

# FROM CRITICAL ENGAGEMENT TO CREDIBLE COMMITMENTS: A RENEWED EU STRATEGY FOR THE NORTH KOREAN PROLIFERATION CRISIS

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## I. INTRODUCTION

Crises linked to the Democratic People's Republic of Korea (DPRK, North Korea) have persisted since the late 1940s as a legacy of the colonial period and the 1950–54 Korean War as well as the cold war. North Korea is currently involved in the most significant nuclear and ballistic missile proliferation crisis of the 21st century. For decades, North Korea has remained uncompromising in its objective to develop nuclear weapons, ballistic missiles and other weapons of mass destruction in the face of various international negotiation strategies based on sanctions and incentives, in bilateral or multilateral formats. Even if US President Donald J. Trump announced after the June 2018 Singapore Summit that 'there is no longer a nuclear threat from North Korea', the North Korea proliferation crisis remains unresolved.<sup>1</sup> Not only are North Korean capabilities continuing to grow in a highly concerning way, but the situation could get worse in the coming months amid the current deadlock in negotiations between the United States and North Korea, the upcoming 2020 US presidential election and the announcement of an end to the moratorium on nuclear and long-range missile tests by North Korea.<sup>2</sup>

The European Union (EU) and the EU member states rightly affirm on a regular basis that their interests are at stake: the fight against nuclear weapon proliferation, and maintaining stability on the Korean peninsula and prosperity in Asia. As Federica Mogherini, the former Vice President and High Representative for

## SUMMARY

The North Korean nuclear and ballistic missile crisis is the most serious proliferation crisis the European Union (EU) and its member states currently face on the world stage. Despite the staging of diplomatic meetings, the threat caused by this crisis to European interests, in terms of proliferation, instability and to prosperity, persists. It is now essential that the EU and its member states move from a strategy of critical engagement to implementing a more proactive strategy of credible commitments in four areas: political engagement, non-proliferation, the implementation of restrictive measures and engagement with the North Korean people. Such a renewed strategy should be highly coordinated, build on the many initiatives already being taken and facilitated by the appointment of an EU Special Representative on North Korea.

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<sup>1</sup> @realDonaldTrump, 13 June 2018, <<https://twitter.com/realDonaldTrump/status/1006837823469735936?s=20>>.

<sup>2</sup> Carlin, R., 'Distant thunder: The crisis coming in Korea', 38 North, 17 Oct. 2019; and KCNA Watch, 'Report on 5th Plenary Meeting of 7th CC, WPK', 1 Jan., 2020.

Foreign Affairs and Security (VP/HR), has noted, ‘what happens in the Korean Peninsula...matters to all of us’.<sup>3</sup> It is essential for the EU and the EU member states to be more proactive in their contribution to resolving the North Korean proliferation crisis and, eventually, to achieving the complete, verifiable and irreversible denuclearization (CVID) of North Korea’s nuclear and ballistic missile capacities.<sup>4</sup> The official EU strategy since the late 2000s of critical engagement—a combination of both carrots and sticks, or incentives and pressure—has been a partial failure.<sup>5</sup> North Korea’s nuclear and missile programmes have progressed while the human rights situation has not improved. At the same time, the leverage of the EU and its member states has been considerably reduced as regards diplomatic influence.

A number of initiatives exist at the EU level in the Council of the European Union, the European Commission and the European Parliament, in EU member states and among local European actors such as universities and think tanks, as well as in many areas from non-proliferation to cultural and academic cooperation. It is essential to reflect on how these various actors can have a greater impact on defending the interests of Europe’s populations by significantly strengthening coordination at all levels. The EU and its member states should put words into action and move from a strategy of critical engagement to a strategy of credible commitments. This renewed proactive stance should build on the many initiatives already being taken at all levels to seek to increase coordination through the publication of a strategy and the appointment of an EU Special Representative on North Korea. As Ursula von der Leyen, the President of the European Commission, recently recalled at the 2019 Paris Peace Forum: ‘the need to stand together is stronger than ever. Only together do we have the strength’.<sup>6</sup>

This paper addresses three key issues. First, the radicalization of North Korea with regard to its nuclear and ballistic missile programmes. Its arsenal

is undergoing unprecedented modernization and expansion, and nuclear weapons have now become weapons of both security and identity. Second, the lessons that can be learned from past and current failures in negotiations, such as the need to remain cautious about the current negotiation process, and from the evolution and partial failure of the EU strategy of critical engagement. Finally, suggestions for a renewed European strategy containing credible commitments in four key areas, coordinated at three different levels—within the European Commission among its Directorates General, within the EU among member states, and within the international community among key partners—by a newly appointed EU Special Representative on North Korea.

## II. THE RADICALIZATION OF NORTH KOREA WITH REGARD TO ITS NUCLEAR AND BALLISTIC MISSILE PROGRAMMES

While 2018 and 2019 were marked by relative calm and a resumption of dialogue at the highest level—especially compared to the tensions of 2017, which was marked by fierce and often counterproductive exchanges between US and North Korean leaders—it is important to avoid two misapprehensions.<sup>7</sup> The first would be to think that because North Korea has not conducted a nuclear test since September 2017 or a long-range ballistic missile test since November 2017, the North Korean nuclear and ballistic missile programmes are on hold. On the contrary, these programmes are ongoing and have significantly strengthened North Korean capacities. The second would be to believe that because of the increase in high-level meetings and the exchange of courtesies between leaders, the situation on the Korean peninsula has been permanently stabilized. The truth is quite the opposite. The risk of renewed tensions is real, the lack of trust remains an overarching element of relations and the fundamentals that are destabilizing the peninsula remain.

North Korea has been continuously radicalized since Chairman Kim Jong Un came to power at the end of 2011. The nuclear and ballistic missile programmes are in a phase of consolidation after considerable technical progress, and they have been gradually

<sup>3</sup> Delegation of the European Union to China, ‘EU keen to strengthen security ties with Asia: Foreign policy chief’, Bangkok, 6 Aug. 2019.

<sup>4</sup> For the purposes of this report, the acronym CVID refers to the complete and verifiable dismantlement of North Korea’s nuclear and ballistic capacities.

<sup>5</sup> Fitzpatrick, M., ‘North Korean proliferation challenges: The role of the European Union’, EU Non-proliferation Paper, no. 18, SIPRI, Stockholm, June 2012.

<sup>6</sup> @vonderleyen, 12 Nov. 2019, <<https://twitter.com/vonderleyen/status/1194184809985257473>>.

<sup>7</sup> Bondaz, A., ‘Corée du Nord/États-Unis: jusqu’où ira la confrontation?’ [North Korea–USA: how far will the confrontation go?], *Politique étrangère*, vol. 82, no. 4 (Winter 2017–18) (in French).

institutionalized. Consequently, CVID should be kept as an option but it clearly appears increasingly difficult, if not impossible, to achieve in the short term.

### Unprecedented modernization and expansion of the North Korean arsenal

#### *A brief history of North Korea's ongoing nuclear programme*<sup>8</sup>

North Korea's nuclear and ballistic missile programmes began in the 1960s.<sup>9</sup> The programmes attracted considerable international attention in 1992, when the International Atomic Energy Agency (IAEA) discovered that North Korea's nuclear activities were more extensive than anticipated during a visit by international inspectors to seven declared nuclear sites under its new Non-Proliferation Treaty safeguards agreement.<sup>10</sup> It had signed the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT) in 1985 under Soviet pressure. Following the IAEA's revelations, however, North Korea withdrew from the agency in 1994 and threatened to withdraw from the NPT, triggering the first North Korean nuclear crisis.<sup>11</sup> To avoid withdrawal, an IAEA Framework Agreement was negotiated between North Korea and the USA: the former would freeze its nuclear activities and provide access to IAEA inspectors in exchange for light water reactors and energy assistance. This agreement collapsed in 2002, however, when the USA revealed that North Korea was secretly pursuing an enrichment programme and had benefited from a nuclear proliferation network originating in Pakistan, an allegation confirmed by the President of Pakistan, Pervez Musharraf, in 2006.<sup>12</sup>

<sup>8</sup> 'North Korea Nuclear Timeline: Fast Facts', CNN Library, 6 May 2019.

<sup>9</sup> Pollack, J., *No Exit: North Korea, Nuclear Weapons and International Security* (Routledge: London, 2017); and Mansourov, A. Y., 'The origins, evolution, and current politics of the North Korean nuclear program', *Nonproliferation Review*, vol. 2, no 3 (1995), pp. 25–38.

<sup>10</sup> North Korea joined the IAEA in 1974 and signed its first safeguards agreement with the IAEA in 1977. It signed the NPT in 1985, and in 1992 signed its NPT Safeguards Agreement with the IAEA. North Korea withdrew its membership of the IAEA on 13 June 1994. IAEA, 'IAEA and DPRK: Chronology of key events', Updated 21 Nov. 2019.

<sup>11</sup> Wit, J. S., Poneman, D. B. and Gallucci, R. L., *Going Critical: The First North Korean Nuclear Crisis* (Brookings Institution Press: Washington, DC, 2004).

<sup>12</sup> Squassoni, S. A., *Weapons of Mass Destruction: Trade Between North Korea and Pakistan*, Congressional Research Service (CRS), CRS Report for Congress RL31900 (CRS: Washington, DC, Oct. 2006).

The country unilaterally withdrew from the NPT in January 2003 and officially announced that it was 'producing nuclear weapons' in February 2005. The Six-Party Talks, established in 2003, led to the adoption of a multilateral joint statement on 19 September 2005.<sup>13</sup> Nonetheless, North Korea conducted its first nuclear test in October 2006 and a second test followed in May 2009.<sup>14</sup> The regime revealed the existence of a uranium enrichment programme to a group of US academics and experts in November 2010.<sup>15</sup> A new bilateral agreement, the Leap Day Deal of February 2012, also failed to put an end to North Korea's nuclear and ballistic missile programmes.<sup>16</sup>

North Korea has conducted six nuclear tests, four of which have been under the leadership of Kim Jong Un. The most recent test, in September 2017, was probably a thermonuclear test of a hydrogen bomb.<sup>17</sup> North Korea is the only state to have conducted nuclear tests in the 21st century, the only non-nuclear-weapon state to have developed nuclear weapons after its accession to the NPT and the only state to have declared its withdrawal from the NPT.

