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EU NORMATIVE SANCTIONS ON BURMA/MYANMAR AND THE DPRK: OUT OF THE EFFECTIVE RANGE OF EU DEMOCRACY PROMOTION?*

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1. Introduction

Valéry Giscard d'Estaing, a former president of France, gave his view on the future of the EU in his opening address as president of Europe's Constitutional Convention in 2002: 'If we succeed, in 25 or 50 years Europe's role in the world will have changed. It will be respected and listened to, not only as the economic power it already is, but as a political power which will talk on equal terms to the greatest powers on our planet.'¹ However, what kind of the power is the EU?

Power is the ability to alter the behaviour of others to get what you want, and there are basically three ways to do that: coercion (sticks), payments (carrots) and attraction (soft power).² However, EU power image has developed in a unique way. François Duchêne explained that Europe's military weakness has

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1 V. Giscard d'Estaing (2002), 'On the Convention on the Future of Europe', 28 February; available at [<http://www.european-convention.eu.int/docs/speeches/1.pdf>].

given the European Community (EC) of the day a unique appearance of 'civilian power'.³ He argued that the EC should use its foreign policy instruments and *idée force* (magnetic attraction) for normative ends in order to 'domesticate' relations between states.⁴ This concept was substantially herald of the long-standing debate. In recent years, the broadly post-modern notion of 'normative power', Ian Manners argues, has come to be considered one of basic terms of the EU studies. This view posits that the EU has adopted normative concepts such as democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, when formulating its own identity as an international actor.⁵ According to Manners, 'the EU's ontological quality is its most important normative Characteristic'.⁶ However, Karen Smith issued: 'we should turn our attention to analyzing what kind of power the EU wields and with what

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- 2 Joseph Nye's concept of 'soft power' is the ability to obtain preferred outcomes through attraction rather than coercion or payments, arising from the appeal of cultural attraction, political ideals, and international institutions. J. Nye, (2004), *Soft Power: The Means to Success in World Politics*. New York: Public Affairs, p.x, see also p.5.
 - 3 F. Duchêne (1972), 'Europe's role in World Peace', in R. Mayne (ed.), *Europe Tomorrow: Sixteen Europeans Look Ahead*. London: Fontana, pp.32-47.
 - 4 F. Duchêne (1973), 'The European Communities and the Uncertainties of Interdependence', in M. Kohnstamm and W. Hager (eds.), *A Nation Writ Large? Foreign -Policy Problems before the European Community*, London: Macmillan, pp.1-21.
 - 5 Manners argues: 'the central component of normative power Europe is that the EU exists as being different to pre-existing political forms, and that this particular difference predisposes it to act in a normative way.' He suggests that the EU promotes values in six principal substantive and symbolic ways: contagion (EU as a source of attraction for third parties); informational (declarations, demarches), procedural (institutionalized relationships), transference (trade norms, political conditionality), overt diffusion (EC delegations) and cultural filter (political learning). I. Manners (2002) 'Normative Power Europe: A Contradiction in Terms?' *Journal of Common Market Studies*, 40(2), pp.235-258, quoted from 242. Manners and Whitman refers the EU's principled identity to 'its particular post-war historical context, its hybrid polity accentuating post-national features, and its political-legal constitution codifying core principles.' I. Manners and R. Whitman (2003), 'The "difference engine": constructing and representing the international identity of the European Union', *Journal of European Public Policy*, 10(3), pp.380-404, quoted from p.398.
 - 6 I. Manners (2004), 'Normative Power Europe Reconsidered', October 2004, CIDEL Workshop: *From civilian to military power: the European Union at a crossroads?* Oslo 22-23 October 2004. Quoted from p.12; available at [www.arena.uio.no/cidel/WorkshopOsloSecurity/Manners.pdf].

effect, rather than debating what kind of power the EU is. Debate about whether the EU is or is not a civilian power, a normative power, a superpower and so on are really leading us anywhere right now [...] We should instead engage in a debate about what the EU does, why it does it, and with what effect rather than about what it is'.⁷

Smith assumes the EU to be marked by 'proactive cosmopolitanism', which is 'a deliberate attempt to create a consensus about values and behaviour – a cosmopolitan community – among diverse communities'.⁸ Democracy promotion is one profile of such EU cosmopolitanism.⁹ The EU believes that democracy is universal and indivisible value both *within* and *beyond* its borders. Actually, the EU actively promotes it as an issue cross-cutting all divisions of external policy: trade policy, development and humanitarian assistance policy, external cultural policy, as well as foreign, security and defence policy.¹⁰ Chris-

7 K. Smith (2010), 'The European Union in the World: Future Research Agendas' in M. Egan, N. Nugent and W. Paterson (eds.), *Research Agendas in EU Studies: Stalking the Elephant*, Basingstoke: Palgrave MacMillan, p.329-353. K. Smith has also argued the other works. For instance, *idem.* (1999), 'The use of political conditionality in the EU's relations with third countries: how effective?' *European Foreign Affairs Review* 3(2), pp.253-74; *idem.* (2001), 'Western Actors and the Promotion of Democracy' in J. Zielonka, and A. Pravda (eds.), *Democratic Consolidation in Eastern Europe*, Oxford: Oxford University Press, pp.31-57; *idem.* (2003), *European Union Foreign Policy in a Changing World*, Cambridge: Polity Press; *idem.* (2004), *The Making of EU foreign policy: the Case of Eastern Europe*, Basingstoke: Palgrave Macmillan; *idem.* (2004), 'The Role of Democracy assistance in future EU external relations', Conference Paper, paper submitted exclusively for the European Conference 'Enhancing the European Profile in Democracy Assistance', July 4-6, 2004, available at: [http://www.boell.de/downloads/demokratieforderung/smith_role_eu.pdf]; *idem.* (2007) 'The Role of Democracy Assistance in Future EU External Relations' in M. van Doorn and R. von Meijenfeldt (eds.), *Democracy: Europe's Core Value?*, Delft: Eburon.

8 K. Smith (2006), 'The Limits of Proactive Cosmopolitanism: the EU and Burma, Cuba and Zimbabwe,' in O. Elgström and M. Smith (eds.), *The European Union's Role in International Politics: Concepts and Analysis*, London: Routledge. See also; C. Rumford (2005), 'Cosmopolitanism and Europe: Towards a new EU studies agenda?', *Innovation: The European Journal of Social Science Research*, 1, pp.1-9; U. Beck and E. Grande (2005), *Das Kosmopolitische Europa*, Frankfurt am Main: Suhrkamp; G. Delanty and C. Rumford (2005), *Rethinking Europe: Social Theory and the Implications of Europeanization*, London: Routledge.

topher Patten, former External Relations Commissioner, has declared, 'it must be right for this European Union, increasingly and rightly seen as one of the bastions of democracy in the world, to devote a much greater effort to promoting free and fair elections beyond its borders, in countries where the rights which we are too often inclined to take for granted are still fragile or under threat'.¹¹

