

# PEAR

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## **PAPERS, ESSAYS AND REVIEWS**

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## LETTER

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### FROM THE EDITOR

Following the First World War, EH Carr criticized the utopian idealists for not observing the realities of international politics and the nature of nation states as is, but instead clouding their view of the world by the ideals of maintaining peace. One has to make a distinction, he argued, between purpose and reality. Perhaps Carr would have favored the theme of the previous issue, “Modern Conflicts” as opposed to the theme of this issue, “Peace and Stability”. As potential instability factors to the East Asian regional order persist, one may argue that scholarly work disseminating from the region should concentrate on more pressing issues. The first half of 2015 has not been completely free from tension and potential for military conflict. For the first time, North Korea tested a submarine-launched ballistic missile (SLBM). China has reportedly placed artillery vehicles on the artificial islands it has been constructing in the South China Sea. The US made its third Terminal High Altitude Area Defense (THAAD) unit deployments to Guam, and a potential THAAD deployment to South Korea has continued to stir much debate about regional instability.

“Stability and peace in our land will not come from the barrel of a gun,” wrote Desmond Tutu of South Africa. Within the field of international studies, peace and stability may not rise from studying conflict and war. The pieces in this issue, rather than dealing with conflict itself, present thorough analysis on the current and future cooperation as well as the peace and stability of the region. I am proud to present articles that explore the means to increase strategic cooperation between the East and the West, as well as trust-building between North and South Korea.

In the “Papers” section, “An Analysis of How the EU Understands its Strategic Partnership with China” by Nguyen Thi Thuy Hang explores the different ideational forces at play in the EU-China relationship. The author argues that the conceptual differences about the strategic partnership arises from the different norms and values held by EU and China, and this must be overcome for increased cooperation. The paper not only analyzes the barriers to cooperation, but also concludes with recommendations. By giving due regard to the different ideational forces that exist between the EU and China, the paper adds to the scholarship on China’s foreign relations with Western powers. In “A Study on Contemporary Russian Gas Policy towards European Countries”, Kyung Suk Lee gives insight into Russia’s rationale for the construction of gas pipelines in Europe.

The “Essays” section begins with Peter Chang Yup Kim’s “The Green Detente: Environmental Negotiations as a Trust-Building Mechanism for the Two Koreas” where the author explores the possibility of environmental cooperation between South and North Korea. While the author is hesitant to posit that the policy mechanism, Green Detente, will work, he argues that it is an opportunity for trust-building as well as sustainable capacity-building for the North. “Transitional Justice in North Korea” by Myung Jung Kim is also a piece on North Korea. The piece attempts to design a transitional justice that is to take place in the aftermath of the collapse of North Korea and reunification- how the violations against human rights will be tried and persecuted. The author urges that designing a framework of transitional justice for North Korea today is significant and necessary in preparing for reconciliation and reunification in the future. Cristian Tulesco’s “Challenge to the Nation-State’s Sovereignty: the Influence of International and European Law in Today’s Globalized World”, examines the changing concept of sovereignty in light of the role international law played in the cases of Libya and Syria. Jung Taek Lim’s “A Paradoxical American Foreign Policy: Pivot to Asia”, examines the ambiguous implications in America’s posture in the Asia Pacific. He argues that attempting to improve US-China relations and strengthening the hub-and-spokes alliance system are not complementary and may not be achieved simultaneously.

This issue of the Journal includes an interview with Professor Choi Young Jin, author of the book “East and West: Understanding the Rise of China.” Professor Choi views China as an inherently peaceful power, and predicts that there will be no direct conflict between US and China in the future. Professor

Choi argues that in order to understand the interaction between China and the US, and in his words, “navigate the complexities of the twenty first century,” one must understand that the East is fundamentally different from the West. He calls for studying the East through Eastern paradigms.

Brandon K. Gauthier provides a review of the recent *The Great Leader and the Fighter Pilot: The True Story of the Tyrant who Created North Korea and the Young Lieutenant Who Stole His Way to Freedom* by Blaine Harden, the author of *Escape from Camp 14*. The book traces the experiences of two young men at opposite social and political spectrums, a fighter pilot and Kim Il sung, in the first years of the North Korean state. His review highlights the contribution of Harden as a unique piece in the existing narratives around North Korea.

This is my first issue as Editor in Chief. It has been a wonderful learning experience. I am deeply indebted to a team of extremely competent staff, and I am incredibly fortunate to have had the opportunity to work with them. I want to extend a special thanks and show of appreciation to Design, Layout, and Online Editor Gordon Gatlin. I would also like to take the opportunity to thank the Graduate School of International Studies administration in providing the support for the Journal. I sincerely hope the readers enjoy reading this issue. Happy reading!

A handwritten signature in black ink, reading "Siri Sung". The script is fluid and cursive, with the first name "Siri" and last name "Sung" clearly distinguishable.

Siri Sung  
Editor in Chief





## **MEET THE CONTRIBUTORS**

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Kyung Suk Lee graduated from Yonsei GSIS in 2015 with a Master's degree in International cooperation specialized in international security. He is interested in the nexus between traditional and nontraditional security in East Asia. Especially his primary research topic is energy security in terms of realization of the Northeast Asia peace and Cooperation Initiative. Having grown up in Germany he majoring in theology in his undergraduate, and also interested in the relationship between religion and politics. In 2013, he was the junior representative of 130th anniversary of Korea-Germany diplomatic relations and currently a member of Korean-German Junior forum.

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Nguyen Thi Thuy Hang is a doctoral student at the School of Global, Urban and Social Sciences of the Royal Melbourne Institute of Technology (RMIT). She has research interests in U.S. foreign policy, European integration, Europeanisation and globalisation. Her doctoral research entitled 'U.S. foreign policy towards European integration, 1969 -1974: A new understanding' aims to examine the changes and continuities in U.S. policy towards European unification under the Nixon administration, analyse the impacts of such changes on the United States - the European Economic Community relations and draw lessons for countries in relations with the United States and the European Union in the present time.

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Peter Chang Yup Kim is an MA candidate in International Relations and International Economics at the Johns Hopkins School of Advanced International Studies where he concentrates in energy and environmental policy and international relations of Asia. His research explores regional cooperation in East Asia, especially the comparative political economy of energy security and sustainable development. He is currently assisting with research at the United Nations Economic and Social Commission for Asia and the Pacific in Incheon, South Korea.

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Myung Jung Kim, born in South Korea has received education in multiple countries, including Canada, China and the United States. Her multinational background and her experiences working with NGOs for North Korean human rights deepened her interest in international politics regarding Korean peninsula, especially the U.S.-China relations and dynamics of Northeast Asia. Within the 5-semester program at SAIS, she earned a graduate certificate at SAIS Nanjing campus in China, and a Master's degree at SAIS Washington DC campus. With double concentrations in Conflict Management and International Law & Organization, she hopes to contribute to a peaceful Korean reunification and the international community.

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Jung Taek Lim graduated with a Master's degree in international cooperation with a concentration in international security and East Asian studies. He previously served as the president of Yonsei LiNK (Liberty in North Korea). He received his BA from Tufts University. His experience working at the ROK embassy in the US advanced his interests in the US-ROK alliance and international politics in Northeast Asia. His Master's thesis entitled, '*Alliance Paradox*' for South Korea? *The Rise of China and its implication to the US-ROK alliance*, explores the impact of a rising China on the the extant alliance between the US and ROK.

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Brandon K. Gauthier, M.A. graduated from Elon University in 2006, and is presently a PhD candidate in American history at Fordham University. Specializing in U.S. diplomatic history, he is at work on a dissertation examining the intellectual and cultural history of U.S. foreign relations with the Democratic People's Republic of Korea from 1948 to 1996. He has previously written for NKnews.org and theAtlantic.com.



