Peninsula and the region and firmly rejects 'resolution,'" the Foreign ministry said.¹⁹ "The United States, completely terrified at our accomplishment of the great historic cause of completing the state nuclear force, is getting more and more frenzied in the moves to impose the harshest-ever sanctions and pressure on our country," foreign ministry added.²⁰

¹⁹Maulana, Victor. 2017. *Korut Sebut Sanksi Baru DK PBB Deklarasi Perang*. Sindo News.com. Retrieved from <https://international.sindonews.com/read/1268424/40/korut-sebut-sanksi-baru-dk-pbb-deklarasi-perang-1514093268> (Accessed on April 3th, 2018)

²⁰ *Ibid*

North Korea has also suggested that it will not stop its nuclear stockpile until all nuclear weapons are eliminated in this world.²¹ BBC has reported that sanctions through resolutions that designed by the United States supported by the 15 members of UN Security Council. This sanctions included cut imports of some North Korean goods by up to 90%.²² This prove that there are some national interest in among those countries towards the issue of stopping North Korea nuclear weapons program.

In response threatens from the North Korea to US, that some sanctions resolutions that initiated by the US. North Korea thinks this is one of US interest to become the only superpower state and they feel threaten towards North Korea nuclear weapons program.²³ The resolution regime made by UN Security Council specifically for North Korea could not be apply in every country. That is why, North Korea disobey because North Korea said that it is not fair and still there are many national interest from others countries that involved in this regime.

CONCLUSION

In this era, nuclear weapons is becoming hot issue and got condemned by many countries. As one of main purpose of UNSC is to maintain international peace and security, UN and especially Security Council has been asked to prevent conflicts or disputes as well not become a war. UN is very sensitive with this issue of Nuclear Weapons. United Nations has been trying to eliminate such nuclear weapons since its establishment. Nuclear weapons are the most dangerous weapons on earth. It could destroy an entire city, potentially killing

²¹ Chanlett-Avery, et al. 2016. *North Korea: U.S Relations, Nuclear Diplomacy, and Internal Situation*. Congressional Research Service. p.8

²² Retnasari, Yuliana, 2017. *Korea Utara Anggap Sanksi Nuklir Terbaru PBB Sebagai Aksi Perang*. Retrieved from <https://tirto.id/korea-utara-anggap-sanksi-nuklir-terbaru-pbb-sebagai-aksi-perang-cCfE> (Accessed on April 9th, 2018)

²³ Revere, Evans J.R, 2018. *Endgame: A Reflection on U.S Strategic Choices and the North Korean Threat*. Beijing: The Brookings Institution, p.6.

millions of people, and endanger the natural environment and the lives of future generations through the long-term impact of the disaster. North Korea is one of the countries which conducts nuclear development.

UN Security council has given several sanctions through resolution, following North Korea nuclear testing, In recent years there has been a perception that the UN is no longer effective in dealing with international disputes as well as those situations threatening international peace and security. Resolution can be said effective if the states who are involved in this issue agree or obey the resolution that has been issued by United Nation Security Council that already negotiated and mutually agreed upon.

According to Olav Schram Stokke, there are three criteria that become benchmarks in determining the level of effectiveness of a regime: Validity; Determinacy; Generality. The regime is categorized not success to achieve their goals and because the regime could not achieve their social goals, and also there are differences understanding and interest. Security Council considers this issue disturbing international peace and security, as the goals of the security council are to maintain international peace and security. However, North Korea considers nuclear weapons development as a form of defense of the country from the other countries who has nuclear weapons.

The regime is not success in minimizing the existence of another country, so that dominant is appear, such as the United States that insists on and reports every security activities that related with nuclear weapons that undertaken by North Korea to the UNSC. The tension between North Korea and the US that caused the crisis is quite hard to resolve. North Korea thinks that the US has provoked the UN Security Council to impose sanctions in the form of a resolution against North Korea.

North Korea thinks this is one of US interest to become the only superpower state and they feel threaten towards North Korea nuclear weapons program. The resolution regime made by UN Security Council specifically for North Korea could not be apply in every country. That is why, North Korea disobey because North Korea saidd that it is not fair and still there are many national interest from others countries that involved in this regime. From these three factors such as: Validity; Determinacy; and Generality. The regime of resolution is categorized ineffective and the UN Security Council has failed to stop North Korea nuclear weapons program and the tension among countries in Korean Peninsula and surrounding.

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