- 9 Although scientific research has only recently begun to focus on the role of EU external governance as a promoter of democracy, the literature touching on the range of issues pertinent to democracy promotion is now too vast to list in its entirety here. But a number of works on European democracy promotion are worth noting. See G. Crawford (2000), 'European Union Development Co-operation and the Promotion of Democracy', in Burnell (ed.), *Democracy Assistance: International Cooperation for Democratization*, London: Frank Cass, pp.90–127; *idem.* (2000), 'Promoting Democratic Governance in the South', *European Journal of Development Research*, 12(1), pp.23–57; *idem.* (2001), *Foreign Aid and Political Reform: A Comparative Analysis of Political Conditionality and Democracy Assistance*, London: Palgrave; P. Kubicek (ed.) (2003). *The European Union and Democratization*, London: Routledge; G. Pridham (2005), *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*, Basingstoke: Palgrave Macmillan; A. Magen, T. Risse, and M. McFaul (eds.) (2009), *Promoting Democracy and the Rule of Law. American and European Strategies*, Basingstoke: Palgrave Macmillan; C. Santiso (2001), 'International Cooperation for Democracy and Good Governance: Moving Towards a Second Generation?' *European Journal of Development Research*, 13(1), pp.154–180; *idem.* (2002), 'The Reform of European Union Development Policy: Improving Strategies for Conflict Prevention, Democracy Promotion and Governance Conditionality', *CEPS Working Paper*, 182; P. Schraeder (ed.) (2002), *Exporting Democracy: Rhetoric vs. Reality*, Boulder: Lynne Rienner; F. Schimmelfennig, S. Engert and H. Knobel (2006), *International Socialization in Europe: European Organizations, Political Conditionality, and Democratic Change*, Basingstoke: Palgrave Macmillan; F. Schimmelfennig and U. Sedelmeier (eds.) (2005), *The Europeanization of Central and Eastern Europe*, Ithaca: Cornell University Press; M. Emerson (ed.) (2005), *Democratization in the European Neighbourhood*, Brussels: Centre for European Policy Studies; A. Vachudova (2005), *Europe Undivided. Democracy, Leverage, and Integration Since 1989*, Oxford: Oxford University Press; R. Youngs (2001), *The European Union and the Promotion of Democracy: Europe's Mediterranean and Asian Policies*, Oxford: Oxford University Press; and *idem.* (2004), *International Democracy and the West: The Role of Governments, Civil Society, and Multinational Business*. Oxford: Oxford University Press.
- 10 F. Petiteville (2003) 'Exporting "values"? EU external co-operation as a "soft diplomacy"', in M. Knodt and S. Princen (eds.), *Understanding the European Union's External Relations*, London: Routledge, pp.127–141; M. Knodt and S. Urdze (2006) 'Die Europäische Union als Exporteur von Demokratie und Rechtsstaatlichkeit' in P. Müller-Graff (ed.), *Die EU als Akteur in der Welt*, Baden-Baden: Nomos, pp.385–403; M. Knodt and A. Jünemann (2007) 'Introduction: Conceptualizing the EU's Promotion of Democracy', in: M. Knodt and A. Jünemann (eds.), *Externe Demokratieförderung durch die Europäische Union: European External Democracy Promotion*, Baden-Baden: Nomos 2007, pp. 9–30.

However, the *Normative Power Europe* has now come to confront the issue how its vision and practice match up. To begin with, previous works have commonly accepted the countervailing forces that limit expansion of power: (1) loss-of-strength gradient, (2) generation of opposing power, (3) economic, technical and other factors determine the optimal size for political entities, (4) tendency toward political disintegration and fragmentation of society.¹² If that is the case of the *Normative Power Europe*, is it able to regard the EU unequivocally as a global democracy promoter?

Questioning the priorities of the Common Foreign and Security Policy (CFSP), Smith also points out that the EU lacks its resources to pursue everywhere its declared objectives such as promoting common values: ‘the choices among objectives that the EU makes will indicate which are actually most important [...] even if they are not explicitly declared as such’. This recalls to our mind that Christopher Hill pointed out the paradoxical nature of EU’s international role as ‘capability-expectations gap’.¹³ The new civilian and military crisis-management tools has currently little by little been expanded and upgraded in the context of the European Security and Defence Policy (ESDP). This transformation has now caused considerable fuzziness over where to draw the line between civilian and military power.¹⁴ But it is premature to declare that the EU has already supplied the gap. Wade Jacoby and Sophie Meunier rightly pose a question: ‘can Europe still deploy this normative power to shape the rules of globalization even if its economic and geopolitical power is eroded?’¹⁵

11 C. Patten, ‘Speech to the European Parliament plenary on the Commission communication on EU election assistance and observation’, Speech/01/125, 14 March 2001.

12 R. Gilpin (1981), *War and Change in World Politics*, New York: Cambridge University, p.149.

13 C. Hill (1993) ‘The Capability-Expectations Gap, or Conceptualizing Europe’s International Role’, *Journal of Common Market Studies*, 31(3), pp.305-328.

14 T. Diez, (2005) ‘Constructing the self and changing others: reconsidering “normative power Europe”’ *Millennium: Journal of International Studies* 33(3): 613-36; A. Hyde-Price, (2006) ‘“Normative” power Europe: a realist critique’, *Journal of European Public Policy*, 13(2), pp.217-34; and H. Sjursen, (2006) ‘The EU as a “normative” power: how can this be?’ *Journal of European Public Policy*, 13(2), pp.235-51.

Furthermore, double standards between what the EU demands of others and how it behaves itself would undermine the credibility of the EU and thus the legitimacy of its engagements with others in the eyes of the others. As early as 1973, Johan Galtung already concerned about the appearance of a *Pax Bruxel-lana*. In contrast to Duchêne, He argued that the EC was ‘a Superpower in the Making’ on the global stage, founded upon both an economic and military mode of development and that EU external relations reflected ambitious imperial aspirations.¹⁶ Smith also accuses the EU of being ‘guilty of inconsistency, since third countries are treated differently, even though their Human Rights [and democratic] records are similar’.¹⁷

By taking this viewpoint, this article would like to reconsider EU sanctions on the highest-profile deviant cases in East Asia – Burma/Myanmar and the Democratic People’s Republic of Korea (DPRK, North Korea). The EU has imposed normative sanctions to both of them in order to enforce international law and change their behaviour. However, have they made significant progress in democracy promotion? This study would give a glimpse of the effectiveness and limitations of EU global governance in East Asia. The general conclusion is one of low consistency and impact.

2. EU Normative Sanctions: Poisonous but not Lethal

With respect to democracy promotion, the EU changes its manner according to the occasion and sanctions are practically the most resolute measures for the EU to enforce its desirable direction to non-compliant countries, reflecting Europe’s military weakness and prudence. The EU can also make neces-

15 W. Jacoby and S. Meunier (2010), ‘The European Union in the World: Future Research Agendas’ in M. Egan, N. Nugent, and W. Paterson (eds.), *Research Agendas in EU Studies: Stalking the Elephant*, Basingstoke: Palgrave MacMillan, pp.354-374.

16 J. Galtung, (1973). *The European Community: A Superpower in the Making*, London: Allen and Unwin.

17 K. Smith (2003), *The European Union Foreign Policy in a Changing World*, Cambridge: Polity Press, p.116.

sary preparations for using military forces as the ‘ultimate resort’ after ratification of international law (esp. in compliance with the United Nations Charter), when their violations or interruption of democratic processes are incorrigible and no alternative are available. However, the EU is deliberate in armed intervention. It is symbolically expressed by Patten’s statement against ‘armed missionaries’ in 2003: ‘If we in the West think that democracy as a political form holds global appeal, we should not force-feed it to subservient states as a Western geostrategic option.’¹⁸ On the other hand, sanctions have been frequently imposed by the EU in recent years, either on an autonomous EU basis or implementing binding Resolutions of the Security Council of the United Nations.¹⁹

In parallel with EU Eastern enlargement, the EU had also deepened its competences in the domain of democracy promotion through the establishment of new democracy assistance funding, provisions for political conditionality, and an extensive network of democracy-related initiatives and dialogues with developing countries. The Maastricht Treaty (1992) was the first time to codify the ‘development and consolidation of democracy’ as a general principle the CFSP. An *ad hoc* programme, the European Initiative for Democracy and Human Rights (EIDHR), was launched by the European Parliament in 1994. Furthermore in 1995, the European Commission and the Council of the EU committed themselves to furthering, *inter alia*, democracy in the third party through the inclusion of a so-called ‘human rights clause’ as if ‘Trojan Horse’.