# PAPERS

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## **A STUDY ON CONTEMPORARY RUSSIAN GAS POLICY TOWARDS EUROPEAN COUNTRIES**

*Kyung Suk Lee*

## **AN ANALYSIS OF HOW THE EU UNDERSTANDS ITS STRATEGIC PARTNERSHIP WITH CHINA**

*Nguyen Thi Thuy Hang*

# A STUDY ON CONTEMPORARY RUSSIAN GAS POLICY TOWARDS EUROPEAN COUNTRIES

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Kyung Suk Lee  
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*From the Cold war period to present, one of Russia's most pivotal resources has been energy. Russia is built on the bedrock of its energy industries which act as a buttress for the Russian nation itself. Among its various energy resources, Russia possesses a significant amount of natural gas compared to other countries around the globe. As a result, Russia has amassed strong gas ties with European countries. This paper utilizes case study analysis and content analysis in order to shed light on the substance of Russia's gas policy towards European countries. By scrutinizing the numerous Russia-EU gas pipelines, this paper deduces three definite aims of Russian gas pipeline politics in Europe. Russian gas pipeline politics have been implemented to: 1) minimize the role of the transit country; 2) directly target the gas markets of countries with high gas demand; and 3) wield political leverage against members of the Commonwealth of Independent States (CIS). Based on the assumption of the bureaucratic inertia of Russian gas policy, Russia is expected to utilize the same gas pipeline politics towards East Asia.*

After the collapse of the Soviet Union, the annexation of Crimea in 2013 re-focused the world's attention on the significance of Russian gas policy towards European countries. The Crimean annexation has overturned the regional political topography in Europe as well as the bigger picture of international politics. This was caused by Moscow's aggressive foreign policy, a main part of which was built on the energy issue between Russia and Ukraine. Putin's annexation of Crimea was driven to undermine Ukraine's energy and gas diversification strategy. For the strategy to work, the Crimean peninsula was of strategic importance.<sup>1</sup> The Crimean annexation is an example of how

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1 Frank Umbach, "The Energy Dimensions of Russia's Annexation of Crimea," *NATO Review Magazine*, <http://www.nato.int/docu/review/2014/nato-energy-security-running-on-empty/Ukraine-energy->



Russia's energy policy, as well as being one of the seminal components of international politics between Russia and European countries, is highly connected to Russian foreign policy. So far most research as to Russian gas policy has been conducted as a subfield of Russian foreign policy.<sup>2</sup> Specifically, Russia's gas policy has not been treated per se, but handled as a crucial academic subject under the big picture of Moscow's foreign policy. Research based on economic perspectives such as cost and benefit analysis and new institutional economic theory has also been mainstream in studies regarding Russian gas policies.<sup>3</sup>

However, this paper approaches Russia's gas policy by probing individual Russian gas pipelines in accordance with Russia's varying political-economic circumstances and deduces the concrete aims of Russia's gas policy. This paper concentrates on analyzing the political and economic foundations of the pipelines through a theoretical frame of both case study analysis<sup>4</sup> and content analysis.<sup>5</sup> John Gerring defines case study as an intensive study of a single unit for the purpose of understanding a larger class of similar units. A unit connotes a spatially bound phenomenon observed at a single point in time or over some delimited period of time.<sup>6</sup> In terms of Russian gas pipeline politics, political, economic, and historical characteristics are merged. Grasping the essence of Russian gas policy, case study analysis is most applicable when considering comprehensive variables. Examining

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independence-gas-dependence-on-Russia/EN/index.htm (accessed September 21, 2014).

- 2 See Jeronim Pervoc and Robert Orttung, "Russia's Energy Policy: Should Europe Worry?" *Russian Analytical Digest* 18, (2007): 2-7; Zeyno Baran, "EU energy security: time to end Russian leverage," *Washington Quarterly* 30, no. 4 (2007): 131-144; Elina Brutschin et al., "The EU and Russian gas: Is Ukraine a game changer?" *Oesterreichische Gesellschaft fuer Europapolitik*, September 2014, 1-6; Michael Ratner et al., "Europe's Energy Security: Options and Challenges to Natural Gas Supply Diversification," Congressional Research Service, August 2013, 1-29; Fraser Cameron, "The Politics of EU-Russia Energy Relations," *Eurussia Centre*, 2010, 20-29.
- 3 Evert Faber Van Der Meulen, "Gas supply and EU-Russia relations," *Europe-Asia Studies* 61, no. 5 (2009): 833-856; F. McGowan, "Can the European Union's Market Liberalism Ensure Energy Security in a Time of Economic Nationalism," *Journal of Contemporary European Research* 4, no. 2 (2008); D.J. Dudek et al., "Should Russia Increase Domestic Prices for Natural Gas?" *Energy Policy* 34, no. 5 (2006); V. Milov, "The EU Russia Energy Dialogue: Competition versus Monopolies," Paris, Institut Francais des Relations Internationales (2006).
- 4 Bennett Andrew and Elman Colin, "Case Study Methods in the International Relations Subfield," *Comparative Political Studies* 40, no. 2 (2007): 171.
- 5 Bernard Berelson, *Content Analysis in Communication Research* (Glencoe, IL: Free Press, 1952); Ole R. Holsti, *Content Analysis for the Social Sciences and Humanities* (Reading, MA: Addison-Wesley, 1969); Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology* (Newbury Park, CA: SAGE, 1989).
- 6 John Gerring, "What is a case study and what is it good for?" *American Political Science Review* 98, no. 2 (2004), 342.

individual gas pipelines is helpful for the sake of understanding the core of the Kremlin's aims in Russian gas pipeline politics. The second primary methodology is the Actor-Specific Theory of Foreign Policy Analysis which is utilized to measure political and economic circumstances of respective Russia-EU gas pipelines. In particular, this paper uses the Valerie M. Hudson analytical tool,<sup>7</sup> the Actor-Specific Theory of Foreign Policy Analysis, which is utilized to measure political and economic circumstances of respective Russia-EU gas pipelines. Understanding how humans perceive and react to, shape and are shaped by the world around them<sup>8</sup> is the crux of Hudson's Actor-Specific Theory of Foreign Policy Analysis. Snyder, Bruck, and Sapin argued that:

by emphasizing decision-making as a central focus, we have provided a way of organizing the determinants of action around those of officials who act for the political society. Decision makers are viewed as operating in a dual-aspect setting so that apparently unrelated internal and external factors become related in the actions of the decision-makers.<sup>9</sup>

Russian pipeline routes towards the EU are mainly dependent upon Russian presidents and high officials, therefore grasping their political economic intentions sheds light on the aims of Russian gas pipeline politics. However, how can decision makers' intentions be measured? In this regard, content analysis is a powerful tool to inspect decision makers' objectives. For the sake of analyzing the Russian high officials' intentions for Russian gas pipeline politics, this paper accumulates Russian high officials' historical documents, newspaper stories, political speeches, open-ended interviews, diplomatic messages and official publications. Most sources are gleaned from the website of the Ministry of Energy of the Russian Federation.

This paper analyzes each Russia-EU gas pipeline's route, as well as its political economic background and sets establishes concrete aims of Russia's gas policy towards Europe as 1) minimizing the role of the transit country to diminish economic loss; 2) targeting directly those European countries with high gas demand in order to maximize economic profit; and

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7 Valerie M. Hudson, "Foreign Policy Analysis: Actor-Specific Theory and the Ground of International Relations," *Foreign Policy Analysis* 1, no. 1 (2005): 1-30.

8 Ibid., 1.

9 Richard Carlton Snyder et al., *Foreign Policy Decision-Making: An Approach to the Study of International Politics*, (Glencoe, IL: Free Press, 1962), 85.

3) hedging the Commonwealth of Independent States (CIS) to deter their political stance towards a pro-EU one.

