

NORTH KOREA; HUNGRY FOR CHANGE

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Abstract

Two years after his accession to power, Kim Jong Un continues to pursue his country's foreign policy with the familiar pattern of bellicose rhetoric, cut with the occasional conciliatory gestures. More substantial changes can be seen in the way power is exercised within the top leadership. The country is now increasingly run by a circle of 'family and friends' within a revived Party structure. There are also signs of emerging economic pragmatism, a decrease in the influence of the military within the Central Committee and a revival of the stalled 2002 economic reforms. However, the continued development of North Korea's nuclear and ballistic missile programmes ensures that security issues continue to dominate the country's relations with its Northeast Asian neighbours and the United States.

This leaves substantial scope for the greater involvement of the European Union (EU). Geographically distant, with no direct security interests and perceived as more independent by Pyongyang, the EU is well placed to engage in a dialogue with the regime when other international actors cannot. As the North Korean leadership begins to slowly reform the economy and attempts to diversify its sources of trade, the EU could use its humanitarian and development assistance in a more strategic way, using it to encourage continued economic reform and (limited) dialogue on human rights. Such a policy would represent a 'carrot' that can run parallel to the 'stick' of international condemnation and sanctions that will continue to be implemented through the UN and by regional powers.

This paper expresses the views of the authors and not the views of the European Institute for Asian Studies

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Introduction

Two years after the accession of Kim Jong Un to power, tension on the Korean Peninsula remains high. Initial hopes that the new Swiss-educated leader would initiate bold political change in the Democratic People's Republic of Korea (DPRK) have long since waned. The way Pyongyang interacts with the international community has not changed either. Relations between the DPRK and its Northeast Asian neighbours and the US still revolve around the all too familiar cycle of escalating tensions animated by bellicose rhetoric and military provocations, followed by a precarious respite and reconciliatory diplomatic gestures.

This continuity in foreign policy has overshadowed more subtle domestic changes, especially in the way power is exercised at the top. The power transition thus far is a success in the eyes of Pyongyang, since the new Supreme Leader has consolidated his power across the board. On the one hand, within the leadership, power consolidation has meant a revival of the Party and a leadership run by a collective of 'family and friends'. On the other hand, lacking his father's and grand-father's historic legitimacy, Kim Jong Un has quickly built his domestic image as a celebrity figure – almost a 'rock star' – and apparently has the charisma to carry it off.

It may be that such collective leadership is more capable of sustaining transformation than the individual leadership of Kim Jong-Il. Hence, the political momentum for much needed reform of the country's economic policy is back in the wake of new political appointments. Some of the economic reforms first initiated in 2002 are seeing a revival. The nascent market in goods and services is rapidly expanding, and the monetization of the North Korean economy appears irreversible. Despite the still-prominent role of the military, official rhetoric is beginning to emphasise the role of a strengthened economy and higher standards of living in both monetary and social terms. This speaks to the aspirations of the 'people who matter' in Pyongyang.

Economic improvements are obvious in Pyongyang, but have failed to penetrate the rest of the country. The population might not be starving as it was in the late 1990s, but by all accounts the humanitarian situation remains very precarious in the urban North East. Some parts of the country are increasingly isolated due to the deterioration of basic infrastructures like roads, railways, and electricity. Standards of living are still painfully low. Yet, international assistance has dramatically shrunk in the wake of new political economic sanctions and donor 'fatigue'.

Nearly two decades of unrelenting international pressure on the security dimension of the politics on the Peninsula, in particular nuclear proliferation, have not succeeded in convincing the regime to abandon its ballistic missile and nuclear weapons programmes. In the same way, the increasing emphasis on exposing and denouncing the past and present human rights abuses of the regime against its population have failed to produce change in the attitude of the regime – even if it may be having some influence on individual state actors. In fact, international pressure in the form of sanctions and serial condemnation may have even had the opposite effect, strengthening the leadership's refusal to engage and mobilising the nationalist feelings of the supporting elite in a common struggle for survival.³ Such logic is typical of the functioning of authoritarian regimes, which can nurture this

³ Lankov, A. (2013). *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, Oxford: Oxford University Press.

public perception through tightly controlled state media. But in the case of the North, it is arguably strengthened by the country's political isolation.

In this paper, we argue that the current signs of economic reform, combined with the continued need for foreign food aid and technical assistance, provide under-estimated and under-utilised alternative ways of interacting with the North Korean society that could contribute to a progressive opening up. Whereas Kim Jong Un's 'two track' approach – simultaneously building the country's nuclear arsenal and the economy – remains unacceptable to the West, it may create a new window of opportunity for interactions with the outside world, which were not possible during the height of North Korea's *Songun* ('military first') policy.

The EU is a major economic power and one of the principal advocates of human rights protection both globally and within the DPRK. In its involvement with the regime, Europe's continued presence in the country as a humanitarian actor and its relative marginalisation when it comes to hard-security issues give it the opportunity to push for such an alternative path. It could also, as it has traditionally done for other developing countries, make use of its economic might to encourage change in the DPRK. It goes without saying that foregoing criticism of both Pyongyang's belligerent attitude and its human rights record is not an option for European leaders. Firm criticism remains an imperative element of Europe's policy towards the dictatorship, consistent with its position on non-proliferation and human rights advocacy at the international level.

But there must be more, and the EU only needs to look into its own policy towards other 'pariah states', such as Myanmar, or even its own past attempted policy towards North Korea to find that 'critical engagement' was once deemed a reasonable path to follow. A revised and more diversified approach should also look into parallel avenues that are more capable of encouraging reforms and opening, such as combining some economic incentives, training, education exchanges and technical assistance in 'softer' areas of the human rights agenda. It could hope to extend to the re-activation of the currently suspended EU-DPRK human rights dialogue, starting with the less controversial issues like disability rights, women's rights or children's rights. This could involve dialogue and interaction with different levels, from the political leadership to the practitioners and local associations/communities.

Change through continuation: Kim Jong Un's power consolidation as springboard for reform

The continuation of nuclear politics

Traditional security concerns still dominate North Korea's relations with the South and other actors in the region – the United States (US), Japan and even China. The tightening of sanctions following the February 2013 nuclear test, triggered by a new UN Security Council (UNSC) resolution, makes discussions on different approaches to security and the international community's relationship with the North even more difficult.

Under the new leadership, North Korea has indeed continued to develop its ballistic missile and nuclear weapons programmes. The problem for Pyongyang is not to *have* weapons of

mass destruction, but rather *not* to have them. Hence, in the eyes of the regime, they are the ultimate deterrent to regime-change *a la* Iraq, Libya and Syria. This is the way to demonstrate strength and importance, both internally and externally.

The political use of its arsenal was clear again in December 2012, when Pyongyang used a satellite launch⁴ to impose its agenda onto the South Korean presidential election campaign. Then again, on 12 February, less than two weeks before Park Guen-hye's swearing-in ceremony, the DPRK conducted its third nuclear test. The coinciding of the two tests prior to the leadership transition in South Korea was no accident. It also highlighted the failure of South Korean President Lee Myung-bak's 'grand bargain' strategy,⁵ designed in 2009. More broadly, it demonstrated the damage of Lee's administration "hardline" policy⁶ in terms of mutual trust and confidence-building, compared with the – relative – gains of the more conciliatory 'sunshine policy' of his predecessors, Kim Dae-jung and Roh Moo-hyun.

