

What to do about Kim?

The European Union as an external actor towards the Democratic People's Republic of Korea 2001- 2011

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Abstract

The concept of actor capability outlines the basic features for the EU to be an international actor, separating it from nation-states and international organizations. This thesis applies this diagnostic concept to the case of EU-relations with the Democratic People's Republic of Korea (DPRK). More specifically, it studies how the actor capability has changed by comparing the years 2001 and 2011 respectively. The material used is apart from secondary sources also legal texts, statements, strategy documents, interviews and protocols from the Council working group on Asia and Oceania (COASI). The overarching result is that the Union has developed its general prerequisites for coherent action, more notably via provisions found within the Lisbon Treaty. However, the actor capability vis-à-vis the DPRK has changed in a different manner and many of the resources and instruments developed are not being used in this case. A conclusion is therefore that the improved prerequisites, at the same time can be interpreted as having generated difficulties in creating a political impetus (or a so-called community of interests). As this community is an essential component in steering the use of the Union's available resources, the consequence has become a relative stalemate in the actor behaviour towards the DPRK.

Key words: European Union, Democratic People's Republic of Korea, actor capability, Common Foreign and Security Policy, Treaty of Amsterdam, Treaty of Lisbon, The Swedish EU-Presidency 2001, European External Action Service

Abbreviations

COASI	Council working group on Asia and Oceania
COREU	Correspondence Européenne
CSP/NIC	Country Strategy Paper/National Indicative Programme
DEVCO	Development and Cooperation - Europeaid
DG	Directorate General
DMZ	De-Militarized Zone
DPRK	Democratic People's Republic of Korea (North Korea) ¹
EAPG	The East Asia Policy Guidelines
ECHO	The Humanitarian Aid and Civil Protection department of the European Commission ²
EPC	European Political Community
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUPS	European Union Programme Support Units
Euratom	The European Atomic Energy Community
EUSR	European Union Special Representative
FAC	Foreign Affairs Council
GAC	General Affairs Council
GAERC	General Affairs and External Relations Council
HR/VP	High Representative for Foreign Affairs and Security Policy
HOM	Head of Mission
ICBM	Intercontinental Ballistic Missile
KEDO	Korean Energy Development Organization
PSC	Political and Security Committee
QMV	Qualified Majority Voting
ROK	Republic of Korea (South Korea)

¹ These terms are used interchangeably in the thesis.

² Formerly known as the European Community Humanitarian Aid Office.

CFE Working papers No. 50

SG/HR	High Representative for the Common Foreign and Security Policy
UN	United Nations
UNGA	United Nations General Assembly
UNCHR	United Nations Commission on Human Rights (1946-2006)
UNHRC	United Nations Human Rights Council (2006-)
UNSC	United Nations Security Council
US	United States of America
USD	United States Dollars
WFP	World Food Programme
WMD	Weapons of Mass Destruction

1 Introduction

I think this is going to be a very long and very stony road.

Chris Patten, Commissioner for External Relations 1999-2004

The European Union has come a long way from being a custom's union between a handful of countries, today consisting of 27 member states jointly regulating a wide array of policies, including a Common Foreign and Security Policy (CFSP). A continuous criticism is however that the Union despite having high ambitions in the international field and *de facto* being the world's biggest trade bloc, is a remarkably small global actor (Hill & Smith, 2011:474).

The development of the European cooperation has raised theoretical debates on how we can view the Union from a more global perspective. One aspect of the debate is what *power* the Union possesses, e.g. if the Union is a civilian, normative or military power, promoting different values via its available instruments (See e.g. Duchêne, 1973; Smith, 2000; Manners, 2002; Hill & Smith, 2011:438f.). Another aspect is the study of the Union's *role* in international politics and how institutions work in influencing this (see e.g. Aggestam, 1999; Sjørnsen, 2006).

What I am interested in however, is the basic concept of international *actorness*. The motivation is that before looking at different aspects of actorness, one needs to study what can be considered important for developing this capacity, and to what extent the EU actually can be considered an actor at all.

One could question if organizations even should be analyzed as actors in the international system (Goldmann, 1979:25). The prerogative to pursue foreign policy has traditionally been considered a core feature of sovereignty (Keukeleire & MacNaughtan, 2008:8f.). A traditional realist approach is that states are the central focus within the international system and that organizations are immediately subordinate to these. However, the Union is not a "typical" international organization (Bretherton & Vogler, 2006:15f.). The EU has fundamentally special preconditions for pursuing a foreign policy compared to sovereign states, for example as external action is characterized by differences in competence and institutionalization between different issue areas. Furthermore, the Union is exactly what the name implies: a Union between sovereign states. We should therefore take this certain character into account when attempting to analyze the Union as an actor within international relations (Bretherton & Vogler, 1999:1-4).

Gunnar Sjöstedt created the most elaborated approach on this already in 1977 via the book "The External Role of the European Community", coining the term *actor*

capability to be established via certain specified criteria (c.f. Bretherton & Vogler, 1999:36f.; Goldman, 1979:25).³ His theory uses the Union's special preconditions as a challenge to the more traditional nation-state concept of foreign policy actorness. Instead, the author discusses special features necessary to determine when and under what conditions the Union is capable of acting internationally (1977:3-5). As this can be seen as the founding theory of how we can view the EU as an international actor, this is the one I have chosen to apply to a specific case.

The specific case in its turn is The Democratic People's Republic of Korea (DPRK, or North Korea), one of the most isolated and unknown countries in the world (Ford & Kwon, 2008:xii). The country is located on the northern half of the Korean Peninsula, one of the real hotspots in international relations (Rüdiger, 2002:88). North Korea is perhaps most (in)famous today for its nuclear programme, with the standing question on to what extent the country has the capability of creating nuclear weapons and furthermore, deploying them (see e.g. BBC News, 2012). Summarizing the issues surrounding the country, these touches both upon international security, human rights and democracy (Lee, 2009:126; Bengtsson & Strömviik, 2001:166). Apart from the abovementioned reasons, it is not a part of the immediate neighbourhood. It should thereby serve as a suitable test case for international actorness.

The chapter's introductory quote is by the former Commissioner for External Relations, Chris Patten, and was said right after the visit of the first EU high-level delegation to the North Korean capital Pyongyang in May 2001 (Blane, 2001). This visit manifested the formal entry of North Korea into the immediate foreign policy realm of the Union. During the last decade however, increasing complaints have been raised that the EU is "a payer and not a player" in the country (Berkofsky, 2009).

Last year marked the 10-year anniversary of this high-level visit. Also, in December 2011 the North Korean leader Kim Jong Il passed away, once again putting the country back into the global spotlight. This inspired me to make a more systematic study on how the EU's actor capability can be considered to have changed in this specific case. The implied assumption is therefore that if Sjöstedt's criteria can be considered the necessary ones to establish and measure to what extent the EU is

³ To avoid confusion, the term "the EU" or "the Union" is used continuously in this thesis, also in the theoretical connections.

an international actor, one can also apply these to a specific case and compare actor capability over time (c.f. 1977:18).

1.1 Research problem and aim

After having reviewed previous works on the topic of EU and North Korea, I have so far not discovered a study incorporating the basic yet comprehensive concept of actor capability. This despite several authors discussing for example specific features of action, as well as the influence of other parties on the Union's behaviour.

A selection of previous works on the DPRK is firstly orientated around the "triangular" US-EU-DPRK-relation: Rüdiger (2002) for example, analyzes the EU-DPRK-relationship in the light of the US as an influential factor on the former two's bilateral relations. Ford & Kwon (2008) instead make an assessment on how the EU can engage with North Korea and counterbalance the US isolative policy. Lee (2009) in his turn analyzes whether the Union's economic cooperation with the DPRK could function as a balancer towards the US influence. However, the literature is not only on the US, for example Hagström & Söderberg (2009) analyze Japan's influence on the EU's foreign policy.

Other literature also discusses the importance and influence of specific policy areas on general EU-action. For example, Berkofsky (2009), makes a comprehensive outline on the political and security relations between the EU and the DPRK, arguing that the EU's reluctance to participate in hard security issues make it lose the power to be a "player" in the country and the region.

Finally, some scholars also study more internal Union aspects. Ko (2008) for example, analyzes via the use of intergovernmentalism and supranationalism, whether it is the Commission or the member states that can be considered the vanguard within four different areas of DPRK-policy.

By applying the concept of actor capability to the case at hand, I thereby hope to fill a basic void in the literature on the EU and North Korea. The ambition is also that this can add knowledge on how we can perceive the EU's international actorness from a broader perspective.

My research question could therefore be seen as a case of the EU as an international actor, aiming to answer a part of the broader question on what makes the Union into this and how changes in these features affect the general actor capability. The thesis is not an in-depth study of a particular event, or a general descriptive chronological review. It is to study one specific case of external action over time, and to move down on the so-called ladder of abstraction the overarching

CFE Working papers No. 50

research question is therefore: *How has the EU's actor capability changed in the case of North Korea between 2001-2011?*

2 Methodology

2.1 Methodological ambition

This thesis is a comparative case study, meaning that it aims to answer the research question by studying certain units of analysis within two different contexts (Esaiasson, 2007:121f.). To make the study as systematic as possible, there are some necessary steps to take. Firstly, I need to define the "universe", or the class of events of which my cases are instances. In this case, it is the Union's international actor capability. Yet, to achieve greater precision in the results it is appropriate to move down the ladder of generality to look at a sub-class of the broader phenomenon, which is actor capability in the specific case of North Korea (George & Bennett, 2005:69; 74-78). By comparing within two different contexts, I hope to be able to understand how one scheme functions in different environments (George & Bennett, 2005:83f.). I have chosen to compare different time periods and perceive the span of 2001-2011 to be an applicable one. This as 2001 was the time when the EU *de facto* as well as *de jure* established North Korea as a policy priority for the Union (see 6.2). Via examining the actor capability in 2001 and then ten years later, I have two units of analysis. The different contexts are thereby based on time and not on different countries or policy areas, which are also common in comparative studies (Esaiasson, 2007:121).

Furthermore, as I want to investigate one specific theory within a certain setting, I thereby have a theory-testing ambition (George & Bennett, 2005:109). As one should be careful with level estimations, I therefore use a so-called strategy of change by applying the same analytical tools in two different periods of time, to draw conclusions on if there has been a relative change and how this can be characterized (Esaiasson, 2007:165). A comparative study therefore also functions somewhat as a yardstick, which hopefully can serve as a relevant basis for understanding and improving the area of study (c.f. Phillips; Schweisfurth, 2006:13f.). I therefore also aim to summarize if there are certain elements that could develop the analytical framework.

After outlining my theoretical ambition, I shall identify the variables defining the case at hand, *i.e.* how the independent variable(s) should define the dependent variable (Esaiasson, 2007:54f.). The dependent variable is here the EU's actor capability vis-à-vis North Korea. The independent variables could thereafter be of a varying character, but since I have a theory-testing ambition they are in this study the

ones specified in my theoretical framework; autonomy, structural prerequisites and actor behaviour.

Moreover, there are of course limitations with my method of choice, just as there are benefits. First and foremost, when using a case-study method, even a comparative one, the basic question of generalization occurs. A case study is “*a detailed examination of an aspect*” (George & Bennett, 2005:5). One main disadvantage is therefore the possibilities for generalization to other cases, as there is a risk of “overgeneralizing” the broad applicability of the case of study (George & Bennett, 2005:31f.). The main advantages of a case study are instead that detailed examinations generate a greater possibility to derive new hypotheses, as well as in-depth exploration of mechanisms and complex relations. I therefore have to trade generalization, in return for higher conceptual validity and the possibility to derive new hypotheses (George & Bennett, 2005:5, 18-22).

Finally, the chosen variables could be considered another major limitation, as one methodological possibility is to use competing theories (George & Bennett, 2005:75-77). Yet, performing a theory-oriented case study does not mean that the researcher have to take into account all factors/variables that might affect the phenomenon. Often it might be wiser to test certain specific variables, rather than asking which general factors that could affect the phenomenon of study (Esaiasson, 2007:108). It is also therefore that I have chosen the clear, and well-established variables as defined by Sjöstedt.

2.2 Data collection

2.2.1 Operationalization

Two main problems within the scientific study of politics are the issues of validity and reliability, that is if the researcher is measuring what she intends to measure, and is doing it in a reliable way. I therefore must specify what I mean with the chosen theoretical terms and how I intend to study these to draw any conclusions, *i.e.* perform operationalization. This methodological step is important to make visible for the reader, so that she can make her own interpretation of the analyzed material. (Teorell & Svensson, 2007:38f.). As presented above my overarching theoretical variables are autonomy, structural prerequisites and actor behaviour. However, as the variables are not operationalized to my specific case, I will adapt these via developing

more concrete sub-questions to my overarching research problem, functioning as the indicators (c.f. George & Bennett, 2005:79f.). These will be outlined in chapter 3.

2.2.1 Material and practical delimitation

After having operationalized my theoretical variables, these are to be measured in a valid way, meaning both to determine data requirements and in a clear manner present how the data was collected (George & Bennett, 2005:86f.). My main primary sources will be the Treaty framework, various official and legal documents from the European Council, Council of Ministers (Council of the European Union), European Commission, the European External Action Service and the European Parliament concerning the DPRK, together with protocols from the Council working group on Asia and Oceania (COASI). I have been given access to the reports from the COASI-meetings in 2011 in their entirety and these are referred to in the text by their date of meeting. Out of confidentiality reasons, I have left out specific information on individual member states' stances and more specific strategic content.

To complement the written material, interviews have been performed. For example I have chosen not to study the protocols by the Political and Security Committee (PSC). Instead, I have chosen to interview a person with insight into the workings of this Committee. The interviewees have therefore been chosen on the basic premises of centrality, meaning that they are centrally placed sources with good knowledge about my case from different institutional perspectives and levels of decision-making (c.f. Esaiasson, 2007:291f.). A basic description of the interviewees is found in the reference list, but their identities are kept confidential. I am aware that this affects the intersubjectivity of the thesis. However, as a researcher I have to take primary consideration of the interviewee. Since some of them requested anonymity to take part in the study, I have chosen to anonymize all. The actual interviews have been performed in person or via telephone as noted in the list. The interviewees have upon request been granted access to validate their excerpts used in the thesis, also to minimize the risk for misinterpretations of the interview material (the ethical considerations have been taken with regards to Halvorsen, 1992:160-162).

Together with the other primary sources listed above, I perceive myself to have a sound basis to analyze the internal developments determining the degree of actor capability. After all, it is not so much the policy-discussion per se that is interesting for my analysis. Focus is first and foremost on the relative consensus, as well as the capability of the institutions to facilitate decision-making, leading to the use of the different instruments available. I therefore deem my material to be sufficient, also

taking into account that the primary sources will be complemented by secondary sources that describe and analyze the Union's internal developments, as well as the Union's relations with North Korea.