[Figure 1] Map of Russia's Gas Pipelines



(Source: <http://burnanenergyjournal.com/the-ukraine-russia-conflict-flows-out-of-an-energy-pipeline/>)

## Overview of Gas Pipelines Constructed during the Soviet Period

As Figure 1 depicts, during the Cold War period, the Soviet Union constructed three important pipelines: the Brotherhood, the Soyuz pipeline and the Trans-Balkan pipeline. The Brotherhood and Soyuz pipelines ran from Russia through Ukraine to Slovakia. From Slovakia the pipelines split into two branches. A smaller branch ran through Austria to southern Germany and Italy, while the larger branch of the pipeline continued to the Czech Republic, where it entered Germany at Olbernhau and Waidhaus.<sup>10</sup> The

10 Uwe Remme et al., "Future European gas supply in the resource triangle of the Former Soviet Union, the Middle East and Northern Africa," *Energy Policy* 36, no.5 (2008): 1628.

2750km-long Brotherhood pipeline was the first gas pipeline, bridging Russia, Ukraine, Slovakia and Western Europe. Completed in 1967 it had an annual capacity of about 30 billion cubic meters (bcm) and began operation in 1968.<sup>11</sup> Natural gas exports through this pipeline represented about 25 percent of the natural gas consumed in Western Europe and about 70 percent of Russian gas exports to Western Europe.<sup>12</sup> The Soyuz gas pipeline from Orenburg provided gas transportation for about 27 bcm per year from the Russia/Ukraine border to the Ukraine/Slovakia border and to Central and Western Europe. It guaranteed the reliability of Russian or Central Asian gas transit to European countries, gas supply to the Western regions of Ukraine and adjacent Moldova and Belarus, as well as the transit of Russian gas to the Balkans area. The Soyuz pipeline was put into operation in 1978.

Lastly, the Trans-Balkan pipeline was based upon an intergovernmental agreement between the Soviet Union and Turkey on September 18, 1984. In February 1986, a contract was signed with the Turkish company BOTAŞ, providing an incremental supply of gas for 25 years (1987-2011) of up to 6 bcm per year. The first deliveries of Russian natural gas to Turkey from the Soviet Union began in June 1987 via Romania and Bulgaria by the specially constructed Trans-Balkan pipeline. In 1998, a long-term contract for delivery of an additional 8 bcm per year to this region through 2022 was signed with BOTAŞ. Russian gas only entered Turkey via transit through Ukraine, Moldova, Romania and Bulgaria. Basic knowledge about the three main Russia-EU gas pipelines constructed during the Soviet era provides an understanding of how the Russia-EU gas pipeline routes have evolved after the collapse of the Soviet Union. Based upon the main three Soviet-EU gas pipelines, Moscow has extended or developed its gas pipeline routes in accordance with the following aims of Russia's gas policy.

### **Aims of Russian Gas Policy (1): Minimizing Ukrainian influence**

Before the collapse of the Soviet Union, all Soviet pipelines crossed its own territory. The question of how Russian gas reached the European market was neglected for some time, since there was no "transit" issue during the Soviet period. However, since 1991 and throughout the 1990s, Ukraine, Moldova and Belarus have argued for their sovereignty and the "transit" issue has

11 David G. Victor et al., *Natural Gas and Geopolitics: From 1970 to 2040*, (London: Cambridge University Press, 2008), 131.

12 Ksenia Borisochева, *Analysis of the Oil and Gas-pipeline links between EU and Russia* (Athens: Center for Russia and Eurasia, November 2007), 22.

begun to stand out. Ukraine especially emerged as the single most important transit country for Russian gas exports to Europe. Between 1991 and 2000, 93 percent of Russian gas exports went through Ukraine. However, during the 1990s, the following reasons exacerbated the Ukrainian/Russian gas relationship: 1) Ukrainian inability to pay for up to \$50/bcm per year of gas imported from Russia, leading to very high levels of debt; 2) reduction of Russian gas supplies to Ukraine for short periods of time aimed at restoring the payment discipline of Ukraine; and 3) Ukrainian unauthorized diversions of volumes of gas in transit to European countries. From 1991-2000, details of the levels of debt, the delivery reductions which took place and whether they were justified, and the diversion of gas by Ukrainian parties became hotly contested issues.<sup>13</sup> Moreover, the 2006 and 2009 gas crises between Russia and Ukraine propelled Russia to reduce its dependency on the transit country.

The 2006 Ukrainian gas crisis happened due to a conflict over gas prices in the very country that had a monopoly of transit. Until December 31, 2005 Ukraine had paid \$50/trillion cubic meters (tcm) to Russia, while the market gas price in the West at the time was \$150/tcm. Therefore, on January 1st, 2006, Gazprom demanded that Ukraine pay \$150/tcm, a threefold increase from the earlier change. Gazprom insisted that Ukraine must pay the same gas price that was decided by the European gas market because the previous contract had expired. Ukraine, on the other hand, continued to reject the increase in gas price.<sup>14</sup> Moscow did not hesitate to shut down the gas supplies to some of its post-Soviet neighbors in order to secure its higher energy prices. The crisis of 2006 was resolved by the political intervention of Putin, who imposed a complex agreement<sup>15</sup> and the flow of gas resumed once the Ukrainians agreed to pay the market price.

The second Ukraine gas crisis took place in January 2009. During the second gas crisis, Russian gas exports to Ukraine were cut off on January 1 leading to gas deliveries to several European member states being affected on January 2. On the night of January 6 to 7 all gas supplies from Russia to Ukraine and the EU were cut off. Moscow claimed that Ukraine had stolen Russian gas bound for European consumers. According to Moscow, between January 1 and 6, 86 million cubic meters of gas was stolen by Ukraine.

13 Stern Jonathan, "The Russian-Ukrainian gas crisis of January 2006," *Oxford Institute for Energy Studies* 16 (2006): 6.

14 Marshall I. Goldman, *Petrostate, Putin, Power and the New Russia* (New York: Oxford University Press, 2008), 145.

15 Tugce Varol, *The Russian Foreign Energy Policy* (Kocani: EGALITE, 2013), 248.

Moscow contended that the reduction of Russian gas supplies was felt in seven European countries: the Czech Republic, Turkey, Poland, Hungary, Romania, Bulgaria, and Greece. The Russian gas supplies had dropped by 5-30 percent. By January 5, the volume of unauthorized gas tapping amounted to 65.3 million cubic meters.<sup>16</sup> Therefore, Gazprom CEO Alexei Miller stated on January 6 that Gazprom had stopped all deliveries into the system because Ukraine had closed it down. On the other hand, Ukraine claimed that they used a certain amount of gas as “technical” fuel needed to operate the network.<sup>17</sup> The two sides finally negotiated two new contracts covering supply and transit which were signed on January 19, 2009. Putin and Timoshenko signed an agreement to end the dispute, and the heads of Gazprom and Naftogaz signed a supply and a transit contract, both covering the ten year period from 2009 to 2019.<sup>18</sup> According to the agreement, it was accepted that the price for natural gas for Ukraine in the first quarter of 2010 was to be \$305 and \$330 in the second quarter. On January 22 of the same year, the pipelines began to operate again and two days later levels of gas returned to normal. The 1990s conflict between Russia and Ukraine and the following Ukrainian Crisis in 2006 and 2009 took place because Ukraine insisted on its own sovereignty power regarding the Russian gas pipeline in its territory. As Table 1 reveals, Russian gas export routes highly depend on Ukraine. Approximately 90 percent of the total amount of gas exports has transited across Ukrainian territory. Ukraine has used this dependency as a negotiation tool to further its political and economic interests. Conversely, Russia has regarded Ukraine as one of the detrimental transit countries which has damaged its national security and interest. In this respect, after the collapse of the Soviet Union, Russia constructed various bypass gas pipelines to minimize the export dependency on Ukraine.

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16 Unauthorized gas tapping refers to how Ukraine utilized a certain amount of gas for its economy that should have been transited to Balkan countries. From January 1 to 5, 2009 Russia's gas pipeline indicators showed that 65.3 million cubic meters of gas had been transited to Ukraine. The Balkans' countries didn't receive the corresponding amount of gas from Ukraine.