All phases of North Korea's nuclear weapons programme are currently continuing, including efforts to further miniaturize its nuclear warheads and improve their deliverability, reliability, safety and security.<sup>18</sup> In this regard, the North Korean leader's edict of 1 January 2018 that 'the nuclear weapons research sector and the rocket industry should mass-produce nuclear warheads and ballistic missiles (...) to give a spur to the efforts for deploying them for action' is being implemented.<sup>19</sup> North Korea has a large

<sup>13</sup> The Six-Party Talks were a multilateral negotiation process between 2003 and 2009 involving China, the USA, North Korea, South Korea, Russia and Japan, see Park, J. S., 'Inside multilateralism: The six-party talks', *Washington Quarterly*, vol. 28, no 4 (2005), pp. 73–91.

<sup>14</sup> Pritchard, C. L., *Failed Diplomacy: The Tragic Story of How North Korea Got the Bomb* (Brookings Institution Press: Washington, DC, 2007).

<sup>15</sup> Hecker, S. S., 'Extraordinary visits: lessons learned from engaging with North Korea', *Nonproliferation Review*, vol. 18, no. 2, pp. 445–55.

<sup>16</sup> Revere, E. J., 'Tough challenges, hard choices: dealing with North Korea after the collapse of the Leap Day Agreement', *American Foreign Policy Interests*, vol. 34, no. 4, pp. 171–77.

<sup>17</sup> In Feb. 2013, Jan. and Sep. 2016, and Sep. 2017. Wertz, D., McGrath, M. and LaFoy, S., 'North Korea's nuclear weapons program', National Committee on North Korea, Apr. 2018.

<sup>18</sup> Hecker, S. S., Carlin, R. L. and Serbin, E. A., *A Comprehensive History of North Korea's Nuclear Program: 2018 Update* (Center for International Security and Cooperation, Stanford University: Stanford, CA, 2019).

<sup>19</sup> National Committee on North Korea, 'Kim Jong Un's 2018 new year's address,' 1 Jan. 2018.

number of facilities, from uranium mines to refineries, nuclear fuel plants, nuclear reactors, reprocessing facilities and research facilities. The Yongbyon nuclear centre, located 80 kilometres north of Pyongyang, is the most publicly acknowledged, but contains only a limited proportion of the facilities that are scattered throughout the country. Many are not referenced in open sources and some have probably been buried and hardened. According to estimates by a research team led by Professor Siegfried Hecker, North Korea could have increased its stocks of fissile materials in 2018 by separating 5–8 kilograms of weapons-grade plutonium and producing an additional 150 kg of highly enriched uranium.<sup>20</sup>

North Korea could now possess several dozen weapons.<sup>21</sup> This estimate would increase if additional enrichment facilities such as the suspected uranium enrichment site in Kangson can be confirmed.<sup>22</sup> While the regime has announced that it has ‘miniaturized, lightened and diversified’ its weapons, questions remain about the operability of North Korea’s arsenal without further testing, including its ability to equip long-range missiles with nuclear warheads.<sup>23</sup> Nonetheless, North Korean capabilities, as well the proliferation risks given the historical precedents, particularly with regard to Libya and Syria, should not be underestimated.<sup>24</sup>

### *Considerably improved ballistic capacities*

North Korea’s nuclear and ballistic missile programmes are inseparable, and it should be noted that the latter has accelerated considerably in recent years, well beyond the programme based on Soviet

Scud technology that began in the 1970s and 1980s.<sup>25</sup> Between 1994 and 2011, Kim Jong Il oversaw three space launches (in August 1998, July 2006 and April 2009) and 13 missile tests from two launch sites. Between January 2012 and August 2019, Kim Jong Un oversaw three space launches (in April and December 2012, and February 2016) and 106 missile launches from more than 20 sites.<sup>26</sup> Since the beginning of 2019, more ballistic missile tests have been carried out than during the entire period of Kim Jong Il’s leadership. North Korea has also conducted simultaneous launches and launched missiles at night to mimic the conditions under which units would use them in the event of war. The regime states that these ballistic capabilities have been dispersed throughout its territory, and that it trains its missile units for warfare rather than simply testing the technical specificities of missiles, which is essential for credible conventional and nuclear deterrence.<sup>27</sup>

As the tests have multiplied, many new systems have also been tested, significantly increasing the potential range of North Korean ballistic missile capabilities. These include solid propulsion and high mobility systems for the first time: the submarine-launched ballistic missile (SLBM) Pukkuksong-1 in 2015; the medium-range ballistic missile (MRBM) Scud-ER and the intermediate-range ballistic missile (IRBM) Musudan in 2016; the MRBM Pukkusong-2, the IRBM Hwasong-12, the intercontinental ballistic missile (ICBM) Hwasong-14 and the ICBM Hwasong-15 in 2017; and new short-range solid propulsion systems and the SLBM Pukkuksong-3 in 2019, among others.<sup>28</sup> The Hwasong-15, which was tested in November 2017, could theoretically hit any part of the US mainland, and thus also any part of Europe.<sup>29</sup> By the traditional missile development and deployment standards of Western states and Russia, a limited number tests of an ICBM would not establish sufficient confidence in effective wartime operation for deployment to take place. Even though uncertainties remain over advances

<sup>20</sup> Hecker, Carlin and Serbin (note 18).

<sup>21</sup> Estimates for North Korea are uncertain and range from 20–30 (SIPRI) to 60 (the US Defense Intelligence Agency). Kile, S. N. et. al., ‘World nuclear forces’, *SIPRI Yearbook 2019: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2019); and Warrick, J., Nakashima, E. and Fifield, A., ‘North Korea now making missile-ready nuclear weapons, US analysts say’, *Washington Post*, 8 Aug. 2017.

<sup>22</sup> Gudbergsdottir, E., ‘Institute team locates site of covert North Korean uranium enrichment’, Middlebury Institute, James Martin Center for Nonproliferation Studies, 19 July 2018.

<sup>23</sup> Van Diepen, V. H., ‘Reliability is in the eye of the beholder: The value of North Korea’s freeze on further ICBM flight testing’, 38 North, 25 July 2019.

<sup>24</sup> ‘Background briefing with senior US officials on Syria’s covert nuclear reactor and North Korea’s involvement’, 24 Apr. 2008; and Lewis J., ‘North Korea sold UF5 to Libya’, *Arms Control Wonk*, 2 Feb. 2005.

<sup>25</sup> Bermudez, J. S., ‘A history of ballistic missile development in the DPRK’, Monterey Institute of International Studies, Center for Nonproliferation Studies, 1999.

<sup>26</sup> Nuclear Threat Initiative, ‘CNS North Korea missile test database’, 14 Nov. 2019.

<sup>27</sup> Lewis, J., ‘North Korea is practicing for nuclear war’, *Foreign Policy*, 9 Mar. 2017.

<sup>28</sup> Philipp, E., ‘North Korea tests land, sea missiles’, *Arms Control Today*, vol. 46, no 5 (2016), p. 31.

<sup>29</sup> Panda, A. and Narang, V., ‘North Korea’s ICBM: A new missile and a new era’, *War on the Rocks*, 6 July 2017.

in re-entry vehicle and other key technologies, however, it is credible that North Korea could deploy nuclear-armed ICBMs, given existing North Korean standards and precedents, and the political impact of such deployments.<sup>30</sup>

The 2 October 2019 test of the Pukkusong-3 is also worrying since it is the North Korean arsenal's solid-propellant missile with the longest range—potentially 2000 km—and an unambiguously nuclear-capable missile, unlike the systems tested in the summer. It is also a missile that signifies that the state intends to add a sea-based component to its deterrence in order to better evade the missile defence deployed in the Republic of Korea (South Korea). Indeed, advances in solid propulsion—as illustrated in December 2019 by what could have been a test of a solid-fuel rocket motor, including the key ability to master propellant casting technology—increase the responsiveness and survivability of North Korea's ballistic missile capabilities. North Korea had long been expected to try to master these technologies.<sup>31</sup> However, this unprecedented increase in capacity, even in the face of significant technical problems over many years, has raised questions regarding potential external assistance.<sup>32</sup>

North Korea is increasing its tactical and strategic ballistic missile capabilities, seeking to protect its territory while developing new capabilities in-theatre. This could potentially lead to a conventional rebalancing and allow greater military flexibility of action, greater accuracy for short- and medium-range targets and greater certainty regarding effects. There could also be better capacities to defeat or degrade the effectiveness of missile defences in the region, as well as a new capacity to manage a potential crisis on the peninsula. While all these systems are not necessarily fully operational, this demonstrates the considerable investment made in ballistic missile programme despite international sanctions and, above all, the mastery of new technologies. This increases the risk of proliferation of the missiles and the dissemination of technologies. If such capabilities were ever to be present in certain theatres of operation outside the Korean peninsula, European states would face

unprecedented problems in terms of force projection. Avoiding such proliferation is fundamental to the interests and security of Europe.

#### *Other weapons of mass destruction*

North Korea is also strongly suspected of pursuing chemical weapon and biological weapon programmes.<sup>33</sup> Fears were renewed when the half-brother of the North Korean leader, Kim Jong Nam, was murdered in Kuala Lumpur International Airport in February 2017.<sup>34</sup> Legitimate concerns about the country's nuclear and ballistic missile programmes may have overshadowed the country's other weapon programmes, and thus limited the amount of international attention. The regime's use of these weapons on a large scale would have a significant impact, potentially causing tens of thousands of deaths and widespread panic, particularly in South Korea. The information available is fragmented and it is often difficult to identify potential sites responsible for military development, due to the inherently dual-use nature of some of these programmes. Sustained attention from the international community is therefore essential.

#### **Security and identity weapons to ensure the survival of the regime**

North Korean nuclear weapons have long been wrongly perceived abroad as a bargaining tool that the country could abandon in exchange for security guarantees, and especially economic benefits. North Korea has clarified on several occasions, as in 2013, that these weapons were 'not goods for getting US dollars' and 'neither a political bargaining chip nor a thing for economic dealings'.<sup>35</sup> Since Kim Jong Un came to power, these weapons have been institutionalized. North Korea's Constitution was revised by the Supreme People's Assembly in April 2012 to make the country a 'nuclear-weapon State'. North Korea is the only country to have constitutionalized the possession of

<sup>30</sup> Van Diepen (note 23).