Tensions with the US have not receded either. The military involvement of the US on and around the Peninsula has constantly been reinforced during the Lee era, as tensions between North and South escalated with the 2009 nuclear test, the March 2010 sinking of the South Korean corvette *Cheonan* and the November 2010 shelling of Yeonpyeong Island. The 'one step forward – two steps back' pattern in the US-DPRK relationship has not been overcome by the policy of 'strategic patience' pursued during the first years of the Obama administration.

The bilateral talks between Washington and Pyongyang between July 2011 and February 2012⁷ ultimately proved abortive. Washington's initially acclaimed 'Leap Day Agreement' concluded in February 2012 – which traded the suspension of Pyongyang's nuclear and ballistic missile programmes in exchange for food aid – was never realistically on, the North seemingly trading a lot for a little. When within weeks Pyongyang announced it was preparing another satellite launch, the promised food aid was not delivered and in April 2012 the DPRK declared the Agreement dead.⁸

Despite Kim Jong Un's conciliatory 2013 'State of the Union' New Year's address, there was little progress in improving relations between North and South in the first months of 2013. Following the turbulent period of the Presidential transition with the third nuclear test, the upgraded annual US-ROK military exercises held in March 2013 triggered the expected reaction in Pyongyang. It unilaterally withdrew from the 1953 Armistice Agreement which concluded the Korean War and threatened the US with nuclear attack. Washington responded by launching flights of (nuclear-capable) strategic B-2 bombers over the Korean Peninsula, and by announcing the stationing of 14 new interceptors in Alaska, projected to cost around USD 1 billion.⁹ The Kaesong Industrial Complex (KIC), a symbol of the engagement between North and South employing over 50,000 North Koreans, was shut down by the North for the first time since its launch in 2002.

⁴ North Korea denied that the satellite launch was a clandestine test of its ballistic missile technology, prohibited by *Security Council Resolution 1874*, adopted on 12 June 2009.

⁵ Hill, *The Elusive Vision of a Non-nuclear North Korea*, p. 17.

⁶ Frank, R. (2013). *Between nuclear armament and economic pragmatism: Is North Korea facing change?* Gütersloh: Bertelsmann Stiftung.

⁷ Snyder, S. A. (2013). *U.S. Policy Toward North Korea*. Retrieved from <http://www.cfr.org/north-korea/us-policy-toward-north-korea/p29962>.

⁸ Korean Central News Agency. (2012). *DPRK Rejects UNSC's Act to Violate DPRK's Legitimate Right to Launch Satellite*. Retrieved from <http://www.kcna.co.jp/item/2012/201204/news17/20120417-25ee.html>.

⁹ Cha, V. (2013). *North Korea Threatens to Strike the United States*. Retrieved from <http://csis.org/publication/critical-questions-north-korea-threatens-strike-united-states>.

Like the first two nuclear tests in 2006 and 2009, the February test drew strong and immediate international condemnation. Unlike the first two it worked. The UNSC unanimously adopted a new resolution on the DPRK,¹⁰ expanding the list of sanctions. This included new travel bans, further asset freezes and expanded lists of banned materials, dual-use items¹¹ and luxury goods. The EU and its member states joined in the strengthening of the sanctions regime. In April 2013, the EU expanded its own list of bilateral sanctions and implemented travel bans and asset freezes beyond that specified by the UNSC.¹²

Like it had done for previous tests in 2006 and 2009, China joined in the wave of international condemnation following the February nuclear test. The North Korean Ambassador was summoned to the Foreign Ministry in Beijing. Upset by Pyongyang's recalcitrance, Beijing not only backed the UNSC resolution, but also announced the suspension of development aid and its own bilateral sanctions. The Bank of China in the so-called 'May Decision' ceased all dealings with North Korea's Foreign Trade Bank, a significant source of foreign currency for the regime. More recently, in September 2013, China published a long list of equipment and chemical substances to be banned from export to North Korea, the most concrete step taken so far to show their disapproval of the North's nuclear programme. This shows that despite its interest in regime survival, China is no longer willing to offer its unconditional support. Consequently, Pyongyang has grown increasingly wary of its massive economic dependence on China.¹³

But ambiguity is not new in the Sino-DPRK relation, which has always had a touch of love/hate relationship to it. Therefore, hasty conclusions about fundamental changes in Sino-DPRK relations are not warranted. Hence, the cordial June talks between China's Vice-Minister of Foreign Affairs Zhang Yesui and his North Korean counterpart Kim Kye Gwan showed the other side of the coin. February's nuclear test also triggered Beijing to more actively seek a resumption of the denuclearisation process. The publication of the September 2013 list of banned exports can be interpreted in this light, as a gesture towards Western powers. This view is corroborated by the simultaneous resumption of activity on the diplomatic front, marked first by the visit of DPRK's First Vice Foreign Minister Kim Kye Gwan to Beijing for the 10th anniversary of the Six-Party Talks process, after which China's Foreign Minister Wang Yi declared that the North was apparently willing to resume the process, stalled since 2008; and second by China's official proposal to hold an informal meeting between the Six Party participants – which was refused by the US.

The reopening of the KIC on 16 September was another positive step forward. However, the failure to restart family reunions, scheduled by North and South for late September, was a disappointment, if not entirely a surprise in the absence of any progress on the South allowing the re-opening of the Mount Kumgang Tourist Area.

¹⁰ *Security Council Resolution 2094*, adopted on 7 March 2013.

¹¹ Eight additional items that could potentially be used in the country's nuclear, ballistic and chemical weapons programmes. The resolution expanded the list of UN sanctions against North Korea, first created by UNSC resolutions 1695 and 1718 in 2006, and subsequently expanded by Resolution 1874 in 2009.

¹² *Council Decision 2013/183/CFSP*, adopted on 22 April 2013. For a comprehensive list of EU sanctions in force, please see: European Union. (2013). *Restrictive measures (sanctions) in force*. Retrieved from http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf.

¹³ In 2012, Chinese products accounted for 70 per cent of all North Korean imports, 65 per cent of exports and 68 per cent of overall trade. See: DG TRADE. (2013). *North Korea: EU bilateral trade and trade with the world*. Retrieved from http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113428.pdf.

The transition towards a more collective leadership governing style

By the latter part of 2013 the young Kim Jong Un had consolidated his power.¹⁴ This process for some was marked out by a series of shows of force, beginning before the death of Kim Jong Il with the sinking of the *Cheonan*, and the shelling of Yeonpyeong Island eight months later.¹⁵ Upon his accession to power, the new Supreme Leader moved swiftly to cement his authority, supported by his aunt, Kim Kyong Hui¹⁶ and her husband Jang Sung Taek.¹⁷ The couple was appointed to high political positions by Kim Jong Il, with the intent of facilitating the accession of his young heir.¹⁸ These and latter moves support the claim that the country's leadership has consolidated around a collective of 'family and friends' within the framework of a revived Party structure. Jang Sung Taek is reportedly seriously ill. What consequence that will have for military-party relations in the future is thus unclear.