17 Simon Pirnai et al., “The Russo-Ukrainian Gas Dispute of January 2009: A Comprehensive Assessment,” Oxford Institute for Energy Studies, Natural Gas, February 2009, 19-20.

18 Ibid., 25-26.

[Table 1] Gas Transit Volumes through Ukrainian GTS (Gas Transportation Services)

Year	Total Transit	Transit to EU+*	Ratio Percent	Transit to CIS
2000	120.6	109.3	90	11.3
2001	124.4	105.3	84	19.1
2002	121.4	106.1	87	15.3
2003	129.2	112.4	86	16.8
2004	137.1	120.4	87	16.7
2005	136.4	121.5	89	14.9
2006	128.5	113.8	88	14.7
2007	115.2	112.1	97	3.7**
2008	119.6	116.9	98	2.7
2009***	120.0	116.9	97	3.2

(Source: Michael Gonchar et al., "The impact of Nord Stream, South Stream on the gas transit via Ukraine and security of gas supplies to Ukraine and the EU," *Electronic Publications of Pan-European Institute*, August 2009, 63.)

Remarks:

Transit volumes according to official figures of NAK Naftogas of Ukraine

\*EU+ means EU countries and Turkey

\*\* This figure only represents transit via Moldova (after construction of the bypass gas pipeline Sokhanovka-Oktyabrskaya transit from Russia to Russia through a short run via East of Ukraine was not performed)

\*\*\* Indicative figures for 2009 according to technical agreement between NAK Naftogas of Ukraine and OAO Gazprom as of June 4, 2009.

### Yamal-Europe Pipeline

The Yamal Europe pipeline was the first gas pipeline constructed to minimize Ukrainian influence. With a total length of approximately 4000 km, the Yamal-Europe gas pipeline connected Western Europe with the rich natural gas deposits of the Yamal peninsula which is located in northwest Siberia, a strategic oil and gas region of Russia. The transnational Yamal-Europe gas pipeline runs across four countries: Russia, Belarus, Poland, and Germany. The new export corridor increased flexibility and reliability of Russian gas supply to Western Europe. The European Union qualified the Yamal-Europe as the top-priority investment project implemented as part of the Trans-European Network (TEN). The gas pipeline construction started in 1994, and in 2006 the Yamal-Europe gas pipeline reached its design capacity of 32.9



bcm upon commissioning of the last compressor station.<sup>19</sup> Putin mentioned on November 17, 2007 at a Russia-EU energy dialogue the negative impact of the problematic transit countries: “Problematic relations between Moscow and countries located along energy transit routes to Europe create a source of instability and undermine the reliability of supplies.”<sup>20</sup> Thus, diversification of transit routes in order to minimize the impact of transit routes is significant for Russia. In this respect, Putin gave an official speech at the Davos World Economic Forum on January 28, 2008 about the role of the Yamal-Europe pipeline:

One of the key problems is the safe transit of energy. There are two ways to solve the issue and both of them must be used...The second way is development and diversification of transportation routes for energy resources. We have been actively working in this direction for a long time. Only in recent years we fulfilled such projects as gas pipelines Yamal-Europe and Blue Stream.<sup>21</sup>

He went on to say that “life has proved their urgency and demand.”<sup>22</sup> By the completion of the Yamal-Europe gas pipeline, Moscow was able to reduce transit instability and increase the reliability of its gas supply system. Gazprom Chairman Rem Vyakhirev mentioned that “With the Yamal pipeline, European customers will be able to receive Russian gas from different directions. This increases the reliability of the system, increases the security and, as a result, raises the price.”<sup>23</sup>

### *Blue Stream*

The Russian-Turkish Blue Stream gas pipeline was launched as the result of the signing of an intergovernmental agreement between Russia and Turkey. On December 15, 1997, Russia and Turkey signed a 25-year deal under which the Russian gas company Gazprom would construct a new gas export

19 See, <http://www.gazprom.com/about/production/projects/pipelines/yamal-evropa/>.

20 “Putin gave a speech at Russia-EU energy dialog,” November 17, 2007, [http://eng.globalaffairs.ru/number/n\\_9785](http://eng.globalaffairs.ru/number/n_9785) (accessed September 30, 2014).

21 “Putin’s speech at Davos World Economic Forum,” January 28, 2009, <http://rt.com/politics/official-word/putin-s-speech-davos-world-economic-forum/> (accessed October 2, 2014).

22 Ibid.

23 Paul Klebnikov, “Sorcerer’s apprentice,” *Forbes Online*, September, 1997, <http://www.forbes.com/forbes/1997/0922/6006052a.html> (accessed November 12, 2014).



pipeline to Turkey for the annual delivery of around 14.15 bcm of natural gas by early 2000. The Blue Stream is a 1,250 km pipeline that connects Russia to Turkey. It runs from the Izobilnoye gas plant in southern Russia across the Black Sea bed to the Turkish port of Samsun, and onwards to Ankara. Construction began in the 1990s and was completed in October 2002. The Blue Stream's design capacity of 16 bcm was reached in 2007, providing a major alternative to Ukraine above ground gas transit to Western markets.<sup>24</sup> The Blue Stream was intended for deliveries of Russian natural gas to Turkey going under the Black Sea with the express intention of avoiding third countries issues (the Trans-Balkan gas pipeline). Russia attempted to reduce former friction of gas supply with Ukraine that took place during the 1990s. Putin assessed the construction of the Blue Stream as finding a direct path to have an access to a new gas market.<sup>25</sup> Also, Putin remarked to foreign media on January 2009 that the Blue Stream diminished dependency on transit countries:

The most important thing today, one of the key issues, is to ensure the safety of supplies. Russia has long set the task of diversifying supplies of our energy. To this end...we built the Blue Stream pipeline to Turkey on the bottom of the Black Sea. By the way, it is operating today at full capacity, which goes some way to ease the situation.<sup>26</sup> If we had built, if nobody had impeded our building of such a pipeline system under the Baltic Sea, that pipeline would already be in operation. We very much hope that the current events will encourage us all to adopt civilized market forms of cooperation.<sup>27</sup>

### *Nord Stream*

In line with the increase of gas supply of the EU during the 2000s, Gazprom, E.ON Ruhrgas and BASF/Wintershall agreed to construct the North European

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24 Kevin Rosner et al., *Gazprom and the Russian State* (London: GMB Publishing Ltd, 2006), 51.

25 Russian Government Archives, "Prime Minister Vladimir Putin attends United Russia's interregional conference titled 'Strategies for the Socio-Economic Development of Southern Russia up to 2020. The 2011-2012 Program,'" May 6, 2011, <http://archive.government.ru/eng/docs/15104/print/> (accessed September 30, 2014).

26 Russian Government Archives, "Russian Prime Minister Vladimir Putin met with foreign media," January 8, 2009, <http://archive.government.ru/eng/docs/2956/> (accessed September 30, 2014).

27 Ibid.

Gas Pipeline in September 2005, otherwise called Nord Stream.<sup>28</sup> The Nord Stream links Russia's Baltic Sea coast near Vyborg with Germany's Baltic Sea coast in the vicinity of Greifswald. The Nord Stream gas pipeline is a fundamentally new route for Russian gas export to Europe. The Nord Stream has two parallel legs, each of which has an annual capacity of 27.5 bcm of natural gas. The first Nord Stream pipeline began operating in November 2011, sending the first supplies from Russia to an estimated 26 million homes in the EU. The second stretch of the Nord Stream gas pipeline began operation in October 2012. The Nord Stream has a full capacity of 55 bcm per year, which it reached in 2013.<sup>29</sup> The target markets for gas supplies via Nord Stream are not only Germany but the UK, the Netherlands, France, Denmark and others. This new gas pipeline is significant for meeting the increasing natural gas demand in the European market. The EU's annual demand for natural gas imports, which was approximately 307 bcm in 2011, will increase to 450 bcm in 2035.<sup>30</sup> Because there are no transit countries in the Nord Stream, gas transmission costs are reduced and any possible political risks are eliminated. The Nord Stream provides customers in Western Europe with the most reliable gas deliveries.