<sup>31</sup> Roehrig, T., *North Korea's Nuclear Weapons: Future Strategy and Doctrine* (Belfer Center for Science and International Affairs, Harvard Kennedy School: Cambridge, MA, 2013).

<sup>32</sup> Schiller, M., 'The scope of foreign assistance to North Korea's missile program', *Science & Global Security*, vol. 27, no. 1 (2019), pp. 29–72.

<sup>33</sup> Parachini, J. V., 'Assessing North Korea's chemical and biological weapons capabilities and prioritizing countermeasures', Rand Corporation, 17 Jan. 2018; and Philipp, E., Kim, H.-K. and Chung, H., *North Korea's Biological Weapons Program: The Known and Unknown* (Belfer Center for Science and International Affairs, Harvard Kennedy School: Cambridge, MA, Oct. 2017).

<sup>34</sup> Henrici, R., 'Bad chemistry: A re-analysis of the assassination of Kim Jong-un's brother', RUSI Commentary, 5 Apr. 2018.

<sup>35</sup> 'Report on Plenary Meeting of WPK Central Committee', Korean Central News Agency, 31 Mar. 2013.

such weapons. Their development was also part of a national strategy, announced in March 2013, known as the 'Byungjin Line', which aims to 'simultaneously lead the construction of the economy and nuclear forces' and which should have officially ended in April 2018.<sup>36</sup> A law on consolidation of North Korea's status as a nuclear weapon state was passed on 1 April 2013, and has since become one of the main texts of the country's nuclear doctrine.<sup>37</sup> These weapons now appear to be not only deterrence weapons, but also identity weapons as part of the regime's survival strategy, which has a dual external and internal dimension. Indeed, 'immaterial factors (...) show that the significance of nuclear weapons for the rulers in Pyongyang extends far beyond military and security policy dimensions'.<sup>38</sup>

#### *Security weapons: Reinforcing deterrence against external threats*

The external dimension concerns the security of the regime against external threats. Nuclear weapons have enabled the country to develop an 'asymmetric mutual deterrence' against the USA and other states in the region.<sup>39</sup> This has partly reduced the North Korean Government's paranoia over what has been presented in the decades since the Korean War as a US 'hostile policy' and 'nuclear threat'. As the North Korean leader explicitly recalled in a speech on 12 April 2019, 'we put an end to the prolonged nuclear threat by dint of nukes'.<sup>40</sup> However, the case of North Korea should not be reductively compared with that of Iraq and Libya, which according to official North Korean statements were the subject of foreign intervention

<sup>36</sup> The 2013 concept is a direct reference to Kim Il Sung's line of simultaneously developing the economy and national defence, as set out at the fifth plenary meeting of the fourth party Central Committee in Dec. 1962. Cathcart, A., 'Parallel Visions: on the origins of the Byungjin Line and persistence of Richard Nixon', *Sino NK*, 17 July 2013.

<sup>37</sup> Korean Central News Agency, 'Law on consolidating position of nuclear weapons state adopted', 1 Apr. 2013.

<sup>38</sup> Ballbach, E. J., 'North Korea: Between autonomy-seeking and the pursuit of influence', eds H. Hilpert et al., *Facets of the North Korea Conflict: Actors, Problems and Europe's Interests* (SWP: Berlin, 2018), p. 14; Ballbach, E. J., 'North Korea's emerging nuclear state identity: discursive construction and performative enactment', *Korean Journal of International Studies*, vol. 14 (2016); and Bondaz, A., 'L'impasse nucléaire nord-coréenne: rationalité et continuité' [The North Korean nuclear impasse: rationality and continuity], Centre for Analysis, Planning and Strategy, French Ministry of Foreign Affairs, Sep. 2016.

<sup>39</sup> Yang, X. (杨希雨), 朝鲜核问题与中国的对朝政策 [North Korea's nuclear issue and China's policy on North Korea], *Contemporary International Relations* (现代国际关系), no. 1 (2017), (in Chinese).

<sup>40</sup> Korean Central News Agency, 'On socialist construction and the internal and external policies of the Government of the Republic at the present stage', 12 Apr. 2019.

after abandoning their programmes for developing weapons of mass destruction. North Korea has had a conventional deterrence capability for decades, which holds Seoul, the capital of South Korea, its neighbour and a US ally, hostage. Thus, the possession of nuclear weapons by North Korea only raises the deterrent threshold by threatening the USA and its allies with the pre-emptive use of nuclear weapons on targets potentially as far as the US mainland in the event of any attempt to decapitate the regime.<sup>41</sup> In addition, there is an increased risk that the regime will make coercive use of its capabilities, challenging strategic balances and potentially weakening the US alliance network in the region, with consequences for Europe.<sup>42</sup>

#### *Identity weapons: Reinforcing legitimacy against internal threats*

The internal dimension concerns the security of North Korea in the face of internal threats. The history of North Korea is inseparable from its strategy of the consolidation and concentration of power at all costs in the hands of three successive leaders. In this sense, nuclear weapons are political weapons that, in a multifactorial way, reinforce the legitimacy of Kim Jong Un and his regime. This is fundamental for a young leader who came to power when he was under 30 years old, following a rapid three-year succession process. According to a former deputy ambassador at the North Korea embassy in London, who defected in 2016, 'Kim Jong Un thinks that only nuclear weapons and ICBMs can help him avert the continuing disintegration of the North Korean system'.<sup>43</sup>

These weapons strengthen the hereditary system and the dynastic legitimacy of the leader by presenting the weapons as a revolutionary heritage provided from Kim Jong Il to Kim Jong Un.<sup>44</sup> They also increase the authority of Kim Jong Un, who can present himself as the ultimate protector of the North Korean nation against foreign threats, and legitimize the sacrifices made by the population since the 1990s by being one of the few successes of which North Korea can be proud.

<sup>41</sup> Allard, L., Duchâtel, M. and Godement, F., 'Pre-empting Defeat: In Search of North Korea's Nuclear Doctrine', Policy brief 237 (European Council on Foreign Relations: London, Nov. 2017).

<sup>42</sup> Narang, V., 'Nuclear strategies of emerging nuclear powers: North Korea and Iran', *Washington Quarterly*, vol. 38, no 1 (2015), pp. 73–91.

<sup>43</sup> Thae, Y. H., Hearing before the House of Representatives Committee on Foreign Affairs, Washington, DC, 1 Nov. 2017.

<sup>44</sup> Choi, K., 'The North Korean nuclear problem', *Asia Policy*, no 19 (2015), pp. 28–36.

In addition, the weapons boost the international status of the country and put North Korea on an equal footing with the USA as a nuclear power.<sup>45</sup> They strengthen the techno-nationalism of the regime by highlighting its technological and scientific achievements.<sup>46</sup> In particular, the sciences applied to national defence distinguish the current North Korea from its own history as a formerly colonized and militarily inferior state.<sup>47</sup> Finally, they ‘materialize’ the Juche ideology, which emphasizes the autonomy of the Korean nation after centuries of Chinese influence and decades of Japanese occupation, as a way to legitimize North Korea.<sup>48</sup>

The gradual institutionalization of these weapons means that they are no longer simply owned by the regime, but an integral part of its identity, making their abandonment almost impossible in the short term.<sup>49</sup> To abandon them abruptly would be to question not only the rationality of the previous leaders, but above all the ideology at the heart of the regime, leading to a massive weakening of the regime and a risk of collapse. This political dimension is not contradicted but reinforced by recent events. On 29 November 2017, North Korea announced that it had ‘finally achieved the great historical cause of the completion of a state nuclear force’, a commitment that Kim Jong Un had made during the year. When, on 21 April 2018, during the third plenary meeting of the Seventh Central Committee, the North Korean leader announced a moratorium on nuclear and long-range missile tests,

<sup>45</sup> Korean Central News Agency, ‘Rodong Sinmun urges US to give clear answer to just demand of DPRK’, 23 Apr. 2013.

<sup>46</sup> An interesting comparison could be made with the People’s Republic of China, which shares an inherently ‘strategic’ view of technology and the use of technology to foster nationalism. Feigenbaum, E. A., *China’s Techno-Warriors: National Security and Strategic Competition from the Nuclear to the Information Age* (Stanford University Press: Stanford, CA, 2003).

<sup>47</sup> Ballbach, E. J., ‘The history of the present: foundational meta-narratives in contemporary North Korean discourse’, *S/N Korean Humanities*, vol. 1, no. 2 (2015), pp. 79–100.

<sup>48</sup> The nationalist ideology of North Korea was first introduced in April 1965 and written into the revised Constitution of 1972. This complex concept is constructed in opposition to Sadae, which for centuries characterized the peninsula’s dependence on the Chinese empire. Juche is the search for political independence (Jaju), which involves the creation of an autonomous economy (Jarip) and a self-defence capacity (Jawi). It was used as a way to legitimize North Korea and Kim Il Sung. Seo, J. J., *New Analysis of the Construction and Change of Juche Ideology* (Kinu Press: Séoul, 2001); and Suh, J.-J. (ed.), *Origins of North Korea’s Juche: Colonialism, War and Development* (Lexington Books: Lanham, 2014).

<sup>49</sup> Hayes, P. and Bruce, S., ‘North Korean nuclear nationalism and the threat of nuclear war in Korea’, NAPSNet Policy Forum, 21 Apr. 2011.

he specified, as a fundamental element, that this was a logical consequence of the regime’s success in its nuclear weapon development process. Kim Jong Un noted that ‘the miraculous victory of having perfectly accomplished the great historic cause of building the state nuclear force in a short span of less than five years is the great victory of the Workers’ Party of Korea line...’.<sup>50</sup> Later, Kim Jong Un declared during the fifth plenary meeting of the Seventh Central Committee that the country, renouncing the previous moratorium, would ‘reliably put on constant alert the powerful nuclear deterrent capable of containing the nuclear threats from the US and guaranteeing our long-term security’. This officially acknowledges the continued importance of nuclear weapons for the regime, and of the continued development of the nuclear and ballistic missile programme.<sup>51</sup>

### III. LESSONS LEARNED FROM PAST AND CURRENT FAILURES OF NEGOTIATIONS

The radicalization of North Korea and the continuation of its nuclear and ballistic missile programmes in the face of international negotiating strategies mean that the greatest caution is required in the current negotiations.<sup>52</sup> This caution should take account of: (a) the precedent of unfulfilled agreements; (b) the depth of current negotiations; (c) the inherent difficulty in defining key concepts; and (d) North Korea’s strong hand in the current negotiations.

