

# Critically disengaged?

## The case of the EU's 'critical engagement' towards North Korea

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### 1. Introduction

The Democratic People's Republic of Korea (DPRK, or North Korea) and the European Union (EU) are very different. Where the former is arguably the most isolated country in the world (Armstrong, 2011), the latter is deeply integrated with the international system and is one of its most outspoken advocates; where one is based on a personalistic flavour of socialism and self-reliance, the other draws its identity from creating the largest single market in the world. In the face of such stark disparities, what are relations between these two entities like? Contacts between the EU and the DPRK started in 1995, when the latter was afflicted by a severe famine (Ko, 2019). EU relations with North Korea evolved from these beginnings marked by assistance towards European diplomatic recognition of the authoritarian regime in 2001, and ultimately the development of its current policy, which it calls 'critical engagement'.

Under this name, the EU 'combines pressure through sanctions [...] while keeping communication and dialogue channels open' (EEAS, 2018). Essentially, the EU attempts political dialogue in order to pursue its goals of stability in the Korean Peninsula and improvement of human rights in the DPRK, all while imposing sanctions to deter the regime from developing its nuclear programme. This policy started in 2002 when the regime openly admitted to possess a nuclear development programme, but the EU's first sanctions on North Korea were only imposed in 2006 when the first launch tests were conducted (Ko, 2019). A peaceful resolution was attempted through the Six-Party Talks (6PT)<sup>1</sup>, but these were terminated in 2009 by North Korea's unilateral withdrawal and its resumption of missile tests. Thereafter, it is argued that the EU's policy became one of active pressure, prioritising

<sup>1</sup> The Six-Party Talks were a series of negotiations between the DPRK, the Republic of Korea, the United States, China, Russia, and Japan meant to address security concerns caused by North Korea's nuclear programme (Park, 2005).

sanctions over attempts to parlay with Pyongyang (Alexandrova, 2019; Ballbach, 2019; Ko, 2019; Pacheco Pardo, 2021b). Consequently, the policy has been subject to much criticism, mainly that it has not been able to achieve its main objective of stopping North Korea from developing its nuclear and ballistic capabilities (Alexandrova, 2019; Ballbach, 2019; Pacheco Pardo, 2019).

In light of the evolution of critical engagement and its widespread criticism, this thesis means to determine the validity of the detractors' arguments and to assess the suitability of critical engagement as it is, taking the present international context into account. To this end, the research question is as follows: *"Considering that the DPRK continues to develop its nuclear weapons programme, to what extent should the EU reconsider its policy of 'critical engagement'?"*. In order to guide this research question, the following hypotheses are introduced:

H1: *The EU has gravitated towards prioritising and expanding sanctions on the DPRK because, as opposed to measures for engagement, implementing them is low both in terms of decision-making difficulty and retaliation costs<sup>2</sup>.*

H2: *The EU's policy towards the DPRK needs reform, but this is unlikely given that positions on both the DPRK and EU side, including its partners, are being entrenched and perpetuated.*

The thesis draws on theories of EU actorness and how these can explain its behaviour towards North Korea. Additionally, the role of member states and external actors in the policy's formulation are considered. To answer the research question, the thesis features a within-case analysis of the EU's DPRK policy based on process tracing. Specifically, the analysis will use EU policy and strategy documents and reports from European parliamentary relations with North Korea as primary sources, coupled with interviews with relevant EU officials and representatives. Structurally, the analysis will be divided in three thematic parts, all relevant for the composition of critical engagement: sanctions, human rights dialogue and humanitarian assistance, and multilateralism.

The structure of the thesis is as follows: first, the relevant literature will be reviewed and discussed, which identifies the main debates surrounding the EU as an international actor and its DPRK policy specifically, as well as the justification for choosing this particular topic within EU external action. The next section concerns the case selection, methodology and the sources used. The analysis will follow, divided by the three aforementioned parts. Finally, the conclusion will synthesise the main findings and address additional lines of research.

The thesis' main findings are that critical engagement is indeed not working as intended, due to a mix of internal and external causes. Firstly, the reliance on sanctions as the main policy tool is explained by their relatively low implementation cost, broad EU institutional support, and alignment with US policy preferences. Secondly, human rights and humanitarian issues have been subsumed under the sanctions policy, whereas before they were used to engage constructively with Pyongyang. The probabilities of the policy changing, however, depend on the EU's own will (which in turn depends on its perceived importance of the issue), as well as the DPRK's openness to dialogue and the disposition of other key actors to seek a long-lasting solution through a multilateral mechanism.

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2 This is in line with Brummer's (2009) findings on the EU's behaviour regarding sanctions.

## 2. Literature review

This section will track the development of the EU's policy towards the DPRK, as well as the analyses it has been subjected to in the relevant literature. The discussion then turns towards debates surrounding the nature of the EU as an actor in the international system, which is important to understand its overall approach to the DPRK. The role of other regional powers, such as the US or South Korea, as well as the influence of EU Member States in the development of European DPRK policy, are also reviewed.

The EU has seen many advances in both scope and capabilities for foreign policy formulation since the 1990s (Keukeleire & Delreux, 2014; Ruffa, 2011). The introduction of several institutional tools and strategies gave the EU more autonomy in foreign policy, including geographical areas that were previously out of its reach. For example, the creation of the European External Action Service (EEAS) reinvigorated European foreign policy, and with particular attention to Asia, as suggested by an increase in attention towards security and cooperation with actors in that region (Council of the European Union, 2018; European Commission, 2016; EEAS, 2016; Mogherini, 2018). It is worthwhile to note, then, that despite the rapid advancements and newfound interest in Asia, the EU's policy regarding North Korea has not enjoyed as much attention in comparison. The EU's current official stance on the regime was adopted in 2003, at the outset of a consolidated Common Foreign Security Policy (CFSP) and a commitment to the US in regard to security issues, especially weapons of mass destruction (WMD) non-proliferation. This position has officially remained unchanged until present times, but some argue the policy underwent significant changes under the hood. After Kim Jong-un stepped into power in 2011 and developed his country's nuclear programme with renewed vigour, the EU adopted a much harsher stance, abandoning the conciliatory component of its critical engagement (Alexandrova, 2019). This has led some to suggest that a realist turn took place, where the security component of the policy prevailed over humanitarian issues and de-escalation (Ko, 2019; Pacheco Pardo, 2021a).

The dimensions of the shift in attitude can be appreciated through the breadth and magnitude of the sanctions the EU has in place. Firstly, the EU has diligently transposed all sanctions approved by the UN Security Council, the first of which was in 2006 in response to the regime's first nuclear weapons test. Additionally, it has expanded the reach of the UN sanctions by imposing additional restrictive measures autonomously. Altogether, it is one of the largest sanctions regime the EU currently has in force, the contents of which can be observed in Table 1.

The aforementioned shift in EU North Korean policy has been subject to much criticism, with many voices deeming it outdated and simply ineffective (Ballbach, 2019; Pacheco Pardo, 2018). The main purpose of this thesis is to consider the factors that led to the current state of critical engagement, the arguments in favour of and against it, and to analyse whether the EU should reassess its current policy.

The implications of this line of research are significant because it considers the factors that led up to the current situation, such as the role of member states in EU foreign policymaking, the influence of external actors –especially the United States– on the EU's approach to Asia, as well as the very nature of the EU as a foreign policy actor. With these implications in mind, a more adequate view on critical engagement will be developed when looking to answer the research question. More importantly, the overarching topic of EU-DPRK relations is often overlooked. While it is true that

Type	Restrictive Measure
Arms export & procurement	Export of arms of all type
	Items, material, equipment and technology which could contribute to the development of the DPRK's nuclear or ballistic missile programme
	Procurement of arms, items, material, equipment and technology from the DPRK
Asset freeze & travel ban	Travel ban and asset freeze (137 persons and 84 entities affected at the time of writing)
Dual-use goods export	Export of items, materials and equipment relating to dual-use goods and technology
Financial measures & investments	New commitments for grants, financial assistance or concessional loans to the DPRK
	Selling or purchasing, brokering or assisting in the issuance of DPRK public bonds to or from its government
	Opening of offices, branches and subsidiaries of EU financial institutions; closure of existing offices in the DPRK
	Transfer of funds from and to the DPRK
	EU banking account ownership by a DPRK diplomatic mission
	All DPRK investments in the EU and vice versa
Aircraft & vessels	DPRK aircraft landing, taking off in the EU or flying in EU airspace
	Provision of services to DPRK vessels
	De-registration of vessels owned, controlled or operated by the DPRK or any vessel under suspicion of having participated in sanctioned activities.
	Entry of DPRK vessels into EU ports
Inspections	Inspection of all cargo to and from the DPRK
Restrictions on goods	Imports and exports of coal, iron, lead and other metals, natural gas, petroleum, aviation fuel, earth and stone, wood, foodstuffs, gold, precious metals, diamonds, rare-earth minerals, luxury goods, machinery and electrical equipment, textiles and statues
Restrictions on services	Provision of computer services, leasing of vessels and aircraft to and from the DPRK
Training and education	Prevention of specialised teaching or training of DPRK nationals in disciplines which could contribute to the DPRK's nuclear programme
Other	Expulsion of DPRK nationals, including diplomats, determined to be working on behalf of a person or entity affected by the asset freeze