More importantly, this transformation in the exercise of power has come along with small – but potentially significant – changes in the relationship between the Party and the military. This included the sudden replacement in July 2012 of Ri Yong Ho, Chief of the General Staff of the Korean People's Army (KPA), appointed to the post in 2009. A new Cabinet Premier was nominated in March 2013, as well as two new members of the National Defence Commission, and a Secretary General of the Presidium of the Supreme People's Assembly.¹⁹ This first reshuffle of the Central Committee since 2010 was particularly important due to the appointment of Pak Pong Ju to the Politburo replacing Vice Marshall Kim Jong Gak and subsequently to the position of Premier. The Central Committee has also been reduced in size,²⁰ with a reduction in the number of full members belonging to the military, and their demotion to alternate members.²¹ This slew of new appointments clearly diminishes the influence of the KPA and gives credence to the observations that having re-assured the military over nuclear weapons, the regime is now committed to devoting more attention to the economy.

This observation has most recently been made in light of the celebrations of the sixtieth anniversary of the DPRK's 'victory' in the 1950-1953 Korean War. Pyongyang commemorated the Fatherland Liberation War (as it is referred to in the country) on 27 July with a massive march past of some 1.5 million soldiers and civilians on Kim Il Sung Square, watched by Kim Jong Un and 1700 representatives of 300 foreign delegations. The speech

¹⁴ The issue is debated. Rüdiger Frank argues that Kim Jong Un "firmly held all three pillars of power only four months after his father's death: party, army and state". However, an August 2013 white paper released by the Foreign Ministry of South Korea estimates this process began only after Kim became the official head of state in July 2012. In April 2013, Michael Madden argued that power consolidation was in fact still on-going, as evidenced by recent personal appointments of high-ranking officials. See: Frank, *Between nuclear armament and economic pragmatism: Is North Korea facing change?*, p.2; Yonhap News Agency. (2013). *N. Korea's Kim Jong-un has stably consolidated power: South diplomatic paper*. Retrieved from <http://english.yonhapnews.co.kr/national/2013/08/16/0301000000AEN20130816006600315.html>; Madden, M. (2013). *Kim Jong Un's Pyongyang Shuffle*. Retrieved from <http://38north.org/2013/04/mmadden040513/>.

¹⁵ Lee, D. S. (2012). Causes of North Korean belligerence, *Australian Journal of International Affairs*, 66 (2), pp.103-120.

¹⁶ Director of the Communist Party's Organisation and Guidance Department.

¹⁷ Vice Chairman of the National Defence Commission and chief liaison with China.

¹⁸ For different views on the influence of Kim and Taek in the leadership, see Frank, R., *Between nuclear armament and economic pragmatism: Is North Korea facing change?*, p. 2; Sherwell, P. (2013). *As Kim Jong-un plays the tough guy, his aunt and uncle hold the reins of power*. Retrieved from <http://www.telegraph.co.uk/news/worldnews/asia/northkorea/9976634/As-Kim-Jong-un-plays-the-tough-guy-his-aunt-and-uncle-hold-the-reins-of-power.html>.

¹⁹ The DPRK unicameral legislature.

²⁰ According to Madden (2013), from 19 members and 12 alternate members to 17 members and 15 alternate members.

²¹ According to Madden the representation of the military faction has been reduced from 8 members and 3 alternate members to 5 members and 6 alternate members.

on 26 June to a 100,000 people in the May Day Stadium was delivered by Head of State Kim Young Nam – one of the last remaining leaders of the Kim Il Sung generation – and not the 'de facto' leader Kim Jong Un, who sat alongside. As much a 'last hurrah' as endorsement of 'military first',²² it seems that the event provided an occasion for the regime to introduce a new political rhetoric of economic development.

Building up momentum for kicking off new economic reforms

Immediately after the celebrations were over, the regime began to emphasise regenerating the economy, taking the deterrence value of its nuclear and long-range missile arsenal as the guarantee of political survival.

Economic development can be expected to continue with the privileging of Pyongyang. The capital has seen a rapid expansion over the past few years, which now even extends outside of the city itself with the new Masik ski resort under construction on the road to Wonsan, and the promised Wonsan tourist complex. There is little question that both are primarily directed at Pyongyang residents.

Despite the slow pace of economic reform in production, consumption is almost exclusively market driven, at least in Pyongyang, with the Public Distribution Service (PDS) increasingly playing a marginal role. Independent entrepreneurs have recovered after the currency reform of 2009;²³ street stalls are even more ubiquitous, as are cobblers, bicycle repairers and second-hand booksellers. On the highways, children wave down cars to sell fresh plums and peaches. The increasing importance of money in the North Korean economy has also created a small, but growing, demand for new symbols of wealth. There are currently some two million mobile phones in the country and the numbers of private cars, computers, the North's own Ipad, the impressive Samjiyon and various household appliances are on the rise. Although they are more widely accessible than in the past, such luxury items remain largely limited to the people of Pyongyang. Yet, their growing visibility outside of the capital may begin to cause resentment in less favoured groups.²⁴

Indeed, the growing market which has brought about higher standards of living for some has also triggered an increased stratification of North Korean society, with sharp differences between the privileged in the capital, the farmers – some of which were able to take advantage of the agricultural reform of 2002 to sell in the market production above the new lower targets – and the workers in the North East "rustbelt". In such context of unregulated marketization and rising levels of corruption, the temptation for factory workers and managers to steal anything of market value from state-owned factories becomes difficult to resist.²⁵

Despite the sanctions, formal and informal trade with China has increased steadily over the last years. Legally traded goods include minerals, coal, scrap metal and seafood, which are

²² Ford, G. (2013). Cornered Country may opt to Fight, *Tribune*, 20 September 2013

²³ North Korea devalued its currency by decreasing its value a hundred-fold. As well as obliterating the savings of private entrepreneurs (as was the intent), the reform caused massive inflation. The failed reform also sparked unprecedented protests, as groups of North Koreans burned now-valueless won bills. By April 2010 the situation normalised, and the government withdrew all anti-market restrictions put in place between 2005 and 2009. For more information, see: Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, p. 108.

²⁴ Frank, *Between nuclear armament and economic pragmatism: Is North Korea facing change?*, p. 7.

²⁵ Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, p. 86.

exported to China in return for fuel, rice, wheat and other basic consumer goods.²⁶ Until recently, black market imports of luxury goods increasingly made their way into the country despite an international ban on their imports, and Pyongyang's celebrities have been spotted in the press carrying Luis Vuitton bags and other luxury European brands.

According to NGO reports, illegal cross-border trade, trafficking and corruption are on the rise throughout the country. From these accounts, it becomes clear that the unbalanced and mismanaged relaxation of the state's totalitarian control over society may not be steering North Korea's 'opening' in a direction conducive to improved rule of law and human rights protection. Bigger threats to human security – e.g. increased trafficking, drugs and organised crime – could bring additional tensions across the region.²⁷

A still precarious situation in the backyard

Outside of Pyongyang urban life seems marginally better, even in the North East. This is primarily due to the marketization of the economy and the relatively more diversified access to food products (outside of the PDS) since the 2002 agricultural reforms. But improvements are uneven and economic hardship, underdevelopment and malnutrition are still commonplace. Even more, according to some NGO reports, parts of the country are increasingly isolated and left to their own devices, mainly due to the absence of transport and energy infrastructure.

