

Event Report

**“Quo Vadis, North Korea?
Prospects for Critical EU Engagement”**

EIAS Briefing Seminar

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The current North Korean nuclear and missile development programme has posed a serious threat to international peace and security. With the growing number, frequency and sophistication of testings, tensions on the Korean Peninsula have been on the rise. As a vocal proponent of global non-proliferation and disarmament regime, the EU has been vocal in its willingness to mediate talks aimed at freezing North Korea's missile and nuclear weapons programme.

In this context, the EU has implemented/transpositioned the restrictive measures imposed through resolutions of the UN Security Council №2087, №2094, №2270, №2321, №2371 and №2375. The EU has reinforced them by adopting its own autonomous measures that have included arms embargo, nuclear programme related persons and entities listings, ban on export and import of goods, dual-use goods and technology, restrictions on trade, financial services, investment and transport. These measures target exclusively cutting off sources of revenue that serve to fund North Korea's weapons of mass destruction and ballistic missile-related programmes while seeking to protect the already restricted human rights of the civilian population.

North Korea's provocations and multi-layered threat to the international community whether in terms of developing its own nuclear and missile capabilities or the potential transfer of the perilous technology to other volatile regimes are a serious concern for the EU. The diplomatic back channels, both on a EU and member state level, have expressed willingness and capacity to engage in future negotiations for the peaceful resolution and de-escalation of tensions.

Opening Remarks by Ms Angela Sarafian, Communications Manager at ELIAS

Ms Sarafian explained that the European Union shares empathy for the crisis and the rising tensions happening in the Asia-Pacific regions and talked about the EU's desire to engage in helping resolve the issues at stake. She then mentioned the desire of many South Koreans to see a reunification of the two Koreas in the future and the extensive work EU has done in implementing the recent UN sanctions.

The most recent sanctions taken by the EU are the total ban on investments coming from the EU feeding into different North Korean nuclear programmes and the listings of people and entities related to it. The EU also introduced bans on petroleum products and crude oil from shipping to North Korea. Ms Sarafian mentioned the very negative statement from Estonian Foreign Minister regarding the sanctions, who stated there is only so far we can go before hitting absolute zero.

She expressed that tensions in the region have been soaring aggravated by US behaviour feeding into the fears of neighbouring countries. She explained that critical engagement for dialogue and peaceful resolution have been the commitment of the European Union who continues to stand for the multilateral approach as it has shown with its involvement in the Iranian deal and its readiness to encourage a future one with the Koreas as well. She emphasised the importance of the EU Council meeting taking place at that time as it would offer an insight on what was going to be the future of EU critical engagement with North Korea and on what solutions EU put forward regarding North Korea abandoning its ballistic missiles and nuclear programmes in a complete, verifiable and irreversible manner and, if it could be achieved, to what extent.

Keynote Address: Prof. Sangtu Ko, Director, Center for Advanced Research in Integrated Future Society (CARIFS), Yonsei University, Republic of Korea

Prof Sangtu Ko introduced his presentation by narrating a conversation between China's Foreign Minister and US Secretary of State Madeleine Albright about the best path for a rising power. The US representative responded to the question stating "leadership" while China's used the term "partnership". Prof Ko advises the Korean foreign ministry to opt for "partnership".

Before going into details, Prof Ko briefly presented the structure of his presentation: (i) the EU-North Korea relations; (ii) the framework of EU policy toward North Korea with a normative realist explanation; and the different stages of EU policy toward North Korea that are (iii) active engagement, (iv) critical engagement and (v) active pressure.

Prof Ko started by explaining the state of EU-North-Korea relations and put forward how meagre there are. Because of its politically remote nature – the EU has no strategic or military interests in the peninsula – which makes it appear more or less neutral to North Korea. Moreover, the EU is not considered a historically colonial power by DPRK.

Prof Ko argued that the EU's foreign policy towards the regime has gone through three different stages over time: active engagement, critical engagement and active pressure. The main reason for these changes, said Prof Ko, is DPRK nuclear development. He queried

the relevance of critical engagement as the defining EU policy toward DPRK putting forward that EU policy entered a new stage he calls "active pressure".

Prof Ko then proceeded to give an outline history of North Korea accelerating nuclear development mentioning the DPRK withdrawal of NPT (1993), the Geneva Agreed Framework (1994), the first nuclear crisis coincident with the termination of the Geneva agreement (2002), the Six-Party Talks (2003) and the six nuclear tests that occurred between 2006 and 2017.