The Nord Stream construction was motivated by the 2006 gas dispute between Russian Gazprom and Ukraine. Approximately 80 percent of Russia's gas exports to European markets flow through Ukraine. And when Gazprom in January 2006 reduced the supply levels to Ukraine, Western Europe, especially Germany, was affected. However, the Ukrainian gas cut-off also caused severe economic loss to Russia as well. In this regard, Russian gas policy attempted to reduce its dependency on Ukraine. Dmitry Medvedev gave a remark that the construction of the Nord stream altered the topic of gas transportation:

Ukraine is of great interest to us as a partner, that's for sure. Our interest has not waned, because Ukraine is our closest neighbor and a country with which we have an affinity and close partnership in a whole range of areas. But the topic of natural gas has changed somewhat in recent time.

28 Bendik Solum Whist, "Nord Stream: Not just a pipeline: An analysis of the political debated in the Baltic Sea Region regarding the planned gas pipeline from Russia to Germany," Fridtjof Nansen Institute, 2008, 5.

29 Ibid., 6.

30 International Energy Agency (IEA), *World Energy Outlook* 2013.

Putin also mentioned that the Nord stream played a significant role to reduce transit risks. “As for reducing transit risks, as we have repeatedly noted, with the launch of the Nord Stream, Ukraine has lost its role and significance as an exclusive transit country for Russian gas supplied to Europe.”<sup>31</sup> Putin highlighted that the problem of transit countries has severely damaged Russian national interest and argued that the construction of the Nord Stream was the breakthrough to overcome the traditional Russian predicament:

The truth is that following the breakup of the Soviet Union, Russia lost direct access to its largest export markets. This created the problem of transit countries, which has sought to profit from their monopoly of position by obtaining unilateral advantages. This was the root of the well-known conflicts. Naturally, such a situation did not serve Russia’s interests, nor those of our energy consumers. That was why the key European energy companies and governments of many European countries, including Germany, backed Russia’s plans to build gas pipelines under the Baltic Sea (Nord Stream) and under the Black Sea (South Stream). With these routes in place, the European continent will have diversified and flexible system of gas supplies. This paper is confident that all far-fetched problems in the energy sector will be left in the past.<sup>32</sup>

### *South Stream*

On June 23, 2007 in Rome, ENI Chief Executive Paolo Scaroni and Gazprom Vice-Chairman Alexander Medvedev signed a memorandum of understanding to build a gas pipeline from Russia to Italy, the South Stream. The South Stream is under construction now and is due to be completed in 2015. The South Stream will originate on Russia’s Black Sea coast at Beregovaya, the same starting point as that of the Blue Stream pipeline to Turkey. The South Stream will run some 900 kilometers along the seabed of the Black Sea to Bulgaria and reach a maximum water depth of more than 2,000 meters. Then the South Stream will traverse Bulgaria, Serbia, Hungary, and Slovenia and terminate in Italy. Moreover there are several pipeline branches from

31 “Prime Minister Vladimir Putin meets with Gazprom CEO Alexei Miller,” Russian Government News April 19, 2012, <http://www.highbeam.com/doc/1G1-287179473.html> (accessed September 30, 2014).

32 Vladimir Putin, “Russia and Europe: From an Analysis of Crisis Lessons to a New Partnership Agenda,” *Süddeutsche Zeitung*, November 25, 2010, <http://www.denmark.mid.ru/fp-e-02.html> (accessed October 4, 2014).

Serbia to Croatia, from Serbia to Bosnia & Herzegovina, and from Hungary to Austria. Launching the South Stream was also a policy reflecting Russia's intention to reduce overland transit through neighboring countries. The South stream on the seabed of the Black Sea is intended to circumvent both Ukraine and Turkey.<sup>33</sup>

Putin addressed the significance of the South Stream in Milan with his Italian counterpart Silvio Berlusconi in 2010:

The South Stream is also very important, since it guarantees the supply of Russian natural gas, if difficulties arise similar to those that, due to a series of issues, unfortunately, recently occurred in Ukraine, a country where there is a lack of political stability. So the South Stream pipeline ensures that countries like Bulgaria, Romania, and Italy will not be left without natural gas.<sup>34</sup>

Furthermore, Putin directly mentioned the negative impact of transit countries and this impact was the external driving factor of construction of the South Stream: "After the Soviet Union's disintegration we found ourselves beholden to a host of mediators and transit countries. We plan to start laying the South Stream on the Black Sea bottom at the end of this year."<sup>35</sup> In this regard, along with the Russian gas pipeline diversification policy, the South Stream will play its strategic role to minimize the detrimental impact of transit countries. Putin asserted the necessity of Russian gas pipeline diversification policy in front of the Ukrainian Prime Minister, displaying Russia's firm will to overcome the problem

It is necessary to diversify energy supply routes to Europe as far as possible. We shouldn't limit ourselves to using the existing transit facilities; I have already mentioned that we are ready to consider working with our Ukrainian partners on improving Ukraine's gas transportation system. We also need to eliminate risks and

33 Vladimir Socor, "South Stream: Gazprom's New Mega Project," *Eurasia Daily Monitor*, 2007, [http://www.jamestown.org/single/?tx\\_ttnews%5Btt\\_news%5D=32826&no\\_cache=1#.VLDmbyusU4w](http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=32826&no_cache=1#.VLDmbyusU4w) (accessed October 3, 2014).

34 Russian Government Archives, "Prime Minister Vladimir Putin and his Italian counterpart Silvio Berlusconi hold a joint news conference following talks in Milan," April 26, 2010, <http://archive.government.ru/eng/docs/10354/> (accessed September 30, 2014).

35 Russian Government Archives, "Prime Minister Vladimir Putin delivers his report on the government's performance in 2011 to the State Duma," April 11, 2012, [http://www.veleposlanistvorusije.mid.ru/doc/pr\\_eng\\_18042012.htm](http://www.veleposlanistvorusije.mid.ru/doc/pr_eng_18042012.htm) (accessed October 1, 2014).

diversify these routes, as well as build new pipelines, namely the Nord Stream along the Baltic seabed and the South Stream along the Black seabed, in the Balkan direction.<sup>36</sup>

Most recently Medvedev readdressed the South Stream will open a new gas export route bypassing Ukraine:

We used traditional routes across Ukraine as our main supply routes. The volume of transit gas supplies to Europe across Ukraine increased in 2013 to a total of over 86 billion cubic meters. We've been consistently increasing our supplies using other routes, such as the South Stream project, which is one of Gazprom's priority investment projects, is on schedule. We've begun the construction of onshore sections of the pipeline in Bulgaria and Serbia. Gas supplies to Europe using the South Stream will begin in late December 2015. This will give us an additional gas exports route.<sup>37</sup>

## **Aims of Russian Gas Policy (2): Direct Targeting of High Demand Markets**

The Russian economy has had high dependency on energy exports, not only of oil but also of gas, because energy exports are the primary revenue source for Russia. According to the U.S. Energy Information Administration (EIA), Russia exported almost 90 percent of its annual gas production to European countries in 2012. In 2013, oil and gas sales accounted for 68 percent of Russia's total export revenue. Energy industries in Russia are the crux of support for the economy. However, since 2001, most European countries have attempted to diversify their gas supply from Russia. European Commission president José Manuel Barroso officially declared that the EU's primary aim of gas supply is diversification. Particularly, after the Ukraine gas crises in 2006 and 2009 European countries realized the jeopardy of high dependency on Russian gas supply. Therefore as Figure 2 illustrates, since 2001 gas exports through Russian gas pipelines have been steadily declining. In 2001, gas imports from Russia through the gas

36 Russian Government Archives, "Prime Minister Vladimir Putin held negotiations with Ukrainian Prime Minister Yulia Tymoshenko in Moscow, following which Gazprom and Naftogaz Ukraine signed a contract for the sale and purchase of natural gas for 2009-2019," January 19, 2009, <http://archive.government.ru/eng/docs/3036/> (accessed October 1, 2014).