Table 1: The EU's restrictive measures against the DPRK

North Korea is of peripheral concern for the EU, it presents an opportunity for European external action. Being an erratic and isolated regime, the North Korean nuclear question is a danger to the stability of the multilateral, rules-based international system that the EU belongs to and tries to promote. Therefore, it should be interested in employing its experience in nuclear non-proliferation negotiations on the DPRK case (Alexandrova, 2019). Furthermore, the ultimate goal of a stable and denuclearised Korean Peninsula would benefit European pursuits, including but not limited to its economic interests in South Korea. At a moment where European foreign policy is undergoing a process of consolidation and reaffirmation, North Korea has the potential to be an opportunity for the EU: it can put new negotiating strategies to the test and exercise power in a sufficiently distant issue that does not pose a danger to first-order European foreign policy interests.

One of the most unique attributes to North Korea in relation to EU foreign policy in general is its effects to the debate on the actorness of the EU. Much has been written about this topic and a myriad of theories have proliferated, with the denominations of Europe being a civilian, normative or market power at the forefront of the debate. Firstly, a civilian power is characterised by the actor's sense of responsibility in the international system. With little to show for in military terms, a civilian power projects its strength from its economic might, using therefore means such as trade, aid, or development funding programs (Smith, 2002). It does promote its values but always with its economic interests as the guiding incentive (Duchêne, 1973).

Manners (2002) moves away from this understanding and argues the EU is a normative power. In this sense, he attributes importance to the EU's capability of shaping what is considered "normal", and contends that what shapes the EU's international role is "not what it does or what it says, but what it is" (Manners, 2002). Thus, instead being led by economic interests, the EU is diffusing its values and norms by simply interacting with other international actors. Specifically, it is said to diffuse its core norms of peace, liberty, democracy, the rule of law, and respect for human rights through various mechanisms such as contagion (or 'leading by example'), institutionalisation of relations with third actors, conditionality, etc. Manners' case study, the EU's pursuit of the abolition of the death penalty, is illustrative.

Finally, the EU as a military power is understood to have the capacity of using hard power to pursue its interests, mostly concerning security, but also for humanitarian goals (Trott, 2010). This theory, rooted in the realist conception of international relations, highlights both the internal and external pressures the EU faces and tangible factors that shape international politics, such as geography, economic capabilities, military strength, and other power capabilities (Hyde-Price, 2021). In this sense, the Common Foreign and Security Policy (CFSP), which is intergovernmental by design and therefore channels member states security concerns, and the European Union Global Strategy (EUGS) that has guided European external action this last decade are deemed as important tools. The emergence of these policies cannot be explained through a solely normative lens; the systemic forces that condition the emergence of such foreign policy tools are best understood through a realist rationale (Hyde-Price, 2006). When applied to North Korea, the policy shifts in 2003 and 2011 indeed corresponded with a realist view, where normative goals such as human rights improvements are secondary to EU security concerns (Pacheco Pardo, 2021a). In his realist understanding of the situation Pacheco Pardo (2017) highlights the EU's support for partnerships and multilateral strategies, however driven by self-interest these may be.

Kim & Choi (2020) quickly disregard the realist conceptualisation of the EU in their assessment of its policy towards the DPRK, as shown by its underdeveloped military capabilities. Furthermore, its inability to be a "world policeman" (J. Lee, 2005, p. 51) and lack of military presence in Asia puts Military Power Europe theory in doubt.

Instead, Kim and Choi consider the EU to be closest to a global civilian power. They disagree with the normative argument mainly due to the EU's patent failure in transmitting WMD non-proliferation, democracy, and human rights as universal norms to the DPRK. Had it acted as a normative power, it would have pressured China to use its leverage for denuclearisation at the expense of the EU's economic interests with the country (Kim & Choi, 2020). Thus, European normative identity adopted a secondary role.

Other scholars disagree and pick up the notion of EU normative behaviour towards North Korea. This school highlights the bi- and multilateral political dialogues in the areas of humanitarian aid and

improvement of human rights conditions. These are the main instruments in the EU's toolkit of North Korean policy, whereas sanctions acquire a secondary role and are used to 'chastise' the regime's due to its poor human rights situation (M. Lee, 2012, p. 54). A clear weakness in this understanding of EU policy is that human rights dialogues and similar initiatives are subverted and interrupted by 'exogenous shocks', such as when the DPRK intensifies nuclear and ballistic weapons tests (M. Lee, 2012, p. 54).

A very prominent interpretation of the EU is market power Europe theory (MPE) (Damro, 2012). It posits that European identity is crucially related to its origins in market integration, thereby promoting pro-market aspects as well as market intervention through social and economic regulation (Damro, 2021). The size of the EU market in the international economy is considerable, but institutional features that give allow for regulatory capacity is what makes the EU able to externalise policies and regulatory measures. When facing the DPRK, however, the EU's externalising powers are severely reduced, given that commercial relations with and regulatory influence on North Korea is close to non-existent. Admittedly, MPE does not seek to fully explain the EU's entire foreign policy, but rather focuses on 'areas in which the EU happens to be [...] recognised by other actors' (Damro, 2012, p. 696). But the fact that such a widespread theory is not adequate when facing the North Korean case speaks to the particularities of the issue at hand.

Another explanation can be found in Ruffa's (2011) term of 'realist-normative' actorness, defined as the simultaneous use of realist and normative strategies in European foreign policy. This term is used by Ko to analyse the EU's North Korea policy. According to him, the EU as a normative or moral power is weak, almost helpless in dealing with hard security issues such as the DPRK nuclear question (Ko, 2019). In the face of intensified nuclear tests and a standoffish attitude from the regime, the EU's normative policy of engagement had to turn towards a realist stance in the form of sanctions. This policy divergence, illustrated by the coexistence of normative values and realist interests in the policy-making structure of the EU, stems from the differing objectives between the EU and the member states (Ko, 2019).

In fact, the impact of the division between MS and the European institutions is one of the other large strands of literature concerning this topic. Ko maintains that the EU pursues the diffusion of its principles and values, whereas the member states still follow a power politics-based external policy. Being at odds with one another has led the member states to undermine the EU's position on international issues on several occasions, both concerning the DPRK nuclear question and elsewhere (Ko, 2019). Ko's argument is that there is a cycle of influence between the supranationalist EU and the intergovernmental member states, initiated by the latter in the case of DPRK policy. Key member states, namely Sweden and Italy, led the initiative in areas such as diplomatic recognition, human rights policy and participation in the Korean Peninsula Energy Development Organisation<sup>3</sup> (KEDO), with the EU trailing behind them and pursuing the same policy later on (Ko, 2008). This concept of 'vanguard of European politics' is supported by Bridge's earlier claim that member states support a more active policy towards the DPRK despite the EU's hesitance, in order to protect their economic interests in South Korea (Bridges, 2003).

There are ongoing literary debates on the impact of external actors in the formulation of EU-DPRK relations, as well. This is important because, as various scholars highlight, the EU is not one of the major players in the North Korean nuclear problem (Alexandrova, 2019; J. Lee, 2005; Pacheco Pardo,

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3 The KEDO was set up to provide the DPRK with light-water reactors in exchange for dismantling its nuclear programme. The EU joined the initiative in 1997 but it ultimately collapsed in 2003 after the DPRK admitted to possess an enriched uranium programme (Pacheco Pardo, 2021b).

2021a). This is mainly due to the historical context, the diminished presence of the EU in Asia as a whole, and the fact that the EU cannot address the DPRK's security concerns should the regime pursue denuclearisation (Pacheco Pardo, 2021b). Because of this, the EU has for the most part aligned itself with the US when it comes to talking to North Korea. The most glaring example is the shift towards critical engagement, which came at a time when the EU committed itself to the Bush administration's opposition to WMD proliferation (Alexandrova, 2019).