Poor weather in 2013 has made a bad situation potentially worse. A late Spring and prolonged American Military exercises mean neither the labour or time was available to plant early enough for normal levels of double cropping meaning hunger next year. According to the Food and Agriculture Organisation, agriculture engages around one third of the active population and has contributed to 25 per cent to North Korea's gross national product (GNP) since the 1990s,²⁸ despite challenging geographical and weather conditions and despite chronic shortages of fertilizer, seeds, machinery and equipment, as well as fuel.

Public health infrastructure has also been affected by an obvious lack of resources. Hospitals are basic, and suffer from donor hi-tech fads of barely used internet links between Province and county hospitals, while simultaneously buildings designed to house hundreds of patients remain unfinished. In Hamhung-Hungnam there is incremental improvement: The Ryonsong Machine Complex is operational. Nearby, the Vinalon plant shows all the evidence of being in production. Meanwhile orthopaedic unit, supported by Handicap International, has now produced over 10,000 artificial limbs for use countrywide.

Quo Vadis North Korea's Special Economic Zones?

The flourishing 'grey' market has enabled many North Koreans to mitigate the effects of the newly tightened sanctions regime. Yet, the latter is having some effect on the country's economic policy at a macro level. In particular, it has affected the development of the special economic zones, such as the Rason SEZ and the new SEZ near Dandong – which are supposed to play a central role in the revival and opening of the economy.

²⁶ The Economist. (2013). *Crystal meth and Tesco*. Retrieved from <http://www.economist.com/news/china/21571916-north-koreas-nuclear-test-fails-disrupt-flourishing-trade-along-its-border-crystal-meth-and>.

²⁷ This argument builds upon analysis of the human security aspects of the North Korea issue by leading academics and policy makers. See: Smith, H. (2007). *Reconstituting Korean security: A policy primer*. Tokyo: United Nations University Press.

²⁸ FAO and WFP. (2012). *Crop and Food Security Assessment Mission to the Democratic People's Republic of Korea*, 12 November 2012

As mentioned above, it seems that after much internal discussion within the Party, those advocating economic pragmatism won the battle for the reopening of the Kaesong Industrial Complex (KIC), selling it as an engine for economic success rather than a cunning plan by the West for its future disruption, closure to trigger intervention in the vein of Libya and Syria.²⁹ The KIC, if ever expanded to its projected third phase, would have employed up to 450,000 North Koreans directly (from just 50,000 at present) and indirectly have some two million people in the North dependent on it. Thus, despite the reopening the prospects of development into phases two and three are remote.

In contrast, much more energy is being poured into the Rason SEZ, located in the country's North East and co-developed with China and Russia. Rason has proved much less internally divisive than the KIC. Both the State Joint Venture Investment Commission and the International Department of the Party put great store in its success. This zone incorporates an area the size of Singapore and has a current reported population of over 300,000, with plans to bring in large numbers of new inhabitants from outside. The military presence in Rason is low-key, and ideology is downplayed in favour of a more pragmatic atmosphere in which a wide range of consumer goods is available, for a price, normally in RMB.³⁰

Most (70 per cent) of the investment in Rason comes from China, followed by Russia (20 per cent), with only 10 per cent from the rest of the world. There are attempts to attract more investment from European and other enterprises, which is also part of a strategy to reduce the DPRK's economic dependence on China. But how the regime intends to carry out a strategy of economic opening and diversification with the sanctions regime in place is unclear. Now that Beijing, which alone represents 80 per cent of the DPRK's foreign trade, seems committed to the implementation of the UN sanctions for 'dual use' equipment, weathering their consequence seems even more a challenge. How Pyongyang will deal with the reluctance of foreign governments and private investors to risk the political and economic climate in the North is unclear.³¹ The US scandal of 'made in China' clothes – produced in Rason for American companies shows how far the North will have to travel to be allowed to integrate into the global economy. Apart from purely political and economic considerations, negative perceptions by foreign investors are also intrinsically linked with the assessment of the human rights situation in the DPRK.

Human rights versus human rights: the dilemma of humanitarian intervention

The increasing political profile of human rights issues in the DPRK

²⁹ Frank, R., *Between nuclear armament and economic pragmatism: Is North Korea facing change?*, p. 7.

³⁰ Trade in Rason is conducted in Chinese Yuan (RMB) rather than the Korean won, reflecting the large Chinese presence and influence in the SEZ.

³¹ Qingguo, J. (2013). *Shifting emphasis: Beijing's reactions to North Korea nuclear test*. Retrieved from <http://www.eastasiaforum.org/2013/03/03/shifting-emphasis-beijings-reactions-to-north-korea-nuclear-test/>; Bradsher, K., and Cumming-Bruce, N. (2013). *China Cuts Ties With Key North Korean Bank*. Retrieved from <http://www.nytimes.com/2013/05/08/world/asia/china-cuts-ties-with-north-korean-bank.html>; Zhou, W. (2013). *Foreign Ministry to hold strategic talks with DPRK*. Retrieved from http://www.chinadaily.com.cn/china/2013-06/18/content_16631695.htm; You, J. (2013). Kim Jong-un's Power Consolidation and Worsening China-DPRK Relations, *East Asian Policy*, 5 (1), pp. 102-112; Frank, *Between nuclear armament and economic pragmatism: Is North Korea facing change?*, p. 5.

International organisations, aided and abetted by the US and South Korean governments, have gathered increasing numbers of testimonies about human rights violations in the DPRK. There are massive camps filled with those who have fallen out of favour with the regime and those who have ended up on the wrong side of a faction fight. The UN Special Rapporteur, Marzuki Darusman, estimates that between 150,000 and 200,000 people are currently imprisoned in six camps for alleged political crimes. Conditions in the camps some argue, "may amount to crimes against humanity",³² which was used to justify the establishment by the UN Human Rights Council (HRC) of a Commission of Enquiry in March 2013, following a long campaign led by a large network of human rights organisations.³³ Besides this issue, almost every aspect of North Korea's political and social system has been singled out as a violation of international human rights standards.

Human rights activists have worked hard to give a greater political and media visibility to the human rights situation in the North. One successful instance is the New York Times Bestseller 'Escape from Camp 14', by American journalist Blaine Harden, which tells the story of Shin Dong Hyuk. The North Korean refugee was born and raised in a political prison camp until he escaped and found his way to the South in 2005 at the age of 23. He was received by the UN High Commissioner for Human Rights and played an important role in the UN resolutions adopted in March 2013. Besides the political prisons, human rights organisations have regularly published reports describing and exposing massive and varied human rights violations in the country.³⁴ These reports are based mostly on collections of testimonies from North Korean refugees in the South (since they lack access on the ground).

Unsurprisingly, Pyongyang has denied the existence of these "political prisoners' camps". Faced with satellite images of camps, its representatives at the UN have merely acknowledged the existence of "reform institutions, which are called prisons in other countries" where "those who are sentenced to the penalty of reform through labour for committing anti-state crimes or other crimes prescribed in the Criminal Law serve their term".³⁵

However, according to Andrei Lankov, the situation is – slowly – changing marginally for the better.³⁶ Some reforms in the early 2000s first attempted to clean up the penal code and conform it to international standards, perhaps as a result of interactions with European 'rule of law' advocates.³⁷ Crossing the border to China had been downgraded to a minor offence

³² Office of the High Commissioner for Human Rights. (2013). *Pillay urges more attention to human rights abuses in North Korea, calls for international inquiry*. Retrieved from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E>.