Human rights clause exemplifies the ideals of the EU democracy promotion.²⁰ It has stipulated all countries should act in observance of the respect for democracy as one of ‘essential elements’. In breach of the obligations, the EU or the other party could terminate the agreement or suspend its operation. A

18 P. Chris, ‘Democracy doesn’t flow from the barrel of a gun’, *International Herald Tribune*, 16 September 2003.

19 J. Kreutz (2005), ‘Hard Measures by a Soft Power? Sanctions Policy of the European Union 1981-2004,’ Working Paper 45, Bonn International Center for Conversion, available at [<http://ia201119.eu.archive.org/dnb/20070405123415/http://www.bicc.de/publications/papers/paper45/paper45.pdf>] and C. Portela (2010), *European Union Sanctions and Foreign Policy: When and Why do They Work?* London : Routledge.

fine contemporary example of the use of human rights clauses may be found in the Cotonou Agreement. This conditionality is nowadays primarily done by allowing exports from developing countries to enter the EU at no or reduced customs duty under the generalised system of preferences (GSP).²¹ *The EU Guidelines on Human Rights Dialogues* (2001) reconfirms: ‘The EU will ensure that the issue of human rights, democracy and the rule of law will be included in all future meetings and discussions with third countries and at all level [...]’

The EU also sets out the objectives and principles guiding the EU policy on Sanctions, and explains the procedures applied for the adoption of restrictive measures in the framework of the CFSP. As synonymous terms with *sanctions*, the EU documents routinely use *restrictive measures* or *measures negatives*. The EU expresses: ‘Sanctions are an instrument of a diplomatic or economic nature which seek to bring about a change in activities or policies such as violations of international law or human rights, or policies that do not respect the rule of law or democratic principles.’²² Within the framework of the CFSP, the EU applies sanctions in pursuit of the specific CFSP objectives set out in the Treaty on European Union (see particularly Art. 11). A general statement on EU policy is found in *the Basic Principles on the Use of Restrictive Measures (Sanctions)* (2004).²³

20 There is a fairly extensive literature on human rights clauses, including: L. Bartels (2005), *Human Rights Conditionality in the EU's International Agreements*, Oxford: Oxford University Press; E. Fierro (2003), *The EU's Approach to Human Rights: Conditionality in Practice*, The Hague: Martinus Nijhoff; D. Horng (2003), ‘The Human Rights Clause in the European Union's External Trade and Development Agreements’, *European Law Journal*, 9, pp.677- 701; and L. Noguera, J. Diego, and L. Martinez (2001), ‘Human Rights Conditionality in the External Trade of the European Union: Legal and Legitimacy Problems’, *Columbia Journal of European Law*, Fall, pp.307-336.

21 See Council Regulation 980/2005 of 27 June 2005 applying a scheme of generalized tariff preferences, [2005] OJ L169/1.

22 See the summary by the EU on the official homepage of the European External Action Service; available at the official the European External Action Service; available at [http://www.eeas.europa.eu/cfsp/sanctions/docs/index_en.pdf].

23 Council of the European Union, *the Basic Principles on the Use of Restrictive Measures* (Council document 10198/1/04), 7 June 2004; available at [<http://register.consilium.europa.eu/pdf/en/04/st10/st10198-re01.en04.pdf>].

However, the EU is reluctant to trigger negative conditionality vis-à-vis non-compliant countries, even though they might slide back on democracy and human rights clearly. Unlike US conditionality, the EU prefers to offer carrots and withhold sticks: it mainly attaches greater importance to a 'positive approach' of support and inducement with the allocation of incentive financing to encourage democratisation.²⁴ For instance, the EU has traditionally pursued a dual strategy of so-called 'critical dialogue' and 'change through trade' in their efforts to influence the Iranian regime since 1993, partly as a response to the Salman Rushdie affair and partly because of Iran's geostrategic roll, notably energy supplier.²⁵

Compared with sanctions imposed by the US which often comprehend the broader economy, EU sanctions has also been pursued in moderation. It makes every endeavour to target at the political and economic elites or entities. These kinds of sanctions are generally called *targeted sanctions* or *smart sanctions*. The logic is simple. Comprehensive sanctions have an indiscriminate impact on the broader civilian population and third countries. In order to avoid such severe negative humanitarian consequences, sanctions are restricted to those individuals and entities which are liable for the act of concern. In concrete terms, target governments of third countries, or non-state entities and individuals (such as terrorist groups and terrorists) would be isolated through arms embargoes, other specific or general trade restrictions (import and export bans), financial restrictions (freezing of assets and funds), restrictions on admission (visa or travel bans), or other measures, as appropriate.

In the wake of September 11, 2001, 'securitisation' of the democratic agenda has been highlighted in conflict prevention, peace building and post-conflict reconstruction, with development of the crisis management capacity of the EU. Especially, the European Security Strategy (ESS, 2003) connected democracy promotion to the preservation of global order. It called for 'preventive

24 Smith, 2001; Youngs, 2001; etc.

25 F. Cameron (2007), *An Introduction to European Foreign Policy*, New York: Routledge, p.200.

engagement' and 'effective multilateralism' in order to realise a 'stronger international society, well functioning international institutions and a rule-based international order'. Javier Solana, the EU High Representative for the CFSP, has argued that European states' unique capacities to overcome national interests and cooperate peacefully through democratic institutions gives the EU a similar capacity to export freedom, democracy and good governance to the near (and not so near) abroad.²⁶ In order to render the EU anti-terrorist policy more coherent and effective in its relations with third countries, the European Parliament also raised 'the strict implementation of the anti-terrorism clause as well as application of the human rights clause included in agreements with third countries, without any "ad hoc" modifications which detract from their substance.'²⁷ The EU is likely to pursue more conditionality in recent years.

Although EU sanctions seem to spread geographically widely and relatively evenly across regions,²⁸ the complexity of the multilevel European polity has to be taken account. According to the multilevel governance model, decision-making competencies are shared by actors at different levels.²⁹ Again, the CFSP has not yet been governed by supranational decision-making.³⁰ The CFSP is a case *sui generis* within the *sui generis* EU.³¹ Unanimity had been necessary for the EU to impose sanctions under the treaties previous to Lisbon Treaty. Although the Lisbon Treaty intended to abolish the so-called three pillar structure (European Community, CFSP, and Justice and Home Affairs), the decision-ma-

26 European Council, 'A Secure Europe in a Better World', Thessaloniki, 20 June 2003; available at [http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/reports/76255.pdf].

27 European Parliament, 'European Parliament resolution on the external dimension of the fight against international terrorism, 15 February 2007, (2006/2032(INI)); available at [http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/reports/76255.pdf].

28 The EU imposes sanctions against Al Qaeda and Taliban, Belarus, Bosnia and Herzegovina, Burma/Myanmar, China, Democratic Republic of Congo, Croatia, Egypt, Eritrea, Republic of Guinea (Conakry), Haiti, Iran, Iraq, Ivory Coast, DPRK, Lebanon, Liberia, Libya, Moldova, Serbia and Montenegro, Somalia, Sudan, Syria, Terrorist Groups (Foreign Terrorist Organisations), Tunisia, USA (United States of America) and Zimbabwe (as of May 2011).