Another choice around my material is that I to a large extent have interviewed Swedish officials and diplomats. The perspective thereby risks to be somewhat biased. In spite of this, Sweden has had a unique insight into in the DPRK-issue as it until 2001 was the only EU-member state having an actual embassy in the country (National Committee on North Korea, 2011).⁴ Furthermore, it had the rotating Presidency during the first half of 2001. The knowledge on the EU-DPRK relationship is therefore good, also from a comparative time perspective. I have in addition apart from studying non-Swedish secondary sources, interviewed an EU-official of non-Swedish origin, a non-Swedish member of the European Parliament, as well as several Korean academic scholars. Yet, interviewing officials and diplomats from other member states could very well be a good point of departure if one wishes to continue the research performed in this thesis.

Finally, as I am studying one specific case, I am going to have to leave out the study of material on certain instruments that could be of more use for analysis in other cases, such as the development of the EU's military capabilities via the creation of a European Security and Defence Policy (ESDP). The motivation behind this is that there has never been any substantial discussion on a military intervention in North Korea with the participation of the Union (as mentioned by interviewee 6).

⁴ For specific alsters on Sweden's relations with the DPRK see e.g. Cornell, 1999 and Lamm, 2012.

3 Theoretical framework

The theoretical concept of actor capability developed by Gunnar Sjöstedt, is a model on to what extent the EU can be regarded an actor in the international system. His framework has thereafter been developed by *inter alia* Allen & Smith (1998), focusing on the concept of "presence". Bretherton & Vogler (1999) in their turn uses Sjöstedt's framework as a basis for developing their own criteria of international actorness, oriented towards the concept of mandate, or the ability to negotiate and conclude agreements on behalf of the Union. Finally, Ginsberg (1999) emphasizes the concept of actorness as defined by output.

One could therefore question the use of theory, as it is now over 40 years since its creation and other more recent authors have taken to the task of developing the framework. My basic motivation is however that the criteria presented by Sjöstedt are described as the essential criteria for being an international actor and these can be applied on a continuous basis. The framework is therefore both basic and comprehensive. One interesting assumption is for example that the more interlocked the members of the EU becomes, the more the Union will be able and willing to act in a unitary way in the international arena. One should in spite of this, question if it is really possible to assume that European integration leads to the emergence of a more capable international actor (1977:3f).

Furthermore as far as my special case is concerned, it is useful to apply the concept of actor capability, since the Union's actions in North Korea, has been questioned (illustrated via the "payer not player"-concept mentioned in the introduction). Sjöstedt's framework therefore allows for a comprehensive analysis of general Union external action, not getting stuck in a dichotomy between supranationalism and intergovernmentalism, seeing international action as either the result of inter-state bargaining or a spill over between the supranational EU-institutions (c.f. Ko, 2008:49).

What I aim to do in addition is to use the theoretical criteria to look at changes in actor capability in my specific case. I do this via the assumption that if the established criteria change in certain aspects, the actor capability of the Union will also be affected. Sjöstedt also points out that the one of the two major concepts of actor capability, the so-called structural prerequisites are suitable for identifying and diagnosing change in the general actor capability (1977:76). The theory is therefore deemed highly relevant when assessing my general aim.

3.1 The diagnostic concept of actor capability

The basic concept of actor capability is:

[a] measure of the autonomous unit's capacity to behave actively and deliberately in relation to other actors in the international system.

(Sjöstedt, 1977:16)

His assumption was that if the EU is becoming a new international actor, it must have some typical features for study. He therefore meant that one needs not only reasonable, but also clear criteria to measure this (1977:1-5). Furthermore, he meant that the capacity of an international actor is not something indivisible, meaning that it is something you have or do not have. Instead one can view it as something that you possess to a greater or a lesser extent (Sjöstedt, 1977:13f.). Actor capability is therefore something that can vary with time, but the foundation is that the more capability the Union possesses, the more it is able to behave as a single unit in any type of situation. It is therefore important to point out that the theoretical framework is not used to analyze what kind of actor the EU is, but if and to what extent (Sjöstedt, 1977:16-18). Via the use of overarching criteria, Sjöstedt therefore aims to define the degree of actorness. In that sense he also opens up for the possibility of defining where the shortcomings of an actor may be and how this affects striving towards a higher degree of actorness (1977:15f.).

The theory is thereafter based on three criteria, the first being autonomy, meaning the possibility to distinguish the actor from its external environment and that it has some minimal degree of internal cohesion. The second is a set of smaller criteria, so-called structural prerequisites of different nature. The more prerequisites that are met, the better the possibility to perform as a single actor in relation to others. The third indicator is the actual outward directed actions of the EU, or the actor behaviour (Sjöstedt, 1977:14-17).

Below I will elaborate further on these three and adapt them to the case of study via posing questions that will function as my analytical framework, meaning the outline of the operational definition of the theoretical concept (c.f. Teorell & Svensson, 2007:38f.).

The diagnostic framework is thereby used as a categorization of how we then could interpret changes in actor capability over time. The outline below serves as an introduction to the concepts that will be further developed in the analysis.

3.1.1 Autonomy

An elementary criterion for an international actor is the autonomy from its surroundings, or more precisely the possibility of a minimal degree of separateness from the external environment, as well as a minimal degree of cohesion (1977:15). Sjöstedt states that the criteria is almost automatically fulfilled for the Union to even begin analyzing it as an actor of its own. He also adds that if internal cohesion drops, actor capability will almost immediately be affected. However this will most likely be reflected in changes occurring in the actor behaviour, or in the structural prerequisites (1977:18f.). Autonomy is therefore: “*a necessary, but not sufficient condition*” (Sjöstedt, 1977:15).

When adapting the theoretical autonomy criteria to the specific case of study, the sub-question to my overarching research problem can be formulated as: *Is there a common autonomous policy basis for Union international action in 2001 and 2011? Does it change in a substantial manner?*

3.1.2 Structural Prerequisites

The second criterion for actorness is found under the concept of structural prerequisites, or what can be considered the practical preconditions for action.

The first category within this concept, are the basic requirements. This is in its turn essentially illustrated via if there is a so-called community of interests, meaning a set of generally accepted interests and from these articulated goals toward EU external action, using the pool of available resources (Sjöstedt, 1977:75). The community of interests therefore function as “*the component [...] which is to give clear instructions of how, and for what purposes, this instrument is to be employed*” (Sjöstedt, 1977:85f.).

The second category is decision-making and monitoring facilities, i.e. the EU’s capacity to prepare for, as well as control external action, both in more normal situations and during crises (Sjöstedt, 1977:75). A crisis is then: “*the sudden emergence of a situation requiring a policy choice by one or more states [or in this case; the Union] within a relatively short period of time*” (Morse in Sjöstedt, 1977:98).

The third and final category is what action-performance instruments, i.e. what communication agents and channels that are available towards the external environment (Sjöstedt, 1977:74f.). Briefly, these are focused on the EU’s own missions abroad, as well as the external representations to the Union. Depending on

the circumstances, this may also very well include the national diplomatic services (Sjöstedt, 1977:107-109).

Taking the three abovementioned categories of structural prerequisites into account, and then adapting it to my case of study, the question is: *How does the practical preconditions for coherent Union action towards North Korea change from 2001 to 2011?*

3.1.3 Actor behaviour

The final criterion is actor behaviour, meaning the actual usage of the theoretical possibilities for action. Actor behaviour is thereby defined as a transaction, transferred to a recipient in the outside world. The object of transaction could thereafter be both of a varying nature and quantity, with the basic precondition that the transaction should be emanating from the EU system. The action taken should therefore be stemming from the system and secondly, that the reason for this action or the expression it takes is from the “identity” of the EU. The treaty framework can here be a good example of a determination, as the boundaries of the Community is described in legal text. However, it does not necessarily have to be so that all EU-action is prescribed in the treaties, and actor behaviour can also be other more or less united external behaviour (Sjöstedt, 1977:20-24).

An assumption regarding actor behaviour is that the greater the pool of community resources available, the better the conditions for actor behaviour performance. However it can be very hard to determine how big the pool of resources is, as it is only a limited amount of it that is openly labelled as the Union’s. These resources, labelled ”formal” ones, are relatively easy to measure (once again, mainly treaty framework-listed institutional resources) and it is also relatively easy to determine the purpose of these. Other types are given to the common institutions from member governments and other actors. These resources are so-called informal resources and are harder to study (1977:25; 109f.).

One basic distinction to understand the umbrella concept of actor behaviour is therefore between diplomatic interaction and exchange interaction, where the former is highly political interaction taking place either in a bi- or multilateral setting. The latter is performed by national governments, enterprises or organizations, acting in line with the common stance and is of a more implementative character (c.f. Sjöstedt, 1977:46f., 59, 62f.). It would be impossible within the scope of this thesis to take all types of behaviour into account, and I will therefore focus on what I find to be the

main resources for action towards North Korea, and the changes in employment of these.

Changes can in its turn be described in a qualitative and a quantitative sense, both being somewhat subjective. Quality can be seen as increasing when there is a lesser difference between the action taken and the goals decided upon by the Union. Quantitative changes can in its turn be considered an increase/decrease in the amount of actor behaviour (Sjöstedt, 1977:65-67).

The sub-question regarding actor behaviour is therefore as follows: *How does the employment of the Union's main resources for action towards the DPRK change from 2001 to 2011?*

4 Developing a common policy towards North Korea

The EU-Asia relationship has historically been a weak one (Edwards, 2011:55). The first real attempt to develop a common Union position was via the 1994 "Towards a new Asia Strategy"- paper by the European Commission (Bridges, 2003:88). With this paper, the Union announced an ambition for participation in the political and security area, and how this could be an opportunity for a more developed Asia-Europe partnership. The creation of the Asia-Europe Meeting (ASEM), with its first bi-annual summit in Bangkok 1996 could be considered the first result of this new strategy (Lee, 2009:130f.).

North Korea in its turn however, is still not a member of ASEM and the history of its relationship to Europe is divided. Eastern Europe had from early on developed a relatively close link to the DPRK. In the west on the other hand the North Korean relationship was practically non-existent. With time the general European partnership with the DPRK's southern neighbour South Korea, grew to becoming one of the most important in Asia. North Korea was nonetheless still very much disconnected from Europe (Bridges, 2003:86-89).

The Union's common involvement in the DPRK started with the nuclear crisis in 1993 when the North threatened to withdraw from the Nuclear Non-Proliferation Treaty (NPT) it had with the US since 1975, as well as stalled the international inspections of their nuclear facilities in Yongbyon. The official response from the Union was a divided one, where one group of member states wanted strong sanctions and another a more conciliatory process. The crisis was resolved via the US-DPRK Agreed Framework in 1994. Simultaneously the Korean Energy Development Organization (KEDO) was created, which the EU became an executive board member of in 1997, via the European Atomic Energy Community (Euratom) (Ko, 2008:53, Bridges, 2003:89f.). The objective of the organization was North Korea abandoning its nuclear programme, receiving in exchange two light water reactors together with annual heavy oil shipments during construction (Berkofsky, 2003:7).

EU participation in KEDO can actually be heralded back to the Asia Strategy from 1994, as the decision on taking part in this organization was based on EU's idea of e.g. strengthening non-proliferation and preventing the spread of Weapons of Mass Destruction (WMD) (Lee, 2009:134). Emphasis was however put on that the support for this was not replacing an own Union policy of engagement in the DPRK (Berkofsky, 2003:8). Still, Europeans were both politically and financially committed

to KEDO as it functioned as an important method of communication with the North, despite reoccurring conflicts within the organization (Bridges, 2003:91).

In the mid 90s, the EU grew to becoming one of the biggest donors of humanitarian aid to the country (Ko, 2008:47). In 1998 a direct EU-DPRK political dialogue started on a senior official level. In Council Conclusions from July 1999, together with an outline of general policy objectives for the Korean Peninsula, an expressed interest of reviewing the bilateral relations with the country was made as a response to positive developments. Likewise, expressed in Council conclusions in October and November 2000, the Union once again showed interest in expanding the relations to North Korea via a more “comprehensive approach” (see Conclusions from 1999-07-19, 2000-10-09 and 2000-11-10; Berkofsky, 2003:17).

It is with this intensification I conclude the background developments and move on to the specific situation in 2001.

5 The European Union and North Korea in 2001

This chapter outlines the main features of the Union as an international actor in 2001. It is divided into two sections, where the first part is a description of general preconditions for the Union's external action, with a certain focus on the CFSP as the "motor" of actorness (c.f. Smith, 1998:77). Important to keep in mind is that beyond the immediate CFSP-scope other elements of external action, such as development aid, have become very important foreign policy tools (Keukeleire & MacNaughtan, 2008:204). The second section therefore outlines the external action towards the DPRK in specific, meaning that apart from the CFSP, also other elements such as aid and trade are taken into account. The structure follows the events adjacent to the three main institutions: the Council, the Commission and the European Parliament, as well as a fourth part with the heading "other elements of external action", including apart from bilateral trade also the national embassies and KEDO.

5.1 External action - General preconditions in 2001

In the year of 2001, the Treaty governing the functioning of the EU was the Amsterdam Treaty (Strömvik, 2005:111).⁵ Amsterdam was an update of the Maastricht treaty from 1993, which had established the three-pillar structure that was effective until 2009. The three pillars stood for the separation of decision-making procedures and institutional involvement between the areas of Community competences, the CFSP and Justice and Home Affairs. With Amsterdam, the aim was to better assert for an active Union on a global arena. However, the second pillar *i.e.* the decision-making procedures for foreign policy was criticized for inefficiency. This as it unlike the Community pillar was strictly intergovernmental, with both the decision-making and the power of initiative found within the European Council and the Council of Ministers (the General Affairs and External Relations Council - GAERC) (Smith, 2003:26f).

The Amsterdam Treaty was therefore signed to clarify the competences and functions of the European institutions (Villes, 2001:20). A specific goal was to make the procedures more simple and effective to create a credible and possible European

foreign policy (Walker, 2001:72). Despite it not changing the pillar at its core (c.f. Villes, 2001:20), some new features were introduced and some old features were clarified:

One was the establishment of the so-called common strategies (art. 13 TEU). This was created to facilitate for a common foreign policy strategy in areas or countries where a common strategic interest in the European Council was to be found. These were to be separated from the instrument of joint actions, taken for addressing a view in “specific situations where operational action by the Union is deemed to be required” and the common positions that were an “approach of the Union to a particular matter of a geographical or thematic nature” (Strömvik, 2005:113, see art. 14-15 TEU). The procedural requirement for adoption was unanimity, apart from when taking an applying or implementing decision. Then qualified majority voting (QMV) was the decision-making rule (Europa.eu - The Amsterdam Treaty, a comprehensive guide, 2012).