³³ The International Coalition to Stop Crimes against Humanity in North Korea (ICNK), which was formed on 8 September 2011. Amnesty International, Human Rights Watch and the International Federation for Human Rights are members of the ICNK, together with over 40 organisations worldwide. More information can be found on their website: http://www.stopnkcrcrimes.org/about_01.php.

³⁴ Such reports have been regularly published by organisations such as Amnesty International, Human Rights Watch, the International Crisis Group and the Korea Institute for National Unification. The most extensive and systematic record of human rights violations has been put together by the North Korea Data Base (NKDB) annual reports since 2007. Their *2012 White Paper on North Korean Human Rights* found 42,408 human rights violating incidents, spanning 16 categories of human rights.

³⁵ *Report of the Working Group on the Universal Periodic Review, Democratic People's Republic of Korea (A/HRC/13/13)*, Human Rights Council, Thirteenth Session, 4 January 2010.

³⁶ Lankov, A., *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, p. 102.

³⁷ The DPRK Criminal and Criminal Procedure laws were amended in 2004. See: Song, J. (2010). The Right to Survival in the Democratic Republic of Korea, *European Journal of East Asian Studies*, 9(1), pp. 87-117. However, new amendments in 2005 and 2008 introduced the death penalty for drug traffickers, significantly severing the 2004 penal code's two to five years of labour re-education (article 216). See: The Daily NK. (2008). *North Korea Has Introduced Amendments to Its Criminal Codes to Save the Regime from Falling Apart*. Retrieved from <http://www.dailynk.com/english/read.php?cataId=nk00100&num=3610>.

in 1996 – unless one consorted with foreigners or South Korean Christian Evangelicals, which turns them into crimes against the state.³⁸ More recently, after Kim Jong Il came to power, family punishment – also called ‘guilt by association’ – was relaxed for all but the most serious crimes. Despite this ‘progress’, human rights violations remain ubiquitous throughout the system. Moreover, “the discrepancy between the written laws and law in action is so pervasive that the issue of legal ground is entirely irrelevant on many occasions”.³⁹

Increasingly marginalised but still dire humanitarian needs

For all the economic and social improvements visible to the visitors to Pyongyang, achieving basic “freedom from want” remains a huge task in most of North Korea even though the overall situation has improved since the famine of the late 1990s.

According to a 2012 World Food Programme survey, 40 per cent of the North Korean population is still chronically “severely food insecure”.⁴⁰ UNICEF estimates that one in four women aged 15 to 49 is malnourished and that stunting affects around 30 per cent of children under five, while 19 per cent are underweight and 5 per cent are wasting – and regional inequalities worsen the picture in some areas. Short films by the Danish NGO “Mission East” shot in 2012, with the tacit agreement of the local authorities, in an orphanage of the city of Haeju in the southwestern part of North Korea show dreadful scenes of malnourished children.⁴¹

In the early 2000s thousands North Koreans fled abroad into China and beyond, and most have found their way to the South.⁴² There are now over 20,000 North Korean refugees in the country. The average ‘defector’ – as often described in the West – is not some fleeing youthful intellectual or reluctant general, but a rural housewife in her fifties.⁴³ The decision of Chinese local authorities to return 30 North Koreans detained in February 2012 to the North spurred outraged public reaction in South Korea and worldwide.⁴⁴ It also triggered intense public debates within Chinese society. This certainly contributed to Beijing joining in with the unanimous condemnation of Pyongyang’s human rights record in the HRC in March 2012 and 2013.

Many attribute the humanitarian failure entirely to the country’s leaders because of their failed economic policies, the pursuit of *Songun* policy – which has allocated a disproportionate share of its meagre resources to the Military and building its nuclear arsenal – and the regime’s toleration of growing economic inequalities and historical

³⁸ It remains a criminal offense punished by up to five years of re-education in labour camps, although testimonies reveal a non-systematic – and hence political – application of the law, which allows regular traffic across the border with China. The North Korean refugee issue has become a political ‘hot potato’ for China.

³⁹ Yoon, D. (2003). The Constitution of North Korea: Its Changes and Implications, *Fordham International Law Journal*, 27(24), pp. 1289-1305.

⁴⁰ FAO and WFP. (2012). *Crop and Food Security Assessment Mission to the Democratic People’s Republic of Korea*. Retrieved from <http://www.fao.org/docrep/016/a1994e/a1994e00.pdf>.

⁴¹ The films are accessible to the general public on the NGO’s website: <http://photos.miseast.org/NorthKorea/Videos-from-North-Korea/i-9kdWjzG>.

⁴² An estimated 25,000 North Koreans currently live in the South. Although available statistics are unreliable, it is assumed that somewhere between 10,000 and 40,000 North Koreans live and work illegally in China, mostly in the north-eastern province of Yanbian, which is host to a large and friendly ethnic-Korean majority. See Smith, *Reconstituting Korean Security Dilemmas, a Policy Primer*, pp. 1-20; Lankov, A. (2007). *Two Countries, Two Systems, One Porous Border*. Retrieved from <http://www.atimes.com/atimes/China/IH14Ad01.html>; Lankov, A. (2012). *Underground Railroad faces barriers*. Retrieved from <http://www.atimes.com/atimes/Korea/NC16Dg01.html>.

⁴³ Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, p. 95.

⁴⁴ The European Parliament subsequently called upon the European Commission to exert pressure on the Chinese government and to raise the issue in the Human Rights Dialogue with China. See: *European Parliament Resolution on North Korean Refugees (2012/2655(RSP))*, §7.

segregation of the population according to their political credentials. There is no doubt that the charge will be added to the long list of 'crimes' that the UN Commission of Enquiry will compile with a view to an eventual prosecution by the International Criminal Court.⁴⁵ But it is not contradictory to note that internationally imposed economic sanctions and the post-*Cheonan* interruption of humanitarian assistance from the governments of South Korea and the US (and officially of China as well since the February 2013 nuclear test) have not helped create the conditions for stabilising the humanitarian situation and ensuring long-term economic development. With hungry Afghan children getting USD 2000 per annum of International Aid, Zimbabwean USD 200 and North Korean a beggarly USD 9 the notion that 'Hungry Children know no politics' seems more of an aspiration than a policy.

Overcoming sanctions and donor fatigue – the other role the international community could play

The longevity of the regime in Pyongyang has shrunk resources for humanitarian help, let alone development assistance, to the country. As the latest available data shows,⁴⁶ the North Korean programmes of all five UN organisations remain severely financially malnourished. The World Food Programme fared best in 2012, with 62.3 per cent of its costs covered. None of the remaining four were able to obtain even half of their required funding; UNICEF was the least successful and obtained only 25.3 per cent of the funds estimated necessary for its activities with children in North Korea after the floods and the subsequent food shortage in 2011.⁴⁷

Today, the experiences of humanitarian NGOs show that it is possible to undertake successful projects on the ground (in particular on basic sanitation, healthcare, but also education, women's rights and disability rights) with the cooperation of local authorities. This is an imperative in the absence of any recognisable civil society outside of state control. They claim good traceability and control of aid delivery to the population in need, which is often invoked as a reason not to give assistance by US groups. But the experiences of such NGOs are virtually unknown in the global discourse about the North partly because the organisations themselves prefer to keep a low profile.