37 Russian Government Archives, "Dmitry Medvedev holds a meeting with Gazprom Board Chairman Alexei Miller," March 4, 2014, <http://government.ru/en/news/10886/> (accessed October 1, 2014).

pipelines of Europe accounted for 46 percent but in 2012 only accounted for 34 percent.

Along with declining European dependency on Russian gas, Moscow has aimed to maintain its gas supply for the Russian economy. Particularly, its main target is countries that have high gas demand and low gas dependency on Russia. Table 2 shows an analysis of European gas dependency by country done by Tugce Varal.<sup>38</sup> He classified the European countries into four groups: Low Dependent countries who import natural gas at a ratio of 0-25 percent, Moderate Dependent countries importing at 25-50 percent, Dependent countries importing at 50-75 percent and finally High Dependent countries importing at 75-100 percent.<sup>39</sup>

According to the BP statistical review of world energy Germany was the largest gas consumption country in 2013 (annual gas consumption of 83.6 bcm). Next was the United Kingdom (73.1 bcm), Italy (64.2 bcm), Turkey (45.6 bcm), France (42.8 bcm), and the Netherlands (37.1 bcm). Except for Turkey, all of the top five countries are EU members and belong to the Low Dependent group (the United Kingdom, Italy, and France) or the Moderate Dependent group (Germany and the Netherlands). Russian gas policy is directly targeting these countries by constructing gas pipelines in order to increase the gas supply. This chapter analyzes how Russian gas pipelines which have already been constructed or are currently under construction have played a role in directly targeting specific countries which have high gas demand and are categorized into the Low Dependent or Moderate Dependent group.

### *Nord Stream*

The Nord Stream was planned to target western European countries such as Germany, the UK, the Netherlands, and France. The UK and France belong to the Low Dependent group and Germany belongs to the Moderate Dependent group. As of 2014, Germany is the largest gas consumption country in Europe and its total gas consumption is also the highest in Europe among these four countries. However as Figure 3 shows, gas imports through Russian gas pipelines in Germany and France have been declining steadily.

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<sup>38</sup> Varol, *The Russian Foreign Energy Policy*, 207.

<sup>39</sup> *Ibid.*, 209.

[Table 2] Dependency Model for the EU-27 members

Low Dependent 0-25 Percent	Moderate Dependent 25-50 Percent	Dependent 50-75 Percent	High Dependent 75-100 Percent
Belgium	Germany	Czech Republic	Bulgaria
Spain	Greece	Estonia	Lithuania
France	Latvia	Romania	Hungary
Italy	Netherlands		Poland
Luxembourg	Austria		
Slovenia			
Sweden			
United Kingdom			
Ireland			
Cyprus			
Malta			
Portugal			

(Source: Tugce Varol, op. cit., 209).

\*Denmark is out of dependency

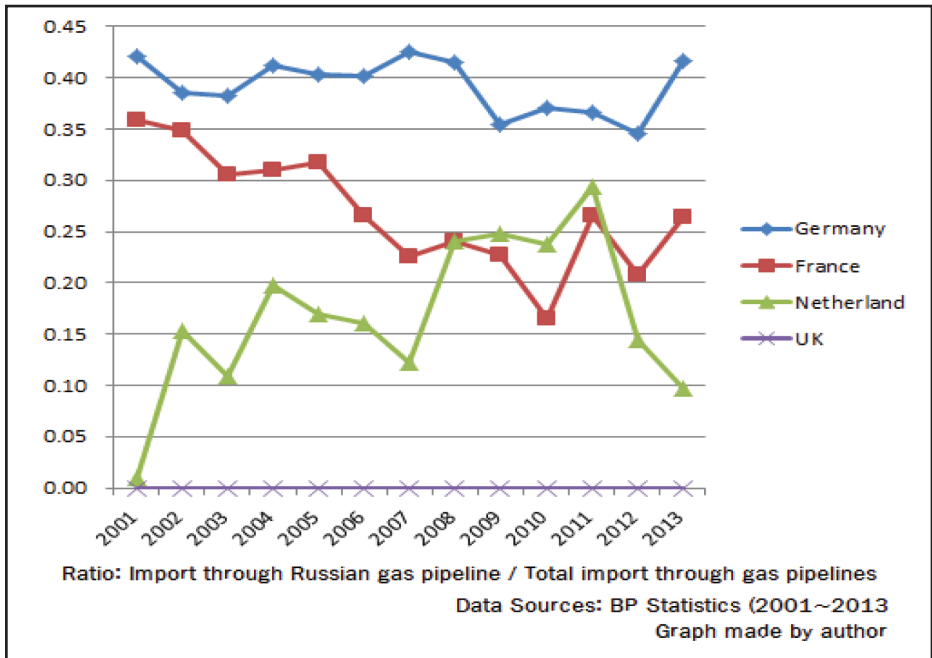
It is noteworthy that the UK didn't import any amount of gas at all through Russian gas pipelines. Only the Netherlands gas imports through Russian gas pipelines were increasing until 2011 but plummeted in 2012 and 2013.

Therefore, Moscow constructed the Nord Stream, which can supply a full capacity of 55 bcm per year, targeting major western European countries. As of 2014, the Nord Stream gas pipeline is not connected with all four countries, but Germany has been supplied by the Nord Stream since 2013. After Nord Stream began operating, German gas imports from Russian gas pipelines increased by 42 percent in 2013, compared with 35 percent in the previous year. It is expected that a similar trend will be observed in other countries as well in the future. Medvedev explained economic condition was one of the contributing factors for building the Nord Stream:

Naturally the development of Nord Stream, building new lines is possible under two conditions. The first condition is economic. It lies in the fact that there will be consumption and there will be customers willing to buy gas. This will spur the development of new fields and new volumes of pipeline gas will be supplied to Europe.

The construction of the Nord Stream is a financial and economic issue.<sup>40</sup>

[Figure 2] Share of Gas Import through Russia's Gas Pipelines in Germany, France, the UK and the Netherlands (2001-2013)



Putin frankly mentioned that he decided upon the construction of the Nord Stream due to its economic potential stating, “as for the Nord Stream project, it is one of the largest gas supply investments, but it is important that Russia expands the basis of its economic potential.”<sup>41</sup> Medvedev congratulated Gazprom employees by mentioning on the twentieth anniversary of the company that, “unique projects like the Nord

40 Russian Government Archives, “Dmitry Medvedev holds a news conference following the Baltic Sea Forum,” April 5, 2013, <http://government.ru/en/news/1182/> (accessed October 1, 2014).

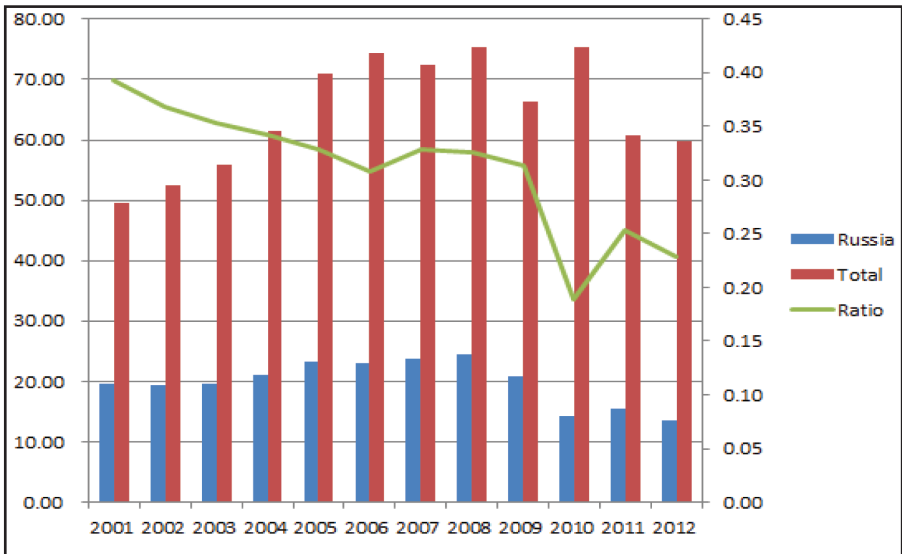
41 Russian Government Archives, “Prime Minister Vladimir Putin and Chancellor of the Federal Republic of Germany Angela Merkel hold a joint news conference following Russian-German talks,” Nov. 26, 2010, <http://archive.government.ru/eng/docs/13124/print/> (accessed September 30, 2014).