29 For general reviews, see B. Laffan, R. O'Donnell, and M. Smith (eds) (2000), *Europe's Experimental Union, Rethinking Integration*, London: Routledge.

king structure in CFSP remains essentially intergovernmental.³² The EU shall impose economic sanctions on third countries by qualified majority voting (QMV) even in cases where targets are individuals and non-state entities (Art. 215 TFEU with Court control in Art 275 TFEU).³³ Hence, EU sanction policy is determined by transaction, negotiation and voting costs among its member states. EU sanctions policy depends on its own regional interests.³⁴

Indeed, EU sanctions have been frequently suspended or pigeonholed by bargaining among member states. For instance, France traditionally has powerful influence in sub-Saharan Africa. Despite an earlier EU decision to ban his travels to Europe, France won a temporary 'opt-out' to host Robert Mugabe, President of Zimbabwe, at the two-day Franco-African summit in Paris in 2003.³⁵ Furthermore, no cases of EU sanctions have been in force in Latin America and Central Asia. Of course, the lack of action against Latin America does not re-

30 K. Jørgensen, (2004) 'European Foreign Policy: Conceptualising the Domain', in W. Carlsnaes, H. Sjørnsen, and B. White, (eds.) *Contemporary European Foreign Policy*, London: Routledge, pp.32-56; M. Knodt, and S. Princen (2003), 'Introduction: puzzles and prospects in theorizing the EU's external relations', in M. Knodt, and S. Princen (eds.) *Understanding the European Union's External Relations*, London: Routledge, pp.1-16; F. Mérand (2008), *European Defence Policy: Beyond the Nation State*. Oxford: Oxford University Press; J. Øhrgaard (2004) 'International relations or European integration: is the CFSP sui generis?', in: B. Tonra and T. Christiansen (eds.), *Rethinking European Union Foreign Policy*, Manchester: Manchester University Press, pp.26-44; and M. Smith, (2004) 'Toward a theory of EU foreign policy-making: multi-level governance, domestic politics, and national adaptation to Europe's common foreign and security policy', *Journal of European Public Policy*, 11(4), pp.740-758.

31 G. Baere (2008), *Constitutional Principles of EU External Relations*, Oxford: Oxford University Press, p.3.

32 A. Pollet-Fort (2010), *Implications of the Lisbon Treaty on EU External Trade Policy*, EU Centre, Singapore Background Brief, 2, p.5; and K. Koehler, 'European Foreign Policy after Lisbon: Strengthening the EU as an International Actor', *Caucasian Review of International Affairs*, 4(1), pp.57-72.

33 F. Giumelli (2010), 'Bringing Effectiveness into the Debate: A Guideline to Evaluating the Success of EU Targeted Sanctions', *Central European Journal of International and Security*, 4(1), pp.86.

34 M. Eriksson (2005), 'EU Sanctions: Three cases of targeted sanctions' in P. Wallenstein and C. Staibano (eds.), *International Sanctions: Between Words and Wars in the Global System*, London: Routledge/Frank Cass, pp.108-109.

35 K. Smith (2006): 161-162.

flect only its general trend towards democratic governance of the 1990s. Although the EU has once imposed sanctions on Cuba in 2003 in protest at the Cuban government's imprisonment of more than 70 dissidents, the sanctions were suspended in 2005, following the release of 14 of the 75 arrested. At this time, Spain largely took the initiative in normalising EU relations with Cuba, despite opposition from several other EU members.³⁶ On the other hand, In Central Asia, the range of activities was particularly narrow and limited in magnitude. On October 2009, the EU lifted its sanctions imposed on Uzbekistan in the aftermath of the Andijan uprising in 2005. Germany has long been the most active EU country in Central Asia and has used its EU presidency to lift the sanctions. Germany seemed to be keen to protect its interests and influence in Central Asia, including Uzbek transit base for its NATO military operations in Afghanistan.³⁷

The EU arms embargo on the People's Republic of China (PRC) is the only punitive measure remaining in force against the PRC from the EU's post-Tiananmen Square package of sanctions. But this is a minor measure set alongside the plethora of new cooperation agreements between the EU and Beijing. The EU approach to the PRC has been characterised as promoting a 'rules-based economy' first, with a focus firmly on 'good governance' rather than democratic reform *per se*.³⁸ In general, relatively weakness of the EU for the PRC does not seem to prevent massively increased engagements of the PRC with non-democratic countries.

The most important instruments of the EU to foster the spread of norms on human rights and democracy are its economic resources – i.e. the provision of privileged access to the EU market. Peter Mandelson, Trade Commissioner,

36 K. Smith (2006): 159-160; and R. Youngs (2010), *The End of Democratic Conditionality: Good Riddance?* FRIDE Working Paper, 102, p.6; available at [http://www.fride.org/download/WP102_The_end_democratic_conditionality_ENG_set10.pdf].

37 S. Castle (2009), 'Europe Ends Its Attempt to Penalize Uzbekistan Twitter', *New York Times*, Published: October 27, 2009; available at [<http://www.nytimes.com/2009/10/28/world/asia/28uzbek.html>].

38 Youngs (2001): 176ff.

assessed on the whole EU foreign policy: 'Economic strength at home is essential to a strong European voice in the world. And trade is indispensable to creating and sustaining this strength.'³⁹ However, Hubert Zimmermann described: 'Geostrategic and mercantilist interests, pushed particularly by the [European] Commission, thus figure prominently in EU trade negotiations. Realist theories therefore should not be neglected when analysing EU behaviour in international trade negotiations.'⁴⁰

3. Geopolitical Challenges to the Diffusion of Democratic Values

It was the relatively recent events that the EC or the EU has started to engage systematically in the promotion of democracy as its central principle of foreign policy agenda. The accessions of Greece (1981), Spain and Portugal (1986) are usually cited as the EU's first contribution to democracy promotion, yet they have indirect effects on their democratic consolidation.⁴¹ In general, the EC had mainly focused its effort on trade and other economic issues before the early 1990s.⁴² On the other hand, it was at the endgame of the Cold War when the EC came to steadily tackle with democracy promotion as a norm of practice. The collapse of the Berlin Wall (1989) and disintegration of the Soviet

39 Speaking points by Commissioner P. Mandelson (2006), 'Global Europe: Competing in the World', Press room, European Commission, 4 October, in 'New Strategy Puts EU Trade Policy at Service of European Competitiveness and Economic Reform' (IP/06/1303); available at [<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1303&form=at=PDF&aged=1&language=EN&guiLanguage=fr>]. See also DG Employment, Social Affairs and Equal Opportunities of the European Commission (2009), *Assessing the Employment and Social Impacts of Selected Strategic Commission Policies*, Final Report, Rotterdam: ECORYS, 170.

40 H. Zimmermann (2007), 'Realist Power Europe? The EU in the Negotiations about China's and Russia's WTO Accession.' *Journal of Common Market Studies*, 45(4); pp.813-832.

41 L. Whitehead (1996), 'Concerning International Support for Democracy in the South', in R. Luckham and G. White (eds.), *Democratization in the South: The Jagged Wave*, New York: Manchester University Press, p.261; and P. Kubicek (ed.) (2003), *The European Union and Democratisation*, London: Routledge, p.9.

42 K. Smith (2003): 122.

Union (1991) changed international situation drastically.⁴³ In particular, the series of dramatic regime changes in East and Central Europe (ECE) created both political opportunity for democratised countries to spread democracy and increased demand for support from the democratising countries themselves. Especially for the EU, post-communist countries in ECE became the most important targets of democracy promotion throughout the 1990s.