Hence there is a dichotomy between humanitarian and human rights groups with regard to North Korea. They possess complementary information, from experience in the field and from testimonies from refugees, respectively, which could allow them to work together for the benefit of the Korean people. But they pursue divergent strategies and economic interests. While humanitarian NGOs and agencies have tried to persuade governments to increase funding for their food security, basic education and capacity building projects in the North, some human rights activists have advocated against the provision of humanitarian assistance, claiming that it only serves to nourish the army and perpetuate the evil regime.⁴⁸

⁴⁵ See the oral update by Mr Michael Kirby, Chair of the Commission of Inquiry on Human Rights at the HRC 24th session, 17 September 2013, available at:

<http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>. The final conclusions of the Commission are due by March 2014, in time for the country's second UPR.

⁴⁶ Financial Tracking Service. (2013). *Korea DPR Overview of Needs and Assistance 2012*. Retrieved from http://fts.unocha.org/reports/daily/ocha_R1_A975___1301230205.pdf.

⁴⁷ See: UNICEF. (2013). *UN Agencies in DPRK Urgently Require US\$29.4 million to respond to Critical and Life Saving Needs*. Retrieved from http://www.unicef.org/infobycountry/media_68984.html.

⁴⁸ Weingartner, E. (2013). *Reconciling the Human Factor: Understanding the North Korean Human Rights/Humanitarian Divide*

These divergences of views also reflect a division among the international community regarding the appropriate channels of engagement towards North Korea. Some countries have opted to pursue active political engagement whilst others take a harder stance and a few even refuse to open diplomatic relations.

The international community has been more and more inclined to follow the path of isolation. But the results are not striking. Unsurprisingly, the DPRK has a long history of tense relations with the UN human rights institutions and a record of scattered and superficial reporting to the monitoring bodies of the human rights treaties to which it is a party.⁴⁹ All of the resolutions tabled by the EU in the UN condemning the DPRK have always been adopted since the first in 2003. Moreover, each new resolution has passed with increasing support from the world community of states until 2012, when the resolutions were adopted by consensus in both the HRC and the UN General Assembly, with Russia and China not voting against for the first time. This 'success story' culminated with the Commission of Enquiry adopted in March 2013 with a mandate to investigate human rights violations in the North and draw conclusions as to whether they amount to crimes against humanity.

Needless to say, Pyongyang has systematically denounced the resolutions as politically motivated. While no-one should doubt that the North has an appalling Human Rights record, it is difficult not to see the current timing of concern as driven as much by political expediency as humanitarian concern. Pyongyang has previously categorically rejected the mandate of all bodies instituted by the HRC to investigate the situation, including the Special Rapporteurs appointed since 2004⁵⁰ and to no one's real surprise has taken the same view of the Commission of Enquiry. None of them have ever obtained access to the country. It is telling that the first report issued by the Commission of Enquiry deplores the absence of cooperation and following this merely restates what has been already said elsewhere.⁵¹ Its added value beyond putting an additional layer of political pressure on the regime is thus unclear.

In contrast, North Korea showed some minimum willingness to participate in the first round of the Universal Periodic Review (UPR) mechanism in 2009. That process was acceptable because it "impartially treated all UN Member States with different ideologies and systems, cultures and traditions".⁵² If one was serious about a dialogue on Human Rights with Pyongyang it might have been better to start here. However, the escalation of the human rights rhetoric in the HRC with the setting up of the Commission of Enquiry will unfortunately encourage the regime to think twice before participating in the second round of UPR scheduled for March 2014.

⁴⁹ For a list of these treaties, visit the Office of the UN High Commissioner for Human Rights: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>. These include in particular the two Covenants on Human Rights adopted in 1966; the International Covenant on Civil and Political Rights (ICCPR, ratified by the DPRK in 1981, to which it remains bound under international law, even though it decided to unilaterally withdraw in 1997); and the International Covenant on Economic, Social and Cultural Rights (ICESCR, also ratified in 1981); as well as the Convention on the Right of the Child (CRC, acceded in 1990); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, accession in 2001); and finally the Genocide Convention (acceded in 1989).

⁵⁰ Besides the two Special Rapporteurs on Human Rights in North Korea, Vitit Muntarbhorn (2004-2010) and Marzuki Darusman (2010-), cooperation has been requested by several thematic rapporteurs, including the Special Rapporteur on Torture, the Special Rapporteur on Freedom of Religion or Belief, the Special Rapporteur on the Right to Food and the Special Rapporteur on Violence against Women.

⁵¹ For a summary of the findings, see:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13737&LangID=E>.

⁵² Universal Periodic Review (UPR). (2009), *Responses to Recommendations of the Democratic Republic of Korea*, adopted in plenary on 18 March 2010. Retrieved from www.UPRinfo.org

In short, the past decade of multilateral political pressures in the HRC and the General Assembly has failed to introduce any tangible dialogue between Pyongyang and the international institution. Human rights policies associated with regime change are and will continue to be systematically opposed and rejected by Pyongyang as a threat to its national security.⁵³ In addition these threats tend to strengthen the more conservative and isolationist forces within the leadership over more progressive ones, which are more open to dialogue with the West.⁵⁴ Arguably, a minimum effect of this repeated exposure is to nurture the regime's awareness of being under constant scrutiny. This could incite it to refrain from gross violations, which indirectly also have negative repercussions for the international image of China. Certainly there are reports that such scrutiny has mitigated the actions of some camp guards.

The international community has unsuccessfully insisted on first resolving issues of security on the Korean Peninsula, and only awkwardly handled human rights issues. A more strategic linking of foreign aid, economic investment and human rights represents a potent new approach. As the regime steadily begins to gear toward economic reforms again – in an attempt to boost living standards – it will seek to attract more aid, technical assistance and foreign investment. These tentative steps toward reform and economic diversification present an invaluable, but hitherto largely ignored, opportunity to engage with the regime and in the process influence its human rights record. The EU is well placed to spearhead such a strategy.

Linking economics and human rights to open the Hermit Kingdom: A role for the EU?

The EU as a secondary but relevant political actor on the Korean Peninsula

Once perceived as a largely neutral and benevolent actor by the North Korean authorities, even if tempered a little by Brussels' increasing subordination to Washington over the last decade, the EU is still in an advantageous position to engage with the regime compared to the regional powers such as South Korea, the US, Japan and even China. The relative trust, or at least the lack of direct military threat, benefits the EU's engagement with authorities in Pyongyang. This situation provides an entry point for a new constructive dialogue on sensitive issues, such as human rights and reforms. In this regard, European countries can build upon past experiences in human rights, the rule of law and active diplomacy. The EU and its member states already provide humanitarian assistance and political presence in the country through the embassies of some member states in Pyongyang.⁵⁵ Furthermore, the surrounding powers, although they have not appealed to the EU to take a role, do not seem to oppose it either. Hence, there is increasing momentum to examine security in Northeast Asia from a new perspective, so as to durably de-escalate tensions on the Peninsula. The EU's own approach to comprehensive security, including human security, may be perceived as a useful – or at least not harmful – contribution.

⁵³ A recent example is the pamphlet published in North Korea's *Rodong Sinmun*, entitled "Human Rights Racket for Confrontation" on 10 December 2012.