(ii) His argument on the EU's engagement in the DPRK is that it has failed so far, which does not imply the current approach is a failure. By that he means that the traditional EU policy of engagement through incentive and dialogue has failed, revealing the weaknesses of the normative and civilian nature of EU power and the inconsistency of its engagement policy.

Prof Ko addressed the reasons behind EU inconsistency and its transition to a policy of active pressure. According to him, there might be a conflict between normative and realist Member States which also translates into a struggle between the EU as a supranational actor and the Member States as national actors. To illustrate the situation Prof Ko referred to the existing literature as per three approaches: liberal-idealist, realist criticism and a third approach combining the two previous ones.

He explained the liberal-idealist approach is characterized by a mix of normative power (promoting human rights, democracy and rule of law), attractive power (attracting rather than threatening foreign States) and civilian power (instrument of policy based on economic incentives).

The realist approach considers that a policy of engagement has failed in solving the crisis and in particular harder security issues. This approach puts forward the needs of owning military capabilities in order for EU to become a global player. The EU is also perceived by this framework as an instrument to transform the European countries into a pole in the international system. A pole that is in need for power politics to back up its diplomacy.

Lastly, he put forward a third approach that works as an assemblage of both normative and realist approaches. Building on the existing literature he first presented Peter Seeberg's theory of EU as a realist player dressed as a normative player. He went on introducing another approach where the EU is both normative and realist distinguishing the frameworks EU uses based on the sectors at stakes.

Prof Ko's theoretical framework builds on the third approach and suggests a model of normative realist EU. Accordingly, the EU pursues material interest and considers the norms instrumental to that. The economic sanctions are important representative examples of this norm driven realist policy. Economic engagement represents EU as a normative power and economic sanctions as normative realist.

Prof Sangtu Ko proceeded in presenting the different periods he identified in EU foreign policy toward North Korea. Starting with the (iii) Active engagement period from 1995-2002, he underlined EU efforts in economic assistance and humanitarian aid as North Korea was relying on them to recover from the natural disasters that struck them. In 2002, the EU intensified its economic aid to help transform and reform DPRK economic system and

heavy industrial sector because it ambioned to reproduce the successful experience it conducted with Eastern European transitioned economies from socialist to liberal. In response, the DRPK tried to reform its economy liberalizing wages and prices although this was soon brought to a halt due to huge negative economic repercussions.

Prof Ko also mentioned the political dialogue that existed between the EU and DPRK - with the visit of President of the European Council Göran Persson to the DPRK in 2001 and the development of official diplomatic ties in 2001 - which came to a standstill after the outbreak of the first nuclear crisis in 2002.

He then detailed the (iv) Critical engagement period (2002-2013) which he defines as a period of balance between political dialogue and increasing political pressure. During this time the EU issued a human rights resolution against DPRK (2003) at the United Nations and the EU Parliament itself passed resolutions against the regime. He put forward that on the 164 countries Pyongyang had diplomatic ties with it hosted only 24 foreign embassies with seven originating from European countries. As the EU has no official representation in North Korea, the seven hosted Member States have set up a rotation every 6 month in order to represent the EU in DPRK. As the DPRK's representation in the EU is located in the United Kingdom, a new country will be selected to host it after Brexit.

He finished the chronology of EU-DPRK relations with the (v) Active pressure period (2013-present). The year 2013 set a milestone in EU foreign policy as it surpassed the UN in terms of number of sanctions passed against Pyongyang, depicting the shift Prof Ko describes from Active engagement to Active pressure. EU-DPRK trade also plummeted in 2013 after a declining trend to become minimal.

In conclusion, Prof Sangtu Ko explained that the inconsistency of EU foreign policy toward North Korea stems from the disagreements and conflicts between its Member States and its institutions. EU as an institution wants to remain a normative power however some Member States would rather pursue realpolitik. This is why 27 EU countries still have diplomatic ties with DPRK, France and Estonia being the only exceptions. Considering the large economic stakes EU holds in the Korean peninsula and Northeast Asia in general and the negative impacts rising tensions have already brought, a war between the two Koreas would be devastating for its interests in the region and for the global system as a whole.