The EU has played direct role in the democratisation process in ECE. Eastern enlargement is often referred as success story of EU democracy promotion, although the enlargement process was never classified by the EU itself as a 'democracy promotion' policy in the typical mould implemented around the world.⁴⁴ However, this is not solely the fruit of virtue of the EU's existence. The effect of the EU magnetic attraction should not be overstated. Actually, membership conditionality has not been pursued consistently and rigorously. It is true that the priorities of ECE leaders have, by and large, overlapped with Western expectations, but some experts concluded that normative incentives played a secondary role and were linked mostly to second phase governance reforms.⁴⁵ It is appropriate to say that the EU's role in the democratisation of ECE countries has been in most cases confirmative rather than decisive. The impact of the EU has been 'marginal, but not irrelevant.'⁴⁶

Joseph Nye argues that what is required to be successful in world politics is 'smart power', which means the ability to combine or balance hard and soft power into a winning strategy to accomplish one's goals.⁴⁷ Eastern enlargement

43 M. McFaul (2004), 'Democracy Promotion as a World Value', *Washington Quarterly*, 28, pp.147-163.

44 For early discussion of the link between European integration and democratisation see G. Pridham (2002), 'EU Accession and Domestic Politics: Policy Consensus and Interactive Dynamics in Central and Eastern Europe', in C. Ross (ed.), *Perspectives on the Enlargement of the European Union*, Leiden: Brill. For a somewhat critical view of how accession governance may affect the new democracies, see H. Grabbe (2001), 'How Does Europeanization Affect CEE Governance? Conditionality, Diffusion, and Diversity', *Journal of European Public Policy*, 8(6), pp.1013-1031. For a full discussion of this question, see G. Pridham (2005), *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*, Basingstoke: Palgrave.

has been also seen as a comprehensive and highly complex process. In particular, The EU made enlargement a means of promoting democracy by defining democracy as the first criterion for membership. The accession candidate countries have expected that the success would reward them for freedom, prosperity and security.

The 'Copenhagen criteria' (1993) stated that applicants must have achieved 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.'⁴⁸ Pre-accession cooperation agreements have provided assistance to the candidate countries for EU membership to satisfy the requirements of membership, either. Most ECE countries had effectively ensured the protection of democracy of their own citizens in compliance with the *acquis communautaire*. EU Membership was or is so valuable that countries from Estonia to Turkey have undertaken wholesale reforms in their political and economic spheres.

However, the traditional way is not available anymore. During Eastern

45 F. Schimmelfennig and H. Scholtz (2008), 'EU democracy promotion in the European neighborhood: Political conditionality, economic development and transnational exchange', *National Centre for Competence in Research Challenges to Democracy in the 21st Century Working Paper*: 9; F. Schimmelfennig and W. Wagner (2004), 'Preface: External governance in the European Union', *Journal of European Public Policy*, 11(4), pp.657–60. For critical accounts of EU democratic conditionality, see also K. Smith (2003), pp.134–137; Geoffrey Pridham (2002) 'EU Enlargement and Consolidating Democracy in Post-Communist States: Formality and Reality', *Journal of Common Market Studies*, 40(3), pp.953–973; and R. Youngs (2001) 'European Union Democracy Promotion Policies: Ten Years On', *European Foreign Affairs Review* 6(3), pp.355–73. The effectiveness of conditionality is emphasised by Diane Ethier (2003) 'Is Democracy Promotion Effective? Comparing Conditionality and Incentives', *Democratization* 10(1), pp.99–120.

46 F. Schimmelfennig, S. Engert and H. Knobel (2003) 'Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey', *Journal of Common Market Studies*, 40(3), p.515.

47 As Nye puts it: "Smart power is neither hard nor soft. It is both". J. Nye (2004), p. xiii. See also Nye (2011), *The Future of Power*, New York: PublicAffairs.

48 H. Grabbe (2006), *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe*, London: Palgrave Macmillan, pp.10–31.

enlargement, accession to and continued membership in the EU became explicitly economic and political conditionality upon the endorsement of and adherence to a democratic system of government. However, now the Eastern enlargement is nearly over. The EU's most powerful policy instrument – the conditional promise of membership – becomes less use, as much as the third countries become geographically remote from the EU. EU democracy promotion has entered upon a new phase.

The European Neighbourhood Policy (ENP) seems to be the touchstone of its ability to promote democracy beyond Europe.⁴⁹ The EU's 'neighborhood' partners seem to receive a higher share of aid.⁵⁰ However, it has been confronted with some difficulties. The ENP is the task of replicating successful Eastern enlargement strategy of 'democracy promotion through integration.' EU conditionality for membership has been a significant factor in promoting democracy in ECE. The ENP, which Judith Kelly refers to 'new wine in old wineskins,' lacks the most significant element of enlargement – the goal of accession.⁵¹ In addition, membership conditionality seems to be even incrementally stricter than the requirements for applicant countries in previous enlargements.⁵² This has made more powerful 'asymmetric interdependence' between

49 EU Democracy promotion is the most widely studied area of Europeanization in the European Neighborhood. F. Schimmelfennig reviews the literature on Europeanization beyond the group of EU member, 'quasi-member' and applicant states. F. Schimmelfennig (2009), 'Europeanization beyond Europe', *Living Reviews in European Governance*, 4(3); available at [http://www.astrid-online.it/Riforma-de/Studi-e-ri/Archivio-25/Shommelfennig_LivRev-Eur-Gov_3_2009.pdf].

50 R. Youngs (2008), *Is European democracy promotion on the wane?* CEPS Working Document, 292, Centre for European Policy Studies, Brussels, p.163.

51 J. Kelley (2006), 'New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy', *Journal of Common Market Studies*, 44 (1), pp.41-48. See also, A. Dimitrova and G. Pridham (2004), 'International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits', *Democratization*, 11(5), pp.91-112.

52 Grabbe (2006), p.16; and K. Maniokas (2004), 'The method of the European Union's Enlargement to the East: A Critical Appraisal,' in A. Dimitrova (ed.), *Driven to Change: The European Union's Enlargement Viewed from the East*, Manchester: Manchester University Press, pp.18-21.

the EU and present and potential candidate countries: the EU has not been eager to enlarge and depends little on its ties with the present and potential candidates, whereas they are heavily dependent on integration for both political and economic reasons.⁵³ Sandra Lavenex highlights this problem as an ‘external dimension of internal politics’ by making a distinction between the institutional and legal boundary of the EU: the EU can transpose its legal order upon neighbouring countries without a parallel institutional integration.⁵⁴

Furthermore, the EU normative power is dependent on the perceived legitimacy of its actions and policies in the eyes of its partners. From the perspective of the third country, the EU is not the only normative power.⁵⁵ If we turn our eyes eastward of the EU, the countries on its borders are the ‘common neighbours’ with Russia. Emphasising sovereignty over human rights and democracy and offering more immediate ‘carrots’ without any ‘sticks’, Russia has risen as an ‘alternative’ to the EU in ECE. ‘Inbetween’ countries also often use the relationship between the EU and Russia as leverage to attain and fulfil their national interests.⁵⁶ There are some cases which make a remarkable contrast in ECE. While incidents of pro-democracy mobilization occurred in Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005), there is a general feeling that EU pressure towards Belarus has not worked.⁵⁷ *Wandel durch Handel (change through trade)* is a long-term way for the EU to promote democracy beyond Europe globally.

The increasing primacy of geopolitics after the Cold War has also made negative impact on global actorness of the EU democracy promotion. Without

53 Cf. M. Vachudova (2005) *Europe Undivided: Democracy, Leverage and Integration After Communism*, Oxford: Oxford University Press, pp.109-110.

54 S. Lavenex (2004), ‘EU external governance in “wider Europe”’, *Journal of European Public Policy* 11(4), pp.681-683.

55 N. Tocci (eds.) (2008), *Who Is a Normative Foreign Policy Actor? The EU and its Global Partners*, Brussels: Centre for European Policy Studies.

56 N. Popescu (2008), *The EU’s Sovereign Neighbours*, London: European Council on Foreign Relations.

57 R. Balfour (2007), ‘Promoting Democracy and Human Rights in the EU’s Neighbourhood: Tools, Strategies and Dilemmas’, *European Policy Centre Issue paper*, 54, p.13.

question, the EU has directed its attention to its geographical vicinity than to other regions. The ESS acknowledged that ‘even in an era of globalisation, geography is still important’ and ‘[o]ur task is to promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean’. In the same way, Cristina Gallach, spokeswoman for Solana, has once told of Kosovo issue: ‘Kosovo for the United States is far away and not a priority. They have Iran, Iraq and North Korea. But for us, it is number one.’⁵⁸ Nowadays, the EU has been fully occupied with a series of popular uprisings so-called ‘Arab Spring’ at South and East Mediterranean since December 2010.