Despite the alignment with the US, which fluctuates over time, the EU has a distinct behaviour, much more aware of the importance of including inter-Korean efforts in the equation. The late 1990s and early 2000s saw many steps towards rapprochement between the EU and North Korea, with South Korea acting as a crucial catalyst thanks to prime minister Kim Dae-jung's 'Sunshine Policy' of proactive dialogue with Pyongyang (Ballbach, 2019). It is therefore clear that the EU acts as a complementary actor to the US, and has sometimes been perceived by North Korea as a less hostile benefactor (J. Lee, 2005). Washington tolerates this because it does not preclude their own policy choices towards North Korea, and because it does not view the EU as a rival due to its inherent limitations (Alexandrova, 2019; J. Lee, 2005).

Concerning the other regional actors, Pacheco Pardo highlights a particularity of the DPRK case, which is that all major players pursue the same goal of denuclearisation (Pacheco Pardo, 2021a). This makes things easier for the EU, as it does not have to navigate between two irreconcilable positions, but rather find room for cooperation with the US and China. Furthermore, he highlights the importance of pursuing joint initiatives with other middle powers, namely South Korea, to ensure a multilateral approach to the North Korean question (Pacheco Pardo, 2017).

Overall, the literature on EU-DPRK relations is varied, and offers differing arguments on how it came to be, how it currently is, how appropriate it is, and what its prospects are. By ascertaining the influence of factors such as the member states or external actors' preferences, a more comprehensive understanding of critical engagement will emerge. This contribution proposes to shed light on the current policy not only to produce a fair assessment on it, but should change be deemed necessary, also to estimate the likelihood of a shift in policy.

### 3. Methodology

Studying North Korea is a complicated endeavour compared to other countries the EU has relations with, due to its inherently hermetic and opaque nature. While this has changed from recent times, and knowledge about North Korea has grown immensely during the past decades through increased information flows, the DPRK remains arguably the 'most closed society on Earth' (Armstrong, 2011, p. 367). Concerning this paper more precisely, this is further complicated by the relatively weak relations it holds with the EU, making the available information heavily asymmetric and skewed towards the EU. As a result, it is easier to understand and study the interests and objectives the EU pursues with North Korea than it is vice versa. Indeed, the subject of this paper is to understand the motivations behind critical engagement as the policy of choice of the EU, but the analysis would be enriched if more information on the North Korean side were available.

Since the focus is solely on the EU's policy towards North Korea, the paper will necessarily be based on a within-case analysis. Process tracing is fitting for the case at hand due to the importance of the historical process of EU-North Korea relations. Furthermore, this method 'is particularly useful for

obtaining an explanation for deviant cases, those that have outcomes not predicted or explained adequately by existing theories' (George & Bennett, 2005, p. 215). As highlighted before, theories that attempt to describe the nature of the EU as an actor struggle with fitting the North Korean case, suggesting that we are dealing with a 'deviant case'. Indeed, most theories, especially normative power and market power Europe, are not able to explain the outcome of the EU's approach towards the DPRK. This suggests that a process tracing methodology to study EU critical engagement can shed some light on the particularities of the North Korean case that current theories struggle to explain.

Being a single case study, the potential validity of this paper's conclusions should be addressed. Firstly, the takeaways from single-case studies can be very useful when later compared to others (George & Bennett, 2005). More meaningfully, however, process tracing may be able to exclude rival explanations, and it 'can even exclude all explanations but one' given the correct circumstances (George & Bennett, 2005, p. 220). As such, single-case studies have the potential of contributing to the testing and development of theories in areas where these struggle to provide explanations, as is the case with North Korea. Finally, process tracing has the virtue of being less vulnerable to operationalisation biases, and given the fundamental qualitative examination of variables, it does not require their quantification which can lead to measurement error (ibid). Despite the particularities of the selected case study, some conclusions drawn here could also enjoy validity when examined in other case studies, especially concerning how the EU addresses nuclear and/or autocratic states and where trade is a reduced or non-factor.

In order to justify the selection of the case as well as the methodology, the extent of the 'deviance' of the North Korean case is a matter of discussion. Just how unique is North Korea compared to other states the EU has relations with? Firstly, its trade links with the EU have declined sharply since the beginning of the century: EU-DPRK total trade flows have decreased from €219 million in 2005 to a mere €1 million in 2020 (European Commission, 2022b; Hautecouverture, 2017). This is mostly due to the stringency of the sanctions regime imposed by the UN and the EU's autonomous sanctions that reinforce it, which choked out the already small volume of the DPRK's external trade with the EU as well as with many third countries. A lack of trade is certainly anomalous as far as EU external relations are concerned, as it has the effect of depriving the EU of most of its negotiating tools and leverage, such as market access conditionality or non-reciprocal tariff removal (Langan & Price, 2021). Secondly, a fundamental factor is the DPRK's nuclear capabilities. That alone is not unique, as the EU has experience in negotiating with nuclear states and has even scored some successes: the attainment of the Joint Comprehensive Plan of Action with Iran and the recent efforts to restore it are a case in point. However, the EU is Iran's second biggest trade partner –while Iran is the EU'S 56th– and it was its biggest before nuclear program-related sanctions were imposed (European Commission, 2021a), therefore adding the unequal trade relation that is lacking with North Korea. Thirdly, the uniqueness of North Korea has to do with the EU's relations with the former's neighbours. It currently enjoys an excellent understanding with South Korea, which is still technically at war with its northern counterpart, as well as good relations with other powers with regional presence such as the US and Japan. In fact, this is a defining trait in EU-DPRK relations, given that most of the EU's behaviour thus far can be considered supportive of actors with a bigger stake in the conflict and of multilateral channels such as the ASEAN Regional Forum or the Council for Security Cooperation in the Asia Pacific (Pacheco Pardo, 2021b).

Overall, North Korea is a convincingly unique case, and warrants the attribute of 'deviant'. Indeed, in an increasingly interdependent global system, the North Korean regime has been 'otherised' due



to its innate characteristics that differ from the global norm (Armstrong, 2011). However, possible links that can be drawn to comparable cases remain, such as Iran (in terms of the nuclear aspect), or Myanmar and Tajikistan (insofar as they are autocratic states with somewhat similar levels of isolation). Therefore, there is prospective validity in studying the EU's strategy towards uniqueness of North Korea and extracting conclusions from the analysis. In order to be able to compare the DPRK case to others, though, there is a prior need for further information, which is where this paper claims relevance.

The data will be drawn from various primary sources, mostly from EU institutions such as the EEAS and the EC, as well as from the European Parliament, whose Delegation for Relations with the Korean Peninsula (DKOR) is one of the last channels through which the EU was actively and constructively engaging the DPRK. Special attention will be paid to the DKOR archive: it provides good information on the development of EU-DPRK relations through minutes of meetings between DKOR MEPs, EC and EEAS officials, and other stakeholders, as well as through reports of Delegation visits to the DPRK, which in turn shed some light on the North Korean perception of the issue. The latter are of particular interest, as Delegation missions to the DPRK took place even after the last high-level dialogue, held in 2015. The EEAS' *Global Strategy for the European Union's Foreign and Security Policy* (2016) and its follow-up report (2019) will also be perused to appreciate the perceived importance of the DPRK question as well as its framing. The guidelines therein are further developed by Asia-specific strategy documents, namely the *EU strategy for cooperation in the Indo-Pacific* (European Commission, 2021b).

The primary documents will be complemented through interviews with EU officials. The aim is to fill certain gaps that might appear when analysing the primary documents and to confront possible contradictory perceptions of EU-DPRK relations. Furthermore, the interviews can supply a more updated understanding of not only how EU institutions view critical engagement in its current form, but also how the future relationship with the DPRK is perceived beyond the perennial ultimate goal of denuclearisation, i.e. more concrete ideas and steps towards achieving the EU's overarching objectives for the Korean Peninsula.

#### 4. Sanctions

This first analytical chapter addresses what has come to be the main arm of the EU's critical engagement, namely sanctions, or *restrictive measures* in official EU nomenclature. This distinction is telling as to how the EU views this foreign policy tool, mainly in that they are not considered punitive (European Commission, 2022a). On the contrary, they are 'part of an integrated, comprehensive policy approach which should include political dialogue, incentives, conditionality', and other measures for the attainment of the objectives under the CFSP (Council of the European Union, 2004, para. 5). Framed in this way, the role of sanctions is one of the policies in the two-pronged approach of critical engagement, with the other being dialogue on human rights and political issues and humanitarian aid.