The first reason for caution is the historical precedents set by agreements that have not been respected, be they bilateral between North Korea and the USA (the Agreed Framework of 1992 and the Leap Day Deal of 2012), or multilateral as part of the Six-Party Talks (the Joint Statement of 19 September 2005). All these agreements and statements were much more comprehensive than the Joint Statement issued at the Trump–Kim Singapore Summit in June 2018. This Joint Statement set out four objectives, the third of which was that ‘the DPRK commits to work toward complete denuclearization of the Korean Peninsula’. Since then, as discussed above, no concrete steps have been taken by North Korea towards CVID. More than

<sup>50</sup> Korean Central News Agency, ‘DPRK report on the third plenary meeting of the Seventh Central Committee’, 21 Apr. 2018.

<sup>51</sup> KCNA Watch (note 2).

<sup>52</sup> Miller, N. L. and Narang, V., ‘North Korea defied the theoretical odds: What can we learn from its successful nuclearization?’, *Texas National Security Review*, 19 Mar. 2018.

a decade ago, an Action Plan was agreed in February 2007 to put into action the 2005 Joint Statement that ‘the DPRK committed to abandoning all nuclear weapons and existing nuclear programs’. Nonetheless, even though IAEA inspectors travelled to North Korea in March 2007 and the Yongbyon nuclear facilities were shut down in July 2007, and even though a US team proposed an 11-step plan for the rapid dismantling of Yongbyon before 31 December 2007, little progress was made.

The second reason for caution is the depth of the current negotiations. The three presidential meetings between President Trump and Chairman Kim—in Singapore in June 2018, in Hanoi in February 2019 and in Panmunjom in June 2019—were unprecedented, but working-level negotiations have been more limited. If a top-down approach is essential, partly due to the political nature of North Korea, negotiations at the working level are also crucial to move towards a comprehensive and technical agreement.<sup>53</sup> Institutionalizing these negotiations is also essential to guarantee any kind of institutional memory. Indeed, one feature of North Korean negotiators is their limited number and the length of time for which they are able to negotiate. The former diplomat, Kim Kye-gwan, for instance, oversaw negotiations with the USA for many years until his retirement in 2019, and the current first vice-minister of foreign affairs, Choe Son-hui, has also spent many years negotiating.

The third reason for caution is the inherent difficulty in defining key concepts when negotiating with North Korea, which allows North Korea to maintain strategic flexibility.<sup>54</sup> In 2016, the North Korean Government stated that ‘the denuclearization of the whole Korean peninsula includes the dismantlement of nukes in South Korea and its vicinity’.<sup>55</sup> However, the USA had withdrawn its remaining nuclear weapons from the peninsula by December 1991.<sup>56</sup> This raises the question in even broader terms, as North Korean diplomats

<sup>53</sup> Bondaz, A., ‘South Korea wants to play as initiator, mediator, and facilitator for establishing peace on the peninsula: Interview with Professor Kim Ki-jung’, Korea Program, Fondation pour la Recherche Stratégique, 16 Jan. 2019.

<sup>54</sup> Author’s meetings with senior North Korean officials since 2016.

<sup>55</sup> Korean Central News Agency, ‘DPRK Government Denounces US, S. Korea’s sophism about “denuclearization of North”’, 6 July 2016.

<sup>56</sup> The USA deployed nuclear weapons in South Korea for a continuous 33-year period between Jan. 1958 and Dec. 1991. The arsenal peaked at approximately 950 nuclear warheads in 1967. Kristensen, H. M. and Norris, R., ‘A history of US nuclear weapons in South Korea’, *Bulletin of the Atomic Scientists*, no. 73, vol. 6 (2017), pp. 349–57.

often refer to a US ‘nuclear threat’ or a US ‘hostile policy’. Following the failure of the working meeting between the negotiators of the two states in Sweden on 5 October 2019, the Government of North Korea called on the USA to ‘take a substantial step to make complete and irreversible withdrawal of the hostility policy toward the DPRK, a policy that threatens the security of the country and hampers the rights to existence and development of its people’. This suggests that the very existence of international sanctions on North Korea constitutes a hostile policy.<sup>57</sup> Thus, the term ‘hostile policy’ is an ever-evolving one that includes recurring issues such as US–South Korean joint military exercises, the purchase of high-tech US weapons by South Korea, actions undertaken on human rights and autonomous US sanctions, but would allow the addition of new elements to fit North Korea’s negotiation tactics at any given time.

The fourth reason for caution is that North Korea appears to be in a strong position in the negotiations with the USA. First, the country is pursuing its nuclear and ballistic missile programmes with no restrictions—other than an uncodified moratorium on nuclear and long-range ballistic missile tests that lasted for 20 months—thereby enhancing its arsenal and making any denuclearization process more complicated. Second, the North Korean Government has adapted to international sanctions, evading some and benefiting from lax implementation by key states, including China, while at the same time becoming increasingly decoupled from Western economies and leverage. Major new tourist complexes have been opened in Samjiyon and Yangdok, and an additional one will open in Wonsan in April 2020, mostly targeted at Chinese tourists. The employment of North Korean workers in China and Russia is also continuing, using tourist or student visas rather than work visas.<sup>58</sup> In addition, the planned inauguration of new infrastructure, such as the Yalu River Bridge at Dandong connecting China with the North Korean road network, will partly alleviate the impact of sanctions and increase Chinese influence.<sup>59</sup> It is interesting to note that while North Korea is no longer calling for the lifting of economic sanctions as it did in 2018, China is openly asking for

<sup>57</sup> Korean Central News Agency, ‘Fate of DPRK-US dialogue depends on the US attitude: DPRK Foreign ministry spokesperson’, 6 Oct. 2019.

<sup>58</sup> Fromer, J., ‘As UN worker ban looms, Russian tourism and student visas for North Koreans soar’, *NK Pro*, 12 Dec. 2019.

<sup>59</sup> Park, J-C., ‘How China uses tourism to alleviate sanctions pressure on North Korea’, *NK News*, 15 Oct. 2019.



some sanctions to be lifted.<sup>60</sup> Third, the regime has broken its diplomatic isolation by arranging meetings at the highest level, including five meetings between Kim Jong Un and Chinese President Xi Jinping and the potential reopening of some embassies in Pyongyang, such as the Malaysian embassy in 2020.<sup>61</sup> It has also managed to shape international perceptions to its advantage, which now praise the so-called restraint of the North Korean leader rather than the increases in his arsenal. Fourth, the regime is continuing to implement a political strategy to strengthen its nuclear and ballistic missile capabilities below President Trump's threshold of concern, by continuing to provide him with the elements needed to differentiate himself from his predecessors and convince his electorate of his success.

In the short term, all this coupled with the need to sustain the current China–North Korea dynamic makes a nuclear test or an ICBM test much less likely than a space launch, potentially using a solid-fuelled rocket, depending on the progress made by the state. Such a launch could divide the international community over the need for a new resolution in the United Nations Security Council, and associated sanctions. Assembling an international consensus on the idea of maximum pressure, as was partially possible in 2016 and 2017, seems much less likely today, to North Korea's advantage.

#### IV. THE EVOLUTION AND PARTIAL FAILURE OF THE EU STRATEGY OF CRITICAL ENGAGEMENT

Coordination at the EU level began at the time of the first nuclear crisis and the North Korean humanitarian crisis of the late 1990s. The broad concept of critical engagement is sometimes presented as a consistent EU strategy since that time, but observers have divided it into three distinct phases: active engagement in 1995–2002, critical engagement in 2002–13 and active pressure since 2013.<sup>62</sup> Whatever the label, it is safe to

<sup>60</sup> Meetings with senior North Korean officials in Nov. 2019; and Nichols, M., 'China's UN envoy says "imperative" Security Council ease sanctions on North Korea', Reuters, 11 Dec. 2019.

<sup>61</sup> Zwirko, C., 'Malaysia to reopen embassy in Pyongyang next year, foreign minister says', NK News, 21 Nov. 2019.

<sup>62</sup> This classification was first made by Professor Ko Sangtu. See Sangtu, K., 'Keynote speech during seminar on 'Quo Vadis, North Korea? Prospects for Critical EU Engagement'', European Institute for Asian Studies Briefing Seminar, 20 Oct. 2017. Cited in Ballbach, E. J., 'The end of critical engagement: on the failures of the EU's North Korea strategy', Elcano Institute, 6 Nov. 2019.

say that the strategy of using a combination of carrots and sticks, or incentives and pressure, has been at least a partial failure. North Korea's nuclear and missile programmes have progressed while the human rights situation in North Korea has not improved. At the same time, the levers available to the EU and its member states have been considerably reduced along with their diplomatic influence. According to a recent report: 'Europe's North Korea policy has been passive and reactive, not least because of inconsistent assessments and proposed solutions. An independent European position and approach has been barely apparent'.<sup>63</sup>

The initial active engagement of the EU and its member states can be divided into four areas: diplomatic, humanitarian, economic and multilateral. First, the EU and various EU member states used diplomatic engagement to try to change North Korea's international behaviour by binding it to the international community, in close coordination with South Korea's Sunshine Policy at the end of the 1990s.<sup>64</sup> In December 1998, the European Commission called for a policy of 'active engagement of North Korea with the international community' and held its first round of political talks with North Korea at a senior official level.<sup>65</sup> This was followed up by an ad hoc delegation from the European Parliament. In May 2001, during the Swedish presidency of the EU, a high-level EU delegation visited Pyongyang led by the Swedish Prime Minister, Göran Persson. This led to the establishment of diplomatic relations between the EU and North Korea, and to the first and only Country Strategy Paper dedicated to North Korea in 2001.<sup>66</sup> Meanwhile, while relations between the Central European states and North Korea had been long-standing, most Western European states (excluding France) decided to establish diplomatic relations, starting with Italy in January 2000—the first G7 country to do so.<sup>67</sup>

<sup>63</sup> Hilpert, H. G. and Meier, O., 'Disentangling rather than cutting the Gordian Knot: The North Korea conflict and the role of Europe', eds H. G. Hilpert and O. Meier, *Facets of the North Korea Conflict: Actors, Problems and Europe's Interests*, SWP Research Paper 12/2018 (Dec. 2018), pp.73–84, p.81

<sup>64</sup> Moon, C., *The Sunshine Policy: in Defense of Engagement as a Path to Peace in Korea* (Yonsei University Press: Seoul, 2012).