4. Far beyond Europe: Burma/Myanmar and the DPRK

4-1. Burma/Myanmar

The benefits for European political leaders in maintaining a strong moral stance on Burma/Myanmar far outweigh any economic costs. Up till 1988, Europe was proactive to development programmes and assistance to Burma/Myanmar. However, European economic stakes in Burma/Myanmar are currently minimal. Former suzerain state, Britain, has been at the forefront of the continued ostracism of the Burmese/Myanmarese junta. The EU has imposed a relatively wide range of sanctions.

The first measures were taken against Burma in September 1988 after the armed forces’ crackdown on student-led protests (8888 Uprising). The new military regime had called itself the State Law And Order Restoration Council (SLORC) and changed the official name of the country from the ‘Socialist Republic of the Union of Burma’ to the ‘Union of Myanmar’ in 1989. The EU imposed suspension of all non-humanitarian aid against the military regime in response to the crackdown on pro-democracy protests.

These sanctions have been steadily endured throughout the 1990s. In May

58 Nicholas Wood and Dan Bilefsky “EU faces dilemma if Russia won’t yield on Kosovo”, *the New York Times*, June 28, 2007; available at [<http://www.iht.com/articles/2007/06/28/news/kosovo.php>] (downloaded May 2011).

1990, the National League for Democracy (NLD), the opposition party of Aung San Suu Kyi, won in a free People's Assembly election for the first time in almost 30 years by a large majority (392 out of a total 489 seats), but the ruling military regime has its result for the past 20 years. It has intermittently put her under house arrest for most of the past two decades. However, the EU's response at this time was still tardy and relatively limited.

It was October 1996, when the EU adopted the original Common Position (EC Common Position 96/635/CSFP) on Burma/Myanmar. Although Burmese/Myanmarese opposition leader Suu Kyi attended NLD congress since her release from house arrest in July 1995 and opened a NLD meeting in Rangoon on May 26 1996, 257 NLD activists arrested or detained by the SLORC from 21 to 25 May 1996. Since then, the EU has taken firm stance on the SLORC regime. Apart from confirming existing sanctions such as an arms embargo and the suspension of all defence cooperation and all non-humanitarian bilateral aid, the new EU sanctions introduced a visa ban on the members of the military regime, the members of the government, senior military and security officers and members of their families, as well as the suspension of high-level governmental visits to Burma/Myanmar.

At this time, diplomatic dispute between the Scandinavian countries and Burma/Myanmar added fuel to the fire. James Nichols, the consul in Burma/Myanmar for Denmark, Norway, Finland, Sweden and Switzerland, was imprisoned by the Burmese/Myanmarese authority for the illegal possession of two facsimile machines and a telephone switchboard on 5 April and died in prison with suspicion of torture on 22 June 1996. He was on good terms with Suu Kyi. Burmese/Myanmarese authorities Scandinavian claim of an independent autopsy. This event had an effect upon causing Denmark and some other Scandinavian countries to take stronger action against the SLORC regime.⁵⁹

The EU has increasingly strengthened sanctions on the SLORC regime. In 1997 the SLORC changed its name to the State Peace and Development Council

59 U. Khaliq (2008), *Ethical Dimensions of the Foreign Policy of the European Union. A Legal Appraisal*, Cambridge: Cambridge University Press, p.216.

(SPDC). During 1997, the EU also revoked Burma/Myanmar's benefits under the GSP System of Preferences, affecting US \$30 million, or 5 percent, of Burmese exports.⁶⁰ On May 22, 2000, the EU imposed a freeze on assets held abroad by persons related to Burmese governmental functions, and banned the export of 'equipment that might be used for internal repression or terrorism' to Burma/Myanmar. Since then, EC Council Regulation 1081/2000 has been amended several times to expand the list of people whose financial assets have been frozen in the EU.

The EU decided to suspend the implementation of further sanctions until October 29, 2003, pending substantial progress on key issues such as the start of a substantive dialogue with Suu Kyi and the NLD, the release of political prisoners and a reduction of violence and human rights violations. However, after the events of May 31, 2003 and the placement of Suu Kyi under house arrest, the EU decided on June 16, 2003 to impose the new expanded sanctions, to target more persons linked to the economic or political activities of the SPDC extending the visa ban and asset freeze, and by amending and strengthening the arms embargo (Council Decision 2003/461/CFSP). Furthermore, the EU Foreign Ministers agreed to broaden and tighten its sanctions after a crackdown on pro-democracy protests led by Buddhist monks in September 2007 (Saffron Revolution), targeting 1207 companies and about 400 persons with measures including visa bans and asset freezes, and to take new steps targeting Burma/Myanmar's key timber, metals and gemstone sectors.⁶¹

Although Solana appointed Piero Fassino, an Italian member of parliament and former Italian Minister of Justice, as EU Special Envoy for Burma/Myanmar on 6 November 2007, it is difficult to say that things have dramatically changed for the better. Burma/Myanmar has still effectively become isolated from Western countries, yet the EU member countries seem divided over tougher sanc-

60 M. Ewing-Chow (2007), 'First Do No Harm: Myanmar Trade Sanctions and Human Rights', *Northwestern Journal of International Human Rights*, 5(2), p.159.

61 R. EgretEAU (2010), 'Intra-European Bargaining and the "Tower of Babel": EU Approach to the Burmese Conundrum in November 2007', *East Asia*, 27:15-33.

tions on Burma/Myanmar. With respect to the trial of Suu Kyi that began in May 2009, it was reported that while Britain and most member states favoured increasing sanctions, others like Germany and Austria doubted their effectiveness.⁶² In addition, disagreements over a political transition in Burma/Myanmar remain a key stumbling block in political relations between the EU and ASEAN and the human rights issues there and the problem of political transition are perpetual issues in the various dialogues with ASEAN countries.⁶³

Furthermore, the PRC has meanwhile shielded the Burma/Myanmar regime from Western and United Nations opprobrium and sanctions. During the last decade, their relations have been improved. Bilateral contacts have included the sale of Chinese armaments and machinery to the military junta, joint efforts to combat cross-border trafficking of narcotics, border trade of consumer goods, and Burma/Myanmar's exports of timber (largely through illicit smuggling) and precious stones to Yunnan, China's south-western province.⁶⁴ Since international pressure has grown rapidly, with some threatening to boycott the Beijing 2008 Olympic Games, the PRC is increasingly expected to deal with the Burma/Myanmar military regime to deliver its promise as a responsible rising great power.

In April 2009 the EU extended for another year a visa ban and asset freezes on members of the Burma/Myanmar military government and its backers. It has long called for the release of the estimated 2,100 political prisoners in Burma/Myanmar. France said on August 11 there should be a global embargo on arms sales to Burma/Myanmar and economic sanctions focused on its key exports, timber and rubies. Britain called for the UN Security Council to impose a global arms embargo. The EU has added members of the judiciary responsible for Suu Kyi's extension of house arrest in 2009 to its list of military officials

62 'EU Split over Tougher Sanctions against Myanmar', *EU Business*, 12 June 2009; available at [<http://www.eubusiness.com/news-eu/1244812630.73>].

63 M. Petersson (2006), 'Myanmar in EU-ASEAN Relations', *Asia-Europe Journal*, 4 (4), pp.563–581.

64 Tin Maung Maung Than (2003), 'Myanmar and China: a special relationship?' *Southeast Asian Affairs 2003*, Institute of Southeast Asian Studies, pp.189-210.

subject to asset freezes and bans on travel to the EU.

