

Human Rights Without Frontiers Int'l

Avenue d'Auderghem 61/16, 1040 Brussels

Phone/Fax: 32 2 3456145

Email: international.secretariat.brussels@hrwf.net – Website : <http://www.hrwf.eu>



The European Union's engagement policy towards North Korea

By Ms Zsuzsa Anna Ferenczy

Political adviser at the European Parliament and member of the group of experts of HRWF
on North Korea and China

Paper presented at the “International Literature & Human Rights Conference” in Seoul
on 29 March 2017

Seoul, 29 March 2017

In the following, I provide an overview of the European Union's policy towards North Korea. I focus in particular on the European Parliament, as the most vocal institution in the EU when it comes to speaking up against human rights violations in the world. It is at the same time the institution that helps provide a platform in Europe for civil society organisations to raise awareness and advocate for respect of human rights in the world. By partnering up with **Human Rights Without Frontiers**, for example, last week we presented Bandi's work in the European Parliament in Brussels, shedding light on North Korea from a different angle, that of the power of information. However, the Parliament's activities need to be considered along all other tools of the EU, in a complex process of policy-making, with the co-existence of different layers and actors. The different actors working together shape Europe's 'critical engagement' policy towards North Korea.

Historically the European Union has been widely acclaimed and self-acclaimed a normative power, a leader by example.¹ Scholars define ideological power as the power of ideas, through which the power-sender's ideas shape the will of the power-recipient.² Professor Ian Manners, who used the term 'normative power' describing the EU, has argued that in order to count as 'normative', an actor has to use normative justification rather than physical force or material incentives that can be seen as legitimate, has to engage in persuasive actions and have socializing impact and broad consequences in world politics.³ This unique nature of Europe, designed to prioritize **diplomacy, dialogue, persuasion and engagement** vis-à-vis third countries is what has made it somehow different from other international actors, perceived as a champion of **democracy, human rights and the rule of law** on a global scale. Europe pursues its normative power externally through its foreign policy. However, in order to be credible, it must uphold the same principles internally and set a good example. Human rights, democracy and the rule of law are at the foundation of its external action as the Lisbon Treaty, with the launch of the European External Action Service, has recently reconfirmed.⁴

However, there are **limitations to the efficiency of Europe's foreign policy** that need to be acknowledged. There are inherent complexities, that have hindered its efficiency internally and its ability to speak with one voice externally. And there are external factors, increasing global challenges. This is particularly important to keep in mind as the EU is going through a series of crises; an economic crisis, a political crisis, an unprecedented migration crisis, with populism on the rise, leading to what some have described as an **identity crisis**. Following these worrying developments, there is a general sentiment that Europe is becoming more introverted and less outspoken, consumed by internal problems, and therefore less inclined to continue the pursuit of its global engagement. There is also a sentiment that other actors are stepping in with assertive alternative agendas, getting increasingly involved in global affairs, reshaping the global system at the expense of international standards of democracy and human rights. In fact, worldwide democracy is in decline according to the latest comparative

¹ Ian Manners, Normative Power Europe: A Contradiction in Terms 2002 40/2 Journal of Common Market Studies, pp.235-258

² Johan Galtung, The European Community: A Superpower in the Making, 1973 London Allen & Unwin

³ Ian Manners, The concept of normative power in world politics, DIIS Brief May 2009

⁴ Explaining the Treaty of Lisbon, Brussels, 1 December 2009, [http://europa.eu/rapid/press-release MEMO-09-531_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-09-531_en.htm?locale=en)

rankings.⁵ Nevertheless, Europe continues pursuing its global agenda. The crises have made many question its credibility and ultimately its global relevance. This is important to note when assessing the weight of its engagement policy towards North Korea.

Policy-making on a *European* level is a complex process bringing together twenty-eight member states and several institutions in a fluid interaction of interests and priorities. The European Commission, with exclusive right of policy initiative, works closely with the European Parliament and the Council. In foreign policy, national interests dictate individual priorities and member states retain most of their sovereign rights and powers. This has always limited a genuinely *European* foreign policy. Therefore, on Europe's role in the world, the **2016 Global Strategy for Foreign and Security Policy** announced that a strong Union is one that 'thinks strategically, shares a vision and acts together'. It proposed, *inter alia*, living up to the values that have inspired Europe's creation and development, including human rights.⁶ Thus, upholding human rights remains a core aspiration and driving force at the heart of Europe's policy concerning North Korea.