Another feature was the creation of a High Representative of the Common Foreign and Security Policy (SG/HR), being also Secretary General of the Council. This position was created to make Union foreign policy more coherent, also from an external perspective, as this person would be “fronting” the CFSP (art. 26 TEU). The tasks for the SG/HR was to assist the Council in preparing, formulating as well as implementing decisions related to the CFSP. The SG/HR was also created for political dialogue with third parties, decided upon by the Council at the request of the Presidency (Europa.eu - The Amsterdam Treaty, a comprehensive guide, 2012; Strömvik, 2005:114).

A final instrument to mention was the appointment of Special Representatives (EUSR), a type of special Union-envoy to certain regions of interest (c.f. European Union Council Secretariat, 2009). The EUSRs were in 2001 appointed by the Council and given a “*mandate in relation to particular policy issues*” (see art. 18.5 TEU). Among different EUSRs in office during 2001 were one to the Great Lakes Region in Africa and another to the Middle East Peace Process (Grevi, 2007:17f.). Relevant to this thesis however, none to the Korean Peninsula.

⁵ The Amsterdam treaty was signed in 1997 and ratified in 1999. The Nice Treaty was thereafter signed on February 26 2001, but did not enter into force until January 1 2003 after having been rejected in an Irish referendum in June 2001.

5.1.1 Other notable features in 2001

One feature not mentioned in the Amsterdam Treaty, was the setup of a Political and Security Committee (PSC) to assist the GAERC. The Committee was first an interim one, established via a Council decision, following conclusions in December 1999. The permanent committee was created via a Council decision in January 2001 following Council conclusions from Nice in December 2000 (see 2001-01-22). The duties were *inter alia* to coordinate the working groups within the CFSP-area, provide inputs on foreign policy events to the GAERC and supervise the implementation of agreed policies (Europa.eu - The Political and Security Committee, 2012).

Secondly, even though all member states had the power of initiation within the CFSP, it was in practice often the rotating six-month Presidency of the Council of the European Union (from hereon: the Presidency) shaping the priorities, depending on own interests, as well as other international events. Generally the possibilities to make its own mark, based on capacity and will, were relatively big (Bengtsson & Strömviik, 2001:154f.).

5.2 EU external action towards the DPRK in 2001

5.2.1 The Council and the Presidency

The year of 2001 marks the first real high-level contact between the EU and the DPRK. Despite the Asian-European link being described as very weak (c.f. Guttman, 2001:103) and despite that the Korean Peninsula was not an official priority area of the Swedish Presidency that was taking place during the first half of the year, the EU-Korea relationship became what in retrospect has been described as the Swedish Prime Minister Göran Persson's "own project" (Bengtsson & Strömviik, 2001:155, 162). It was also described as a great success for the Presidency (interviewee 9).

The circumstances were the EU-DPRK relationship experiencing a wind in its sails as several member states, not already having established diplomatic relations with the country, during this time started to do so. In the end of 2001, thirteen out of the fifteen member states had established this (National Committee on North Korea, 2011).⁶ The South Korean President *Kim Dae Jung* had also won the Nobel Peace

⁶ United Kingdom (2000), the Netherlands (2001), Belgium (2001), Spain (2001), Germany (2001), Luxembourg (2001) and Greece (2001) all established their relations during this time, with Sweden (1973), Finland (1973),

Prize in 2000 for his so-called sunshine policy towards the North, a policy of rapprochement towards improved inter-Korean relations. However, France, initially blocked a common position from the Union in response to the sunshine policy. There is here some storytelling why the French did not want to join forces with an increasing EU-engagement. The official reason was allegedly because of an experienced lack of respect for Human Rights by the DPRK (Bengtsson & Strömvik, 2001:162). The main reason instead put forward by several interviewees were the uncoordinated diplomatic recognition of the DPRK by Germany and the United Kingdom in 2000, not having notified the French President *Jacques Chirac* in advance (interviewee 1, 9). Despite this French hesitance within the Council, Sweden managed both to “carve out” a united Union position, and at the Stockholm Summit in March 2001 create consensus to send a Union troika-delegation to Pyongyang with the main policy basis being the jointly accepted elements during the GAERC in November 2000 (Bengtsson & Strömvik, 2001:162; 2001-03-24).

Persson led the delegation arriving in May. The other two representatives were the Commissioner for external relations Chris Patten and the SG/HR, Javier Solana (BBC News 2001a). That the meeting would take place was confirmed after the North accepted some conditions for the visit, such as that there would be talks with Kim Jong Il himself on concrete topics such as a new inter-Korean summit, human rights, economic reform and the missile programme (Berkofsky, 2003:19; interviewee 9). The meeting received much international attention and one concrete result was a two-year moratorium by Kim on missile testing (interviewee 7). Furthermore, a human rights dialogue between the EU and the DPRK was established (interviewee 8). This took place in June that same year, with a North Korean delegation visiting both Sweden and Brussels (interviewee 9).

During the Belgian presidency the next six months, despite some initial attempts to keep the drive, the North Korean issue disappeared totally from the agenda as the Belgians: “*were not interested at all*” (interviewee 7, 9; quote by interviewee 9).⁷ Still, on the 27th-30th of October the fourth round of senior-level political dialogue took place (Rüdiger, 2002:96; Berkofsky, 2003:36).

Denmark (1973), Austria (1974), Portugal (1975) already having done so. Ireland established diplomatic relations first in December 2003, as a symbol of ‘Ireland’s responsibilities during the upcoming EU Presidency’ (see Department of Foreign Affairs and Trade, 2003). For a comprehensive outline of DPRK’s global diplomatic relations, see National Committee on North Korea, 2011.

⁷ The original quote in Swedish is “*Sen så tog Belgien över. De var inte ett dugg intresserade*”.

In spite of the Council not being active after the Swedish Presidency, other institutions were. I will therefore continue the outline of 2001 with describing the Commission, Parliament and other external channels' actions.

5.2.2 The Commission

Shortly after the troika-visit, in mid-May, the Commission decided to establish diplomatic relations with the DPRK, meaning that a diplomatic relationship between the Union and North Korea was started (Rüdiger, 2002:96).

Furthermore, the Commission, which could be questioned in its influence on the CFSP, had all the more influence on development aid (Ko, 2008:57). Firstly, the Commission had influence on the distribution, as it had the main responsibility for the implementation of programmes decided by unanimity in the Council (Vanhoonacker, 2011:84). This cooperation is described as having been non-conflictual, in terms of the more specific North Korea-related decisions (interviewee 9).

One of the tasks for the Commission during this period of time was creating a so-called Country Strategy Paper (CSP), outlining the first common European strategy for assistance from the EU to the DPRK 2001-2004 (Lee, 2009:130f.). The aim was to set out a coherent framework for all types of aid from the Union. to assist social and economic development in the country.⁸ The CSP was officially adopted first in the beginning of 2002, but was for example built on a fact-finding mission in February 2001 to assess the needs in the country (European Commission, 2002:4). Furthermore, apart from the Community development cooperation objectives, the CSP was based on the Council conclusions from October and November 2000, endorsing the Commission to expand its assistance to the DPRK (see chapter 4) (EIAS, 2011:3; European Commission, 2002:3f.).⁹ The Commission thereby implemented the Council's request, via expanding the technical cooperation, as well as granting additional market access. For example, a € 20M assistance package for food security measures for the term 2000-2001 was granted. The most controversial was however the granting of technical assistance The EU was the first and only

⁸ Including humanitarian aid, trade policy, food security and sustainable rural development, technical assistance and non-proliferation policy (KEDO) (see European Commission 2002:18-22).

⁹ At the time this was article 177 EC Treaties (general objectives), ALA Regulation 443/92 (Asia objectives) and the EC Development Policy Communication, see European Commission, 2002:5.

donor to grant this type of assistance, with a limited budget of € 5M per year 2001-2004 (European Commission, 2002:18-21).

Secondly, the European Commission Humanitarian Aid Office (ECHO) was the institution responsible for humanitarian aid and they also had a functioning office in Pyongyang in 2001 (see ECHO - Humanitarian Aid Decision). Because of the precarious humanitarian situation and the food shortage in the country, the Union decided that between 2000-2002 an extra € 54M would be granted via NGOs and the WFP. The humanitarian assistance donations were described as extremely important for the Union's continuous engagement in the country, both providing food aid and so-called agricultural support such as production support and water supply. The specific sum compared to the overall budget was however small, amounting to about one percent of the total ECHO-budget (Berkofsky, 2003:26-29; Ko 2008:55).

5.2.3 The European Parliament

In some interviews, the European Parliament are described as having been a relatively negligible part of EU-external relations with the DPRK in 2001, first and foremost as they had no substantial budget to initiate larger projects and no legal basis to participate in the CFSP (see e.g. interview 6, 7). During an interview with a former parliamentarian, he however emphasizes the role of the EP in the case of the DPRK and states that up until the troika-visit in 2001, it was the "pioneer" ahead of the Council and Commission in terms of its active DPRK-policy (interviewee 8).

The Parliament had influence over legislative proposals in certain policy areas, via the so-called co-decision procedure. This meant that for a legislative initiative to be passed, apart from consent by the Council, also Parliamentary consent was needed (European Parliament, 2009:8). These included areas, which at least potentially could have an external implication.

Regarding formal actions during 2001, apart from asking questions to the Council and the Commission, the Parliament also adopted own formal positions. Firstly a resolution was approved in January containing general provisions on the Union's relations to the DPRK, such as the importance of maintaining a dialogue with a focus on human rights, as well as increased humanitarian aid and contributions to KEDO (see 2001-01-09). In December it adopted another building upon a Commission communication regarding an agreement between Euratom and KEDO (see 2001-12-21).

Secondly, ad hoc delegations from the Parliament had visited the DPRK practically every year since 1998, in similarity to the political dialogue pursued via the

Council-framework. In 2001 the Parliament's visit took place in February, somewhat remarkably during Kim Jong Il's birthday (Rüdiger, 2002:96). The date was chosen to communicate goodwill, even though symbolic dates like this was usually avoided by Western delegations, not to signal any support for the North Korean regime (Ko, 2008:51).

5.2.4 Other channels of external action

Despite having broadened EU contacts, France's position functioned as a blockade against progressing any further in establishing a common Union delegation in the DPRK. Instead a local presidency rotated between the three member state embassies in Pyongyang; the Swedish, German and British (interviewee 1, 2). The embassies also pursued joint assessments, via so-called Head of Mission reports (HOMs), which were to be distributed via the COREU-system (Correspondence Européenne). This was a communications-system established via the Copenhagen report in 1973, allowing for direct communication between the foreign ministries (Strömvik, 2005:95).

Furthermore, the Union was in 2001 still participating in KEDO and there was a general sign of expanded involvement on the Korean peninsula, when an increase (albeit a modest one) in Union contributions to the organization rose from USD 75M in 1996-2000, to USD 87,5M for the coming five years (Maul, 2001).

Regarding EU-DPRK trade, this was in 2001 amounting to approximately USD 311M (Rüdiger, 2002:94). In terms of EU-figures this amount was "very limited", but the modest sum nonetheless made the EU15 the North's third biggest trading partner (European Commission, 2002; Rüdiger, 2002:94; Haggard & Noland, 2008).

With this I conclude the description of the situation in 2001 and move on to the next chapter.

6 The European Union and North Korea in 2011

The outline in this chapter has the overall same structure as the previous. The main difference is that I will start by providing a briefer outline of the main events concerning the two parties between 2002-2010. This part is attached to form a clear basis for analysis, by introducing important concepts and events.

6.1 Main developments between 2002-2010

6.1.1 2002-2005 Crisis, strategies and UN-resolutions

The first severe crisis during my period of study occurred in October 2002 as the US Assistant Secretary of State for East Asian and Pacific Affairs, James Kelly visited Pyongyang. During the visit North Korea admitted to be developing a uranium enrichment programme (see e.g. interviewee 1, 2; US Department of State). By doing so the DPRK went against several declarations such as the NPT, the North-South Declaration and the KEDO-framework (Marsh & Mackenstein, 2005:214).

The Union's response came in November 2002 as the GAERC adopted conclusions urging North Korea to abandon its nuclear programme and *"move towards becoming a responsible member of the international community"*. The conclusions added that the bilateral relations would be threatened if North Korea failed to resolve the nuclear issue (see 2002-11-19, Ko, 2008:48). However, on January 10 2003, the DPRK formally withdrew from the NPT and the agreement on a nuclear-free Korean Peninsula (Marsh & Mackenstein, 2005:214). As a result, the implementation of the Commission's CSP/NIC was put to a halt (EIAS, 2011:3). Furthermore, the EU agreed to, within the KEDO-framework, impose economic sanctions on oil shipments to the country (Marsh & Mackenstein, 2005:215). The economic sanctions meant the beginning of a de facto dismantlement of KEDO that proceeded via yearly suspensions. The project was thereby de-constructed to in January 2006 be suspended via removing all construction workers from the site (Bridges, 2003:95).

Yet, the year of 2003 also marked the creation of the European Security Strategy (ESS). The Strategy came to form the basis of the CFSP and set the overarching target that the Union should become a global actor (see European Council, 2003).

The DPRK was mentioned as a strategic priority under the heading “Addressing the threats” (European Council, 2003:4-6, c.f. Marsh & Mackenstein, 2005:215).¹⁰

During this same year the EU co-sponsored its first UN resolution on Human Rights in the DPRK within the UN Commission on Human Rights (UNCHR). Two more was to come in 2004 and 2005, as well as one in the UN General Assembly (UNGA) in 2005 (The Delegation of the EU to the Republic of Korea, 2012; Lee, 2009:135).¹¹ France was the main driver behind the first UNCHR-resolution urging the DPRK to improve its human rights record and by the DPRK, these resolutions were seen as provocations. In 2003 they suspended the Human Rights dialogue with the Union, and in August 2005 decided to order all European NGOs to leave the country before the end of the year (Ko, 2008:52-57). After negotiations, the NGOs were allowed to stay. Nonetheless, they were to be called “European Union Programme Support Units” (EUPS) inside the country or in correspondence with the same (interviewee 2).¹²

6.1.2 2006-2010 Time for turmoil

In July 2006, North Korea conducted its first attempt launch an Intercontinental Ballistic Missile (ICBM) and later in October it carried out its first nuclear test (BBC News, 2006).

Regarding the EU, the so-called East Asia Policy Guidelines (EAPG) were adopted by the Council in December 2007. Apart from its general aim to function as a recommendation on guidelines for the Union’s foreign and security policy towards East Asia, it also pointed out North Korea as a central priority area for regional security (Council of the European Union, 2007).