The goal for the current sanctions regime is ultimately the 'complete, verifiable and irreversible' dismantling of the DPRK's nuclear and ballistic missile programme, in order to make a peaceful solution to the conflict in the Korean Peninsula attainable (Council of the European Union, 2017b). Beyond that, in the EU's eyes the denuclearisation of the Peninsula would result in the extinction of one of the greatest threats to international peace and security, and specifically to the global non-

proliferation and disarmament regime. The sanctions are meant to target the arms programmes in two ways: they firstly address the DPRK's direct capabilities to funnel funds and resources towards the development itself, and they also act as a way to call on North Korea to cease these activities out of its own volition.

Sanctions have been in the EU foreign policy toolkit since the 1980s, when they were first applied on the Soviet Union in response to its political intervention in Poland (Brummer, 2009), and their use grew considerably after the establishment of the CFSP, which coincided with a greater output of sanctions resolutions coming from the UNSC (Russell, 2018). Interestingly, the EU refrained from imposing sanctions on the DPRK until the nuclear test of 2006, despite there having been previous nuclear-related crises. This was due to the EU's foreign policy role still being nascent in the early 1990s on one hand, and a quick agreement that resolved the crisis between the USA and North Korea being reached on the other. According to the Basic Principles on the Use of Restrictive Measures (2004), sanctions are used with the aim to 'maintain and restore international peace and security' following the principles of the UN Charter and the CFSP (2004, para. 1). When the DPRK announced its nuclear programme and conducted the first test, the UNSC imposed sanctions (which the EU always transposes into its own package), ushering in the era of sanctions-dominated relations with the Kim regime. In addition to religiously applying Security Council resolutions, the EU also possesses an autonomous sanctions regime that goes beyond the UN mandate. This is especially pertinent to North Korea, because EU autonomous sanctions are generally implemented to pursue the non-proliferation of weapons of mass destruction (WMD) and 'the respect for human rights, democracy and the rule of law' (Council of the European Union, 2004, para. 3). The fight against proliferation of WMDs are also the basis for UNSC sanctions, and since resolutions adopting restrictive measures on account of human rights abuses are difficult to pass there, it would follow that EU autonomous sanctions on North Korea conform to a complementary logic and focus mostly on issues concerning human rights, the rule of law, and democracy. This is indeed the case with most EU autonomous sanctions around the world, e.g. on Burundi, Belarus, or Venezuela (Russell, 2018). Perhaps due to the WMD factor, this is not so with sanctions against the DPRK; they instead follow the UNSC's trail by reinforcing the deterrence of North Korean development of nuclear and ballistic capabilities, and urging it to comply with the international rules-based system (Council of the European Union, 2020). In fact, the first EU sanctions imposed on grounds of human rights violations were implemented as recently as in 2021 under the wider EU Global Human Rights Sanctions Regime, which includes sanctions towards other countries (Council of the European Union, 2021). Therefore, the wide-ranging battery of EU sanctions against the DPRK overwhelmingly addresses security issues that are perceived as a threat to peace and the international system, of which the EU is a staunch defender.

From the first restrictive measures that were imposed in 2006, the EU's sanctions regime has been expanded in breadth and depth following successive nuclear missile tests and other defiant moves against UNSC resolutions. The measures were first expanded in 2009, when the EU implemented the first autonomous sanctions against North Korea alongside the normal transposition of the UN's. Successive expansions occurred in 2013 and every year from 2016 to 2019. After that, the nature of sanctions policy shifted somewhat, as the Security Council stopped responding to the DPRK's nuclear tests with sanctions. This resulted in the EU solely imposing autonomous sanctions, mostly expanding the list of persons and entities affected by asset freezes and visa bans (Council of the European Union, 2020). Altogether, the DPRK's continuous development of its nuclear and ballistic programme, more than its uninterrupted human rights abuses and non-existent democratic

institutions and processes, has led to the EU's current sanctions regime, which is one of the most extensive and stringent currently in force, as explained in the previous section.

For the most part, EU sanctions are designed to be targeted in order to avoid damage to the civilian population and other non-targeted persons of a given country it is imposing sanctions on, including neighbouring countries (Council of the European Union, 2004; Russell, 2018). Instead, they target key personalities in the country's leadership such as the elite and military through measures such as asset freezes, arms embargoes, visa bans and the prohibition of luxury goods. Naturally, these sanctions are present in the EU's sanctions regime for the DPRK, but much harsher sanctions are also imposed. North Korea, along with Syria, constitutes the exception to this self-imposed rule as it is also under pressure from a near-total trade and investment embargo, which is especially stringent in industries that could contribute to the development of the DPRK's nuclear programme. The length to which the EU is willing to impose sanctions on the DPRK, which even includes the interruption of educational and research exchange programmes because they could contribute to the nuclear and ballistic development, signals the perceived importance of the issue.

#### 4.1. Actors' perception of sanctions

Views on this branch of the EU's policy are varied, and range from avidly supporting it to condemning it and calling for its abolition. At the surface, there is convincing support from the EU as a whole for sanctions as an effective policy to denuclearise the Korean Peninsula, given the fact that it has been the growing trend within critical engagement since the first one in 2006, and that no sanctions have been removed since. This phenomenon is grounded on the stable backing of this approach by all main EU institutions, although some have their reservations. Sanctions are resolutely defended by the European Council and the Council of the EU, who is responsible for deciding on their contents and implementing them in the first place. Throughout the existence of critical engagement, the Council has argued that they are one of the best available tools to curb the DPRK's defiance of the global non-proliferation regime. In its conclusions, it often highlights the fact that the EU has one of the most comprehensive sanctions regime in force, both in breadth and depth (Council of the European Union, 2017b). The EU's autonomous restrictive measures play an important role in this rhetoric, and in its conclusions the Council often leaves the door open to their extension (Council of the European Union, 2017b, 2020, 2022). In addition, there is a notable absence of signs that could indicate a review, reconsideration or changes of any kind to the sanctions regime, which contrasts with the critiques highlighted in previous sections of this thesis.

Being composed of EU Member States representatives, the Council serves as a good reflection of how the Foreign Affairs Ministries perceive the effectiveness of sanctions. With transparency sorely lacking, there is little information as to the particularities of each Member State's position, but since CFSP sanctions are adopted by unanimity, it can be assumed that they are perceived through a similar lens by all member states. It seems that, particular Member State interests –economic or otherwise– being absent in North Korea, a common position can be easily adopted. While specific countries were key in the early stages of the EU's policy towards North Korea at the turn of the millennium, the policy has now been homogenised across the board, therefore partially explaining the sheer size of the European sanctions regime towards Pyongyang and the drive with which the EU pursues coordinated enforcement efforts internationally. That being said, Sweden still holds considerable sway as a facilitator for talks and diplomatic efforts. It still believes in the sanctions policy, but is conscious of maintaining a tandem with diplomatic contacts and a regard for the

human rights situation (Skoog, 2017; Wallström, 2018). However, Sweden has less influence than the member states supporting the current policy: Germany, France, and previously the United Kingdom (Ballbach, 2022; Pacheco Pardo, 2019).

The EEAS, and by extension the Commission, expectedly upholds the current attitude towards the DPRK as well. In its declarations, it calls for complete denuclearisation and asks North Korea to comply with UNSC resolutions (EEAS, 2018, 2022a, 2022b, 2022c). These declarations fall under the EU's objective in the Global Strategy to 'strongly support the expanding membership, universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes' (EEAS, 2019, p. 52). Along with these declarations, the EEAS always states it stands ready to support diplomatic efforts for a peaceful resolution of the conflict, somewhat subtracting aggressiveness from the statement, and reinforcing the 'engagement' part of its policy.

The EEAS' strong commitment to sanctions is somewhat more nuanced than the Council's, as its language is at times more conciliatory. While it vehemently condemns tests and other provocative behaviour by North Korea, there is no mention of sanctions in its main EU-DPRK relations explanatory page (EEAS, 2022a). Furthermore, when defining critical engagement, an EEAS official explained the role of sanctions as a means to 'criticise' and 'message' the DPRK, instead of condemning or pressuring it (EEAS, personal communication, 19 April 2022). Sanctions were also revealed to have not only a practical goal of hindering North Korea's development of its nuclear capabilities, but also a symbolic role of signalling the EU's rejection of the DPRK's claim to nuclear status.