The EU has elaborated different tools and mechanisms in this respect, and has established different priorities. The EU's **Annual Report on Democracy and Human Rights**, elaborated under the guidance of the High Representative, and adopted by the Council, presents an important pillar of the EU's human rights policy. The annual exercise sets out the efforts of the EU, through the High Representative, the EU Special Representative for Human Rights, and the EU global network of delegations, to promote the universality of human rights across the world.⁷ This document is in line with the **Action Plan on Human Rights and Democracy**, adopted by the Council, reaffirming the EU's commitment to promote human rights, and in line with its **Strategic Framework on Human Rights and Democracy**.⁸ These core documents prescribe Europe's approach to human rights, reinforced by Guidelines, Council Conclusions and Strategy Papers. All these documents guide Europe's approach to North Korea.

The key document guiding the EU's actions in human rights, the **2012 Strategic Framework on Human Rights and Democracy** has highlighted certain **priorities**, in line with Europe's commitment to these rights as enshrined in the Lisbon Treaty.⁹ The Framework explicitly focuses on **freedom of expression, opinion, assembly and association; freedom of religion; the death penalty; fair and impartial administration of justice; human rights defenders and civil society**. We have specific Guidelines to pursue these priorities: for example, Guidelines issued in 1998 on the death penalty, revised in 2008; Guidelines on

⁵ <https://freedomhouse.org/report/freedom-world-2015/discarding-democracy-return-iron-fist>

⁶ Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign and Security Policy, June 2016, available at https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs_review_web.pdf

⁷ Human rights and democracy: EU annual report 2015 adopted, for more see <http://www.consilium.europa.eu/en/press/press-releases/2016/09/20-human-rights-annual-report/>

⁸ Council Conclusions on the Action Plan on Human Rights and Democracy 2015-2019, 20 July 2015, available at <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

⁹ The Lisbon Treaty, Art. 2, available at <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-common-provisions/2-article-2.html>

human rights defenders, 2004; Guidelines for freedom of religion, 2013; Guidelines for freedom of expression online and offline, freedom of media and association, 2014.

Keeping these priorities in mind, the EU has a policy of **critical engagement** towards North Korea. This includes political dialogue with focus on human rights, humanitarian assistance programmes, diplomatic pressure and targeted sanctions. The EU's goals are to support a lasting reduction of tensions on the Korean Peninsula and in the region, to uphold international law, the non-proliferation regime, and to improve the situation of human rights in the country. When it comes to human rights, the European Parliament remains the most vocal European institution. The discourse of the official documents reveals a common aspiration of the different institutions to jointly implement complementary policies leading to an effective European-level approach. Europe's inherent complexity makes it difficult to accommodate the various institutions' agendas. Coordination in practice often remains challenging. The institutions hold different mandates and roles, but also different ambitions, hence the differences in their relevance in the EU's North Korea policy. In addition, Europe's crises have added to the complexity. Furthermore, the North Korean regime's provocations and nuclear tests have greatly limited Europe's engagement policy.

Nevertheless, Europe's approach remains that of dialogue and engagement. There is **strong consensus** among member states and institutions that the situation of human rights in North Korea should remain a priority. Europe strongly supports the idea of a **nuclear-free Korean peninsula**, and considers the **resumption of the Six-Party Talks to be essential for peace, security and stability in the region**. The EU believes in a diplomatic and political solution to North Korea. Yet, in spite of our strong determination and beliefs, we remain limited in our engagement policy. In fact, the EU's Human Rights Dialogue with North Korea was suspended by North Korea in 2013. We held our last political dialogue round in June 2015, but there is no progress towards improvements in the human rights situation in the country, in line with international standards.¹⁰ The discussions in 2015 covered all the issues of concern to the EU: non-proliferation, regional stability and security, and the respect of human rights. Socio-economic issues, including the humanitarian situation in the country, and the state-of-play and prospects of EU-North Korea relations were also addressed. 'The exchange of views was frank and comprehensive', the EEAS statement noted.