Panel discussion: H.E. Mr Brian McDonald, former Ambassador and Head of Delegation of the European Union to the Republic of Korea

As an introductory remark, His Excellency responded to Prof Sangtu Ko's conclusion by outlining his idea of EU foreign policy, saying it is a combination of realistic and idealistic ideas considering the great diversity of interests in Member States. As a matter of fact, according to Mr McDonald, the normative type of policy works as a unifying factor that the EU has developed. He agrees with Prof. Ko that EU has so far mainly focused on soft rather than hard issues regarding North Korea, a position that, he believes, is bound to evolve in the future in light of the looming EU regional uncertainties, like its Russian neighbour. Mr McDonald put forward that a stronger EU involvement in international issues is under way. He also agrees that DRPK looks at EU essentially as an economic partner and not political. Also, the main concern for DPRK is the United States and not Europe. As the EU was denied

involvement in the Six Party Talks, it seems to him that it is very unlikely that suddenly the EU could play a lead role in the North Korea nuclear crisis.

Following his introduction to the issue, Mr McDonald went on providing an historical context of the nuclear history of DPRK across the different US administrations. He mentioned in particular the doings of the Bush administration. The latter was particularly vocal against North Korea, calling it a member of a so-called "Axis of Evil" and eventually shut down any bilateral agreement. Bush brought tensions between the two powers after a period of détente. Afterward, DPRK started building its capacity exclusively by itself, and as time went by US-DPRK relations worsened and so did their mutual trust.

Today's US threat of annihilation of DPRK nuclear facilities echoes the 1994 paradigm. Mr McDonald asks the question if it is possible to bring back the solution used at that time. However, he explained that the situation today is different than in 1994 as DPRK now owns nuclear capabilities and ballistic missiles that threaten the entire neighbourhood. At the same time, it is still vulnerable to any US intervention as it does not possess the capacity to respond to a potential US attack. Whether this could be exploited by the US to pressure DPRK in denuclearising, he turned our attention to the personality of the regime leader that must first be taken into account. His ego-driven personality makes it very unlikely that DPRK will dial down its nuclear ambitions. Also, developing nuclear capacities is first and foremost a question of survival for the regime. Although, on the other hand, should Kim Jong-Un call the US a bluff and should Trump back down, this would affect the US president credibility as he is putting his reputation on the line in trying to resolve the North Korean issue. The worst-case scenario is if Trump decides to bomb DPRK nuclear facilities and capabilities. Mr McDonald thinks that in this event, North Korea will retaliate however limited the scope. This narrative also carries with it questions regarding the actors that will be brought into war against DPRK, with in mind South Korea sitting at the forefront of this potential war theatre.

Mr McDonald concluded his presentation by mentioning that contrary to many voices, he does not think that Kim Jong-Un is irrational. Referencing some territorial issues between South and North Korea and between US and the regime, he puts forward that to have a better understanding of the leader's behaviour, one should look at the overall context in which his decision-making is taking place. As closing remarks, Mr McDonald emphasised that deterrence and containment seemed to be the safest options in dealing with the North Korean nuclear threat.

Panel discussion: Mr Bruno Hellendorff, Researcher, Group of Research and Information for Peace and Security

Mr Hellendorff started his presentation by raising the argument that whenever we, as Europeans, talk about the DPRK, we should be careful of not posturing as Europeans and be humble about the knowledge and leverage we could have on the North Korean threat. We should also recognise the more direct implications regional countries are facing regarding this threat and be more realistic about it.

Where are we now regarding the crisis? In his view, it is already too late. First, regarding the DPRK capabilities, last September's nuclear test exceeded 100 kilotons which is

sufficient enough to wipe out a decent city. If it is not clear whether or not DPRK has the capacity to mount the nuclear device on top of a missile, the regime said it certainly could.

The year 2017 was a cornerstone in DPRK development of nuclear and ballistic capabilities. It has now the potential to launch ballistic missile of intercontinental range although it has not demonstrated several key technologies such as re-entry technology. Nevertheless, like during the Cold War, any nuclear power declaring it owns such capability should be taken seriously.

Considering these facts, Mr Hellendorff emphasised that it is too late to contemplate freezing agreements which will have little value vis-à-vis the threat. In his own words: "Deterrence is here, and it is here to stay". What DPRK can do now is progress from what it already holds in terms of capabilities and will not go back. Considering we are now past this threshold, he put forward that we should look at diplomatic options in a different light that we are used to. Now is the time to be more creative and at least think about potential crisis management scenario. Mr Hellendorff warned that any other military scenario that would involve direct action could bring consequences of dramatic proportions.

Mr Hellendorff introduced us to another interesting point: the Obama administration, under its stance of "strategic patience", was able to conduct several rounds of negotiations with DPRK. Quoting a Wall Street Journal from last year, he mentioned that DPRK might have agreed to a new round of negotiation without the precondition of a moratorium on nuclear testing. The article was making clear that even though DPRK was ready to engage in peace talks, it was not ready to discuss its nuclear programme.