The year of 2009 then marked the time for the same turmoil regarding the DPRK as in 2006. In April, a second trial of an ICBM was performed and later that same year it was time for a second nuclear test (BBC News, 2009). Important to mention is that during both these nuclear tests in 2006 and 2009, the UN Security

¹⁰ The exact line is: “*In an era of globalisation, distant threats may be as much a concern as those that are near at hand. Nuclear activities in North Korea, nuclear risks in South Asia, and proliferation in the Middle East are all of concern to Europe.*” (European Council 2003:6). In addition, the conflict on the Korean Peninsula is mentioned as a security threat under the heading “Regional Conflicts”: “*Problems such as those in Kashmir, the Great Lakes Region and the Korean Peninsula impact on European interests directly and indirectly, as do conflicts nearer to home, above all in the Middle East.*” (European Council, 2003:4).

¹¹ The resolutions are: UNHCR: 16/04/2003E/CN.4/RES/2003/10 ; 04/2004E/CN.4/RES/2004/13 ; 14/04/2005E/CN.4/RES/2005/11. UNGA: A/60/PV.64 16 Dec. 2005 GA/10437 88-21-60

Council (UNSC) passed resolutions on the matter, containing *inter alia* various sanctions. The first was the UNSC-Resolution 1718 and the second was UNSC-Resolution 1874 (see SC/8853, 2006; SC/9679, 2009). Both were made directly applicable in all member states via implementing Council Regulations (The Delegation of the EU to the Republic of Korea, 2012).

In 2010, two further provocations occurred, albeit not with a direct nuclear focus. Firstly in March the Cheonan, a South Korean warship was sunk via an alleged attack by North Korea. Secondly, in November, the South Korean island of Yeonpyeong was attacked with North Korean artillery fire (EIAS, 2011).

It is in the aftermath of these events that my description of the situation in 2011 starts, beginning with the general preconditions for EU-action.

6.2 External action - General preconditions in 2011

Two treaty changes took place between 2001 and 2011. Firstly, the Amsterdam treaty was altered via the Nice treaty ratification in 2003. Thereafter the Lisbon treaty entered into force in the end of 2009. I will focus on the implications of the latter as this is not just the most recent change, but also the one with the most profound changes on the area of external action (Vanhoonacker, 2011:87). Also, apart from the treaty changes, there were two enlargements with the "big bang" in 2004 where 10 countries entered the Union, as well as the accession of Bulgaria and Romania in 2007 (Moltz & Quinones, 2004).¹³ Some concrete consequences have been described to have arisen via this enlargement process, and these will be addressed continuously where applicable.

A first feature of the Lisbon treaty was the formal abolition of the pillar system, integrating the CFSP within the comprehensive concept of the Union's external action (art. 24 TEU-L, Chalmers et al., 2010:660). A second was the provision of a single legal identity for the Union, allowing it to sign international agreements in the areas of granted competence. Thereby it received the same status as a state in international law (see art. 47 TEU-L, Chalmers et al., 2010:632).

¹² The agreement is still in effect today. The individual staffers are in their turn called "technical experts" (interviewee 2).

¹³ The ten accession countries in 2004 were Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

Furthermore, the Lisbon treaty created two new posts with implications on the area of external action. The first was a permanent President of the European Council, a council that also kept its task to identify the strategic interests and objectives of the Union on a unanimous basis (see art. 22 TEU-L, Vanhoonacker, 2011:88-90; Chalmers et al., 2010:634). The second post was the creation of a High Representative for Foreign Affairs and Security Policy (HR/VP) with the responsibility for overall coordination of the external action (see art. 18 TEU-L). The HR/VP filled the work of three persons, including the tasks of the SG/HR and being vice-president of the Commission (art. 18:3-4 TEU-L). The creation of the HR/VP should be seen in conjunction with the GAERC via Lisbon being separated into two Council constellations; the General Affairs Council (GAC) and the Foreign Affairs Council (FAC). The HR/VP became chair of the latter and the structure was reproduced within the system, making a representative of the HR/VP a Chair in both the PSC and COASI. The expectation with this new post was to create a Union with better prospects for coordinated external action, also being manifested in the HR/VP's co-right of policy initiative, together with the Council of Ministers (Vanhoonacker, 2011:88-90). It furthermore received the task to conduct political dialogue with third parties on behalf of the Union (see art. 27 TEU-L).

The institution created to support the HR/VP in all of her new tasks was the European External Action Service, or the EEAS (art. 27 TEU-L; see 2010-07-27). The new institution joined together officials from the Council secretariat, the Commission and the member states. It also transformed the Commission's delegations abroad into EEAS-delegations and there was now a treaty-based responsibility to coordinate all types of external action with the HR/VP and the EEAS (Vanhoonacker, 2011:78f., 92).

Apart from the general tasks as defined in the treaty, it was not too clear what explicit functions these two new posts would be. Rather the opposite, the drawing of exact boundaries were up to the newly appointed officials (EUCE, 2010a; EUCE, 2010b). As far as the HR/VP is concerned, the first transfers of staff were made over a year later in January 2011, and continued during the year (Europa.eu - Press Release; see also Statements by the HR/VP 2011-08-03 and 2011-08-04). Additionally, even though they were officially working for the EEAS, they could not move in to the new headquarters. Instead, they spent the whole year working from for example different Commission buildings (Rettman, 2012). The institutional

structure could thereby be considered to have been under construction during 2011, despite having an established legal basis.

Other features of the Lisbon treaty were the expansion of the Parliament's influence, transforming the previous co-decision procedure into the ordinary legislative procedure applicable to more policy areas, such as security and justice (European Parliament, 2009:5). This increased Parliamentary influence on the area of external action as more proposals having potentially external implications came under the scrutiny of the Parliament.

Regardless of these major changes, the CFSP kept its basic decision-making structure with the FAC and the European Council taking decisions via unanimity. In addition, even though the Presidency no longer chaired the Council on foreign affairs, it was still to chair other Council constellations as well as the second Committee of Permanent representatives (COREPER II), also preparing foreign policy issues (Chalmers et al., 2010:634f.; Vanhoonacker, 2011:88-90).

6.3 EU external action towards the DPRK in 2011

As described above, the Lisbon treaty provided certain changes in conditions for international action. Yet the general international situation regarding North Korea was strained by the different crises mentioned in part 6.1. What were then the main features of EU-action towards the DPRK in 2011?

6.3.1 The Council (and the EEAS)

One obvious difference from 2001 was that the Union, and thereby the different Council constellations, had 27 members instead of 15. The main effect of enlargement has in terms of policy been described as some of the new member states having a somewhat less conciliatory approach towards the DPRK compared to the older member states (interviewee 8). It should be said that when studying the reports from COASI, no such distinct division can be seen. This apart from some new member states occasionally urging a stricter stance on for example human rights issues (COASI, 2011-04-06). Instead, a relative consensus around a general policy of critical engagement can be found, with some individual member state emphasis on different channels of influence for this policy (COASI, 2011-06-09).

No high-level efforts were however made in 2011 in similarity to the troika-visit in 2001, but some initiatives were to be found on working group level. During a COASI-meeting in December 2010, the EAPG were considered to be in need of

revision, and during this same period of time the importance of a new EU-foreign policy strategy towards North Korea was raised (COASI, 2010-12-08). The latter idea was launched via a request in March 2011, and after discussing some overarching guidelines for the new policy strategy within COASI, the EEAS in April took over the duty to make a first draft of a specific North Korea strategy (COASI, 2011-03-16; 2011-04-06). Until June, a couple of drafts were presented, discussed and revised after input from the member states (see e.g. COASI, 2011-05-04; 2011-06-09). The draft was then accepted and submitted to the PSC for endorsement in mid-June (COASI, 2011-06-15).

Regarding the content, the strategy contained general provisions on the Union's strategic interests in the DPRK, and an outline of the policy today, pressing on issues of improved inter-Korean relations, North Korean fulfilment of agreed obligations and an improvement of the human rights situation. Thereafter a list of the main instruments used was presented. Furthermore, a number of "guiding principles" was listed, similar to speaking points on the Korean Peninsula. Finally, it contained provisions on more specific elements such as multilateral action, human rights, the humanitarian situation and coordination with "other partners" such as the countries within the six-party talks. The strategy has never been published officially but the 13th round of senior level political dialogue between the EU and the DPRK used this as a basis for their terms of reference for the visit in December (COASI, 2011-10-25). The dialogue meeting will be outlined in chapter 6.3.2., as this was the first to be led by the EEAS (COASI, 2011-12-07).

Another action during 2011 was the revisions of the two restrictive measures in place against the DPRK. The sanctions were the Union implementing measures to UNSC-resolutions 1718 and 1874 (see 6.1.2) (European Commission - List of restrictive measures, 2012:1). More specifically, one comprised an arms embargo, ban on exports of listed goods and technology, luxury goods, and the freezing of assets.¹⁴ The measure was amended and expanded via a Council Decision in 2011 to comprise additional individuals (2011-12-19). The second scheme was also amended in 2011, however this was made via a Commission Implementing Regulation (2011-12-20).¹⁵ This second scheme was similar to the first, comprising e.g. a ban on

¹⁴ See Council Decision, 2010-12-22, repealing the Common Position, 2006-11-20.

¹⁵ Via article 288 TFEU-L the Commission is granted the right, that when a measure falls under the Community scope and the Council delegates the task, it can issue these implementing regulations. The Commission implementing regulation originated in Council Regulation (EC) No 329/2007, 2007-03-27.

exports/imports of goods and technology listed by the UN, a list of targeted persons, entities and bodies, as well as a freezing of assets (See also European Commission, 2012b:31-34).

Finally, the death of Kim Jong Il on the 17th of December resulted in a minor international crisis (Sang-Hun & Sanger, 2011).¹⁶ A statement was released by the HR/VP on the 19th of December 2011. The statement contained similar provisions as the major elements in the new policy strategy, *i.e.* pressing on issues of stability, North Korean fulfilment of agreed obligations and human rights. During the COASI-meeting on the 21st of December 2011, further guidelines were discussed and decided upon, for example on how to handle formal diplomatic invitations on writing condolences. These guidelines were then issued to ensure further local coordination among the national embassies.

6.3.2 The Commission and the EEAS

Since the halt of the CSP in connection to the crisis in 2002/2003, no new comprehensive aid strategy was drafted towards the DPRK, and the technical assistance was still frozen in 2011. In between this same period of time the Union had also been surpassed by both China and South Korea in terms of aid donations to the North (Berkofsky, 2009:4).

Regarding humanitarian aid, the ECHO-office in Pyongyang had closed in 2008 in favour of long-term action and supervision via the regional office in Bangkok (European Commission - Factsheet DPRK, 2011). Nonetheless, unlike the technical assistance, the Union's humanitarian aid scheme had been kept in place. In July 2011 a larger humanitarian aid package was anew granted by ECHO. The decision was subsequent to an official request by the North Korean foreign minister Pak Ui Chun, following a severe food shortage situation in the country during 2010. The minister therefore sent a letter to both the HR/VP and the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response *Kristalina Georgieva* on January 24, 2011. The Union responded with sending out a ECHO fact-finding mission, subsequent to a World Food Programme-mission (WFP), whose reports functioned as a basis for the decision. The aid amounting to € 10M, was to be distributed via the

¹⁶ Kim Jong Il passed away from an alleged heart attack on the 17th of December, but the North Korean national news agency KCNA did not release the information about the leader's passing until Monday the 19th of December (Sang-Hun & Sanger, 2011).

WFP and a European NGO active in the country (see European Commission 2011a).

Apart from this larger aid-package, the senior-level political dialogue meeting took place as usual in 2011. The major change was that the delegation was not led by a Presidency representative, but a representative of the EEAS (COASI, 2011-12-07). Following some scheduling issues with the Parliament (see 6.3.3) the meeting took place on 2-5 December. A basis for discussion was the policy-strategy mentioned above, and the results of the dialogue meeting were also reported back to COASI (2011-12-07).

6.3.3 The European Parliament

Regarding the Parliament's formal actions during 2011 the activity focusing on the DPRK was fairly limited. Apart from asking questions to the Council and the Commission, it accepted only one recommendation on the Union's priorities in the UN Human Rights Council (UNHRC), containing a smaller provision on the situation for the UN Special Rapporteur in the DPRK (2011-06-08).

A new feature for the Parliament in 2011 however, was the permanent Delegation to the Korean Peninsula created in 2004 (European Parliament/ Delegations). Being a Delegation to the whole Peninsula, it was made responsible for promoting dialogue with both North and South. A meeting between the Parliamentary Delegation and the DPRK took place in 2011, after having been postponed the prior two years (Portela, 2011:1-3).

The scheduling incident mentioned above occurred as the Parliament did not coordinate their dates for political dialogue with the EEAS. Therefore the visit by the latter had to be postponed, not to send the wrong signals to the international community as well as the North Korean regime (COASI, 2011-10-13). The Parliament was however briefed by the EEAS on the new strategic guidelines accepted in COASI, for the EU-messages to be as consistent as possible (COASI, 2011-10-25).

6.3.4 Other channels of external action

Moving on to the national diplomatic channels, the number of member state embassies in Pyongyang had risen to seven in 2011.¹⁷ The individual member states kept their cooperation, writing HOMs reports to be distributed via COREU and functioning as a local presidency, now representing the HR/VP (interviewee 2). One notable event in terms of national member-state action was that France in October 2011 opened a Cooperation Office ('un Bureau Français de coopération') focusing on cultural and humanitarian issues (Diplomatie.gouv.fr - La France et la Corée du Nord, 2012).

It is also important to underline that KEDO was no more. The new multilateral framework for the Korean Peninsula was instead the six-party talks created in 2003, of which the EU was not part (Global Security - Six party talks, 2011). Furthermore no EUSR, now supporting the HR/VP, had been appointed to the Korean Peninsula (see European Union Council Secretariat, 2009; Council of the European Union - EU Special Representatives, 2012).

Finally, regarding EU-DPRK-trade, the total trade volume amounted only to € 162M in 2011, making North Korea the Union's 156th biggest trading partner and far away from even reaching 0,05% of the Union's total foreign trade. For the DPRK however, the Union was the country's fourth biggest trading partner. This does not account for much though either, as the EU27-trade constituted only about 3,3% (European Commission - DG Trade, 2012). Despite the DPRK's record high surplus in EU-trade, the actual volumes were therefore miniscule in 2011 as in 2001, even shrinking. One could for example compare it to EU-trade with South Korea that was almost 421-fold higher during the same year (Yonhap News Agency, 2012).

¹⁷ The individual member states having an Embassy in 2011 were Bulgaria, Czech Republic, Germany, Poland, Romania, Sweden and the United Kingdom.