<sup>65</sup> The first EU–North Korea human rights dialogue was organized in June 2001.

<sup>66</sup> EU External Action Service, 'The EC/Democratic People's Republic of Korea (DPRK): Country Strategy Paper, 2001–2004', Dec. 2001.

<sup>67</sup> Austria (1974), Belgium (2001), Bulgaria (1948), Croatia (1992), Cyprus (1991), Czechia (1993), Denmark (1973), Estonia (No), Finland (1973), France (No), Germany (2001), Greece (2001),

Second, the EU was the main and most consistent aid donor in order to mitigate the humanitarian consequences of the economic crisis of the late 1990s and of severe economic mismanagement by North Korea.<sup>68</sup> Third, trade between North Korea and the EU, mostly in the form of North Korean exports to the EU, played an important role in preventing the total collapse of the North Korean economy in the 1990s.<sup>69</sup> At the end of the 1990s, trade was worth \$300 million and the EU was North Korea's third largest trading partner.<sup>70</sup> Fourth, in September 1997 the EU joined the Korean Energy Development Organization (KEDO) in order to implement the main provisions of the 1994 Framework Agreement by providing energy assistance to North Korea.<sup>71</sup>

This active engagement was already being called into question by the time of the second nuclear crisis of the early 2000s, and especially following the first North Korean nuclear test in 2006. The EU and its member states then adopted a strategy of critical engagement that combined pressure through sanctions in compliance with UN sanctions with additional EU autonomous restrictive measures while keeping open channels of communication. There were two key objectives: CVID in the fight against non-proliferation coupled with an improvement in the human rights situation in North Korea.

The strategy then further evolved into one of active pressure, in close coordination with the US maximum pressure strategy. First, the EU and Japan co-sponsored a resolution in the UN Human Rights Council in March 2013 that led to the establishment of a Commission of Inquiry with a one-year mandate to investigate human rights abuses in North Korea.<sup>72</sup>

Hungary (1948), Ireland (2003), Italy (2000), Latvia (1991), Lithuania (1991), Luxembourg (2001), Malta (1971), the Netherlands (2001), Poland (1948), Portugal (1975), Romania (1948), Slovakia (1993), Slovenia (1992), Spain (2001), Sweden (1973) and the UK (2000).

<sup>68</sup> Park, M-K., Seliger, B. and Park, S-J. (eds), *Europe-North Korea: Between Humanitarianism and Business?* (Lit Verlag: Berlin, 2010); Song J., 유럽연합의 대북지원정책에 대한 연구: 1995년-2005년 [A study of EU aid policy on North Korea, 1995-2005], Unpublished PhD thesis, Seoul National University, 2013, (in Korean).

<sup>69</sup> Berkofsky, A., *EU's Policy Towards the DPRK: Engagement or Standstill?* (European Institute for Asian Studies: Brussels, 2003).

<sup>70</sup> Kim, S., 'Current status and prospects of economic exchanges between North Korea and the EU', Kotra, 10 Oct. 2002.

<sup>71</sup> Poland and Czechia joined in 1997 and 1999 respectively, see Korean Peninsula Energy Development Organization, 'About Us: Member Nations', [n.d.].

<sup>72</sup> Kratz, A., 'North Korea: a role for the EU on human rights', Commentary, European Council on Foreign Relations, 6 Jan. 2016.

Second, the EU and individual EU member states actively supported the adoption of UN and EU autonomous restrictive measures targeting the sources of funding for North Korea's nuclear and ballistic missile programmes. As a package, these involved a ban on trade in goods, services and technology, a ban on EU investment in North Korea, a ban on the sale of refined petroleum products and crude oil to North Korea, and freezing the assets of named people and entities.<sup>73</sup> Third, political engagement was dramatically reduced. The EU-North Korea political dialogue was interrupted after its 14th session in June 2015 and some EU member states, such as Spain in September 2017, expelled North Korean ambassadors.<sup>74</sup>

Even though some EU member states, such as Sweden, had been actively trying to facilitate dialogue, this partial disengagement led to a further decrease in diplomatic influence over security affairs on the Korean Peninsula.<sup>75</sup> The role of the EU and its member states is now much more limited than it was two decades ago, and diplomatic and economic levers have been considerably reduced. Unlike China or the USA, they are not key players that can provide sufficient security guarantees to North Korea.<sup>76</sup> The lever of establishing diplomatic relations can no longer be used, and the promise of strong involvement in the event of a multilateral agreement to make it more sustainable in the event of withdrawal by the USA is not considered credible, particularly in the light of the EU's role vis-à-vis the 2015 Joint Comprehensive Plan of Action with Iran following the US withdrawal from the agreement.

It is also important to consider North Korean perceptions of the EU's potential role. First, unlike their portrayal in frequent analyses, the EU and most of the EU member states are not perceived as neutral

<sup>73</sup> There are 80 individuals and 75 entities currently on the UN list; and 57 individuals and 9 entities are independently designated by the EU.

<sup>74</sup> Some other states, such as Mexico, Peru and Kuwait, had already done so. Heekyong Yang and Pearson, J., 'Factbox: Countries which have expelled North Korean ambassadors after nuclear test', Reuters, 19 Sep. 2017.

<sup>75</sup> Ballbach (note 62).

<sup>76</sup> It is useful to remember that the European Sending States that fought in the Korean War under UN supreme command are formally obliged to guarantee the Korean Armistice Agreement under UN Security Council Resolution 83 of 27 June 1950. Belgium, France, Greece, Luxembourg, the Netherlands and the UK provided combat troops while Denmark, Italy, Norway and Sweden supplied humanitarian aid. France and the UK are still represented in the UN High Command-Rear at Yokota Air Base, Japan.

actors.<sup>77</sup> North Korean officials repeatedly claim that by adopting autonomous sanctions and ‘being a follower’ of the so-called US hostile policy, the EU has shown itself to be biased and aligned with the USA, or ‘lacking impartiality’.<sup>78</sup> Second, North Korean officials openly criticized the E3 (France, Germany and the United Kingdom) for being confrontational, while sending more conciliatory signals to other EU member states in northern and Eastern Europe. Third, it is important not to overestimate the potential role of EU and North Korean economic interests in increased cooperation.<sup>79</sup> The argument anticipating a sudden increase in European investment in North Korea in the event of a lifting of sanctions is fallacious.<sup>80</sup> Before the adoption of international sanctions, European investment was extremely limited, partly because of the unstable business environment and the high corporate reputational costs of investing in the country.<sup>81</sup> If South Korea was one of North Korea’s main trade partners in the late 2000s and until 2016, North Korea’s trade is now almost fully dependent on China, for political, geographic and historical reasons.<sup>82</sup>

## V. A RENEWED STRATEGY OF CREDIBLE COMMITMENTS BASED ON MULTI-LEVEL COORDINATION

The North Korean crisis, most notably its nuclear and ballistic missile aspects, continues unabated, directly affecting the interests of Europe and its population. The strategy of critical engagement has demonstrated its limitations. It is now necessary to renew this strategy at a pivotal moment, as a new European Commission takes office, providing a new impetus to EU policy at a time when ambitions for a more proactive foreign policy are clear, and the risk of tensions in the peninsula in 2020 is increasing considerably. It is essential that the EU gives the challenges on the

Korean peninsula the high priority they deserve. While coordination with regional partners is essential, coordination at the EU level must be a priority for implementing an independent, but not unilateral, European policy on the Korean Peninsula. The main problem the EU and the EU member states face today is not a lack of resources or a lack of initiatives, but a lack of coordination.

Development of the EU Global Strategy relied on a process of strategic reflection based on considerable convergence among all players, followed by common action symbolized by the publication of the Global Strategy in 2016.<sup>83</sup> According to Federica Mogherini, ‘a strong Union is one that thinks strategically, shares a vision and acts together’.<sup>84</sup> The new EU strategy for the Korean Peninsula should thus rely on deeper coordination between all actors, such as the European Council, the European Commission and the European Parliament, as well as the EU member states and research institutes. The initial result would be the publication of a clear and comprehensive renewed strategy on the Korean Peninsula, using the model of the Country Strategy Paper, 2001–2004, and based on four credible commitments to political engagement, non-proliferation, restrictive measures implementation and the North Korean people.

Last but not least, an EU Special Representative on North Korea should be appointed. The Special Representative would have a key role to play in increasing coordination within the EU among the different directorates, between EU member states, and with the EU’s partners in the region. Its creation would send a strong diplomatic signal that the EU is credibly committed to protecting its interests in the Peninsula and to being more proactive, while raising awareness within the EU of this ongoing proliferation crisis. In time, this would be an innovative way to address a specific proliferation crisis with a fully comprehensive and cross-sectoral strategy involving unprecedented coordination at all levels.

<sup>77</sup> Pardo, R. P., ‘North Korea’s denuclearization: Is there a role for Europe?’, 38 North, 26 Mar. 2019.

<sup>78</sup> Meetings with senior North Korean officials since 2016.

<sup>79</sup> Panda, A., ‘What can the EU contribute to peace on the Korean Peninsula? Tereza Novotna discusses the European Union’s policies toward North Korea’, *The Diplomat*, 22 July 2019.

<sup>80</sup> Pardo, R. P., ‘Europe has a lot to offer on the Korean Peninsula’, *Global Asia*, 26 June 2019.

<sup>81</sup> On EU-North Korea trade see Esteban, M., ‘The EU’s role in stabilising the Korean Peninsula’, *Elcano Working Paper* 01/2019 (Jan. 2019).

<sup>82</sup> Bondaz, A., ‘Kaesong: caught between two Koreas’, *Books and Ideas*, 19 June 2017.

<sup>83</sup> Tocci, N., ‘The making of the EU Global Strategy’, *Contemporary Security Policy*, vol. 37, no. 3 (2016), pp. 461–72.

<sup>84</sup> See the Foreword to the EU Global Strategy by Federica Mogherini in *Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union’s Foreign And Security Policy*, (EEAS: Brussels, June 2016).