Stream gas pipelines enable Gazprom to enter new markets,”<sup>42</sup> and that the Nord Stream is expected to increase Russian national economic interest. Also, Putin made no bones about telling CEOs and top managers of leading German companies that the Nord Stream is for Russian economic interests:

Yes, it's about our interests. We wanted to make more money. We wanted to see the pipelines on our soil, so we would make more money on transit. But why should we suffer? It finally seems to me that people are beginning to understand these fundamental things if they don't understand them already. This is, first of all, an understanding of interdependence and mutual interests. It is natural that we are now looking for ways to further develop our relations in such a way as to minimize the risks, which would allow us to work according to common rules that would create a more competitive environment for our businesses.<sup>43</sup>

[Figure 3] Share of Gas Import through Russia's Gas Pipeline in Italy (2001-2012)



42 Russian Government Archives, “Prime Minister Dmitry Medvedev congratulates Gazprom employees on the 20<sup>th</sup> anniversary of the company,” February 20, 2013, <http://government.ru/en/news/440/> (accessed September 30, 2014).

43 Russian Government Archives, “Prime Minister Vladimir Putin, on a working visit to the Federal Republic of Germany, takes part in the 4th annual economic forum of CEOs and top managers of leading German companies,” November 26, 2010, <http://archive.premier.gov.ru/eng/events/news/13118/> (accessed September 30, 2014).

*South Stream*

The main target country of the South Stream is Italy which belongs to the Low Dependent group. The Italian gas market is attractive like that of Germany. Italy's gas consumption was 64.2 bcm in 2013, making it the third largest gas consumption country in Europe. However, as Figure 4 depicts, since 2001, Italy's gas dependency on Russia has been declining, even though gas imports through other gas pipelines were increasing up to 2010. The gas imports through Russian gas pipelines accounted for 40 percent of imports in 2001, but plummeted by 23 percent in 2012. After the 2009 Ukraine crisis, the gas imports through Russian gas pipelines accounted for 19 percent of imports. In contrast to Italy's dependency on Russia, as Figure 5 reveals, Austria, Croatia, Hungary, Slovenia, Serbia, and Bulgaria have maintained high gas dependency on Russia. According to a BP statistical review of world energy, the individual ratios of gas imported by these countries, which are the shares of gas imported through Russian pipelines compared to total gas imports through all gas pipelines, were almost all above 60 percent. Notably, Bulgaria, Hungary, and Croatia's ratios were above 80 percent, meaning that their gas dependency on Russian gas pipelines is extremely high. Serbia, Slovenia, and Austria also have relative high gas dependency on Russian gas pipelines. Therefore, the construction of the South Stream is exclusively targeting the Italian gas market by maximizing the Russian gas export revenue through it.

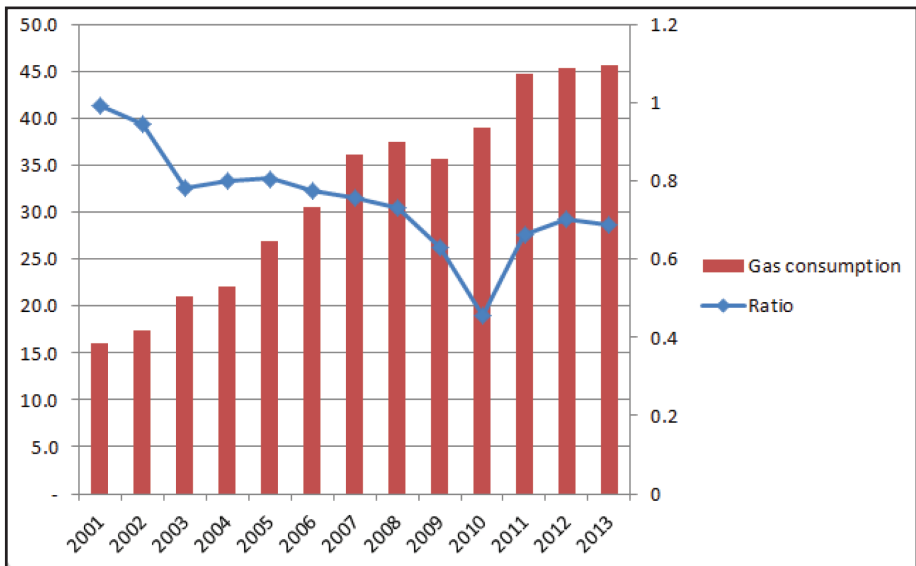
Italian high officials advocated the construction of the South Stream because the Italian government has striven to secure a stable gas supply. Franco Frattini, former Foreign Affairs Minister of Italy, mentioned on April 27, 2009 that, "Italy will appeal that the South Stream gas pipeline which was included in the list of prioritized projects of the European Project," and Federica Guidi, former Italian Minister of Economic Development, also said on March 7, 2014 that, "Italy will continue to support the South Stream, which is among strategically important infrastructure projects. South Stream further strengthens the existing gas supply network." In line with the increasing Italian gas market, Russia has planned to enhance its gas influence through the South Stream. Putin evaluated that the South Stream will certainly improve the energy component, revive the energy sector in that part of Europe, and will stabilize energy supplies to the European markets.<sup>44</sup> Also he mentioned that, "The South Stream gas pipeline enables

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44 Russian Government News, "Prime Minister Vladimir Putin meets with Turkish Minister of

Gazprom to enter new markets. It is important because of its strengthening of production potential and maintenance of impressive gas production volumes.”<sup>45</sup> It is thus obvious that Putin thought the South Stream would contribute to overcoming Russian economic difficulties. On February 16, 2010, Putin gave an official speech to the media after the Russia-Greek intergovernmental talks and mentioned, “South Stream is designed to help overcome the current economic difficulties and create the conditions for post-crisis development. It is a major international European project built on market principles.”<sup>46</sup> Like the Nord Stream, the South Stream is also a strategic instrument for Russia to increase its gas exports targeting the South-West European countries. Putin and Dmitry Medvedev also assessed that the South Stream will give Russia additional gas exports.<sup>47</sup>

[Figure 4] Share of Gas Import through Russia’s Gas Pipeline and Gas Consumption in Turkey (2001-2013)