This refined interpretation of sanctions also stems from the EEAS' occasional acknowledgment of the policy's shortcomings. A possible explanation is that it is the body responsible for coordinating and reviewing the policy, and is therefore positioned for a more nuanced view of its effects compared to the intergovernmental EU institutions. For instance, in a speech to the European Parliament, former High Representative Federica Mogherini stated that sanctions are 'an instrument to open the way for a political process to start' but which 'today, unfortunately, is not working' (Mogherini, 2017, l. 21). Official stances on the sanctions regime, however, are sensitive to context. The previous excerpt took place after a new ballistic test had landed off Japan's territorial waters, which received swift condemnation from the UNSC. Looking at other instances, the tone can become much more positive and suggestive of having delivered the desired results: '...we expect that the DPRK will enter into a negotiation on denuclearisation and refrain from further tests'; 'Clearly, through our policy of critical engagement, we have been maximising pressure on the DPRK' (Panayotova, 2018, l. 14). This speech on behalf of the High Representative was delivered during the swift and unexpected de-escalation in 2018 between North and South Korea, as well as with the USA, at the height of Kim Jong-un's summit diplomacy and where even a peace treaty seemed feasible.

Lastly, the European Parliament has also been supportive of sanctions in general as well as on the DPRK (DKOR, 2017), although many asterisks have to be acknowledged. Firstly, in its resolutions condemning Pyongyang, it calls solely for targeted sanctions, and not widespread measures that affect the country's whole economy and therefore potentially the civilian population too (European Parliament, 2014; 2016). In that regard, the Parliament appears more reserved in how crippling the effect of sanctions should be. Secondly, and related to this last point, the EP adopts positions on the DPRK's human rights abuses more often than it does on the issue of sanctions. In this sense, the EP

falls in line with its self-perceived image of a ‘champion of human rights’ (Gfeller, 2014). In any case, it is the one that raises this issue the most among the main European institutions. Having considered this, its position on sanctions makes more sense, as it would be hard to call for strict, economy-wide restrictions while denouncing human rights abuses, chronic poverty and food shortages suffered by the North Korean population.

Concerning other key actors with a stake in the Korean conflict, there are two broad trends. On the one hand, there are the EU’s ‘like-minded’ partners, namely the USA, South Korea and Japan, but the United Kingdom, Australia, Canada and New Zealand also fall within this category. These countries mostly align with the EU’s view on sanctions, calling for a united front against the DPRK’s actions. When UNSC resolutions are not possible, there are efforts to coordinate autonomous measures among these partners, as well as to expand their adoption to as many countries as possible, in order to ensure the sanctions’ effectiveness (Council of the European Union, 2017b). The G7 forum is very useful in this regard; it acts as a replacement to the UNSC whenever it fails to produce sanctions by issuing statements condemning a certain DPRK missile test and announcing sanctions by its members (EEAS, 2022c, personal communication, 19 April 2022). It is important to highlight noticeable differences between actors that, while still aligned, may differ in what method is deemed most suitable. Especially important to note are South Korea and the USA, who represent two approaches between which the EU has been fluctuating. For the most part, South Korea favours a more conciliatory tone towards its neighbour, with initiatives that favour engagement and diplomatic contacts, as well as Track 2 or Track 1.5 diplomacy<sup>4</sup>. Naturally, there are episodes of high tension, such as the North Korean shelling of a South Korean Island or an incident where a ROK vessel was sunk by a DPRK torpedo (BBC News, 2010; Reuters, 2010). However, the South Korean approach is normally much less standoffish than the American preference; indeed, South Korea was considered the key partner during the years of EU engagement with the DPRK, but that changed in favour of a sanctions-based approach aligned with the USA after the nuclear test of 2006 (EEAS, personal communication, 19 April 2022).

On the other hand there is China and Russia, who see many fewer merits in sanctions. In truth, it is hard to discern Beijing’s exact position on DPRK sanctions due to its ambiguous communications, but what is certain is that it does not consider them as effective as the Western actors do. To begin with, both China and Russia have been blocking UNSC resolutions condemning Pyongyang since 2018, making effective use of their veto power. The perception in the EU is that China believes lifting sanctions will result in the DPRK ceasing its nuclear development (EEAS, personal communication, 19 April 2022). A visit to Beijing by the DKOR found that Chinese officials were ‘not able or willing to disclose detailed information’ regarding the Chinese sanctions policy. This suggests a pragmatic approach that allows China to choose how stringently it wants to apply the international sanctions regime (DKOR, 2018b, p. 4). The notion of a ‘grey area’ is supported by reports of China not enforcing the very UNSC resolutions it voted in favour of, through illicit sales of oil, coal, sand, and other prohibited commodities to the DPRK (Nichols, 2020; Russell, 2018). Of course, this could be the

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4 Track 2 diplomacy can largely be understood as ‘unofficial dialogues, generally between two antagonistic parties, and often facilitated by an impartial Third Party and involving individuals with some close connections to their respective official communities, focused on cooperative efforts to explore new ways to resolve differences over, or discuss new approaches to, policy-relevant issues’ (Jones, 2015, p. 24). The term was coined in contrast to conventional state-to-state diplomacy (Track 1). Track 1.5 ‘refers to unofficial dialogues within which all or most of the participants from the conflicting sides are officials, though they can also be nonofficials acting under something approaching “instructions” from their respective governments. Despite this semi-official status, they participate in dialogues in their “private capacities,” and often rely on an unofficial third party to facilitate the process as a nonofficial dialogue, often in strict secrecy’ (Jones, 2015, p. 19).

result of a strategic calculation where China undermines efforts related to the Korean nuclear question to exert pressure in other issues important to its own foreign policy.

#### 4.2. Have sanctions worked?

In the simplest terms, it could be argued that the EU's sanctions regime has failed, given that in its 16-year lifespan it has not achieved its goal of having the DPRK fully comply with UNSC resolutions. North Korea has kept developing its nuclear and ballistic missile capabilities, with launch tests becoming more frequent in recent years and in full defiance of the international rules-based order the EU defends. Furthermore, sanctions have also severed the few ties that existed with the world's most isolated country, driving it further away from a 'normal' position in the international system.

Sanctions, however, do not necessarily have to cause behavioural change for them to be considered successful. On the contrary, the main argument in favour of using them on North Korea is to materially restrain its potential to cause harm through its nuclear arsenal. In that sense, there is evidence that the current sanctions regime has negatively affected North Korea's nuclear capabilities, and that had sanctions been less comprehensive than they are, their development would have been swifter (DKOR, 2018b). Furthermore, the example of North Korea can also act as a deterrence for other regimes with dreams of nuclearisation. The sheer weight and cost of the sanctions imposed on Pyongyang could certainly dissuade other from following this path. After all, few countries are ready or willing to resort to autarchy in exchange for possession of a nuclear arsenal that violates the international non-proliferation regime.

Despite being effective in mitigating the causes for security concerns, sanctions are unfortunately also notable in other parts of North Korea's economy. This should not come as a surprise, as it is known that blanket sanctions targeting a country's trade and economy as a whole inevitably affect the general population (Russell, 2018). The DKOR's (2018b) latest inter-parliamentary meeting with North Korean counterparts found that sanctions indeed had an impact on the viability and execution of economic plans. However, international restrictive measures aside, the DPRK's decades-old self-reliance and autarchic economic model seems to have mitigated some negative effects. This could explain the fact that while the DPRK would of course like to see sanctions lifted, it is not in a hurry to request it and has instead expressed its preference for confidence-building measures from external actors, albeit in rather vague terms (DKOR, 2018b). Lifting travel bans, opening liaison offices, and inter-Korean military communication are examples of such measures that have been tabled (Lachowski *et al.*, 2007; Yun & Aum, 2020). Likewise, DPRK officials did not seem particularly bitter, nor did they express unfair treatment from the imposition of sanctions, which suggests that the aforementioned objective to 'message' the DPRK has not necessarily been reached.