4-2. The DPRK

The relations of the European Union (EU) with the DPRK have been far special. While the European presence in North Korea grew from the mid-1990s to 2002, the EU's engagement course through economic and political support was believed to successful and welcomed by the DPRK leadership because the EU; (1) is a 'distant power' with no strategic interests in the region, (2) has, unlike Japan, no colonial legacy on the Korean Peninsula, (3) is prepared to play the role as mediator and is prepared to leave *sensitive* issues undiscussed if necessary, (4) maintains diplomatic relations with the DPRK, (5) is a supporter of South Korea's 'sunshine policy', (6) is an important trading partner for the DPRK, and (7) is 'generous' with regards to humanitarian and food aid.⁶⁵

Since 1998 to 2002, the EU has held five rounds of political dialogue with the DPRK at the level of senior officials. However, as recent years have shown, EU engagement is not as successful or welcomed as EU policy-makers initially believed. There is neither direct interest nor viable solutions to the numerous conflicts and problems confronting North Korea and the Northeast Asian region, foremost the nuclear issue. The EU is not a member of the six party talks. At the same time, the distance offers some advantages for the EU.

In EU Council resolutions of 2000, the EU decided to pursue a more comprehensive approach towards relations with the DPRK. The Council resolutions, however, stated that the expansion of relations would be linked to 'North Korea's response to international concerns about progress on inter-Korean reconciliation, non-proliferation issues, respect for human rights and economic structural reforms in the DPRK.' Finally, the EU established diplomatic relations with the DPRK in May 2001. The EU's visit to the DPRK in May 2001 was significant since the U.S. was in the process of 'reviewing' its policy to-

65 A. Berkofsky (2003), 'EU's policy towards the DPRK: Engagement or Standstill?' European Institute for Asian Studies; available at [www.eias.org/publications/briefing/2003/eudprkstandstill.pdf]

wards North Korea after the Bush administration took over in Washington. Furthermore, this was an important step towards establishing full-fledged political relations with the DPRK.

When the EU established diplomatic relations with the DPRK, it set out the EC-DPRK Country Strategy Paper (CSP) and the EU's National Indicative Program (NIP) for the DPRK. In particular, technical assistance was an important part of this strategy and a total of 35 million euros had been set aside for EU technical assistance projects until 2006, making the EU a substantial donor of technical assistance to the DPRK. They were expected as an important step towards establishing full-fledged political relations with the DPRK. The CSP and NIP, if ever implemented, provide for training in market economic principles and projects designed to support and promote sustainable management and the efficient use of natural resources and energy in the DPRK: the development of a reliable and sustainable transport sector, rural development as well as institutional support, and capacity-building.

At first glance, the nuclear weapons programme by the DPRK posed difficulties for the EU. For Europe, nuclear proliferation does not necessarily imply an immediate threat after the end of the Cold War. When it comes to capabilities, no regional actor having a nuclear programme (except Israel) is yet capable, at least as far as known capabilities are concerned. Moreover, states acquiring a nuclear capability also employ a more or less explicit language of deterrence: there is seemingly general agreement today that nuclear weapons are for defence. Nevertheless, current and foreseeable moves on the nuclear proliferation front are in many respects a source of concern for Europe.

However, the European Union has reasons to be more preoccupied by the nuclear threat. Its enlargement to the east made itself closer to the Middle East. NATO Secretary General Rasmussen said; "Statements from Iranian officials declare the range of their modified Shahab-3 missiles to be 2000 kilometres. That will already put Allied countries such as Turkey, Greece, Romania and Bulgaria within reach."⁶⁶ They believed to be based on technology from North Korea. Furthermore, the detection of the Abdul Qadeer Khan network in

early 2004 brought the extensive black market contributing nuclear weapons-related technology to Iran, Libya, North Korea, and perhaps other countries into light. The nuclear crisis of the DPRK is now potential threat to Europe.

The year 2006 reflected a low mark in EU-North Korean relationship. The EU adopted the 'restrictive measure' in response to the United Nations Security Council (UNSC) resolution 1695 in July following the series of ballistic missile tests by the DPRK and resolution 1718 following in October following its nuclear test. These decisions required all member states to prevent the direct or indirect supply, sale or transfer to the DPRK of major weapon systems, missile systems, and luxury goods. The crisis was even exacerbated when the DPRK conducted its second nuclear test on May 2009. Based on the UNSC Resolution 1874 on June 2009, the EU has imposed further sanctions. The EU announced on 25 May 2009: 'The EU strongly urges the DPRK to refrain from any such activities, to renounce nuclear weapons and return immediately and without preconditions to the Six-party Talks and work towards implementation of the Joint Statement of September 2005. The EU calls on the DPRK to return to compliance with the Treaty on Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguards obligations.'⁶⁷ Interestingly enough, the EU has imposed more provocative sanctions than the US in a sense, because they include 6 members of the National Defence Commission: Kim Yong-chun, O Kuk-Ryol, Jon Pyong-ho, Paek Se-bong, Chang Song-taek and Chu Kyu-Chang. The National Defence Commission is actually the pivotal organ of the political power of DPRK.

In consequence of EU-related sanctions, several cargo vessels have been

66 Anders Fogh Rasmussen, "Building a Euro-Atlantic Security Architecture", His Speech at the Brussels Forum 2010 organised by the German Marshall Fund, Brussels, Belgium, 27 Mar. 2010; available at [http://www.nato.int/cps/en/natolive/opinions_62395.htm].

67 Council of the European Union, Declaration by the Presidency on behalf of the European Union on the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009 10271/1/09 REV 1 (Presse 153) P 63/09, Brussels, 26 May 2009; available at <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/107990.pdf>.

tracked and intercepted in the last decade, including *So San* by Spain (2002), *BBC China* (2003) by the US, UK, Germany and Italy, and *Ville de Virgo* by France and Germany (2003). Furthermore, the EU has ensured prompt and effective implementation of all robust measures of these resolutions since November 2006 within the framework of the CFSP (Council Common Position 2006/795/CFSP, etc.). In addition, Austrian and Italian authorities blocked the multimillion-dollar sale of two luxury yachts (for a value of approximately 13 million euro) intended for the DPRK in July 2009.

Thus, the EU has prioritised security more than democracy and human rights and has worked closely with the United Nations to forge a strong international front against the development of a nuclear explosive device. The European Union has sponsored resolutions on the “human rights situation” in the DPRK since the 59th meeting of the UN commission on human rights in Geneva 2003, and the UN General Assembly resolution for North Korean human rights since 2005. Furthermore, its Parliament passed a separate resolution in June 2006 asking North Korea to respect international human rights treaties. However, these resolutions have not been given legal efficacy or force.

Under the circumstances, the EU has still left the door open for further negotiation with the DPRK. Benita Ferrero-Waldner, former European Commissioner for External Relations and European Neighbourhood Policy, made a speech in October 2006: ‘Someone will have to talk to this regime to bring it out of its paranoiac and aggressive posture. [...] I think that it is absolutely necessary to continue with our humanitarian aid for the suffering and most needed North Korean population who should not be punished for these acts of their government.’⁶⁸ After the DPRK’s artillery attack on November, restrictive measures against the DPRK was renewed and extended, yet it is still at the level of smart sanctions.

However, the DPRK’s reintroduction of its infamous so-called ‘Military-

68 Benita Ferrero-Waldner, ‘North Korea’ European Parliament Plenary, 11 October 2006; available at [<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/587&format=PDF&aged=1&language=EN&guiLanguage=en>].

first-ideology' might remain a further obstacle for the expansion of the political relations between the EU and the DPRK. Furthermore, the PRC is the DPRK's primary aid and trade partner. Nor is there evidence that sanctions have had an indirect effect on the DPRK's aggregate trade with the PRC. In 2003 the PRC allegedly cut off an oil pipeline to the DPRK briefly in response to the DPRK diplomatic recalcitrance. The PRC also cooperated in the September 2005 investigation into the DPRK's assets at Banco Delta Asia (BDA) in Macao, and subsequently allegedly froze its accounts in a Chinese bank. The PRC as a big and influential neighbour has the leverage to influence the DPRK, although it has often blocked more sweeping proposals to pressure on the DPRK.