In fact, it is acknowledged that the EU had been at the forefront of efforts to keep the issue of human rights in North Korea high on the international agenda. This includes being a leading force behind recent resolutions of the UN Human Rights Council and General Assembly. On February 27, this year we adopted further restrictive measures against North Korea following the most recent UN Security Council resolution 2321 on November 2016.¹¹ The EU has been one of the main supporters of the establishment of the UN's Commission of Inquiry, which investigated the 'systematic, widespread and grave violations of human rights' in the country. The Commission released a report on 7 February 2014, concluding that the human rights abuses are without parallel in the contemporary world, there is 'an almost complete denial of the right to freedom of thought, conscience and religion, as well as the rights to freedom of

¹⁰ EU-DPRK Political Dialogue, 14th Session, 25. June 2015. https://eeas.europa.eu/headquarters/headquarters-homepage/6336_en

¹¹ <http://www.consilium.europa.eu/en/press/press-releases/2017/02/27-north-korea-sanctions/>

opinion, expression, information, and association. The investigation also found that the violations of human rights constitute crimes against humanity. These issues highlighted in the report are the same as those identified as priorities in all European human rights documents and strategies, as noted earlier.

Furthermore, the EU actively cooperates with all its partners in the region to pursue these objectives, including the **Republic of Korea**. While contacts with the North Korean regime remain limited, the EU enjoys a close relationship with the Republic of Korea. In fact July 2017 will mark the fifth anniversary of the EU-South Korea Free Trade Agreement (FTA), which took effect in July 2011. It goes further than any previous agreements in lifting trade barriers and it is also the EU's first trade deal with an Asian country. The EU and South Korea are important trading partners. South Korea is the EU's ninth largest export destination for goods, whereas the EU is South Korea's third largest export market.

European Parliament

The Parliament has **several tools** to raise the issue of human rights in North Korea, I will only highlight a few initiatives in this paper. The **Sakharov Prize for Freedom of Thought**, awarded annually to a person or organisation fighting against oppression and injustice, remains the most tangible and visible means through which the Parliament honours people who put their own lives or freedom on the line in the fight for human dignity. This captures the essence of the Parliament's commitment to speak up for human rights.

Some of our tools and mechanisms, as follows:

1. The **Foreign Affairs** (AFET) committee and the subcommittee on **Human Rights** (DROI) are the lead committees where we follow the human rights situation in North Korea. We organize hearings, where we invite experts, academics and defectors.
2. The EP prepares an **Annual Report on Democracy and Human Rights**, where North Korea is regularly mentioned, as a country with grave violations in this respect.¹²
3. We have a **Delegation** for Relations with the Korean Peninsula, where we discuss developments and the way forward for Europe's engagement policy.
4. A **friendship group** was established in October 2015, chaired by Paul Rübig, Member of the European Parliament (MEP), bringing together MEPs with an interest in strengthening relations with the Republic of Korea, to promote deeper understanding on issues of common interest such as trade, research and development (R&D), environment, human rights and security.
5. We regularly pass resolutions on North Korea. Overall, the different communications and resolutions issued by EU institutions reinforce each other and represent the EU's strong stance on North Korea. For example in January 2016 we passed a resolution condemning the fourth nuclear test as 'an unnecessary and dangerous provocation as well as a violation of the relevant UN Security Council resolutions and a serious

¹² See for example the 2016 Report here: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0355+0+DOC+XML+V0//EN>

threat to peace and stability in the Korean Peninsula and the North East Asian region'.¹³ In September 2016, the High Representative condemned the fifth nuclear test, calling on the North Korean authorities 'to abide by its obligations and abandon all its nuclear weapon and existing nuclear programmes in a complete, verifiable and irreversible manner'.¹⁴

EU Assistance to North Korea

In line with its critical engagement, the EU has been a provider of assistance, humanitarian and food aid since 1995. Most of the projects it currently funds - under the responsibility of the European Commission - relate to **food security, health, water and sanitation** and are of benefit to the most vulnerable people in the country. Initially a food aid assistance program, it has increasingly moved from regular food aid to structural food assistance and, in particular, the provision of inputs and technical assistance to enhance agricultural production. These projects are carried out by various implementing partners some of whom are resident in the country. For example **Handicap International** is one such organization since March 2001. **Action Against Hunger** was present on the ground from 1998 to 2000 providing assistance to malnourished children in Hamgyong province in government-operated facilities, but confronted with the impossible access to the most vulnerable groups, the NGO decided to withdraw.¹⁵ **Welthungerhilfe**, or World Hunger Aid, German NGO has been present on the ground since 1997, spending more than 60 million on projects to improve food, sanitation and water supply. In 2015 its country director, who has been working in the country for 10 years, was expelled, but the NGO continues providing aid on the ground.¹⁶ **Médecins Sans Frontières** closed its projects in North Korea in 2015, after 20 years of working there. The EU's humanitarian assistance to North Korea started in 1995, when serious flooding affecting 5.7 million people made the country appeal for the first time for aid. Member States have their own development and aid projects in North Korea along complementary lines to those of the EU. The member states present are: Bulgaria, Czech Republic, Germany, Poland, Romania, Sweden (since 1973), UK.