The lax attitude towards sanctions displayed by North Korean officials could be related to an important finding by the DKOR mission. In their account, the impact of sanctions is being felt more acutely among the poorer sections of the population, whereas the ruling elite are largely unaffected. Overall, sanctions seem to have an aggravating effect on most of the population, as confirmed remarkably by a member state diplomat: 'People suffer in this country, and people suffer even more from the sanctions' (DKOR, 2018b, p. 3). It therefore seems that EU sanctions, meant to be applied intelligently, have implementation flaws, sparking criticism from within. The evidence on the ground has led to disagreements between member states, thus dismissing the notion of unity among member states as to the best policy regarding the DPRK. While fully implemented by all, some member states held that sanctions did not have an effect on any significant DPRK decision-making

body, and therefore suggested considering lifting some. Other member states –likely led by a Franco-German coalition– defended the current position, and opposed any sanctions relief unless the DPRK showed tangible steps toward denuclearisation (DKOR, 2018b). The disagreements detected on the ground have not impacted the decision-making process in Brussels, signalling that criticism on sanctions has not been successfully conveyed from the diplomats in EU missions to senior decision-making positions in their respective ministries. With the North Korean ruling class appearing unaffected by the restrictions, EU member states have also detected a counterproductive sense of pride within the state organisms, a rally-around-the-flag effect. This has been instrumentalised, making public opinion blame the country's economic hardship against hostile external sanctions (Russell, 2018).

Another negative effect known to have occurred in the DPRK case involves humanitarian aid, an issue close to the EU's interests in the country. While humanitarian aid is indeed a very important part in critical engagement, it seems that the EU's objectives in this field have been negatively impacted by the very same policy. This is concerning, especially considering that the EU looks for ways of ensuring the uninterrupted implementation of humanitarian projects on the ground when it imposes economic sanctions (Council of the European Union, 2017a). The DKOR mission found specific examples of EU-financed projects being stalled due to the restrictive measures, and crucially most examples were found in rural areas, where assistance is most needed. In the attempt to stop North Korea from obtaining crucial parts or material needed for developing its arms capabilities, the EU inadvertently also blocks crucial components necessary for projects involving infrastructure such as water pipelines or greenhouses (DKOR, 2018b). In a country where floods and food shortages are commonplace, this is very problematic. Another example can be found in pumping machines, which are used in the agricultural industry and included in the list of prohibited material. While far from directly causing North Korea's food insecurity, the EU-backed international sanctions regime has obstructed initiatives to curb its causes. Finally, humanitarian projects are further affected by the long bureaucratic procedures, as 'EU NGOs face long delays of up to one year in the delivery of materials subject to sanction exemption requests, due to a long process of authorisation in New York and very slow customs procedures in China' (DKOR, 2018b, p. 4).

This information from the ground stands in stark contrast to the EEAS' perception of how sanctions interact with other parts of European DPRK policy. Conceptually, there is a 'very clear divide between humanitarian assistance and critical security issues' (EEAS, personal communication, 19 April 2022). While this may be the case in terms of political will, it seems that these unintended effects are not considered in the decision-making processes. Furthermore, it was assured that the EU's 'projects continued uninterrupted' during periods of DPRK nuclear and ICBM tests (EEAS, personal communication, 19 April 2022), an assertion that is contested by the DKOR's findings in the North Korean countryside. Although it was acknowledged that EU humanitarian assistance encounters practical and logistical problems, these were wholly attributed to the DPRK not allowing the necessary access to material and personnel, in reference to the closing of its borders due to the Covid-19 pandemic. As true as this may be, obstacles were already present beforehand. In fairness, it has to be recognised that the policy was designed to keep both issues –nuclear development deterrence and humanitarian assistance– separate and unconditional from one another, and that any obstruction precipitated by the EU stems from its own restrictive measures causing logistical issues.

With all these shortcomings still present, the question of what course of action the EU should do remains. After all, it is very easy to argue that sanctions have failed –the DPRK shows no signs of

ceasing its arms development, and there are a few causes for this. Firstly, while there is considerable international support, it is not universal, and China, with key control over North Korea's imports and exports, is crucially not on the list of the EU's like-minded partners. Secondly, the EU's economic relations with the DPRK bordered insignificance even before the implementation of sanctions, and Pyongyang's notorious self-reliance aggravates this fact. The EU says critical engagement is under constant reflection and scrutiny (EEAS, personal communication, 19 April 2022). The main argument in favour of maintaining the status quo was succinctly put by an EEAS official: 'if we lift sanctions, will that stop North Korea from developing nuclear weapons and missiles? [...] We are reserved in thinking that' (EEAS, personal communication, 19 April 2022). This argument was also echoed by the European Parliament through its various resolutions and statements (L. Mandl, personal communication, 30 May 2022). Sanctions remain the easiest tool to implement. Even if the UNSC fails to pass them, the EU can place them unilaterally, and the alternatives are few and difficult. If, on one hand, the EU is to remain in this path, it could look to exhaustively review the sanctions regime in order to minimise undesired consequences on its humanitarian projects and on the disadvantaged sectors of the North Korean population, thus keeping the 'engagement' part of the policy functioning as intended.

On the other hand, the EU could decide that it should pursue another avenue to bring the DPRK back into the international fold, or at the very least reinvigorate critical engagement in order to turn it into 'sanctions *plus*' (EEAS, personal communication, 19 April 2022). Accounting for differences between Iran and North Korea, the fact that the JCPOA is always present in the EU's internal debate on North Korea is very revealing. It signals that the EU has not closed the door to diplomatic efforts for resolving the nuclear question and that a broad multilateral agreement could still be achievable, as well as direct dialogue with the DPRK.

## 5. Human rights dialogue and humanitarian aid

The EU's sanctions-based approach to North Korea's nuclear weapons programme is coupled with a goal to address the dire human rights and humanitarian situation afflicting the North Korean population. This goal is firmly rooted in the EU's principles for external action, as stated in the Global Strategy (2016) and, more specifically, in the objectives for the Indo-Pacific region (Council of the European Union, 2018; European Commission, 2021b). In pursuit of this, the EU has frequently raised the DPRK human rights issue at the UN bodies, namely the Human Rights Council and the General Assembly (EEAS, personal communication, 16 May 2022). Several resolutions condemning the regime's human rights abuses were sponsored by the EU.

For its part, the European Parliament has also frequently raised its voice against the constant human rights violations perpetrated by the regime. In several of its resolutions it enunciates the crimes while calling the international and European institutions to intensify their actions to end them, e.g. by bringing them before the International Criminal Court (European Parliament, 2014, 2016, 2022). As it does when supporting sanctions, the Parliament contributes to the other EU institutions' strategy of pressuring the DPRK, thereby displaying that the issue enjoys unusual consensus across the board (L. Mandl, personal communication, 30 May 2022).

Parallel to exerting pressure through international organisations as well as its own institutions, the EU held a human rights dialogue with Pyongyang until 2013, when they were interrupted by Kim Jong-un. In contrast, the condemnations at both the UN and EU level remained and the trend



intensified when the EU approved fresh restrictive measures under its new Global Human Rights Sanctions Regime in 2021. Consequently, the topic of human rights issue has come to favour the 'critical' instead of the 'engagement' part over time, as fewer channels for human rights dialogue remain active.

Humanitarian aid, however, remains the main victim of this harder stance towards the DPRK's nuclear programme and human rights abuses, despite the very clear conceptual divide between humanitarian assistance and critical security issues within critical engagement (EEAS, personal communication, 19 April 2022). As shown beforehand, EU humanitarian aid projects have been hampered by technical details in the sanctions regime, but there are further reasons motivated by a conscious decision. For instance, EU aid to the DPRK has sharply declined from its peak of US \$61.2 million in 2002 to a mere \$4 million in 2019 (OECD, 2022). This is a result of a deliberate political decision to reduce aid which, jointly with the introduction of the sanctions regime a few years later, marked the start of the period where pressure was the ruling factor. Prospects of using humanitarian aid as a pretext to engage with North Korea became even more unlikely around 2016, when the EU made 'a decision to limit high-level diplomatic contact with the DPRK' due to intensified ICBM tests (EEAS, personal communication, 19 April 2022). It was described not as a complete cease of communications, but rather a 'change in gear' in how the EU would conduct its relations with Pyongyang. In any case, a reduction in bilateral talks and diminishing aid flows toward humanitarian projects in North Korea hardly contribute to one of critical engagement's main goals of keeping dialogue channels open. It could thus be argued that, just like on sanctions, the EU is Americanising its *modus operandi*<sup>5</sup>, linking humanitarian aid to political developments elsewhere, and therefore contradicting the political unconditionality of its assistance.

This has not always been so, as the EU has had demonstrably constructive periods where substantial progress on human rights, humanitarian issues, and even political relations was achieved, such as the early period of 1995-2002. The famine years of the 90s meant that EU-DPRK relations were completely dominated by humanitarian assistance, specifically food security and people with disabilities, and vulnerable elders. The EU affirms that its aid has contributed to directly supporting vulnerable individuals, establishing communication lines with relevant DPRK ministries and local bodies, improving the EU's image among North Korean citizens, and better grasping the situation on the ground (EEAS, personal communication, 16 May 2022). Likewise, aid helped develop EU-DPRK relations toward more political issues such as the aforementioned KEDO project.