5. Concluding Remarks

For the purpose of this paper, it is necessary to point out that the influence of the EU was negative for the promotion of democracy in East Asia. Today, the EU keenly realises importance of democracy promotion as an externally overarching objective. Smart sanctions are realistic ways to keep channels. However, it also faces a number of difficult challenges. From realist view, 'ethical considerations' such as human rights or democracy does not completely or consistently come before the pursuit of self-interested commercial or strategic considerations. The limitations of EU's activity beyond its borders are more obvious and applicable when vital interests are at stake in close proximity. Whereas US intervention knows no geographical boundaries, European democratic consolidation shows a rough geographically concentric pattern reflecting proximity: greater emphasis on neighbouring countries than on distant ones.

Indeed, the EU 'saluted the peaceful and dignified expression by the Tunisian and Egyptian people of their legitimate, democratic, economic and social aspirations which are in accord with the values the European Union promotes for itself and throughout the world.'⁶⁹ However, democracy promotion and se-

69 'Declaration on Egypt and the Region European Council', 4 February 2011; available at [http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/119145.pdf].

curity concerns are intertwined with each other. EU leaders have been also pestered by the huge wave of refugees from those countries to Europe.⁷⁰ The EU calls for the ‘orderly transition.’⁷¹ Ashton, high representative of the EU for foreign affairs and security policy and vice president of the European Commission, addressed at UN Security Council: ‘Our position is clear: the democratic aspirations of citizens must be met through dialogue, genuine political reform, and free and fair elections that are well-prepared.’⁷² In response to Col. Gaddafi’s armed attacks on dissidents and civilians, the NATO mounted military intervention to enforce a no-fly zone over Libya using ‘all necessary measures’ short of a ground invasion under United Nations (UN) Security Council Resolution 1973 aimed to ‘ensure the protection of civilians’. In response to the ‘Arab Spring’, on 25th May 2011, the EU decided to increase its financial support by 1.24 billion euros between 2011 and 2013, in addition to increased funding from the European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD).⁷³

On the other hand, the attraction of Western liberal democracy pales in

70 From the beginning of the unrests in Egypt and Tunisia, Borisov, Bulgarian Prime Minister, expressed their anxiety about the huge wave of refugees from those countries to Europe. ‘Bulgaria fears influx of refugees from Egypt, Tunisia’, 2 February 2011; available at [<http://www.eubusiness.com/news-eu/bulgaria-egypt.8fu>]. The refugee actually arrived in Europe via Italy. France responded by tightening controls at its border with Italy, causing a diplomatic dispute when it stopped a train carrying Tunisian migrants.

71 ‘Europe leaders demand Egypt transition “now”’, *EU Business*, 4 February 2011; available at [<http://www.eubusiness.com/news-eu/summit-egypt-unrest.8hz?searchterm=egypt>].

72 ‘EU HR Ashton addresses UN Security Council on Cooperation between the UN and regional and subregional organizations’, 8 February 2011; available at [http://www.eu-un.europa.eu/articles/en/article_10651_en.htm]. Ashton also called for an immediate cease-fire and respect for human rights in Libya: ‘Together with key partners I will continue to work for a solution to the crisis which responds to the legitimate demands of the Libyan people, fostering dialogue and assisting a new Libya to build a prosperous and democratic future.’ ‘Statement by the High Representative following the London Conference on Libya’, 29 March 2011; available at [http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/120376.pdf].

73 European Commission, ‘A New Response to a Changing Neighbourhood’, Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 25 May 2011; available at [http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf].

comparison with economic and financial incentives of the alternatives to it. In particular, Chinese influence has risen not only in East Asia, but also in other parts of the world. There has been much talk recently of the PRC's influence in Africa. Most African rulers, such as Yoweri Museveni, President of Uganda, have openly welcomed China rather than the West because the PRC does not demand issues regarding democracy, corruption and human rights. Similarly, it is also widely believed that the PRC has special leverage in East Asia. The major beneficiary of the Western boycott will be the same. For instance, although the EU has suspended GSP plus privilege to Sri Lanka because of the human right abuses committed in the government's campaign against the Tamil Tigers since 2009, the PRC has replaced the EU as Sri Lanka's biggest trade and aid partner. The PRC's non-intervention policy has long been criticized for prolonging the rule of many authoritarian regimes. The PRC is considered to be the 'primary economic patron' of the small but strategically important countries.

Furthermore, in respect to Burma/Myanmar and the DPRK, the PRC seemed to intermediate between them. On April 2007, Burma/Myanmar and the DPRK addressed the issue of restoring diplomatic ties after breaking relations in 1983 when Chun Doo-hwan, the president of the Republic of Korea, was nearly assassinated by the DPRK plot in Rangoon. The PRC's ambassador to Burma/Myanmar, Guan Mu accompanied the DPRK delegation after the meeting with Burma/Myanmar, and two hours later the restoration deal was announced.⁷⁴ Subsequently, General Thura Shwe Mann headed a visit to Pyongyang in November 2008 during which the two sides vowed to cooperate in the teaching and training of military science, including special forces training, training in tunnel warfare, and air defence training. Moreover, they agreed to cooperate in the building of tunnels for aircraft and ships as well as other underground military installations.⁷⁵ Claims abound that the DPRK is involved both in making available to the SPDC ballistic missiles and in constructing a clandes-

74 Hak Yin Li and Yongnian Zheng(2009), 'Re-interpreting China's Non-intervention Policy towards Myanmar: leverage, interest and intervention', *Journal of Contemporary China*, 18(61), pp.634-635.

tine nuclear reactor, but arguments whereby Naypyidaw with assistance of the DPRK will be 'going nuclear' even in the medium term are not well supported.⁷⁶

If the economic dimension remains the most preponderant in the EU and member states' relations with several Asian countries, we might say that the European influence on the normative issue could not be significant in Asia. However, this does not necessarily mean that the EU would have no normative impact in Asia. The Lisbon Treaty requires that the EU shall pursue a further coherent policy framework for the European Union's external relations, respecting the democracy principles (article 21). The future development of the European External Action Service (EEAS) would be a key element in providing the EU with the tools for greater coherence and efficiency. It should be noted that the realist also emphasises persuasion and consensus on legitimate principles rather than on coercion and universalism.⁷⁷ It is very much up to the imagination and willingness of the international community to search for options to reverse the negative developments of democracy.

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75 Aung Zaw 'Asia's "axis of evil" flexes its muscles', *The Irrawaddy*, 23 June; available at [http://www.irrawaddy.org/article.php?art_id=16168] (8 December 2009); Radio Free Asia (2009) 'Burma, North Korea said to expand military ties', 2 July; available at www.rfa.org/english/news/burma/nkorea-07012009231914.html (9 December 2009).

76 B. Lintner (2008), 'Burma's nuclear temptation', *Yale Global Online*, 3 December 2008, at [<http://yaleglobal.yale.edu/content/burma's-nuclear-temptation>]; and A. Selth (2009) 'Burma-North Korea: rumour and reality', 29 June; available at [www.lowyinterpreter.org/post/2009/06/29/Burma-North-Korea-Rumourand-reality.aspx].

77 For example, of the US realist statesman, Kissinger has written: 'Because diplomacy depends on persuasion and not imposition, it presupposes a determinate framework, either through an agreement on a legitimizing principle or, theoretically, through an identical interpretation of power-relationships, although the latter is in practice the most difficult to attain.' H. Kissinger, (1957) *A World Restored: Castlereagh, Metternich, and the Problem of Peace, 1812-22*, Boston: Houghton Mifflin, p.326.