7 Comparative analysis

The comparative discussion is structured after the theoretical tools as they were presented in chapter three. This means that I will analyze the information presented in the previous two chapters, using the separate theoretical factors of actor capability. It is sometimes hard to make clear-cut distinctions when applying theory to the empirical material. The comparative analysis should therefore be viewed as my personal interpretation of the theoretical framework, when applied to the case at hand. Furthermore, because Union action against the DPRK spans so many policy fields, there are immediately different provisions for action. Depending on which area you look at, for example trade, CFSP or development aid, institutional change has taken place to a varying extent (Vanhoonacker, 2011:78f.). The analysis is therefore the part where I examine, what in my opinion are the main features of actorness, as well as the most important changes in these. This to finally answer the overarching research question on how the actor capability has changed between 2001-2011.

7.1 The fundamental features for international action

Despite the implicit assumption that the Union is an autonomous actor to even begin the study of actor capability (see 3.1.1.), I still deem it necessary to look at the fundament of the Union to act internationally in a distinct and coherent manner. The question is whether the criterion of autonomy is fulfilled during my years of study and if there are any substantial changes?

After having reviewed the treaty basis, this criteria can be considered fulfilled both in 2001 and 2011. The formal basis for creating a common policy was in 2001 found in art. 11 TEU stating that "*[t]he Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy*" adding provisions on coherence in the sense that the member states "*shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity*", while abstaining from any action that is "*contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations*". These provisions were kept in the Lisbon Treaty, but are there found under art. 24 TEU-L.

In both treaties it is also the European Council that has the overarching task to determine the objectives of the policy (art. 26 TEU-L vs. art. 13 TEU). Furthermore, similar provisions on the mutual solidarity and coordination of individual national

foreign policies, also in multilateral foras can be found (see art. 32, 34 TEU-L vs. art. 16, 19 TEU).

Hence, I draw the conclusion that there is a clear basis for both the creation and the maintenance of a distinct and autonomous Union policy in 2001 as well as in 2011. The Union therefore fulfils the necessary condition of cohesion and discernability. Furthermore, as the same fundamental provisions are valid, the conclusion is that any potential changes will instead be visible in the other categories of actor capability (Sjöstedt, 1977:15f.). I will therefore continue my analysis with the structural prerequisites for action.

7.2 The ability to speak with one voice

If the autonomy criteria can be described as the basis for creating a common policy, the structural prerequisites can in their turn be considered the practical conditions for pursuing it. This set can be described as the ability to speak with one voice or in another word: coherence. It includes the ability to formulate common policy goals, take practical decisions, and communicating with the international society. The basic idea is that for the Union to be an international actor, it should have the possibility to perform all of the abovementioned actions. Moreover, changes within these prerequisites also signify if there is change in the general actor capability, as well as the direction of it (Sjöstedt, 1977:75f.).

I will begin by looking at the formulation of policy goals for action, to thereafter study decision-making procedures and finally the external channels of communication (or the so-called action performance instruments). By looking separately at these different aspects of structural prerequisites, I aim to answer the more overarching question on how the practical conditions for coherent action in the Union's relations to the DPRK has changed.

7.2.1 Formulating common policy goals for action

The first aspect is the basic requirements, or more specifically the creation of a community of interests, constituting goals to steer the employment of the resources available to the Union (Sjöstedt, 1977:75). Building on the empirical information, there was in 2011 a relative consensus around an overarching policy of so-called critical engagement vis-à-vis North Korea. This policy was based on three main interests; non-proliferation/abolishment of WMD, the promotion of human rights and finally stability on the Korean Peninsula/improved intra-Korean relations. These

provisions are also found in for example the formal statements by the HR/VP as well as in more informal discussions within COASI (c.f. COASI, 2011-12-09). The question is then, has the community changed since 2001 and in that case, how?

One general concern that has been raised during my interviews, is that there in 2011 was an increased division within the general community, touching upon different aspects. Firstly, it has been described that it with time has become much harder for the member states that advocate a policy of engagement, to argue actively for this (interviewee 2). This is by some interviewees heralded as far back as to the nuclear crisis in 2002, described to have “*changed every precondition for European action*” (quote by interviewee 1).¹⁸ Another interviewee describes the situation in terms of a “*North-Korea fatigue*”, as the agreed policy in 2001 failed to show concrete results (interviewee 5). Moreover, out of the new member states joining in 2004 and 2007, the ex-communist countries are described by some interviewees as having “*less patience*” with the DPRK’s behaviour, or what could be considered a more hard-line approach (interviewee 8). The division is therefore expressed to be not so much around the end-goals, but rather on the practical means. This could be considered an indication of an increased division within the community of interests, as goals are more specific and possible to operationalize, while interests are general and rather vaguely formulated (Sjöstedt, 1977:77f.).

France also stands out in 2011 as in 2001, by being the relatively reluctant state. In 2001 France’s blocking of a common position within the Council for the active support of the sunshine policy, had to be solved by the Presidency (see chapter 5.2.1.). The French stance has also been a major part in blocking the Union’s possibility for opening an EU-delegation, i.e. establishing a potential channel of communication. However, the French did in 2011 decide to open a cooperation office in the country (Diplomatie.gouv.fr - La France et Corée du Nord, 2012). This action could at least be considered an indication of moving towards the community, even though the general agreement in 2011 was to not open a delegation as the situation is now (see e.g. interviewee 6). Or as one interviewee said: “*culture tends to come first*” (interviewee 1).¹⁹

¹⁸ Quote in Swedish: “*Oktober 2002 var en vändpunkt för i stort sett allt. Det förändrade allt och premisserna för allt som bände från europeiskt håll.*”

¹⁹ Quote in Swedish: “*De har dock etablerat ett kulturkontor och kulturen brukar ju komma först.*”

An increasing divergence within the community of interests can also be applied to the member state-Union perspective. One interviewee uses the term “*increased competition*” when describing the relationship between individual member states and the Union in DPRK-matters in 2011, compared to 2001. This as some individual member states have gained a more favourable position with the North Korean government during the decade than the EU in general, and therefore have a harder time to choose whether to pursue foreign policy via its national channels or via the Union’s (interviewee 5).

Taking into consideration the aspects above, perhaps one needs to have the presumption that there will be an increasing divergence in the operationalization of overarching interests, with more states taking part in the discussion. This can be likened to the widening vs. deepening-dilemma, a fundamental tension surrounding EU-enlargement (Avery, 2008:181). The abovementioned factors could nonetheless be considered a relative increase in hindrance of a common policy in 2011, and can furthermore be criticised for making the EU into somewhat of a more defensive actor, rather than a proactive one, as a “*relative lack of operationable goals seems [...] to make it hard for the Community to take initiatives*” (Sjöstedt, 1977:85).

Sjöstedt mentions that a community of interest does not necessarily have to consist of goals that should be principally valid for a longer period of time. It can also be created on an *ad hoc* basis responding to a particular situation, such as the coordination of responses to Kim’s passing. Still, for actor capability to come into higher stages of development, long-term principles should be existing (1977:77f.).

It is here the 2011 COASI-strategy appears. The document touched upon different aspects of the relationship and was operationalized via functioning as a basis for action for the senior level political dialogue. It is nonetheless difficult to apply this strategy to the theoretical framework, especially when comparing it to goals that in 2001 were to be found outlined in continuous and highly formal Council conclusions. When comparing it with Sjöstedt’s framework, he says that a basic identification of the components of a community of interests would be to look at formal statements and recommendations, as one has to assume that formally declared goals and interests somehow have a genuine intent for action (c.f. 1977:81).

The overall conclusion can therefore be that there is a community both in 2001 and 2011, on the basis that there are relatively clearly formulated interests and goals for action towards the DPRK. A change in nature can in a very overarching manner be seen from engagement to critical engagement. Still, even though one takes into account the development of general strategies via the ESS and the EAPG, the

specific community regarding the DPRK-issue could also be interpreted as having withered away during my period of study. This via the basic change that the widespread agreement around the more concrete goals for action is not as clear in 2011 as in 2001 (c.f. Sjöstedt, 1977:79). The agreed strategy from 2011 could serve as a heavy counterargument to this conclusion. But, as it is not a formal strategy, to be compared with the foras of formulation of goals and interests in 2001, it is not possible to fully associate it with a basic component as defined by Sjöstedt.

7.2.2 Decision-making

A second aspect of the prerequisites for coherent action is the decision-making procedures and how they facilitate or constrain the ability of the Union to act. The question to be answered is whether the decision-making procedures have changed between 2001 and 2011 and how this has affected the ability to act in a coherent manner?

One fundamental distinction to be made regarding the Union's decision-making process, is the separation of procedures between different policy domains; one supranational and one intergovernmental (Sjöstedt, 1977:86f.). These separate processes have changed very little with time, also between my period of study as the abolition of the pillar system with Lisbon still lives on via the CFSP having unanimity as its main decision-making rule (c.f. Gebhard, 2011:105). This has great influence also over the possibilities for external action: “[t]he rules of the game between the various policy areas of external relations vary considerably, and the Lisbon Treaty does not change this fundamentally.” (Vanhoonacker, 2011:76f.).

However, with Lisbon the absolute distinction between a supranational and an intergovernmental scheme of decision-making has become somewhat outdated. The Council-constellation could be considered the vanguard of intergovernmental foreign policy-making in the EU, via the European Council and the Council of Ministers “pulling the threads” within the CFSP. Yet, both institutions had permanent chairs in 2011, something that was a rotating task in 2001 (c.f. Monar, 2010:21f.). Furthermore, both the PSC and COASI has a representative of the HR/VP as a chair, a HR/VP which is also as the name says; the Commission's vice-president. The structure with permanent presidencies in the traditionally intergovernmental foras has therefore also trickled down into the preparatory phases (Vanhoonacker, 2011:89f.). In addition the new HR/VP is assisted by the EEAS, which is a hybrid-organization consisting of officials from the member states, the Council Secretariat

and the Commission (Chalmers, 2010:662). The EEAS has also taken on tasks previously performed by the presidency, such as the senior level political dialogue.

To summarize these changes, there has been a shift towards a complication of the institutional structure, as the new institutions within Union foreign policy-making have multiple employers. Therefore, it is not as easy to draw consequent lines within the decision-making system in 2011 as in 2001. A very basic and concrete illustration of this is the difficulty to place the EEAS and the HR/VP chapterwise in this thesis, in similarity to the general situation when trying to review these changes from a theoretical perspective.

Sjöstedt's hypothesis is that a decentralised system tends to cripple the decision-making process in many ways, making it more adaptable to defensive action. He also states that in more centralised systems there is some sort of institution that has a key role in the decision process by "*supplying energy and information necessary for the decision-making process*" (1977:97). Before Lisbon it was the rotating Presidency supplying a lot of input on foreign policy. The high-level visit to the DPRK was for example not something prepared from below, i.e. by COASI, but by the Presidency and announced by Göran Persson in March 2001 (interviewee 9). However, the trouble with the rotating task was that the policy initiatives were not long-term. In this case, as no efforts were made by the Belgian Presidency to follow up on the events during the prior six months, the question disappeared from the agenda (see e.g. interviewee 7, 9, 10).

With the introduction of permanent presidencies and the EEAS, this could be seen as a direction of change towards more centralization and a more efficient decision-making process. Nonetheless, this new system has also been described as having several constraints, one being a greater difficulty for individual member states to come up with policy initiatives. As expressed by one interviewee:

"What you obtain with a common structure in this sense is continuity and consistency. What you lose is the power of initiative, which can lead to greater policy action". Continuing with: *"You need a triggering political factor [...] this cannot be created bottom-up by for example council working groups"* (interviewee 7).²⁰ A second interviewee underlines the crucial importance of the Swedish Presidency of putting North Korea on the agenda: *"That*

²⁰ Quote no:1 in Swedish: *"Det du uppnår med en gemensam struktur är ju långsiktighet, konsekvens, välavvägda ståndpunkter, men vad du tappat är initiativkraften som kan leda till att man drar igenom något. Man uppnår inte det genom gemensamma strukturer."* Quote no:2 in Swedish *"Lissabonfördraget ger helt andra förutsättningar att ge ett långsiktigt utdraget engagemang. [...] Bekymret är att det behövs en utlösande faktor som är politisk. Den drivs inte fram av rådsarbetsgrupper och kan inte skapas underifrån"*

a decision on North Korea was made at all depended on that Sweden had the Presidency” (interviewee 10).²¹ Or as expressed by a third interviewee: *”Institutions are one thing, strategies and policies are another”* (interviewee 5), emphasizing the lack of initiative coming from the new institutions.

What my case therefore can be considered to illustrate, is the use of a discussion on what happens with efficiency in the decision-making process, if the institution with the key role of providing energy, lacks exactly this.

This can also be seen as an illustration of a highly interdependent relation between the community of interests and the decision-making system, where constraints in one of them, impedes the action in the other. The different theoretical concepts might therefore be presented in a separate manner, but when it all boils down they are different components of the same whole (Sjöstedt, 1977:119).

Even so, it is important to state that despite the Lisbon-treaty being ratified in 2009, the actual institutions have been under construction throughout 2011. It was not until January that year the first transfers of staff were made to the EEAS, and the new headquarters of the organization was finished even later in 2012 (see 6.2.1). Hence, one could see the decision-making system in 2011 as a structure in the making, and that the energy and policy initiatives might come with time, being a short-term problem rather than a structural one.

Yet, some arguments could still be used to contradict this general increased efficiency. For example as the Commission still has major competence over the implementation in their individual areas of responsibility, headed by the Commissioners. An example of this is humanitarian aid, which is also very important in this case (see 6.7). Furthermore, the structure of the decision-making system seem to support that the EU still has a relatively higher capacity of performing defensive rather than offensive action, as the overall decision-making rules are the same 2011 as in 2001 (c.f. Sjöstedt, 1977:97). The HR/VP together with the Council might therefore be considered to have the power over the engine, while the EEAS has the power over the mic. But the Commission nonetheless has a lot of power over the money (Rettman, 2012).

Another aspect of the theoretical framework is the separation of the normal decision-making system from the capability of handling crises. This means that some specific standards should be set to the decision-making system in order for it to be

²¹ Quote in Swedish: *”Att det blev ett beslut om Nordkorea överhuvudtaget berodde på att Sverige var ordförande.”*

effective in information gathering, communication within the decision-making system, and actual intervention in the external environment (Sjöstedt, 1977:98-101).