The effects of prioritising pressure tactics are twofold. On one hand, persistently tabling resolutions and drawing attention to the issue at the UN keeps the issue high on the agenda, and it sometimes makes the DPRK give concessions on the human rights front, however limited. For instance, North Korea accepted some engagement with the UN, meeting with its special rapporteur on the DPRK in 2014 (Kratz, 2016). It seemed that these talks would lead to some results, but the pressure on the regime became too much to bear and the dialogue at the UN quickly broke down. On the other hand, raising this issue in a naming-and-shaming fashion has eroded the goal of engaging with the DPRK, which is problematic because, like denuclearisation, human rights issues require a two-way channel in order to bear fruit. Pyongyang unilaterally shutting down the human rights talks with Brussels in 2013 was partly due to the myriad of reports on the situation in the country (Kratz, 2016). While sanctions can result in the regime giving ground, they always require an accompanying olive branch.

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<sup>5</sup> The hostile bilateral relations between the US and the DPRK has led to the complete cease of American humanitarian aid or any other kind of assistance (US Department of State, 2021).

However, the deafening silence in the human rights field should not be attributed entirely to an entrenched EU or UN position. Indeed, it is hard to conduct dialogue with an interlocutor who does not reciprocate. With the last such channel being shut down, reflective of the obstinate rejection by North Korean authorities to hold any talks on human rights issues, some concluded that ‘no human rights dialogue would be conceivable with the DPRK’ (DKOR, 2018b, p. 7). Against such a brick wall, the alternatives seem few and far between. The lack of tools to address human rights to North Korea are patent in the EU’s official statements. The Council conclusions that set the main guidelines for critical engagement mostly concern the nuclear issue, but the last paragraph mentions the regime’s human rights abuses, and resolves to address them by ‘working with partners to draw attention to these violations’ and ‘maintaining pressure on DPRK to cease its human rights violations’ (2017b, para. 9). This particularly weak wording contrasts with the resolve with which the Council announces its willingness to impose further autonomous sanctions mere paragraphs above, and indicates the lack of tools available to the EU, or at least the fact that it perceives it so. The same is true for humanitarian assistance; the Council makes no mention of its own work in this field, supporting South Korean efforts to resume humanitarian talks with the North instead.

But is there really so little to be done? There is an argument to be made for the necessity and indeed the opportunity for the EU to engage Pyongyang with human rights issues and humanitarian aid. After all, the EU has a proven, if short, track record in building bridges with North Korea, something which the exhaustive sanctions regime cannot claim. But Brussels has established a linkage between complete and irreversible denuclearisation and other issues in its bilateral relations with the DPRK, making the former a *sine qua non* condition for progress in human rights and humanitarian aid, where the EU could actually make a difference. Instead, through this linkage it has turned the balance between both sides of critical engagement into a zero-sum game, and it has prioritised the area where it exerts the least influence (Ballbach, 2019).

Should it return to a clear separation between both areas, the EU could potentially make the issue of human rights and improving conditions for ordinary people in North Korea its own. In fact, there are opportunities to engage with Pyongyang in hopes of reducing tensions in the Peninsula without necessarily jeopardising the effectiveness of the sanctions regime, not least through track 2 or 1.5 initiatives. An example of sanctions and engagement coexisting and still functioning as intended is Sweden, who backs the EU’s stringent restrictions while playing a pivotal role as an honest broker and facilitator of dialogue. Not only did it have a leading role in the diplomatic recognition of the DPRK by most member states in the 2000s, but it also hosted regular US-DPRK talks even in moments of high tension (Ballbach, 2019; DW, 2018). A Europeanisation of this role of mediator could heighten the normative and values-driven dimension of the EU’s DPRK policy, all while improving chances of finding a resolution through multilateral mechanisms. These will be the subject of the next and final chapter.

## 6. Multilateralism

The EU is a staunch defender of the multilateral rules-based international system, and in the context of DPRK issues, it always pushes for solutions with as much international support as possible. The bottom line in denuclearisation, for example, runs through North Korea complying with all applicable UNSC resolutions (Council of the European Union, 2017b). The EU’s goals for North Korea are further embedded in its own external action strategy. In the grand scheme of things, however,

the DPRK is not topping the list of European foreign policy concerns: in the Global Strategy, the denuclearisation of the Korean Peninsula is mentioned only once (EEAS, 2016, p. 38), although non-proliferation is mentioned for other regions: ‘we will use every means at our disposal to assist in resolving proliferation crises’ (EEAS, 2016, p. 42). In its 3-year review of the Global Strategy (2019), the EU mentions Korean denuclearisation scarcely, simply stating that it has supported the process.

Even from a regional strategic perspective, the conflict remains somewhat overlooked. There are mentions of strengthening cooperation with strategic partners such as South Korea and Japan, although this includes issues other than the DPRK. More attention, however, is given to conflict prevention and non-proliferation, as these are identified as areas where security engagement is a priority (Council of the European Union, 2018). Furthermore, the EU identifies ongoing dialogues as another area where its security cooperation could be expanded, referencing –inter alia– North-South Korean dialogue. The EU’s approach to the Asia-Pacific region has a heightened role for promoting its view of the international order and defending human rights and democracy, which Brussels said to be under threat from authoritarianism. Additionally to traditional initiatives in this area such as dialogues and including human rights provisions in trade deals, the Commission highlights the use of sanctions against abuses as another main tool, which in the Asian context refers to Myanmar, China, and the DPRK (European Commission, 2021b). The EU also states an interest in furthering ‘dialogues with partners’ on non-proliferation and disarmament, hinting towards closer cooperation with South Korea and Japan, both of whom are partners in another initiative to strengthen counter-terrorism and cybersecurity. The latter is particularly relevant, as North Korea has increased its capabilities in cyberattacks in recent years (Boo, 2017). Overall, the EU’s intentions, both in the specific DPRK arena and the wider regional and global strategies, point to a genuine will to find a solution for peaceful denuclearisation agreed to by as many parties as possible. This chapter will assess the extent to which the EU has indeed ‘used every means’ at its disposal.

Firstly, the question of the EU’s self-perception on its role in the conflict needs to be addressed. Throughout the myriad of official documents and statements, the EU talks about participating in the Korean denuclearisation process through reinforcing existing initiatives and aligning with key partners with a crucial stake in the conflict, mainly South Korea and the US. The guiding Council conclusions, for instance, mention its support for South Korean efforts for dialogue, and the EEAS also mentions a supportive role in US and ROK readiness to talk to North Korea (EEAS, personal communication, 16 May 2022). Crucially, it mentions that these two actors have a leading role in engaging Pyongyang. This view is nuanced by remarks made by another EEAS official who affirmed that the EU does not have a smaller stake in the issue, in the sense that the DPRK’s destabilising activities undermine the international non-proliferation regime and therefore involve every member of the international community (EEAS, personal communication, 19 April 2022). Playing a supportive role in an issue while having a significant stake in it is definitely compatible, but concentrating on these divergent aspects of the EU’s place in the DPRK issue signals that different views coexist in the European institutions. In fact, contrary to the examples above, the EU’s policy was defined *not* as ‘to support US and South Korean policy; it’s more an attempt to be on the same page’ (EEAS, personal communication, 19 April 2022). Contrarily, the Parliament believes that European involvement is very much supportive (L. Mandl, personal communication, 30 May 2022). The differing perceptions within the EU could partially explain the lack of initiatives to engage with the DPRK, whether bilaterally or alongside regional allies.

The decline in talks in recent years, however, stem from an amalgam of factors. Firstly, formal DPRK relations with the EU and most Member States remain anomalous: there is no EU Delegation in

Pyongyang nor a DPRK embassy in Brussels, and while the DPRK ambassador to Germany is in charge of EU affairs, contacts, while cordial, are shallow (L. Mandl, personal communication, 30 May 2022). Despite the diplomatic façade, EU-DPRK contacts are largely defunct, with direct parliamentary contacts being the sole exception to the silence (DKOR, 2018b). Secondly, there is no effective multilateral approach for denuclearising the Korean peninsula. A multilateral initiative has in fact been void since the DPRK pulled out from the Six-Party Talks in 2009, and international efforts to move towards a resolution have instead been developed through a network of bilateral relations which also entangles the EU (DKOR, 2018b). This adds significant hurdles to the coordination of proposals and initiatives as there is no platform through which all stakeholders can participate. The G7 does perform a similar function, but it does not include key actors such as China, South Korea, or indeed North Korea.