⁵⁴ Helgesen, G., and Thelle, H. (2013). *Dialogue with North Korea: Preconditions for Talking Human Rights with a Hermit Kingdom*. Copenhagen: NIAS Press.

⁵⁵ These are Bulgaria, the Czech Republic, Germany, Poland, Romania, Sweden and the United Kingdom. France and Estonia are the only member states that do not have formal diplomatic relations with Pyongyang, even though France's development agency has opened a small office there in 2008.

Usually overlooked by DPRK analysts, the EU's involvement in the post-Cold War history of the Korean peninsula is not insignificant. It started in the mid-1990s when, in the wake of the humanitarian crisis affecting the country, EU institutions and member states contributed disproportionately large amounts of the food aid and other basic humanitarian assistance provided to the North Korean population. This engagement rapidly evolved into the establishment of bilateral political relations and the visit of the EU Troika in 2002 (composed of Göran Persson, Prime minister of Sweden who held the EU presidency at the time; Javier Solana, the newly created High Representative for Common Foreign and Security Policy; and Commissioner for External Relations Chris Patten) to Pyongyang, where it was received by Kim Jong Il in person. It was agreed to establish the North's first ever human right dialogue between the North and the EU, modelled on the EU-China Human Rights Dialogue. In parallel, the EU made demarches towards the other regional powers, in particular through joining the US-led KEDO project in 1997.⁵⁶

The EU's North Korea policy in the wake of the establishment of official diplomatic relations in May 2001 was driven by Kim Dae-jung and his 'Sunshine Policy'. It was flagged under the slogan "A Critical Engagement", explained as simultaneous engagement, exchange and exposure.⁵⁷ The EU's DPRK 2001–2004 Country Strategy Paper (CSP)⁵⁸ was issued and preliminary efforts were made to start a human rights dialogue with Pyongyang. Commission Officials were beginning to report progress in late 2002 and early 2003. This effort did not live long, wrecked by Washington and Paris. It was interrupted in October 2002 when James Kelly, US Assistant Secretary of State for East Asian and Pacific Affairs, claimed on his way back from a visit to Pyongyang that the North had admitted a secret nuclear weapons programme. This rather conveniently allowed to renege on their deal to provide the North with two Light Water Reactors to be constructed by KEDO and scheduled for completion by the end of 2002 – at the time construction was running nine years late.⁵⁹

In November 2002, the Council decided to suspend the CSP⁶⁰ and the normalisation of EU–DPRK relations was made dependent on Pyongyang's dismantlement of its nuclear weapons programme and of an improvement of its human rights record. All forms of cooperation and development assistance were halted, leaving only the minimal humanitarian assistance delivered by the Directorate-General for Humanitarian Aid and Civil Protection (DG ECHO). In 2003, the EU under pressure from France – the only EU country without diplomatic relations with the North – and US neo-conservative groups like the Heritage Foundation tabled with Japan a resolution on the human rights situation in North Korea within the UN in Geneva without informing Pyongyang. This unsurprisingly resulted in the suspension of the human rights dialogue before it really got going. In addition, in 2007 – following North Korea's first nuclear test in 2006 and the adoption of UN Security Council Resolution 1718 – the EU introduced sanctions against the DPRK.

At present, relations between the EU and the North Korean authorities are maintained through formal and informal meetings and visits. There do not seem to be any plans to seek

⁵⁶ The Korean Peninsula Development Organisation (KEDO) was established in 1995 in support of the 1994 US–DPRK Agreed Framework, under which Pyongyang vowed to abandon its nuclear programme in exchange for the provision of heavy fuel oil and the construction of two light-water reactors. The organisation was terminated in 2007 due to North Korea's non-compliance with the Framework.

⁵⁷ Castillo Fernandez, M. (2007). Korean security dilemmas: European Union policies. In H. Smith (Ed.), *Reconstituting Korean security: A policy primer* (pp. 213–229). Tokyo: United Nations University Press.

⁵⁸ A CSP serves as a framework for cooperation between the EU and third countries. It is also a necessary condition for the provision of developmental aid and other assistance.

⁵⁹ Ford, G., and Kwon, S. (2008). *North Korea on the Brink: Struggle for Survival*. London: Pluto Press

⁶⁰ Council of the EU. (2002). *General Affairs and External Relations – 2464th Council meeting*. Retrieved from http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/73286.pdf.

an upgrading of the relationship, which is objected to by some member states. The Union has not opened a delegation in Pyongyang, and the DPRK's efforts to open an embassy in Brussels have been unable to gain traction, seemingly blocked as they are by French intransigence. The North is currently making fresh attempts to push ahead with establishing an Embassy in Brussels.

Besides KEDO, which was finally terminated in 2007, the EU has not taken part formally in any of the multilateral initiatives to resolve the regional security issue. It never claimed an offered seat at the Six-Party Talks, although it did support the process in political declarations as well as through behind-the-scene mediation. Given the current lack of consensus among the member states on the best strategy to adopt towards the region in general and the DPRK in particular, moving away from the current official EU position seems difficult without leadership on the EU side and some signs of compromise from Pyongyang.

Yet, the current developments in Pyongyang suggest that demands regarding the giving up of its nuclear weapons are unlikely to be met. Economic sanctions have little effect since the EU represents only a rather insignificant 3.3 per cent of the latter's overall trade, completely dwarfed, like other Western partners, by China which now represents between 50 and 80 per cent of its trade volume. More openness to discuss domestic reforms and non-intrusive human rights and humanitarian issues is more plausible, even though Pyongyang has taken the position that "selective attacks and cooperation are incompatible".⁶¹

The EU apparently saw no contradiction between the only bilateral engagement on human rights and taking the lead in the tabling of a resolution in the UN, even though evidence from the human rights dialogue with China indicates that perhaps a certain trade-off exists between confrontation and dialogue.⁶² Yet, there is no sign of a weakening of the EU's resolve to continue sponsoring the resolutions and the rest of the countries to acquiesce to them. One argument, of course, being that there is no dialogue. Contrary to Myanmar or China, condemning North Korea does not divide its member states.

Nonetheless, contradictory views inform the debate on the utility of pushing for, and possibly making concessions in order to obtain the establishment of such dialogue. Those advocating engagement emphasise the need for dialogue and communication, while others claim that any attempt at talking with the authorities is a waste of time and energy. Typically, however, the EU's human rights dialogues have served as the political umbrella for a series of more concrete activities at the grassroots level. At that level, the experience of European development and humanitarian NGOs suggests a broader impact.

Europe's specific contribution as a benevolent humanitarian actor in the North

Since North Korea became an issue of global governance in the late 1990s, the EU's unique role has been the scale, continuity and scope of its humanitarian activities. The European Commission's first concrete relations with the DPRK came through the opening of an ECHO office in Pyongyang in 1996. Contrary to development cooperation, the provision of humanitarian aid is not subject to political conditionality, so this kind of minimal intervention could continue after 2002. The office was closed in 2008 upon the assessment that the country's continuous needs did not fit with its 'crisis relief' temporary missions. Minimum aid, confined to basic sanitation and food security, has continued and is

⁶¹ UPR DPRK National Report A/HRC/WG.6/6/PRK/1, adopted on 27 August 2009, §86.