### Credible commitment to political engagement

EU officials regularly state that: ‘our goal of a denuclearized Korean Peninsula can only be achieved through diplomatic and political means. There is no military way out of this crisis’.<sup>85</sup> An attempted pre-emptive strike against the North Korean chain of command could not eliminate with absolute certainty the risk of North Korean use of nuclear weapons.<sup>86</sup> A military conflict in the Korean Peninsula would endanger hundreds of thousands of citizens of EU member states in the region and have a tremendous impact on the economic interests of EU member states. The precise nature of any engagement strategy is open to debate.<sup>87</sup> However, the EU and its member states must be committed to diplomatic and political engagement, as well as to institutionalizing channels of communication. Such an engagement would improve their understanding of North Korea, reinforce EU strategic autonomy in terms of assessment and analysis, and avoid the miscalculations and misperceptions that may have exacerbated past and current crises.<sup>88</sup>

A first lever would be to strengthen interactions between the EU and North Korea, and to institutionalize these. Indeed, the lack of interaction with North Korean people contributes to mutual mistrust and poor knowledge of the country and the leadership’s way of thinking. The EU–North Korea political dialogue, which ceased in 2015, should resume. This received some support from North Korea following the 2018 Singapore Summit. Such a dialogue would not seek to demonstrate any EU political support for North Korea or to obtain gains in terms of political communication, but rather to bring about official exchanges at the working level, which is an essential precondition for rebuilding European influence. Interparliamentary meetings between the European Parliament and the Supreme National Assembly, such as the one organized in Pyongyang in 2018, should also

continue. It is essential that the European Parliament is strongly involved in the face of the ongoing North Korea crisis by recalling, for example, its concerns and objectives in an annual resolution.<sup>89</sup> It should also institutionalize hearings in the Foreign Affairs Committee (AFET) and the Subcommittee on Security and Defence (SEDE) on an annual basis in addition to or in coordination with those organized by the Delegation for Relations with the Korean Peninsula (DKOR).<sup>90</sup> Now that the United Kingdom has formally left the EU, North Korea will have to choose an embassy other than its London embassy to manage its European affairs. This opportunity must be used to raise the question of opening an EU liaison office in Pyongyang and a North Korea liaison office in Brussels. This would be a first but cautious step towards implementation of the May 2001 decision to establish diplomatic relations. A communication channel at the military level could also be opened up, in the same way as the UK has appointed a non-resident defence attaché to North Korea, and the EU should openly promote an international crisis management mechanism and risk management procedures to avoid military escalation, or even a nuclear war, following an incident.<sup>91</sup>

A second, related lever would be to facilitate international negotiations and increase understanding by taking advantage of a unique European diplomatic network in North Korea and the key role played by some EU member states. Through the embassies of six EU member states in Pyongyang—Bulgaria, Czechia, Germany, Poland, Romania and Sweden—Europe has a strong de facto diplomatic presence in North Korea. Some EU member states play the role of facilitator or intermediary, and are sometimes presented as the vanguard of European politics.<sup>92</sup> These states have regularly offered a platform for the USA and North Korea to negotiate, from Germany in the late 1990s to Sweden more recently, and should be encouraged to do so again. They also play a key role in providing better knowledge of the evolution of

<sup>85</sup> European Union External Action, ‘Speech by Federica Mogherini at the European Parliament plenary session on the situation in the Democratic People’s Republic of Korea’, Strasbourg, 12 Sep. 2017.

<sup>86</sup> Narang, V. and Panda, A., ‘Command and control in North Korea: What a nuclear launch might look like’, *War on the Rocks*, 15 Sep. 2017.

<sup>87</sup> Cha, V. D. and Kang, D. C., *Nuclear North Korea: A Debate on Engagement Strategies* (Columbia University Press: New York, NY, 2018).

<sup>88</sup> Roy D., ‘Misunderstanding North Korea’, *Asia-Pacific Issues*, no. 133 (Aug. 2017).

<sup>89</sup> The most recent resolution on North Korea in the European Parliament was adopted on 21 Jan. 2016 (2016/2521(RSP)).

<sup>90</sup> The most recent AFET/SEDE hearing was organized on 7 Dec. 2017. For a list of the ordinary meetings organized by the DKOR during the 8th parliamentary term, 2014–19, see European Parliament, ‘Delegations 8th parliamentary term (2014–19)’, [n.d.].

<sup>91</sup> Lewis, J., ‘This is how nuclear war with North Korea would unfold’, *Washington Post*, 8 Dec. 2017.

<sup>92</sup> Ko, S., ‘Vanguard of European politics: the role of member states in the EU’s foreign policy toward North Korea’, *Journal of International and Area Studies*, vol. 15, no. 1 (June 2008), pp. 47–59.

North Korean society through various avenues, including Twitter. This initiative is inseparable from the need to provide an independent European source of analysis and evaluation. It should be a top priority and be financed directly by the EU, especially when making policy recommendations, so as not to rely on foreign governments, such as South Korea, that could indirectly shape these political recommendations. It could be translated into support for the creation of European expertise through a dedicated European network of experts, and the inclusion of the expertise gathered by EU member states' former diplomats in North Korea. Existing track 1.5 dialogues with North Korea, funded by member states or foreign governments, should also be rationalized to prioritize a single major track 1.5 dialogue.

### **Credible commitment to non-proliferation**

Non-proliferation is a widely supported priority of the EU and its member states and a key objective of the EU Global Strategy.<sup>93</sup> It is also an area of internationally acknowledged expertise for the EU: 'the European Union is recognized as a global point of reference for non-proliferation and disarmament. We have an unparalleled diplomatic and technical expertise in this field'.<sup>94</sup> At the same time, the North Korean nuclear and ballistic missile crisis is the most serious proliferation crisis the EU and its member states currently face on the world stage. However, it may sometimes be difficult to mobilize all the EU member states at the same time when some consider that the North Korea crisis does not affect their immediate neighbourhood. There are many initiatives at the EU and EU member state levels, but a more coordinated approach is needed for the North Korean proliferation crisis, and additional initiatives are required to contribute to the fight against non-proliferation at this crucial time. The international non-proliferation regime has been weakened at a time when critical deadlines, such as the 2020 NPT Review Conference, are approaching.

A first lever would be to strengthen European declaratory diplomacy in order to sustain the international regime on non-proliferation and

<sup>93</sup> Lundin, L-E., 'The European Union and weapons of mass destruction: A follow-on to the global strategy?', SIPRI, *EU Non-proliferation Paper* no. 58, May 2017.

<sup>94</sup> Speech by High Representative/Vice-President Federica Mogherini at the Seventh EU Non-Proliferation and Disarmament Conference, Brussels, 18 Dec. 2018.

leave no doubt of the EU and EU member states' total commitment to defending it. Any lack of clear condemnation of North Korea's multiple violations of UN Security Council resolutions, such as while testing ballistic missiles, would bring the credibility of international organizations into question and run the risk of trivializing or normalizing North Korea's nuclear and ballistic missile programmes, which is obviously a North Korean objective. It is crucial for the whole of the EU that the European External Action Service (EEAS) and the EU member states that are currently permanent or non-permanent members of the UN Security Council continue to condemn all such violations. One risk might be to overexpose France—the only EU member that is also a permanent member of the UN Security Council—and to suggest that other EU member states might be less involved. The EU's six UN Security Council members' condemnation of North Korea's 2 October 2018 SLBM test should thus be generalized for every single violation.<sup>95</sup> The same is true of the EEAS condemnation following the same test.<sup>96</sup> These condemnations will be increasingly criticized by North Korea.<sup>97</sup> Nonetheless, it would be a key diplomatic mistake not to reaffirm the EU commitment to protecting international norms for the sake of superficial appeasement. Meanwhile, it is the responsibility of the EEAS, in close coordination with the EU member states, to continue to raise in every international forum the threat posed by North Korea to the non-proliferation regime, not least in the UN General Assembly and at the 2020 NPT Review Conference.<sup>98</sup> In addition, the EEAS should continue to promote the Hague Code of Conduct on Ballistic Missile Proliferation (HCoC) as the only multilateral transparency and confidence-building instrument on the proliferation of missiles.

<sup>95</sup> France and the United Kingdom are permanent members of the UN Security Council while Belgium (2019–20), Germany (2019–20) and Estonia (2020–21) are currently non-permanent members. Poland (2018–19) was a non-permanent member. See Permanent Mission of the Federal Republic of Germany to the United Nations, 'Stake-out of EU6 UNSC: Belgium, Germany, France, Poland, United Kingdom and Estonia after UNSC meeting', 8 Oct. 2019.

<sup>96</sup> European Union External Action Service, 'Statement by the spokesperson on the latest provocation by the Democratic People's Republic of Korea', 2 Oct. 2019.

<sup>97</sup> Lee, J. and Brunnstrom, D., 'North Korea warns on test freeze in denouncing European move at UN', Reuters, 10 Oct. 2019.

<sup>98</sup> United Nations, Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons, 'Addressing the North Korea nuclear challenge', NPT/CONF.2020/PC.III/13, 13 May 2019.

A second lever would be to keep promoting international non-proliferation and arms control treaties and to incentivize North Korea to join them. North Korea is emblematic as the state least involved in this international architecture. It no longer considers itself to be a party to the NPT, and has signed neither the Comprehensive Nuclear-Test-Ban Treaty (CTBT) nor the Chemical Weapons Convention.<sup>99</sup> It has no IAEA Additional Protocol and ignores the Global Initiative to Combat Nuclear Terrorism and the HCoC. Nor has it filed the requested reports on its activities in accordance with UN Security Council Resolutions 1540 and 1673. The EU and its member states should continue to press North Korea to sign and ratify the CTBT as a credible first step towards demonstrating its commitment to denuclearization.<sup>100</sup> This will become even more important now that Germany have assumed the co-presidency of the 11th session of the Article XIV Conference.