When studying the Union's crisis management capability, an important aspect to take into account is the PSC becoming a part of Union foreign policy decision-making and affecting the features above. The establishment of the Committee has also by interviewees been described as having great influence on the capacity for Union action in a crisis situation (interviewee 7). Nonetheless, it is hard to assess the impact of the PSC on the DPRK-issue in particular. The Committee has been described as in 2001 being mostly preoccupied with setting up its own functions, including solving institutional turf-wars with COASI and COREPER. North Korea was therefore an issue, not debated in particular within the Committee, in comparison with other issues. Also, the policy towards North Korea is described as more oriented towards aid-schemes rather than security, thereby affecting the PSC to a lesser extent than for example the Commission (interviewee 10). With time the PSC came to "settle" institutionally, but enlargement also had impact. More specifically in 2001, the room for elaboration, discussion and consensus-creation is described as having been greater since the PSC had 15 representatives, rather than 27 (interviewee 10). One basic conclusion can therefore be that the PSC has been important for the general crisis management and efficiency within Union security policy. But as for example the exchange of information between the member states is a necessary prerequisite for crisis management (c.f. Sjöstedt, 1977:101) some constraints have also occurred.

To conclude, the decision-making system has changed in several aspects. In relation to the theory, many of these could be considered to have changed for the better when assessing the preconditions for coherence, such as the institution-bridging HR/VP and the EEAS. The key concerns within the changes could be interpreted as the difficulties in creating policy initiatives within the new structures, and an increased difficulty in exchanging information between 27 member states instead of 15, being especially constraining in a crisis situation. Finally, the relatively small changes in decision-making rules sustain the decentralized structure of the decision-making system and thereby create no substantial differences for offensive action.

7.2.3 External agents for communication

The third category of the Union's structural prerequisites is the external agents and channels of communication, focusing on the EU-delegations and the external representations to the Union, as well as the national embassies. The question is whether there has been a change in these channels between the years of study, and in that case how?

A first interesting finding is that there is a relative discrepancy between the applicability of changes to the general situation and the applicability of the changes to the special case at hand. This can be seen within the first category of communication channels: the Union's own diplomatic missions, as well as the external representation of the DPRK to the EU. Sjöstedt calls these "backbones" of the Union's network of agents (1977:107). In the case of the DPRK, this is a non-existent backbone, something that has not changed between 2001 and 2011. Continuously during the interviews, the problem of not having a delegation in Pyongyang has been underlined, as it for example affects the possibility to formulate a more forceful Union-policy (interviewees 6, 7). Also, a representative of the DPRK-regime has expressed a wish for accreditation to the EU, during bilateral meetings with member states in 2011 (COASI, 2011-09-14). In 2001, the first step towards a full diplomatic relationship was taken. The opening of an actual delegation was however never realized, and the reoccurring crises have not helped the situation further. More precisely as this could be misinterpreted both by the international community and the North Korean regime (interviewee 6). Furthermore, as there is no EU-delegation in Pyongyang, the important transformation of these offices from being Commission-offices, to becoming EEAS-delegations mean very little in this specific case (c.f. Comelli & Matarazzo, 2011).

Then again, focusing only on the strict formal agents could risk a skewed estimation, and thereby a wrong estimate of the general actor capability. More prominently are the national embassies important to take into account, which depending on circumstances can be considered as Union communication channels (Sjöstedt, 1977:107-109). One main difference between 2001 and 2011 is that the number of member state embassies in Pyongyang increased from one to seven. This could therefore be considered a relative increase in external channels, as there is more national presence and thereby more channels for interaction. Yet, that these embassies are not Union-delegations in its true form makes it harder to assess the overall extent these represent Brussels in comparison to their national capitals

(Sjöstedt, 1977:108). It is not always clear in what respect the national embassies represent the Union in a more tangible way vis-à-vis the DPRK. That is, apart from being one of the EU's member states and thereby representing it in a more general manner (interviewee 2). The local embassies are also expressed to lack capacity to come up with major initiatives on location if policy initiatives are lacking from Brussels (interviewee 7). The embassies have however throughout my interviews also been described as cooperating intensively. The intensive cooperation in 2001 and 2011 could also be seen as supporting the aim in art. 20 TEU/art. 32 TEU-L calling for cooperation (c.f. Strömvik, 2005:112f.). One forum for this being the writing of the HOM's reports, both upon own initiative, as upon request. In addition, one embassy has the rotating task to act as a local Presidency, meaning that it to some extent functions as a traditional EU-delegation in the communication with North Korean officials (interviewee 2).²²

The national embassies can thereby be described as important channels of communication for the Union, becoming even more important in North Korea than in an average third-state capital, via the basic fact that there is no EU-delegation there (interviewee 6). It is nonetheless hard to see any direct change in whether the member states represent the Union more or less in 2011 than in 2001, such as the one proposed to take place via general political integration between the member states (Sjöstedt, 1977:108). Perhaps the characteristics of the national embassies can be summarized via the description by an interviewee, saying that the national embassies are constantly being associated with the EU, but that there is still a general awareness of the different member states policy-positions (interviewee 1).

To conclude, there has been a relative lack of changes in the actual channels of communication in my case. Despite the number of national embassies in Pyongyang rising within my period of study, and these among them having an intensive cooperation, the non-opening of a EU-delegation constitutes a major obstacle for forceful action in 2001 as well as in 2011.

7.3 Pursuing the decided policy

²² It can also be noted that after the ratification of Lisbon, the embassies are no longer representing the Presidency

After having reviewed the structural prerequisites for action, it is time to look at the actor behaviour, answering the question on how the Union's actual employment of resources vis-à-vis the DPRK has changed between 2001-2011.

As has been outlined in the analysis of the structural prerequisites, the case of North Korea can be considered a relatively special one, creating immediate constraints in the application of the theoretical concept of actor behaviour to this case. More specifically, it is often quite hard to draw clear-cut distinctions between the different theoretical categories of interaction when applying these to the specific case at hand. For example, Sjöstedt focuses heavily on the concept of negotiations on commercial issues (see 1977:33-42). Commercial issues, or even formal negotiations for that matter, cannot exactly be considered to be at the heart of EU-DPRK relations, neither in 2001, nor in 2011. An "orthodox" theoretical categorization would therefore serve no direct purpose in defining the characteristics of my case, as it is the relative differences in actor behaviour that is in focus.

Furthermore, the nature and quantity of the externally directed transactions can vary (Sjöstedt, 1977:21f.). I therefore want to accentuate that it would be impossible within the scope of this thesis to make a complete outline of all employed instruments that could be considered to be related to North Korea or the Korean Peninsula. I have therefore chosen to interpret actor behaviour as the main actions taken towards the DPRK in 2001 and 2011, either by an EU-institution or by a sub-actor such as a member state or an organization acting in line with the agreed policy (c.f. 1977:22-24). The agreed policy is thereafter the one as defined in 7.2.1. and changes are applied using the theoretical concepts as presented in 3.1.3. After all, even Sjöstedt himself says that the concept of actor behaviour is basically used for evaluating which actions that can be considered to emanate from the Union and in what main directions there are tendencies of change (Sjöstedt, 1977:66f.).

Based on this argumentation, the structure of this chapter is categorized around four types of resources, within which I argue around certain changes in employment. Finally an overarching conclusion is made, also connecting the actor behaviour to the discussion on structural prerequisites found in the previous chapter.

7.3.1 The political resources: dialogues and declarations

To begin with the political resources employed, it is essential to distinguish between the diplomatic interactions of the high-level troika and the senior level political dialogue. The former was a "one hit wonder" in 2001, representing something close to an ideal type of diplomatic interaction with a formal negotiation on highly politicized issues, on what was technically the highest formal level of EU foreign policy. The latter dialogue is instead a (nearly) yearly action, performed on a lower formal level. This has nonetheless become one of the most important resources for the Union towards the DPRK. In an interview, the dialogue is described as a forum for expressing policy stances in a more authoritarian way than for example by the local EU-presidency. The interviewee however underlines that the dialogue is not a forum for negotiations or conclusions of agreements (interviewee 2), once again indicating the lower level of formality. Furthermore, despite having changed policies towards a more critical approach, the senior level dialogue is still in place, symbolizing one major component of the concept of engagement.

Within the category of political interaction one also finds the Union's declaratory actions. In 2001, the activities on North Korea within the GAERC and the European Council was relatively intense, for example leading to the conclusions to send the troika-delegation and declaring a continuous commitment to previous conclusions the EU's interests on the Korean Peninsula. In 2011 it was still the Council of Ministers (and the European Council) deciding upon the Union's policy positions, but the actual institution issuing the formal statements, as well as chairing the meetings was now the HR/VP. However, this did not lead to any relative increase in concrete action. Apart from the statement issued in adjacency with the death of Kim Jong Il, North Korea was practically absent from declaratory Council-activity during the year.

7.3.2 The restrict(ed)ive measure

In connection with the discussion on the Council activity above, the legal acts found within the CFSP; the joint actions, common positions and common strategies, are interesting to regard. To some extent, these did not change, as it for example was neither in 2001 nor in 2011 a common strategy adopted for the DPRK or the

Korean Peninsula.²³ However, one type that actually changed was the restrictive measures, or sanctions. These are of a certain character, as they are the only legal "cross-action" available, requiring both a joint action and a Council regulation (Gebhard, 2011:115). This latter resource was available to the Union already in 2001, but the change from the situation then was that there were actually two autonomous Union sanctions schemes vis-à-vis the DPRK in place in 2011. These schemes were also revised and tightened during the year (see 6.3.1). They could therefore be interpreted as emanating from the shift in goals towards critical engagement.

Yet, despite them functioning as a measure which could be seen as an increase in the appearance of coherent Union behaviour (or change in a qualitative sense), their effectiveness can be questioned. Firstly, as has been described above, the trade volume between the Union and the DPRK is miniscule and there are no bilateral agreements in place. During the decade, the share of the North's trade going to the EU-market has also decreased (European Commission - DG Trade, 2012). All-in-all, this makes trade in general a relatively negligible instrument, both in 2001 and 2011, something that also affects the relevance of sanctions. After all, apart from being the withdrawal of other benefits, sanctions are basically the withdrawal of trade (Portela, 2005). Secondly, it is hard to know exactly where to target sanctions, because of a lack of Union knowledge about North Korean trade patterns (interviewee 1). Additionally, in 2011 the Parliament presented a report studying four cases of targeted sanctions, including the ones applied to North Korea. The general conclusion was that the sanctions present a mixed record, one reason being that the country has experienced heavy sanctions from other parties for over half a decade and therefore *"does not know what it is not to be under sanctions"* (Portela, 2011:14f.).

7.3.3 More than just a carrot

If the restrictive measures can be considered the Union's instrumental stick, the aid programmes can be considered the carrot. These have also been described as *"the core of EU's engagement policy towards the DPRK"* (Berkofsky, 2003:21).

²³ It should nonetheless be noted that the European Council in 2003 approved an EU strategy against the Proliferation of WMD and upon this strategy various joint actions, including one concerning the DPRK in specific was decided upon in 2007 (2007/753/CFSP). The action concerned the support for IAEA activities in the country and was a part of the "implementing framework" of the common strategy.

When discussing aid however, a first distinction between the different concepts within the umbrella term is necessary to compare this as a resource to the Union in the respective years. In 2001 a comprehensive scheme of assistance via the creation of a CSP/NIC was established. With the 2002-crisis, the implementation of the programme was frozen. Apart from humanitarian aid, smaller development programmes for North Korean officials were however kept (see Ko, 2008:56). In 2011, the aid provided directly by the Union was the ECHO € 10M humanitarian aid package (European Commission, 2011b).

Despite the Union virtually not providing anything but humanitarian aid, and also relatively moderate sums, these have been seen as a clear separation of political issues from humanitarian concerns (Ko, 2008:56; c.f. Ford, 2011). This has also been an expressed wish by individual member states during COASI-meetings, as well as by ECHO (COASI, 2011-06-22). Thus, the continuing aid-schemes could be reconnected to a concrete realization of decided goals. Yet, viewing the new sanctions schemes together with the stricter aid regime, this can also be seen as an effect of the shift towards critical engagement (c.f. Sjöstedt, 1977:30). Nevertheless, by several interviewees humanitarian aid is also called one of the Union's major resources, for example said to increase its credibility as an actor as *"our projects continue despite political events"* (quote by interviewee 6).

When studying aid one also finds a concrete example of the theoretical concept of exchange interaction in the NGOs doing the implementation of the aid-programmes (c.f. Sjöstedt, 1977:32). Despite only carrying out the already agreed policy, in the case of North Korea the NGOs are indeed described as an important resource to the EU, also being a source of information impossible to obtain via traditional diplomatic channels (interviewee 6). The NGO-presence is in addition somewhat different in 2011 compared to 2001 as the European ones were among the very few aid-organizations allowed to stay in the country, even though some of these did bowed to pressure and left (interviewee 1, 2). The ones who stayed could therefore be considered even more important than in 2001 as other actors have to make their information assessments externally. Nonetheless, apart from providing aid funded by the EU and the member states, these organizations have no formal Union-mandate to act (interviewee 6).

The concept of exchange interaction can also be applied to the individual member states donating aid to the country, including developmental aid. The importance of these aid projects are also underlined, despite their modest size,

consisting of inter alia study visits to member states and courses in reform economics for DPRK-policy-makers and planners (interviewee 1).

7.3.4 The ambiguity of multilateral action

Another aspect of the individual member states acting in line with the agreed policy is the action performed in multilateral foras. Sjöstedt discusses mainly the EU's actions as a unit within multilateral trade negotiations (1977:48-58). Thereafter however, he states that it is irrelevant in what organization an individual member state decides to act, "*as long as the action produced conforms with the goals of the Union [in original: the Community]*" (1977:61).

I would however like to argue against this statement. The DPRK-case can illustrate how multilateral action performed by the member states actually has a negative impact on the Union's bilateral relations. I build this conclusion on the member state-sponsored human rights resolutions within the UN-framework, constraining the Union's bilateral interaction on the same issue and generating the disappearance of actor behaviour in the human rights dialogue between 2001 and 2011.

Regarding the halt of the dialogue, one interviewee described the UN-resolutions in the following way: "*The EU is the only country in the world that has had a human rights-dialogue and we spoiled it via this. It suspended it*" (interviewee 8). Another interviewee points out that as long as the Union collectively condemns the country on human rights issues within the UN, the North Koreans do not want a bilateral EU-dialogue on these same issues (interviewee 6). The halted dialogue established in 2001 could therefore also be interpreted as a decline in actor behaviour and thereby actor capability, even though these actions at the same time could be seen as having positioned the EU as a strong human rights-promoter in the country (c.f. Ko, 2008:53).²⁴

In spite of the discussion above, no matter if one sees the actions taken within the UN-framework as having a negative effect on actor behaviour. In the special case

²⁴ The argumentation around the sum of these effects should however not stand unchallenged. One interviewee stated that the DPRK's actions, at least towards the NGOs, did not originate in the actions taken within the UN. Instead, it originated in the regime seeing their presence as a security threat and that the

of human rights, one could only speculate in what kind of signals the member states would have sent to the international community if it had not supported the human rights resolutions. This taking into account title V in the TEU on the objectives of the Union's foreign policy: "*to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms*".²⁵ The multilateral action could therefore perhaps instead be considered an example of the Union "speaking with one voice" within a multilateral forum, rather than the opposite.