With bilateral dynamics predominantly ruling over the DPRK issue, it is interesting to look at how the EU's relations with key allies affect its outlook on the conflict. Indeed, whoever the EU aligns with has an impact on its own policy, and there are examples that show both trends. South Korea typically favours more engagement, as shown by its vigorous push to get the EU to engage with Pyongyang at the turn of the millennium. Fuelled by 'South Korean interest in the EU as a peace project' and the 'request for the EU to help it engage with North Korea', EU-DPRK relations developed significantly in the early 2000s (EEAS, personal communication, 19 April 2022). On the other hand, EU alignment with American policy has historically meant harsher sanctions regime and fewer efforts towards dialogue. Good transatlantic relations in general are important, too: the unprecedented advancements made by the Trump administration with Kim Jong-un in 2017 and 2018 were not complemented by a similar European effort, potentially due to the strained relations of the time. The parliamentary visit to the DPRK further confirmed the need for healthy transatlantic relations, seeing as American intentions were questioned by the delegation and member state diplomats complained about a 'total lack of communication from the USA' (DKOR, 2018b, p. 5). The current climate should give more propensity for closer cooperation. Overall, however, EU-South Korea appears to be the preferable tandem: not only does Seoul enjoy excellent relations with the EU that are less prone to fluctuating between administrations, but its approach also speaks more to its fundamental preference for a step-by-step approach to Korean denuclearisation (DKOR, 2018a, 2018b).

Opportunities with China should also be explored. In its strategic documents for Asia, the EU recognises –with reservations– China as an actor with which some constructive engagement can be pursued (European Commission, 2021b). Indeed, as the gatekeeper to DPRK due to its influence and shared border, it is an actor without which no definite solution can be reached. Therefore, possible ways to work with Beijing include the aforementioned sanctions review or developing methods for verifying denuclearisation processes, something reportedly requested by Chinese experts (DKOR, 2018b).

For all the potential options presented by bilateral avenues of cooperation, tangible steps towards de-escalation and denuclearisation remain achievable only through a wide multilateral solution. The EU is aware of this, as shown by its attempts to universalise the UNSC sanctions and by recognising the 6PT as 'essential for peace and security' (European Parliament, 2022, para. K, 14). A plural dialogue is further identified as necessary to keep US-DPRK dialogue 'sustainable', and as a defender of the multilateral rules-based order, the EU would welcome a new initiative and would offer its contribution (EEAS, personal communication, 19 April 2022). As ideal as a new multilateral summit or platform sounds, however, there are caveats to the idea. The precedent of the 6PT should not be

copy-pasted into the present: for instance, it was led by China, and given the current geopolitical climate, a new variant of the 6PT spearheaded by Beijing would not be acceptable to the US (EEAS, personal communication, 19 April 2022) or even the EU and South Korea. Furthermore, there needs to be an incentive to bring the DPRK to the table, as the prospect of sitting with 5 or more actors who pursue denuclearisation is hardly an enticing idea (EEAS, personal communication, 19 April 2022). To that end, US and UN assurances of guaranteeing the DPRK's security concerns seem crucial for the idea to materialise. Parallels are drawn naturally to the 6PT, but the JCPOA stands as another valid contemporary comparison. A healthy distance between the two cases is however necessary. An EEAS official recognised the JCPOA model being present in many debates on North Korea, but also acknowledged the same differences highlighted in the Methodology section of this thesis, mainly that the inexistence of access to the global economy as a bargaining chip prevents a JCPOA-like deal with North Korea from being as good as the agreement with Iran (EEAS, personal communication, 19 April 2022). The onus for that is on China, as it enjoys 90% of North Korea's trade volume.

Against this backdrop, the question of how the EU should confront the current situation remains. It is still unclear how the EU perceives itself, but its role is clearly somewhere between supportive and facilitating. In any case, it cannot solve this alone as it is unable to address the DPRK's most pressing concerns it would have to confront for denuclearisation. The position of an honest broker seems realistic, mostly due to the positive perception of the EU, not least by North Korea itself, despite the relative lack of European presence in the country. In fact, DPRK authorities asserted that they have 'no problem with the EU' and that 'it should play a more autonomous role' and differentiate itself from the USA (DKOR, 2018b, p. 6). Other 'candidate' mediators are mistrusted by either the North, the South, or both: China and Japan due to historical and colonial legacies, and Russia and the USA because of their partiality towards Pyongyang and Seoul, respectively (DKOR, 2018b). Furthermore, the network of embassies inherited in the 2004 enlargement provides the EU with existing ties that, while bruised at present, could be reinvigorated and used to increase North Korean trust in European institutions. While still far from being enthusiastic, it looks like the DPRK could be convinced to be brought back to the negotiating table given that authorities preferred increasing bi- and multilateral contacts even before lifting sanctions.

## 7. Conclusion

The topic explored in this thesis is an often overlooked but nonetheless fascinating area of EU external action. North Korea is a relatively distant issue for the EU, but it presents a fascinating arena where EU policies and conceptions of the EU as a power can be tested further. Against this background, this thesis addressed the EU's North Korea strategy of critical engagement in light of the perpetuation of the conflict and its widespread criticism. It specifically looked at different aspects of the policy –sanctions to deter proliferation, human rights dialogue and approaches to a multilateral resolution– and whether the current state favours one over others.

The first section analysed sanctions, the main part of critical engagement and arguably the only genuinely active one. The analysis revealed that there are some design and implementation flaws. This is chiefly due to comprehensive sanctions on the North Korean economy being included alongside the conventional targeted measures, thus disproportionately affecting the North Korean population compared to the intended target that is the regime's elite. Despite these flaws, sanctions

as the undisputed main deterrence tool enjoy broad support both within the EU and among its partners, although with varying assessments on their effectiveness, due to their straightforward implementation, perceived lack of alternatives, and low cost in terms of economic interests in the DPRK.

The analysis then turned towards human rights and humanitarian aid, which was found to be engulfed by the sanctions policy. Compared to EU-DPRK relations at their inception, this strand of critical engagement is no longer used as an avenue for dialogue with Pyongyang and is de facto no longer part of the 'engagement' branch, but rather the 'critical'. This is caused by an implicit linkage between these two parts; whereas before human rights dialogue and, particularly, humanitarian aid were unconditional, they are now locked behind substantial progress on the denuclearisation issue, an area where results remain unseen.

Finally, the multilateral aspect of the conflict was scrutinised. Multilateral initiatives for a peaceful resolution have been markedly absent, instead replaced by a web of bilateral relations of all concerned actors. The analysis has subsequently found that whoever is the EU's preferential partner vis-à-vis North Korea can shape the European approach between engaging the DPRK and prioritising sanctions and coercion. A multilateral forum remains nonetheless necessary, as identified by the EU itself, for a long-lasting solution to the DPRK nuclear issue. Facing this need, the EU could arguably shape itself toward a mediating role that facilitates dialogue between the DPRK and other relevant actors such as South Korea, the USA and China, among others.

These different analytical focuses had the aim of answering this thesis' research question: to what extent should the EU reconsider its policy of critical engagement? The answer is complex, but with the balance between confronting the DPRK and engaging with it being in favour of the former, at least a re-evaluation seems in order. The present state stems from sanctions being the 'comfortable' measure to adopt and not from a lack of alternatives. Admittedly, they are difficult, and require much more willpower and proactivity than the current approach. The findings therefore confirm the first hypothesis: sanctions are the flagship measure because of their low retaliation risks. While North Korea is indeed a second order issue for the EU, this is not the only reason for the prevalence of sanctions. A European approximation to the USA's position and a stubborn Kim regime also account for the present situation. This leads to the second hypothesis: critical engagement indeed needs reform, but positions on both sides have become obstinate and tunnel-visioned into a vicious cycle of nuclear tests and sanctions. As shown, however, some openings for constructive dialogue exist, but they require genuine willpower.

This thesis is an attempt to contribute to the comparatively small literature surrounding EU-DPRK relations. With critical engagement being the object of the study, a focus on state diplomacy and hard security issues was necessary, given that a long-lasting solution to Korean denuclearisation will ultimately be political. Consequently, crucial elements of this remarkable conflict have been left out, such as Track 2 diplomacy, people-to-people contacts, and inter-Korean relations. These themes, alongside comparisons between North Korea and other areas of EU external action, are areas where future research can focus on.

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