A third lever would be to better highlight existing European technical and intellectual expertise on the challenges North Korea poses to nuclear and ballistic non-proliferation and to offer its expertise in the event of a denuclearization process. First, the EU Non-Proliferation and Disarmament Consortium (EUNPDC), established in 2010 and extended by Council Decision 2018/299/CFSP, led by six EU-based think tanks promoting a network of over 80 European research centres, should create an expert working group on North Korea's nuclear and ballistic missile proliferation challenge in order to strengthen independent European expertise on the issue.<sup>101</sup> The EU member states should also make full use of the projects established by the European Council in December 2017 under Permanent Structured Cooperation (PESCO) to address the North Korea challenge, such as the Chemical, Biological, Radiological and Nuclear (CBRN) Surveillance Service (CBRN SaaS) set up in November 2018 and the

CBRN Defence Training Range (CBRNDTR) set up in November 2019, as well as existing institutions such as the EU Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence.<sup>102</sup> Ultimately, the EU and its member states should make it known that they have technical expertise on dismantling nuclear facilities. France, for instance, is the only nuclear weapon state to have closed and dismantled its nuclear testing facility. Several EU member states have also assisted in dismantling nuclear weapons in the International Partnership for the Verification of Nuclear Disarmament (IPNDV) and participated in the September 2019 Franco-German exercise aimed at dismantling a nuclear weapon, the Nuclear Disarmament Verification exercise (NuDiVe).<sup>103</sup>

### **Credible commitment to implementing restrictive measures**

The EU and its member states are key actors in the implementation of restrictive measures imposed through resolutions of the UN Security Council.<sup>104</sup> Other measures have been adopted autonomously to target North Korea's nuclear and ballistic missile programmes and increase their economic and political cost.<sup>105</sup> Full commitment to the strict implementation of these sanctions at the EU and international levels is essential to ensure their credibility. However, not a single component of the UN sanctions regime against North Korea currently enjoys robust international implementation.<sup>106</sup> The UN Panel of Experts established pursuant to UN Security Council Resolution 1874 of 12 June 2009 reports year after

<sup>102</sup> The project members of CBRN CBRNDTR are Romania, France and Italy. Romania acts as the coordinator. The project members of CBRN SaaS are Austria, Croatia, France, Hungary and Slovenia. Austria acts as the coordinator, see PESCO, 'Chemical, Biological, Radiological and Nuclear (CBRN) Surveillance as a Service (CBRN SaaS)', [n.d.]. On the Centres of Excellence see EU Science Hub, 'CBRN Risk Mitigation Centres of Excellence', 17 Sept. 2019.

<sup>103</sup> International Partnership for Nuclear Disarmament Verification (IPNDV), 'IPNDV experts gather in Jülich, Germany for Nuclear Disarmament Verification (NuDiVe) Exercise', 24 Sep. 2019.

<sup>104</sup> Carnegie Endowment for International Peace, 'Making sense of UN sanctions on North Korea', [n.d.].

<sup>105</sup> Autonomous measures complementing and reinforcing the UN Security Council resolutions have been adopted since 2009, most recently in April 2018. Council of the European Union, 'EU restrictive measures against North Korea', Timeline.

<sup>106</sup> Berger, A., *A House Without Foundations: The North Korea Sanctions Regime and its Implementation*, Whitehall Report 3-17 (Royal United Services Institute for Defence and Security Studies: London, June 2017).

<sup>99</sup> Bondaz, A., 'Why North Korea should dismantle its chemical weapons arsenal', Carnegie Endowment for International Peace, 27 Nov. 2013.

<sup>100</sup> Statement by High Representative/Vice-President Federica Mogherini delivered on behalf of the EU at the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), New York, 25 Sep. 2019.

<sup>101</sup> La Fondation pour la Recherche Stratégique; the Peace Research Institute Frankfurt; the International Institute for Strategic Studies; the Stockholm International Peace Research Institute; the International Affairs Institute in Rome and the Vienna Center for Disarmament and Non-Proliferation.

year on ‘the failure of states to devote requisite time, resources and political will to implement the sanctions’.<sup>107</sup>

A first lever would be to continually respond to North Korea’s ever evolving illegal activities and sanctions evasion techniques. First, North Korea has been increasing its cyberattacks for criminal purposes in recent years, such as hacking into the computer networks of financial institutions.<sup>108</sup> Among these attacks, some targeted European financial institutions in Malta and Spain in February 2019, and bitcoin mining companies in Slovenia in December 2017.<sup>109</sup> The EU should make full use of its newly created institutions and tools—such as the European Cyber Security Agency created in April 2019, the cyber sanctions framework adopted in May 2019 and the recently adopted PESCO project EU Cyber Academia and Innovation Hub (EU CAIH)—to better protect European cyberspace against North Korean cyberattacks.<sup>110</sup> Second, North Korea continues to carry out high seas ship-to-ship transfers of oil and coal. In 2019, France and the UK deployed maritime surveillance resources off North Korea that identified illegal instances, and this proved to be a deterrent. Maritime security is a top priority for the EU in its efforts to enhance security cooperation in and with Asia.<sup>111</sup> A collective EU initiative, in close coordination with regional partners, should be put forward to further identify and deter these transfers. Third, as part of the implementation of UN Security Council resolution 2321 of 30 November 2016, there must be greater awareness within the EU, especially at the university and individual levels, of the risks associated with scientific and technological cooperation in sensitive fields with North Korean universities and scientists.<sup>112</sup> The sensitive nature of

<sup>107</sup> United Nations, Report of the Panel of Experts established pursuant to resolution 1874 (2009), S/2019/691, 30 Aug. 2019; and Kleine-Ahlbrandt, S., ‘Maximum pressure against North Korea, RIP’, 38 North, 7 Oct. 2019.

<sup>108</sup> Jun, J., LaFoy, S. and Sohn, E., *North Korea’s Cyber Operations: Strategy and Responses* (Center for Strategic and International Studies, Washington, DC, Dec. 2015).

<sup>109</sup> United Nations (note 107).

<sup>110</sup> Council of the European Union, ‘Cyber-attacks: Council is now able to impose sanctions’, Press release, 17 May 2019.

<sup>111</sup> European Union External Action Service, ‘Enhancing security cooperation in and with Asia’ [n.d.].

<sup>112</sup> Pollack, J. H. and LaFoy, S., ‘North Korea’s international scientific collaborations: their scope, scale, and potential dual-use and military significance’, CNS Occasional Paper no. 43, James Martin Center for Nonproliferation Studies, Middlebury Institute of International Studies, Dec. 2018.

international academic cooperation projects, such as on smart technologies with the Pyongyang University of Sciences and Technologies funded by Erasmus Mundus, or co-publications with North Korean academics in fields such as applied mathematics, should be comprehensively assessed. This is even more important as the current EU regulation on dual-use export controls does not cover transfers of knowledge or technical assistance in-country, such as transfers of knowledge to foreign students studying in the EU, unless, as for instance in the case of the UK, EU member states adopt additional vetting schemes. Fourth, new technologies such as additive manufacturing and software programming increase the risk of unintended proliferation.<sup>113</sup> North Korea has displayed 3D printers at a trade fair, which is illustrative of how far interest in the technology has spread.<sup>114</sup> The EUNPDC and the EU member states should further address the issue and make policy recommendations to the EU on improving its export control mechanisms.

A second lever would be to continue to promote capacity building with partners worldwide to better implement restrictive measures at the global level and improve their export control mechanisms, while recalling the EU and EU member states’ international commitment to support UN Security Council resolutions and the UN Panel of Experts. North Korea benefits from the lack of adequate export control mechanisms in developing countries while some states violate UN Security Council resolutions on importing North Korean weapons or engaging in military cooperation.<sup>115</sup> European initiatives already exist, such as the EU Partner to Partner (P2P) export controls programme that provides assistance to third countries to develop or strengthen their export control systems, covering exports of both conventional arms and dual-use goods.<sup>116</sup> In addition, while the EU and the EU member states’ diplomatic network forms by

<sup>113</sup> Brockmann, K. and Bauer, S., ‘3D printing and missile technology controls’, SIPRI, Nov. 2017; Bromley, M. and Maletta, G., ‘The challenge of software and technology transfers to non-proliferation efforts: Implementing and complying with export controls’, SIPRI, Apr. 2018; and Daase, C. et al., ‘WMD capabilities enabled by additive manufacturing’, James Martin Center for Nonproliferation Studies, 10 Sep. 2019.

<sup>114</sup> Byrne, L., ‘3D printer advertised at North Korean trade fair’, NK News, 3 June 2016.

<sup>115</sup> United Nations (note 107).

<sup>116</sup> European Commission, EU Science Hub, ‘EU P2P (Partner to Partner) export controls programme’, Updated 3 Oct. 2019.

far the biggest diplomatic network in the world, and as occurred notably in 2017, priority should be given to ensuring that every UN member state implements and provides its report on the implementation of the relevant UN Security Council resolutions. The role of the UN Panel of Experts should be further supported by organizing an institutionalized annual visit by some of its experts to the EEAS and the European Parliament, in addition to the current visits to EU member states. The appointment of a ninth expert representing the EU, in addition to the French expert, could also be a signal that the EU is fully committed to supporting it.

### **Credible commitment to engaging with the North Korean people**

The current nuclear and ballistic missile crisis is only the most recent of a series of North Korean crises. A parallel crisis that has been ongoing for many decades is the humanitarian crisis that affects the lives of North Koreans politically, socially and economically. An estimated 11 million North Koreans lack sufficient nutritious food, clean drinking water or access to basic services such as health care and sanitation.<sup>117</sup> Approximately 200 000 children under the age of five are estimated to be affected by under-nutrition. Around 60 000 of these children suffer from severe acute malnutrition, which if left untreated is a life-threatening condition.<sup>118</sup> However, while Kim Jong Un is mentioned daily in the international press, much less attention is paid to the North Korean population. It is a moral and political obligation of the EU and its member states to continue to address this crisis, and to ensure that European policy continues to promote the well-being of the North Korean population, human rights in the country and international exchanges to bring North Korean society out of isolation.