Yet this potential counterproductivity between different types of actor behaviour and how this can be interpreted in terms of affecting the Union's general capability, is something that could be of use to elaborate more on within this theory. A longer assessment on the applicability of the framework is discussed in chapter 7.4. Before that a summary of the major changes described in the four segments above will be presented.

7.3.5 Summarizing actor behaviour 2001-2011

To conclude, it is not necessarily the instruments found on the highest formal level that could be considered the most important in the Union's actor behaviour towards the DPRK. For example, the actions performed by the NGOs, applicable under the exchange interaction concept, are considered a very important resource for the Union. In connection, the bilateral aid projects provided by individual member states are also to be considered an important resource. Meanwhile, the high-level political dialogue, which could be characterized as an ideal type of diplomatic interaction, is non-existent since 2001.

Furthermore, by studying the actual actor behaviour, instead of the structural prerequisites, we can also see that changes in several of the prerequisites has had little impact on the actor behaviour in the case at hand. A basic example of this not yet mentioned, but still important to take into account, is art. 47 TEU-L, on the Union's legal personality, granting the Union the same status in international law as a state (Chalmers, 2010:630). This aspect is not applicable to the case, as there were no agreements concluded, nor any formal ongoing negotiations during my period of study (European Commission - Treaties Office Database, 2012; European Commission - EU Trade, 2012). As Sjöstedt focuses a lot on negotiations, and

radical stance also was an expression for a North Korean urge to shift from humanitarian aid to more developmental schemes (interviewee 2).

²⁵ In the Lisbon treaty the same provision can be found under title V art. 21 TEU-L.

especially trade negotiations (see e.g. 1977:34-42), this could be considered a very important aspect to take into account when studying changes in general actor behaviour. However, it is not applicable in the case of actor behaviour towards North Korea.

The changes in the Union's actor behaviour therefore touch upon both qualitative and quantitative aspects. Firstly, the behaviour could be seen as stricter in 2011, with a less ambitious aid scheme and applied restrictive measures. This could be interpreted as a consequence of the changing community of interests, from a policy of engagement to a policy of critical engagement, as actor behaviour also is realization of the shift in Union's goals (1977:23f., see 6.6.1).

Furthermore, the actual instruments employed could be considered to have entered a relative stalemate. Apart from the sanctions no new resources, have been used towards the DPRK between 2001-2011. This includes the non-appointment of an EUSR, having the duty of covering critical regions of direct interest and security concern to the Union (Grevi, 2007:10). This non-action can actually be considered speaking against the Union's explicit formulations around the strategic importance of the Korean Peninsula/the DPRK in both the ESS and the EAPG.

Still, the realization of the policy aspect of engagement can be illustrated via the Union continuing its senior political dialogue instrument and keeping the humanitarian aid in place. It has also acted within multilateral frameworks in correspondence with the common goals, even though this also could be considered a counterproductive behaviour.

This discussion leads on to the final chapter of analysis: the general interpretation of how the actor capability has changed and an assessment of the general applicability of the chosen theoretical framework.

7.4 Interpreting the concept of actor capability

Based on the reasoning above, the Union can be considered an actor in the DPRK both in 2001 and 2011, basically as it via the use of different instruments acts in accordance with an agreed policy. However, when then discussing the topic of relative change, the situation starts to get more complicated.

Studying actorness is not saying that some type of action is preferred above the other. It is to analyze to what extent there is a consensus for a policy and with which instruments it is being pursued, *i.e.* the interaction within and between the different components (Sjöstedt, 1977:119). The more restrictive approach via downsizing the

aid schemes and applying restrictive measures could therefore very well be interpreted as a Union flexing its muscles, acting punitive for what it regards as negative behaviour. This instead of isolating it into a mere quantitative decrease in actor behaviour.

Why I want to push for a conclusion of a stalemate in general actorness is therefore because of a) a withering away of a community of interests, b) the changes within the decision-making system constraining the ability for new initiatives, c) the lack of an EU-delegation as an external channel of communication and finally, d) that apart from the restrictive measures no instruments that have been developed between 2001-2011 has been applied to my particular case. The restrictive measures are in their turn very special instruments in that they are autonomous EU-action, but at the same time implementing measures to already approved UNSC-resolutions. Furthermore, one could have some reservations as the bilateral trade volume is negligible and the schemes therefore can be questioned in their general effectiveness.

Nevertheless, there is a difference between a theoretical framework's applicability to a phenomenon and the empirical explanations of the development of the phenomenon over time (Strömvik, 2005:179). As described above, many of the general developments of the Union's external preconditions for action, have yet to show results in the DPRK-case. The discussion below is therefore around the applicability of the chosen theoretical framework to my specific case, including a discussion on other factors that could be of use to take into account when attempting to understand the case at hand. These final remarks could also serve as potential input for continuing the studies on the Union's actor capability in general, or the EU as an international actor towards the DPRK in particular.

7.4.1 Strengths versus limitations

One important discussion around the applicability of the theoretical framework, is that the EU's external action is much more than the CFSP-instruments, or the sum of all member states' national foreign policies. As could be seen, the Union has a multipillar and multilevel foreign policy, yet is often compared to the nation state and the extent to which it can mimic the international features of it, so also in this chosen theoretical framework (Keukeleire & MacNaughtan, 2008:28-32).

One could actually view Sjöstedt's definition as the EU possessing actor capability to the same extent that it can behave as a unit, or as a state (Goldmann, 1979:25f). Be that as it may, but one could ask if the ability to speak with one voice is always what should be sought after. The basic idea of a more coherent external

policy is the expectation that this will lead to a more efficient external action, but one then forgets other policy alternatives of e.g. a “good-cop bad-cop” character. There is also a risk that coherence creates a lack of functional depth where the policy might have been agreed, but means little in practice (c.f. Gebhard, 2011:110). The case of North Korea illustrates the extreme difficulties in creating single, comprehensive, coherent, operational policies vis-à-vis specific external issues, and one therefore could question if this really is what should be desirable?

As expressed by Keukeleire & MacNaughtan:

At a time when globalization is demonstrating the limitations of nation states and conventional foreign policies, it seems odd that we would look to the EU to develop a foreign policy equivalent to that of a state. (Keukeleire & MacNaughtan, 2008:33).

Yet, the strength of the chosen framework is that it is comprehensive, taking several aspects of external action into account to get a basic conception of the Union’s capacity. This includes apart from the obvious area of the CFSP, also more informal action via trade, aid as well as even more informal action performed by various types of sub-actors. It therefore takes the multilevel and multipillar structure of the Union into account and reasons around how it can tackle different sorts of problems via the miscellaneous instruments available to it, to some extent arguing against the description of it as mimicking state features.

Furthermore, another strength of the framework is that it provides a basis for understanding the Union’s possibility to act actively as well as deliberately, “captured” in an overarching sense in the empirical material via one interviewee saying that a basic change between 2001-2011, was the Union in the DPRK turning into a non-actor in an initiative-taking sense (interviewee 9).

7.4.2 The impact of age?

The abovementioned discussion leads me on to a general limitation of the theory, also mentioned by the author himself: The model cannot describe the EU having fulfilled all criteria to their maximum. We therefore lack a basic reference point for assessing the situation today (Sjöstedt, 1977:75). Since the end of the 1970s there are several new instruments for external action that are important to take into account,

an essential one being the creation of a CFSP. Then again, this could be considered a change relatively easy to interpret, as Sjöstedt takes into consideration the basic difference between the Union's decision-making structures of a more intergovernmental/supranational character (c.f. 1977:86).

In comparison, the development of some of the main institutions is actually not that easy to interpret. An example of this is the European Parliament, which in legal terms does not have any substantial prerogatives to act as foreign-policy actor. Sjöstedt just mentions the Parliament briefly and at the time of writing, it had just recently become a directly elected institution and was referred to as "*playing an increasingly important role*" in policy-making and the control of the Union's resources (1977:246).

During my period of study, via using instruments such as its own political dialogue with the DPRK, I deem the Parliament to be necessary to consider when reviewing the general EU-North Korea relation. The question is thereafter to what extent it can be considered a factor in actor capability and how it has changed with time? This is relatively elusive, as it has a legally based influence that has stretched out when taking a wider perspective, via the expansion to the ordinary legislative procedure (see 6.2.1). In another sense it does not decide the usage of the Union's available resources, such as sanctions (c.f. Portela, 2011).

A general opinion is therefore that the EP can be considered to be an "activist-institution" as it can put Council and Commission actions under scrutiny by for example requesting information (Portela, 2011). It can also perform own actions apart from its political dialogue-instrument, such as adopting resolutions supporting certain goals. Not to mention the influence it has on the Union's general budget affecting the possibilities for the institutional setup of for example the EEAS (see Hautala, 2010). The essence of Sjöstedt's estimation is therefore not inaccurate. Rather the opposite, he captures remarkably well how it has come to develop, 45 years in advance. The question is just where to put it in the theoretical organogram?

As far as the case of North Korea is concerned, a former parliamentarian characterizes the Parliament as an institution that with time has become increasingly aligned and complementary, rather than competitive towards the other main institutions. He also added that the Parliament's influence decreased somewhat with the troika visit and the establishment of diplomatic relations (Interviewee 8). In spite of this, one could argue against how aligned it has become, taking the example of the non-coordinated visit in 2011, forcing a change in the EEAS' political dialogue. To summarize the parliamentary influence in my specific case, one interviewee means

that it is foremost a group of individuals that have acted on their own. These have kept a relatively similar stance to the Commission's and thereby contributed to maintaining a general engagement policy (interviewee 1). Other interviewees argue in a similar manner, that the EP has had a certain influence, but in a larger perspective has had, and still has a minor influence on the Union's general capacity to perform external action (interviewee 2, 4).

Finally, I find some of the categorizations by Sjöstedt to be hard to separate from one another. One example of this is the instruments found under actor behaviour, compared to the external communication channels. The Union communicates with the outside world in many ways, and some resources such as the NGOs, also functions as a channel of communication via providing information of use in the EU policy-making process. Perhaps this haziness could be seen as a result of the age of the framework and an alternative could instead be to distinguish between the ability to negotiate on behalf of the Union and the capacity to utilize policy instruments, similar the provisions developed by Bretherton & Vogler (1999:38).

7.4.3 Going beyond the chosen theory

Finally, one might very well find my general conclusions to be somewhat ambiguous. How can I argue for a general development in actor capability, but a stalemate and in some aspects even a relative decline in the specific case of the DPRK?

One aspect that could be necessary to take into account here is therefore the potential of external factors' influence on actor capability. These are mentioned in the diagnostic framework as influencing the Union's "*general capacity to perform*" (1977:114). It is however not elaborated on in specific, making it hard to position in relation to the other concepts when diagnosing actor capability. To therefore add and potentially create a building-bloc for future research, there are some reoccurring points that could be of particular use when assessing potential external factors in determining actor capability in this case.

One factor pointed out by practically all interviewees (see e.g. interviewee 1, 2, 3, 4, 7, 9), is the different climate in relation to the situation on the Korean Peninsula, most prominently being affected by South Korea. In 2001 the South Korean government was dedicated to the sunshine policy and seeking active support by the Union. The leadership in 2011 is in its turn described as having a radically different approach, caring more about keeping a firm stance on the situation on the Korean

Peninsula and attaching more importance to developing a good relationship with the US (interviewee 3). The South Korean influence, both on the general situation on the Korean Peninsula, as well as their role in "opening up" for the EU to be a party, could therefore be considered.

Discussing the international situation, the US is also close at hand for analysis. In 2001 the republican leadership changed policy towards North Korea from the previous government and instead favoured a "tougher approach". George W. Bush emphasized this in his State of the Union address in 2002, saying that the DPRK, together with Iraq and Libya were the world's "axis of evil", or more specifically: "*States like these and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world*" (see Miller Center, 2012). This thereby created a window of opportunity for the EU to play a larger role on the Korean Peninsula (Ko, 2008:51). As the Obama administration came to power in 2009, it instead declared a commitment to normalize the relations and contribute significant aid donations (see CRS-report R41259, 2010:4). The US-government, or the shift in policies from the same between 2001-2011 could therefore be considered another potential factor for research.

Moreover, one cannot discuss North Korea without mentioning China. The country is North Korea's most important ally, and provides everything from food, and fuel to military support. China is also North Korea's most important trading partner. Taken together, Beijing is described to have more leverage over the regime in Pyongyang than any other party. It is thereby also a significant factor to study as potentially affecting the EU's actor capability (c.f. Bajoria, 2010).

Adding to the countries mentioned above, the concept of failing states can also be used to show the complexity of the North Korean case. As the country has distanced itself from the world and also has a history of not fulfilling international agreements, instruments that could be considered "normal" in average external action have little hope for efficiency in this case (Marsh & Mackenstein, 2005:215).

External factors also refer to the impact of the Union's behaviour. At one point Sjöstedt states that the true nature of the EU's actor capability could be considered the impact it has on the outside world. He then dismisses this as practically impossible to measure (1977:122).

Yet, one could reason around whether the concept of actor capability could use some kind of elaborated external component in its diagnosis, not just applied sporadically to the three overarching categories. After all, it takes at least two to tango? As the framework looks now, the external components are present in an obscure sense, but left pending in their applicability. This hampers the possibility to

take them into more substantial consideration, and possibly interfere with the ability to draw more accurate conclusions.

Conclusively, the general discussion on the applicability of Sjöstedt's framework also leads me to the assessment of possibilities to generalize to other cases. The relative uniqueness of North Korea as a case, concerning both the bilateral relations, the situation on the Korean Peninsula as well as the characteristics of the country in itself, could overall be considered making it into a case where one should be rather careful not to overgeneralize. Many of Sjöstedt's theoretical concepts would probably be more suitable to apply to a case where more comprehensive relations are to be found, such as substantial trade and/or bilateral agreements. Nevertheless, some of the changes discussed above can also be considered principally valid issues for EU external action. This is for example the development to serve for more continuity and consistency, creating difficulties for new policy initiatives within the decision-making process.

8 Conclusions

It is what happens that count, now we will see what happens

Göran Persson, 2001²⁶

The quote above, as well as the introductory quote by Chris Patten (that the road would be "very long and very stony") could in retrospect be seen as realistic expectations when studying the unpredictable developments of North Korea's relations with the EU, as well as the international community in general. The regime transition since December last year has been if possible, even more unpredictable with the country one day signing a moratorium on proliferation activities and the next sending up an ICBM causing perplexity in the whole world as in the Union (the Economist, 2012).²⁷ As this section marks the time to conclude, I will answer the overarching research question posed in the beginning, on how the Union's actor capability has changed in the case of the DPRK between 2001-2011.