Looking Forward

In spite of European and international efforts to engage with North Korea, the dictatorship has continued its provocations and increased its isolation. However, academics have suggested that it is vital to facilitate as many people-to-people contacts as possible beyond government officials, through for example education and research programmes. In spite of the challenges, it is believed that the EU should not give up on dialogue with North Korea, even if other actors do. If we consider the United States for example, in 2009 President Obama promised that he would offer an outstretched hand to those who will unclench their

¹³ Joint Motion for a Resolution, European Parliament, 2016, P_8TA(2016)0024
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2016-0083+0+DOC+XML+V0//EN>

¹⁴ See statement at https://eeas.europa.eu/headquarters/headquarters-homepage_en/9582/Statement%20on%20the%20nuclear%20test%20in%20the%20DPRK

¹⁵ <http://reliefweb.int/report/democratic-peoples-republic-korea/action-against-hunger-stops-its-activities-north-korea>

¹⁶ <http://uk.reuters.com/article/uk-northkorea-germany-ngo-idUKKBN0MT12120150402>

fists. However, North Korea responded with a multi-stage rocket launch and a nuclear test the same year. The Obama administration decided on an approach called ‘strategic patience in close consultations with our six party allies’. This suggested that the US, preferring a multilateral approach to managing conflicts, would be willing to wait for North Korea to make its decisions to denuclearize, and in the meantime integrate diplomatic and international development tools.¹⁷ However, under the new Trump administration, on 17 March this year, US Secretary of State Rex Tillerson said that the US policy of strategic patience with North Korea’s nuclear and missile program has ended, warning that military action would be ‘on the table’ if Pyongyang elevated the threat level.¹⁸

Close coordination of policies with other stakeholders in the region towards North Korea is essential. This includes China, North Korea’s closest and only ally, biggest trading partner and main source of food, arms and energy. In 2014 trade between the two partners hit \$6.86 billion, up from about \$500 million in 2000.¹⁹ Beijing has helped sustain Kim Jong-un’s regime, in order to avoid regime collapse and a refugee influx. The two countries were once thought to be once as ‘close as lips to teeth’, but recently the relationship has become complicated, Beijing is increasingly frustrated with the regime. There has been a shift in tone from diplomacy to punishment. The EU has welcome China’s recent constructive approach to support UNSC resolutions, suggesting that Beijing’s attitude could be changing. Coordination with China and Russia, another important neighbour, has not been easy, however, as interests greatly diverge.

Europe should continue building on the activities of NGOs that have developed contacts in North Korea and shed light on the atrocities committed by the regime, increase awareness and demand that UNSC resolutions are implemented by all countries involved. Europe should also engage with those organisations that help the information flow into the country. Outside information alone will not create breakthrough changes. It is however necessary that the women and men of North Korea realize and acknowledge the existence of a reality different than the one they were forced to live in. This slow change opening the minds of the people is happening and it is irreversible. It is peaceful and probably the most sustainable way to reach positive change that the international community should continue supporting.

Zsuzsa Anna Ferenczy zsuzsaanna.ferenczy@europarl.europa.eu
European Parliament, Brussels

¹⁷ US Policy Toward North Korea, Council for Foreign Relations, January 2013, <http://www.cfr.org/north-korea/us-policy-toward-north-korea/p29962>

¹⁸ US policy of ‘strategic patience’ with North Korea over: Tillerson, Reuters, March 17, 2017 <http://www.reuters.com/article/us-tillerson-asia-southkorea-idUSKBN16O07E>

¹⁹ The China-North Korea Relationship, Council on Foreign Relations, February 8, 2016, available at <http://www.cfr.org/china/china-north-korea-relationship/p11097>