A first lever would be to continue to address the humanitarian crisis in North Korea at the European and international levels, as well as the unintended but real consequences of international sanctions. The EU and its member states are committed to improving the well-being of the North Korean people and European NGOs—mostly financed by the EU (EuropeAid) and its

member states—have played a key role in this.<sup>119</sup> Since 1995, the EU has provided more than €135.7 million in humanitarian aid to support over 130 projects.<sup>120</sup> In addition to the International Federation of Red Cross and Red Crescent Societies and six UN agencies, all four resident NGOs in North Korea are European.<sup>121</sup> EU member states ensured that NGOs were given exemptions by the UN Security Council Resolution 1718 Committee to allow them to continue to implement humanitarian projects in the country.<sup>122</sup> However, even more could and should be done to focus on key initiatives.<sup>123</sup> A broader collective discussion should take place on the unintended impacts of international and European restrictive measures on the operation of humanitarian programmes in North Korea, with a clear view to limiting them to the extent possible.<sup>124</sup>

The UN Resident Coordinator noted in March 2019 that humanitarian agencies in North Korea need \$120 million to provide assistance to 3.8 million North Koreans in need.<sup>125</sup> In 2019, there was a funding gap of \$87 million, which the Assistant Secretary-General of the UN openly urged member states to fill.<sup>126</sup> The

<sup>119</sup> In addition to longer-term programmes, the EU has been responsive to humanitarian crises caused by natural disasters. In 2018, it allocated €55 000 to support the International Federation of Red Cross and Red Crescent Societies 'in providing essential assistance to the most vulnerable families in the worst-hit eastern province of South Hamgyong', while '[e]arlier in August 2018, when the provinces of North and South Hwanghae were struck by large-scale flooding and landslides, the EU allocated €100 000 to assist those most affected by the disaster'. European Commission, 'European civil protection and humanitarian aid operations', North Korea, Updated 17 Oct. 2019.

<sup>120</sup> European Commission, 'North Korea (DPRK)', European Civil Protection and Humanitarian Aid Operations, Fact sheet, Updated 17 Oct. 2019.

<sup>121</sup> The 4 European NGOs are Première Urgence Internationale, Triangle Génération Humanitaire, Concern Worldwide and Welthungerhilfe. Handicap International and Save the Children eventually withdrew from the country in 2019.

<sup>122</sup> In the first nine months of 2019, NGOs and companies from Germany (Deutsche Welthungerhilfe), France (Triangle Génération Humanitaire and Première Urgence Internationale), Italy (Agriconsulting SA and Agrotech SPA) and Ireland (Concern Worldwide) obtained exemptions. United Nations, Security Council, 'Humanitarian exemption requests', [n.d.].

<sup>123</sup> Cha, V. and Lloyd, L., 'The case for humanitarian aid to North Korea', *Foreign Policy*, 17 July 2019. In addition, 38 exemptions were approved by the UN Security Council in 2019, compared to just 15 in 2018 amid complaints of US obstruction. Zwirko, C., '38 aid exemptions, no designations from UN's DPRK sanctions committee in 2019', NK News, 9 Jan. 2020.

<sup>124</sup> Some of the unintended impacts of sanctions have been documented by the UN Panel of Experts. United Nations (note 107).

<sup>125</sup> Humanitarian Country Team (note 117).

<sup>126</sup> United Nations, Political and Peacebuilding Affairs, 'Security Council briefing on non-proliferation/Democratic People's Republic of Korea, Assistant Secretary-General Khaled Khiari', 11 Dec. 2019.

<sup>117</sup> Humanitarian Country Team, *DPR Korea: Needs and Priorities, 2019*, Report of the UN Resident Coordinator for North Korea, 6 Mar. 2019.

<sup>118</sup> UNICEF, *DPR Korea Country Office: Annual report for 2018*, Mar. 2019.



EU should seek to raise these funds, which represent a relatively small amount of money compared to global and European humanitarian contributions worldwide. It should also consider reopening its humanitarian aid operations office in Pyongyang, which was closed in 2008, to help coordinate European humanitarian assistance and assist European NGOs, while better assessing local needs. The EU has prioritized public health and it played a leadership role in decision making and governance when the Global Fund raised its record contribution of €550 million.<sup>127</sup> This complemented a huge increase from some EU member states such as France, Germany and the UK. France was also instrumental in the Global Fund's Sixth Replenishment pledging conference organized in October 2019. North Korea is one of the states most affected by tuberculosis, but the Global Fund temporarily ceased its work in North Korea between February 2018 and late 2019. It is key that the EU and its member states support the recently approved grant of \$40 million and ensure that it is sustained in order to reach common objectives.<sup>128</sup> Other key projects could involve food security and nutrition, disaster risk reduction and access to safe water and sanitation, or projects aimed at the protection of the elderly, children and women, which are areas that are repeatedly prioritized by European NGOs. In addition, discussions could start on building efficient and responsive disaster relief mechanisms in order to limit the effect of natural disasters on the North Korean people. Eventually, training programmes for North Koreans in key non-sensitive domains could be emphasized.

A second lever would be to continue to focus on the human rights situation in North Korea while engaging with North Korean society. The EU remains a key player at the multilateral level in the universal promotion and protection of human rights, including in North Korea, most notably through the Third Committee of the UN General Assembly and the UN Human Rights Council. Even though North Korea suspended its Human Rights Dialogue with the EU in 2013, bilateral links have been important too. For many years, the EU in coordination with international partners, such as Japan in 2008–18, has drafted a resolution to extend the mandates of the

Special Rapporteur and the Office of the UN High Commissioner for Human Rights accountability team on North Korea. The EU could more openly support the UN Special Rapporteur. The European Parliament also plays a key role through its Subcommittee on Human Rights, which, for example, organized a workshop on human rights in North Korea in April 2016.<sup>129</sup> Meanwhile, engaging with North Korean society would be a viable way to support an improvement in the living standards of the North Korean people. The EU member states should continue to foster exchanges with North Korean society in non-sensitive sectors such as culture and education, for example, the existing exchange programme between the Freie Universität Berlin and Kim Il Sung University, and implement an engagement policy at the lower level that would have no negative impacts on the EU but could bring long-term benefits in terms of better understanding of the current social and societal evolution of the country. There should be greater coordination and further initiatives, such as people-to-people exchanges with North Korean society, should be implemented at the EU level.

## VI. CONCLUSIONS

The ongoing North Korean proliferation crisis is far from over. The current apparent stability on the peninsula, punctuated by various diplomatic summits, is misleading and the risk of a return to heightened tensions is real. Meanwhile, the EU strategy of critical engagement has partially failed and the leverage of the EU and its member states has been considerably reduced in line with their diplomatic influence. Although limited, however, the EU and its member states can still play a role in helping to address the North Korean proliferation crisis in a way that can highlight Europe's key expertise in terms of non-proliferation and key roles in ensuring the implementation of Security Council resolutions.

The EU and the EU member states should renew their policies towards North Korea by implementing a proactive strategy of credible commitments in four areas: political engagement, non-proliferation, the implementation of restrictive measures and engagement with the North Korean people. Such a strategy would not be formulated from scratch,

<sup>127</sup> 'European Union announces major increase to the Global Fund', Global Fund, Biarritz, France, 24 Aug. 2019.

<sup>128</sup> Hotham, O., 'Global Fund board approves \$41.7 million grant for North Korea TB-malaria work', NK News, 20 Sep. 2019.

<sup>129</sup> European Parliament, 'Human rights in North Korea: Accountability vs engagement?', Directorate-General for External Policies, May 2016.

but seek to coordinate as much as possible existing initiatives with new ones dispersed throughout the EU institutional framework, most importantly those on non-proliferation. To help formulate and then implement the strategy, the EU should consider the appointment of an EU Special Representative on North Korea tasked with increasing coordination within the European Commission, among the member states and with regional partners. This would be an innovative way to address a specific proliferation crisis with a fully comprehensive and cross-sectoral strategy.

Various EU member states could take the lead in negotiating this renewed strategy: France as a permanent member of the UN Security Council; Croatia and Germany, which will chair the Council of the European Union in 2020; and Sweden because of its unique experience of facilitating dialogue with North Korea—but also the Eastern European states that have developed unique expertise on the country since late 1940s. If the EU has ambitions to become a stronger and more credible global actor, it is essential that it gives the North Korean proliferation crisis the high priority it deserves and opens a debate on how to renew its policy. While the EU and its member states are rightly concerned about recent events in and around Iran, this should not distract them from the North Korean proliferation crisis. Parts of this strategy will be criticized by North Korea, but defending European interests should not be contingent on the approval of other states.

**ABBREVIATIONS**

AFET	Foreign Affairs Committee
CBRN	Chemical, Biological, Radiological and Nuclear
CBRN SaaS	CBRN Surveillance Service
CBRNDTR	CBRN Defence Training Range
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CVID	Complete, verifiable and irreversible denuclearization
DKOR	Delegation for Relations with the Korean Peninsula
DPRK	Democratic People's Republic of Korea
EEAS	European External Action Service
EU	European Union
EU CAIH	EU Cyber Academia and Innovation Hub
EUNPDC	EU Non-Proliferation and Disarmament Consortium
HCoC	Hague Code of Conduct on Ballistic Missile Proliferation
IAEA	International Atomic Energy Agency
ICBM	Intercontinental ballistic missile
IPNDV	International Partnership for the Verification of Nuclear Disarmament
IRBM	Intermediate-range ballistic missile
KEDO	Korean Energy Development Organization
MRBM	Medium-range ballistic missile
NPT	1968 Treaty on the Non-Proliferation of Nuclear Weapons
NuDiVe	Nuclear Disarmament Verification exercise
P2P	Partner to Partner
PESCO	Permanent Structured Cooperation
SEDE	Subcommittee on Security and Defence
SLBM	Submarine-launched ballistic missile
VP/HR	Vice President and High Representative for Foreign Affairs and Security



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## A EUROPEAN NETWORK

In July 2010 the Council of the European Union decided to support the creation of a network bringing together foreign policy institutions and research centers from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems. The Council of the European Union entrusted the technical implementation of this Decision to the EU Non-Proliferation Consortium. In 2018, in line with the recommendations formulated by the European Parliament the names and the mandate of the network and the Consortium have been adjusted to include the word 'disarmament'.

## STRUCTURE

The EU Non-Proliferation and Disarmament Consortium is managed jointly by six institutes: La Fondation pour la recherche stratégique (FRS), the Peace Research Institute Frankfurt (HSFK/ PRIF), the International Affairs Institute in Rome (IAI), the International Institute for Strategic Studies (IISS), the Stockholm International Peace Research Institute (SIPRI) and the Vienna Center for Disarmament and Non-Proliferation (VCDNP). The Consortium, originally comprised of four institutes, began its work in January 2011 and forms the core of a wider network of European non-proliferation and disarmament think tanks and research centers which are closely associated with the activities of the Consortium.

## MISSION

The main aim of the network of independent non-proliferation and disarmament think tanks is to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics in the EU and third countries. The scope of activities shall also cover issues related to conventional weapons, including small arms and light weapons (SALW).

[www.nonproliferation.eu](http://www.nonproliferation.eu)

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