One general conclusion is that the Lisbon treaty improved several of the structural prerequisites for action. The institutional setup looks different from 2001 to 2011, where the decision-making system could be considered to have improved the Union's capability to act actively and unitarily. Also, in the case of North Korea, the Union has had a unique continuous political dialogue, together with humanitarian aid-engagement. Furthermore, there is a handful more member states present in Pyongyang in 2011, compared to 2001 and the cooperation between these is strong. The passing of Kim Jong Il also poses as an example of a minor crisis showing the possibilities for the Union to act in a coherent manner, taking advantage of the decision-making system and the available channels of communication.

However, when looking at the actual behaviour, there seem to be something missing. Many of the instruments that have become well-established in Union action towards other third states, such as regional foras for cooperative dialogue (for example ASEM), trade agreements, or even communicating via an actual EU-delegation in the country, are in this case absent. Despite having the outright ambition to be a player and not a payer in the DPRK, the EU does not utilize many of the resources available to it.

²⁶ Quote from Thunblad, 2001, in Swedish: "*Det är det som sker som räknas, nu får vi se vad som händer*"

²⁷ The Union's concern was expressed in a statement by the Spokesperson of the HR/VP - 2012-03-17 as well as in 2012-04-13.

The explanation for this as I can see it, is the changes within the structural prerequisites. In other words: without a political momentum, no matter how much you develop a system, if there is no political will, there can be no urge to use the system's resources either. As expressed by an interviewee when discussing the general conditions for actorhood in 2011 compared to 2001: *"It is somewhat of a paradox to say that the potential for broad operative action of the EU is immensely larger, while at the same time the political context within the EU is infinitely worse."* (interviewee 10).²⁸

Can North Korea therefore be considered a "bad case" of applying the concept of actor capability? No, instead it shows the difficulty in balancing the importance of creating institutional prerequisites for a Union speaking with one voice, with the possibility for political initiatives. Prior to the Lisbon Treaty, the Union had relatively good possibilities for the latter, with the Presidency often taking the driver's seat in foreign policy. However, what this case then shows, is the systemic problem in keeping that momentum and creating a long-lasting policy that can be supported and developed. The year of 2001 could be seen as a peak of EU-action against the DPRK, but the presidencies that followed were lacking interest in the Korean peninsula, and the "drive" thereby withered away. To connect this with Sjöstedt's theory, it could be interpreted as having done so, due to the Presidency's extensive influence in creating the important community of interests to mobilize the decision-making system and the resources available for action. What the Lisbon Treaty then provided was a system of greater capacity for long-term policy planning, continuity and consistency, with the introduction of permanent Chairs up from the FAC, via the PSC and even down to the working group-level in COASI. However, that also narrowed the playing field for political initiative. In the case of EU-North Korea we now have what could be characterized as a relative stalemate in relations with a Union basically "holding on" to instruments put in place in the period around 2001.

As far as the future is concerned, I have been told that a) political scientists in general should be careful with "looking into the crystal bowl" in trying to predict future outcomes, and b) that anyone who is articulating any type of statement on North Korea is simply guessing. I would despite these warnings, still like to make my own prognosis that the situation for deepened EU-relations with the DPRK at the

²⁸ Quote in Swedish: *"Det blir något av en paradox att säga att potentialen är oändligt mycket större, samtidigt som de politiska förutsättningarna är oändligt mycket sämre."* The exact translation into English has been changed upon request by the interviewee.

moment (May 2012) looks gloomy. First and foremost I base this on the interviewees reoccurring statements that any type of rapprochement by the Union might be deeply misinterpreted by both North Korea, as by the wider world and is therefore avoided. In spite of that, what has also been expressed continuously in my interviews is that *if* and *when* a policy opportunity might open up, e.g. via reforms in the country, the EU would be quick to act and have a good position for it too.²⁹ This takes me back to the conclusions drawn above, that there is a greater capability of the Union to act in 2011 - yet a political momentum is lacking, and once again we are back in this political-institutional dichotomy.

Finally, this reasoning around theoretical concepts should not make one forget the issues surrounding the case of North Korea. Non-proliferation, human rights and democracy are at the core of the Em's foreign policy objectives, and there should be no reason to assume them being of less urgency to promote there than somewhere else in the world. If now the well being of the North Korean people is of paramount importance for the Union (as expressed in the Statement by the HR/VP, 2011-12-20) this also requires action. After all, actor capability is the ability of the Union to act actively, not just responding to developments in a coherent way. The question is however how you find the political impetus to take new initiatives towards a country that shows little or no sign of change? This despite of you having made a prior comprehensive proactive effort. As expressed by an interviewee: "*Dialogue is better than not talking*" (interviewee 6) and perhaps in 2011 this has to be considered as serving the purpose of maintaining a window to the outside world. The question is nevertheless when deliberate non-action becomes actual incapability of action. In the case of North Korea, the boundaries have unfortunately become somewhat blurred.

²⁹ For example to compare with the case of Burma/Myanmar, a country often likened to the DPRK, where the Council recently agreed to suspend restrictive measures on the Government (apart from the arms embargo) after "*the historic changes [...] over the past year*" (see Council Conclusions, 2012-04-23). On April 28 2012, Catherine Ashton inaugurated an EU-office in the country (see press release).

Executive summary

Research problem and aim

Despite the European Union's outright ambitions to be an actor on the international scene, it has been criticised for being a remarkably small one. This thesis is therefore based on the theoretical concept of actor capability as developed by Gunnar Sjöstedt. The diagnostic concept takes into account the special preconditions of the EU for pursuing external action and outlines certain criteria for it to possess actorness. Thereby it is a separate concept from for example what role the Union could be perceived to have in international relations.

The theory is applied to a specific case of external action, the Democratic People's Republic of Korea (DPRK) or North Korea. Apart from it being a core issue within international relations, the concerns surrounding the country *i.e.* security, democracy and human rights, could also be expected to be of importance for the Union to safeguard. The EU's actorness has however been questioned also in this specific case, and despite several studies performed on the EU-North Korea relationship, none of these have applied the theoretical concept of actor capability. My aim is therefore to fill a void that could be considered very basic for understanding the Union as an international actor, applied to this specific case.

The implied assumption is that if Sjöstedt's criteria can be the necessary ones to establish and measure to what extent the EU is an international actor; one can also apply these to a specific case and compare actor capability over time. The overarching research question is therefore: How has the EU's actor capability changed in the case of North Korea between 2001-2011? (see 1.1.)

Methodology

This thesis is a comparative case study, with a theory testing ambition. The contexts of comparison are in its turn the situation in 2001 and in 2011. The year of 2001 is chosen on the basis, as this was the time when North Korea was established as a policy priority for the Union (see 2.1, and 5.1.1.).

By applying a so-called strategy of change, or applying the same analytical tools in two different periods of time, one can draw conclusions on a relative change (see 2.1.). The analytical tools for testing are in their turn the theoretical concepts for

diagnosis, as presented by Sjöstedt. They are operationalized into smaller sub-questions helping in answering the overarching research question (see 2.2.1).

Apart from secondary sources, the material used in this thesis is legal documents, strategies and declarations from the main institutions, together with reports from the meetings of the Council working group on Asia and Oceania (COASI) from 2011. These are complemented by interviews with officials, academic scholars and a former politician. The sources have been chosen to provide a comprehensive view on the Union's actor capability, as these are/have been centrally placed persons with insights into the workings, as well as changes over time in the different institutions (see 2.2.2).

Theoretical framework

The basic idea of actor capability is that it is something you can possess to a greater or lesser extent. Moreover, it is also something that can vary with time. Thereby, actor capability is used for determining if and to what extent the Union is an international actor. By looking at the individual aspects of the overarching concept, one can also herald an indication of a direction of change (see 3.1.). The three concepts are in their turn more specifically:

Autonomy: A necessary, but not a sufficient condition of having a basis for the creation of a distinct and coherent policy. The sub-question is thereafter whether the Union has this in the respective years, as well as if there are any substantial changes in it (see 3.1.1.).

Structural Prerequisites: The second concept can in its turn be divided into three different sub-categories. The first is the so-called basic requirements, or the possibility for the Union to create a common stance to mobilize its available resources. The second is the decision-making and monitoring facilities, meaning the possibility for the Union to steer the employment of its resources, both in normal and crisis situations. The third sub-category is the so-called action performance instruments, or the communication channels available to the Union. The sub-question is thereafter whether there are any changes in these three categories, which together can be considered the practical preconditions for coherent action, and in that case, how (see 3.1.2.).

Actor behaviour: The third category measures the actual behaviour. This can also be seen as a measurement of the resources employed. Behaviour can thereafter be considered more formal, or informal, depending on institution as well as whether the actions could be considered highly politicized or of a more routine nature. The

sub-question is thereafter what the main resources in use are, and how the employment of these change (see 3.1.3.).

Empirical material

The empirical material is structured into two main parts. The first is an outline of the general preconditions for external action as found mainly in the treaty basis, *i.e.* the Amsterdam treaty (2001) and the Lisbon Treaty (2011) (see 5.1, 6.1.). The second part presents the EU's external action towards the DPRK during the year of study. The information is presented in adjacency with the actions taken by the three main institutions. This includes also the European Council, the rotating Presidency of the Council of the European Union and the European External Action Service. Furthermore, there is a category of other external elements, touching upon trade, the Union's participation in the Korean Energy Development Organization (KEDO) as well as the national embassies (see 5.2., 6.2.).

Comparative analysis

When analyzing the empirical material, using the sub questions as provided by the theoretical framework, the results are as follows:

The fundamental features for external action

The main conclusion is that the autonomy criteria can be considered fulfilled both in 2001 and 2011. There is a clear basis for the Union to pursue international action in a distinct as well as a coherent manner, both in the Amsterdam treaty and in the Lisbon treaty. The main provisions are found in art. 11 TEU (Amsterdam)/ art. 24 TEU-L (Lisbon), establishing the Union's task of defining and implementing a foreign policy, as well as the member states duty to support it actively and unreservedly (see 7.1.).

The ability to speak with one voice

Basic requirements: The conclusion is that there is a so-called community of interests both in 2001 and 2011. There is however a shift that can be described as going from a policy of engagement to a policy of critical engagement. Furthermore, there is an expressed increased division within the community, including an increased difficulty for member states favouring a policy of engagement to argue actively for

this. This increased division has resulted in a decrease in the formally declared operational goals for action, in 2001 found outlined in for example Council conclusions. Yet, an informal strategy on EU-foreign policy towards the DPRK was drafted in COASI during 2011, including also various resources for action. Then again, as this strategy has never been made official it cannot be seen as a basic component of the community (see 7.2.1.).

Decision-making: The decision-making facilities have also changed since 2001. The processes have not changed in its core, as the “engine” of EU-external action - the CFSP still has unanimity as the main decision-making rule. A major change is however that there are three new posts/institutions created to enhance coherence and consistency in external action: the Permanent President of the European Council, the High Representative for Foreign Affairs and Security Policy and the European External Action Service. This hybrid structure with permanent chairs also trickled down into the preparatory phases in the Political Security Committee and COASI. However, these new decision-making rules have also decreased the possibilities for new policy initiatives. The rotating Presidency is described as having been crucially important in putting North Korea on the map in 2001. Nevertheless, from another perspective the shifting priorities every six months affected the continuity and consistency in the bilateral relations. Furthermore there is a possibility that the new decision-making processes will settle once the actual institutional structures have been put in place. (see 7.2.2.).

Action performance instruments: The third aspect focuses on the EU-delegations and representations to and from the Union, as well as with some reservations, also the national embassies. The national embassies in Pyongyang have an intense and important cooperation, both in 2001 as in 2011, also rising in numbers from one to seven. Still, their intensive cooperation is described as lacking power to formulate a more forceful policy, as there is no EU-delegation there and neither a North Korean EU-representation accredited to Brussels (see 7.2.3.).

Pursuing the decided policy

The resources employed to pursue the agreed policy can be seen to have changed in several ways, taking two major expressions. The first is that the behaviour has become stricter, with a less ambitious aid scheme and applied sanctions in 2011. Secondly, apart from the sanctions, the actual resources employed have entered a relative stalemate, as no new resources have been put to use. Yet, the Union has its senior level political dialogue in place. Humanitarian aid is also still granted, as well as minor developmental projects.

Another feature of the actor behaviour towards North Korea is that it is not the resources found on the highest formal level (compared to Sjöstedt's categorization of diplomatic and exchange interaction) that could be considered the most important. For example, the actions taken by the NGOs are described as a very important resource. This while the high-level political dialogue is non-existent since the "one hit wonder" troika-visit in 2001 (see 7.3.1-5).

Main conclusion

To summarize the comparison of the case at hand, the EU can be considered an actor both in 2001 and 2011, as there are several instruments in place for pursuing an established policy. Why I push the conclusion of a stalemate in actorness however, is because of: a) a withering away of a community of interests, b) changes within the decision-making system constraining the ability for new political initiatives, c) the lack of an EU-delegation as an external channel of communication, and d) that apart from the restrictive measures, no other new instruments has been applied in 2011 compared to 2001 (7.4).

The changes in actor capability can be captured in somewhat of a paradox where the potential for broad operative action has increased, while the political preconditions within the Union has decreased (see 8).

Discussing the applicability of the theoretical framework

There are both strengths and weaknesses in the application of Sjöstedt's framework. A weakness is that actor capability is relatively similar to the traditional concept of state-action. One then risks to overlook the possibilities of a multilevel policy and that coherence can be at the expense of functional depth. The strength is nonetheless that it is basic and comprehensive, measuring the overall capacity to act actively and deliberately (see 7.4.1).

Moreover, one can discuss the impact of age on the framework. One difficulty is to within his categorization pinpoint one of the EU's major institutions: the Parliament. This has different conditions for external action compared to the other main institutions. Still, the description/prediction made by Sjöstedt on the Parliament playing an increasingly important role in a policy-making and resource controlling sense, can in its essence be considered remarkably accurate (see 7.4.2).

The diagnostic concept by Sjöstedt is used to establish if and to what extent the Union is an actor. But within this diagnostic concept, a tangible development on external aspects' influence can be deemed as insufficient. This is also applicable to the external dimension of the impact of the Union's actions (7.4.3).

Because of the special features of the case at hand, resulting in a fairly limited bilateral relationship, many theoretical aspects are not possible to relate and make the framework somewhat difficult to apply. The possibilities for generalizing to other cases should therefore be exercised with caution. Some features could however be considered principally valid, such as the consequences of the changes within the decision-making system (7.4.3.)

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CFE Working papers No. 50

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