Mr Hellendorff went on comparing Trump's and Obama's foreign policy approaches toward North Korea. He emphasised that regardless of his tweeting, Trump's policy is actually similar to Obama's, that is waiting for Pyongyang readiness to talk about its nuclear programme with the prospect of comprehensive, irreversible and verifiable denuclearisation, while playing the deterrence game. However, Trump seemingly considers that pressuring Kim Jong-Un through his tweets will bring DPRK to be more amenable to those talks.

Mr Hellendorff then raised the issue of sanctions. He explained that, as the international community represented in the UN, we moved from a policy of smart sanctions (UN Res. 1718, 1874, 2087, 2094) to a policy of comprehensive sanctions (Res. 2270, 2321, 2371, 2375), consequence of the events taking place in 2016-2017. The problem is that there is not much left to sanction. Therefore, the question remains whether the DPRK will be able to sustain those pressures or agree to start new talks. The regime has shown its willingness to take the risk and, so far, it has sustained them. According to Mr Hellendorff, the latest numbers are consistent with the idea that North Korea should be able to withstand and overcome such pressure.

Mr Hellendorff argument is that we have to do something, we cannot afford not to seek dialogue somehow because the escalation is not over yet. Thus, there is no guarantee that the DPRK will not launch a nuclear device in the Pacific in the absence of a reaction from the international community. He believes the EU could play a role not as a power but as a partner. In his opinion, NATO will not participate in resolving the issue. However, the EU could have a supportive role for regional actors through various diplomatic means.

As concluding remarks, Mr Hellendorff expressed that he believes there should be a sequence which implies beforehand a crisis management scenario, in the form of a platform on which to launch discussions. He considers it a prerequisite to a future three-tiered approach consisting of multilateral direct dialogue on the regional side and deterrence and dialogue on the DPRK side. On deterrence, he thinks the EU could contribute and specifically on anti-ballistic missile defence systems as a technology provider. On the regional setting, the EU occupies a prime position for providing a supportive dialogue. As an excellent partner of several countries in the region, it could also play a role in assisting to implement sanctions, in trying to convene or facilitate some discussions and in pressuring – if possible – Russia and China which could pave the way for talks. Finally, Mr Hellendorff expressed the need for a global discussion on non-proliferation, regardless of the talks with DPRK, which would involve trade-offs from nuclear powers because if we agree somehow to acknowledge some form of a nuclear North Korea we need to have a stronger regime of non-proliferation. Therefore, Mr Hellendorff emphasised that there should be a discussion on how to bolster the Non-Proliferation Treaty (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), Res 1540 and, why not, a missile treaty based on The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) and the Missile Technology Control Regime (MTCR).

Panel discussion: Mr Enrico D’Ambrogio, Policy Analyst, European Parliament Research Service (EPRS)

Mr D’Ambrogio started by mentioning that nowadays the issue of human rights has fallen under the radar despite a 2014 UN Commission report accusing DPRK of crimes against humanity. Although 25 million Koreans live under the worst regime in terms of respect for the human rights, the only issues on the table are the nuclear and ballistic missile programmes. He hopes the issue of human rights may come back to the international agenda.

After those introductory words, Mr D’Ambrogio proceeded to give his presentation on the five possible scenarios regarding North Korea nuclear crisis. Starting with “recognition”, the scenario he deems the closest to reality but also a difficult one to accept. DPRK is the ninth nuclear power or the fourth *de facto* nuclear power outside the NPT after India, Pakistan and Israel. According to him, it is unlikely that North Korea decides to attack the US as it estimates its nuclear programme as a life insurance. In his opinion, the real goal behind North Korea’s actions would be to conclude a peace treaty with the US and South Korea in particular and to be recognized as a nuclear power. However, regardless of the unlikely narrative in which the US concede to its demands, acknowledging DPRK as such also bears the risk of inducing other countries in the region – like South Korea where the possibility is being discussed – to acquire nuclear capabilities.

For the moment, he said, the international community is sticking to the “negotiation” scenario condemning Pyongyang nuclear tests, hoping to oblige North Korea to come to the table and negotiate the renounce of its nuclear programme in exchange for food aid and economic support while guaranteeing in return that the regime will not be undermined. The reality is that the UN sanctions have not achieved the goal, notably because of some loopholes, pointed out by some analysts. He emphasised that this posture is the one

adopted by the EU as a whole which has enforced and furthered UN sanctions, after unfruitful attempts of its embassy in Pyongyang to engage in talks over the issue.