⁶² Helgesen and Thelle, *Dialogue with North Korea: Preconditions for Talking Human Rights with a Hermit Kingdom*, p. 62.

distributed indirectly through NGOs and other non-governmental bodies.⁶³ This support is by all accounts merely a drop in an ocean of needs. Even so, the EU's continued humanitarian assistance has not gone unnoticed in North Korea and is appreciated, all other outstanding issues aside. Its impact is felt all the more since the US and South Korea drastically reduced their humanitarian assistance to North Korea in 2008. The EU's dual approach and display of concern for wider human security distinguishes it from other Western powers, including the United States, South Korea and Japan. However, the unconditional provision of humanitarian aid, sometimes accused of indirectly maintaining the regime, is controversial. Therefore, an expansion of funding from the EU is unlikely in the short term and until the adoption of new Council conclusions and a new CSP.

Other instruments, such as the European Instrument for Democracy and Human Rights (EIDHR) are being considered for other activities, in the perspective of a diversified strategy. However, the publicity associated with the use of this instrument can put the NGOs involved in activities in the North and their members at risk of reprisals. At present, the only publically available information regarding activities financed under the EIDHR is on the broadcasting and free distribution of information about some 200,000 prisoners in the camps.⁶⁴

Under the assumption that Pyongyang is serious about reforming the economy and provided that the EU assesses it as a positive movement worthy of support despite the failure of the nuclear talks, the EU could provide much needed expertise and training to the North. This support would also prevent some of the worst developments experienced by other economies in transition. Such support was a major component of the 2002 CSP, which allowed one EU-funded capacity building project to be partly carried out: The EU-DPRK workshops "Economic Reforms and the Development of Economic Relations between the EU and the DPRK", which took place in 2004, 2005 and 2007. There is clear potential for more activities in different sectors. The high demands for non-political, low-key capacity building projects could be responded to, without jeopardising high political concerns.

But the dilemma of using development aid or changes in the sanctions regime to steer reforms that could benefit the North Korean population ultimately requires an important strategic choice. Internally divided on the issue and under pressure from its powerful allies, the EU has decided to forego the long-term developmental benefits of aid for immediate gains from political condemnation. The same is true for most of the EU member states – the Scandinavians partly excepted. Their funding for DPRK projects is scarce overall and has decreased since the period of 'critical engagement' in the early 2000s. The few initiatives that are pursued bilaterally or unilaterally are carried out in isolation. There is a lack of public information and experience sharing among EU capitals and civil societies. More transnational coordination and information sharing between national and civil society initiatives is needed, especially given that projects and funds devoted to North Korea are scarce. Given the absence of political consensus within the EU, smaller clusters of like-minded member states, such as the Nordic block, could also move ahead and pilot further engagement with the DPRK from Europe.

⁶³ By early 2012, 18 food security EU-funded projects were on-going in North Korea, in more than 20 counties in the provinces of North and South Hwanghae, South Hamgyong, North and South Pyong'an and Kangwon for a total annual budget of roughly EUR 6-7 million. See: Devex. (2012). *DPR of Korea – Food Security Thematic Programme 2011 (LRRD Component)*. Retrieved from <https://www.devex.com/en/projects/food-security-thematic-programme-2011-lrrd-component-community-based-and-partnership-projects-in-korea>.

⁶⁴ EIDHR. (2011). *Delivering on Democracy: Highlights of the Semester January-June 2011*. Retrieved from http://www.eidhr.eu/files/dmfile/EIDHR_DemocracyReport2.pdf.

The EU could learn from its more balanced approach towards other countries and authoritarian regimes and put renewed effort in adapting it to the DPRK. Non-political activities such as training, education, along with professional and cultural exchanges, are undoubtedly the motor of sustainable long-term change. Another important insight from a comparison with recent developments in Myanmar is the realisation that empowering civilian administrations through knowledge-building is an important factor in diminishing the influence of the more conservative and omnipresent military.

Although the DPRK has no independent civil society, its people are organised in units and unions, such as labour unions, women leagues, farmers' cooperatives and universities. These can become the partners for managing local capacity building projects. In fact, a specific EU funding instrument has already been developed for just this purpose: the "Thematic Instrument for Non-State Actors and Local Authorities in Development" has been used to fund projects in Myanmar, as well as in Vietnam.

This is not to say that engagement relies solely on the good will of the West and in particular the EU. Many impediments to EU action should be considered. First of all, managing the aspirations of its partners – in particular the US and South Korea – is a precondition for EU action. Secondly, the environment in North Korea is all but easy. Information sharing between organisations and governments is therefore crucial. This is a delicate matter, since coordination that is too obvious becomes easily suspect. Humanitarian Organisations preoccupied with keeping and improving access to populations outside of Pyongyang may therefore be careful not to display too obvious coalition behaviour with other international actors. However, these barriers may be less problematic regarding academic exchanges and training, which take place mainly in Pyongyang and are much less sensitive in nature.

Conclusion

After almost two years in power, Kim Jong Un has consolidated his power and some characteristics of the 'Kim Jong Un era' are emerging. These represent both continuity and change from the policies of his father. North Korea shows no sign of abandoning its ballistic missile or nuclear weapons. A far cry from an irrational behaviour as portrayed in the West, these are the cornerstone of a strategy of deterrence that will allow resources to be channelled into rising living standards for the few, if not the many, and investment in the civil economy.⁶⁵ The missiles and nuclear weapons are thus seen as central to the future and as almost a necessary condition for starting bold economic reforms if they are to avoid the fate of Libya and Syria. Their continued existence, however, ensures that Pyongyang remains isolated and alone.

Domestically some departure from the policies of Kim Jong Il has been noted. Contrary to his reclusive father, the young Supreme Leader is a public figure. But, style apart, there are changes in substance. The appointment of a reformist Premier and the decrease in KPA representation in the Party Central Committee are harbingers of wider changes signalling a longer-term decrease of the military's importance, and a shift of resources toward the

⁶⁵ Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, p. xiii.

economy. The recent reopening of the Kaesong Industrial Complex further underscores that the economic pragmatists have won out for the moment.

If this shift turns out to be more than a temporary phase, it presents the international community with an opportunity to balance its approach between security and other policy areas. As the North Korean regime struggles to diversify its trade partners and decrease its dependency on China, it may be possible to extract concessions from the regime on non-security issues. There is a grave and serious Human Rights problem in North Korea. The question is how is it best tackled. Confrontation has proved ineffective, and maybe less brutal approaches might work better.

This paper suggests that the EU is well-placed to lead such an approach. Seen as a largely benevolent actor with no direct security interests on the Korean Peninsula, the 28-nation bloc could use its position to negotiate with the regime when South Korea, the US, Japan and even China, are unable or unwilling. Although the EU will still need to contend with obstacles – such as the regime’s reluctance to make large human rights concessions, the lack of a civil society in the DPRK – such a policy would represent a ‘carrot’ that can run parallel to the ‘stick’ of international condemnation and sanctions that will continue to be implemented through the UN and by regional powers. The EU could use its humanitarian and development assistance in a more strategic way, using it as leverage for ensuring continued economic reform and (limited and partial) dialogue on human rights. Different goals can be achieved through different means and engaging Pyongyang on broader non-security issues has certainly a role to play in a more diversified and more comprehensive strategy towards North Korea.

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