Moving on to the next scenario known as “the use of pre-emptive force” hinted by US president Donald Trump, Mr D’Ambrogio presented it as the scenario with most unpredictable and dramatic consequences. Such scenario would take the form of a pre-emptive strike on North Korea and/or a surgical strike on the person of Kim Jong-Un. According to him, it is the one to avoid at all costs. As a side note, he reminded the audience of a treaty of mutual assistance between China and North Korea (1961) even though China made it clear it would not apply, especially in the case of a DPRK aggression.

He then explained his fourth scenario, “destabilization”, which could be transversal to the other ones. Regardless of his isolation and some predictions on his approaching collapse, the regime holds and is able to destabilize the region. If the sanctions have been ineffective in that matter so far, he said that we should try to exploit the resentment of a part of DPRK elite against its leader. This would mean achieve a change of leadership through counter-information and by breaking the state monopoly on information in order to reach the people of North Korea.

The last scenario is known as the “Switzerland scenario” which he presented as the idealistic concept of a unified, neutral and denuclearized Korean peninsula. The advantages for the region would be tremendous as it would bring peace, stability and prosperity. As the use of “neutral” suggests, this would mean that South Korea renounces its alliance with the United States sending its troops home. This scenario would also imply a stronger partnership between Beijing and Washington. Although, the US would probably consider it detrimental to their interests, Mr D’Ambrogio expressed that judging from the many mistakes in their foreign policy, there is a price to pay and that their lost would not be so high in comparison of an open conflict.

Q&A Session

The first question that was asked to the panel touched upon the different US administrations in their relations with the regime over time, asking for an assessment on how the different governments performed since 2000 and on the shift in US-DPRK relations that occurred that year. Mr McDonald answered by offering a brief historical overview of the different administrations, their foreign policies and the internal and external contexts they evolved in. He described the involvement of the Clinton’s administration in missile talks with North Korea and the sudden shift initiated in the early 2000s by the Bush administration advocating for a regime change. Sangtu Ko emphasised the importance of negotiation and the need for a comprehensive approach to the DPRK issue by combining dialogue, peaceful means and military options.

A participant asked a question directed to Prof Sangtu Ko about a description of the thinking in South Korea regarding its neighbour and the nuclear crisis. Prof Sangtu Ko divided the issue between the government and opposition positions and touched upon the people’s position as well. He explains that the government favours a soft approach, leaving its door open for potential dialogue and negotiation with DPRK, while the opposition advocates for the acquisition of nuclear capabilities either by sharing with the US or building them in

South Korea – would require one year for the country to build. Another person in the audience ask about the possibility for the EU to encourage South Korea and Japan to set up a platform together that could be used for negotiating with North Korea, therefore, on one hand, placing EU as a convener for talks and, on the other hand, excluding US and its belligerent leader on human rights, Mr McDonald specified that the human rights are non-existent in DPRK and that North Korean officials consider it a taboo when discussing with a foreign power like US. Mr Hellendorff was asked the question whether EU as a normative power could help resolve the crisis. To which he answered he was quite positive considering the commitment of the HR/VP Federica Mogherini in making EU weigh decisively on upholding the iron deal. He reckons it is a major argument for EU involvement in the crisis.

Closing Remarks: Prof Sangtu Ko

Prof Sangtu Ko expressed that, in his view, it is not too late and that he keeps hope for finding a solution to the North Korean nuclear crisis. He believes the non-proliferation regime has been successful in the way that today there are only eight nuclear powers whereas in in the 1960s there were five, adding only three countries to the list in almost 60 years. During this time period, many countries have given up their nuclear development programmes and others dismantled the nuclear capabilities they were hosting. Building on this observation, Prof Sangtu Ko considers that the international community has had a convincing experience in its capacity to roll back on nuclear ambitions. He thinks that even though North Korea already owns nuclear capabilities it is possible to roll back this situation with the support of the whole international community.

He emphasised that a military action would be extremely detrimental to solving the crisis, contrary to juristic actions, as for instance the UN sanctions and bans on energy supply, which are critical for dealing with North Korea if the relevant actors, like China and Russia in that case, implement them to their fullest. As a final note, he reminded us that sanctions are not the goal, the goal is taking North Korea to the negotiation table.

Report prepared by John Vandenhaute