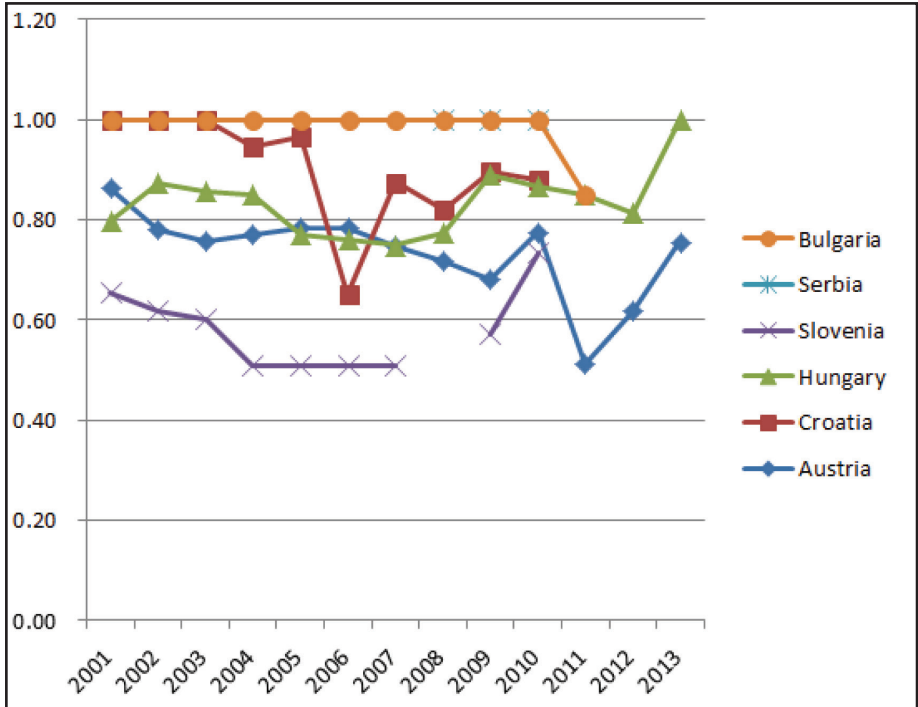
Energy and Natural Resources Taner Yiddish,” December 28, 2011, <http://www.highbeam.com/doc/1G1-275897562.html> (accessed September 30, 2014).

45 The Russian Government Archives, “Prime Minister Dmitry Medvedev congratulates Gazprom employees on the 20<sup>th</sup> anniversary of the company,” December 20, 2013, <http://government.ru/en/news/440/> (accessed September 30, 2014).

46 Russian Government Archives, “Prime Minister Vladimir Putin and Greek Prime Minister George Papandreou speak to the media following Russian-Greek intergovernmental talks,” February 16, 2010, <http://archive.government.ru/eng/docs/9423/> (accessed September 30, 2014).

47 Russian Government Archives, “Dmitry Medvedev holds a meeting with Miller.”

[Figure 5] Share of Gas Import through Russia's Gas Pipelines in Bulgaria, Serbia, Slovenia, Hungary, Croatia, and Austria (2001-2013)



\*Ratio: Import through Russia's gas pipeline / Total import through gas pipelines

(Source: BP energy statistics 2001-2013) / Graph made by author

### Blue Stream and Blue Stream II

Along with Germany and Italy, the gas market of Turkey is also one of the emerging markets in Europe. During the 2000s, excluding 2010, Turkey's national gas consumption has been increasing steadily. Turkey's gas consumption in 2013 was 45.6 bcm, the fourth largest gas consumption among countries on the European continent. However as Figure 6 describes, since 2001, gas dependency on Russia has been declining. In the early 2000s, Turkey imported almost all gas through Russian gas pipelines. The ratio of Russian gas pipeline dependency was 99 percent in 2001 and 94 percent in 2002. However, dependency has been plummeting gradually and Russian gas pipeline dependency in 2013 was 68 percent. In over 10 years the dependency ratio dropped almost 30 percent.

Recovering the Russian gas market share in Turkey's gas market in the mid-2000s, the Blue Stream was constructed in 2002 and in 2007 reached its full capacity level of 16 bcm. Putin spoke of how Russia had found a direct path to the new market.<sup>48</sup> The Kremlin realized how important the Turkish gas market was due to its continuous growth into the present. Indeed, the Turkish government asked the Kremlin to increase the gas supply. Putin said in 2010 that, "Russia's closest neighbors sometimes ask Russia to increase the volume of contracted gas. For example, in the past few years Turkey asked Russia to increase gas supplies in winter."<sup>49</sup> Putin instructed Gazprom CEO Alexi Miller to resolve contractual challenges to increasing the gas supply to Turkey. Alexi Miller stated that:

We are ready to resolve such problems. Turkey is one of the largest buyers of Russian natural gas and has asked us several times in the last few years to increase supplies. For example, in late August it had problems with gas supplies through the Iran-Turkey pipeline. Acting at the request of our Turkish colleagues, we doubled gas deliveries to them through the Blue Stream pipeline. We supplied additional volumes of gas for ten days, helping Turkey to deal with the emergency. We have sufficient capability to help our partners if this happens again, and this concerns not only Turkey but also other countries.<sup>50</sup>

According to BOTAS forecasts in 2012, Turkey's gas demand will almost double from 45 bcm in 2012 to 81 bcm by 2030. The main driver of this rapid growth will be gas-fired electricity generation.<sup>51</sup> In order to preempt the Turkish gas market and increase the Russian gas market share in Turkey, Putin mentioned that after the completed construction of the South Stream, the Russian government was considering the building of a Blue Stream II pipeline across the Black Sea to Turkey: "The decision will depend on the consumer market in Cyprus and other countries. Israel is unlikely to import our gas, so we should consider other consumers. We are discussing these

48 Russian Government Archives, "Prime Minister Vladimir Putin attends...Program."

49 Russian Government Archives, "Prime Minister Vladimir Putin holds a meeting with Gazprom CEO Alexei Miller," October 8, 2010, <http://archive.premier.gov.ru/eng/events/news/12513/> (accessed September 30, 2014).

50 Ibid.

51 Gulmira Rzaeva, "Natural Gas in the Turkish Domestic Energy Market: Policies and Challenges," *The Oxford Institute for Energy Studies*, February 1, 2014, <http://www.oxfordenergy.org/wpcms/wp-content/uploads/2014/02/NG-82.pdf> (accessed October 11, 2014).

options with our Turkish friends.”<sup>52</sup>

Moreover, Putin considered the construction of a Blue Stream II as an instrument to hedge the construction of the Nabucco pipeline. Turkey and Azerbaijan signed an agreement on the Shah Deniz-2 gas field. As a result, Azerbaijan will supply gas to Turkey via the Nabucco pipeline.<sup>53</sup> This sort of Turkish gas diversification strategy will definitely damage Russian gas policy. Therefore, in order to maintain Russian gas influence over Turkey, Putin officially declared the possibility of construction of a Blue Stream II:

The prime minister of Turkey and I have previously discussed the possibility of building a Blue Stream II pipeline, as well as additional trunk pipelines and pipeline offshoots along the bottom of the Black Sea, from Russia directly to Turkey. This could involve gas deliveries to third countries. These are all viable projects backed by the necessary raw materials and resources. We will continue to work in this direction.<sup>54</sup>

Moreover, Gazprom CEO Alexei Miller mentioned that the Turkish government will support the construction of a Blue Stream II:

Turkey supports the Blue Stream II project - to build a third pipeline section parallel to the two pipelines running across the Black Sea and delivering gas to Turkey. Turkey wants the projected capacity of the new pipeline to provide not only for gas transit via Turkey, in particular to Israel, but also for gas supplies to the Turkish domestic market. Gazprom enjoys a good reputation as a reliable supplier to the Turkish market; every year we help our Turkish partners in the

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52 Russian Government Archives, “Prime Minister Vladimir Putin meets with participants of the 7th meeting of the Valdai International Discussion Club in Sochi,” September 6, 2010, <http://archive.premier.gov.ru/eng/events/news/12039/> (accessed September 28, 2014).

53 Nabucco pipeline is a planned 3,300km natural gas pipeline project which is intended to bring up to 31 Bcm annually of Central Asian gas from the eastern end of Turkey, across Romania, Bulgaria, and Hungary into Austria by 2020. Construction is expected to begin in 2008 and finish in 2011-13. It aims to bypass Russia and would transport BTC gas to Central Europe. For these reasons this pipeline has a substantial geo political significance and is strongly supported by the EU. However, it has encountered financial problems and lack of political will in some member states, with particular reference to Hungary, which in March 2007 announced that it had agreed to a Russian proposed extension of the Blue Stream pipeline project instead. See Borisocheva, 22.

54 Russian Government Archives, “Prime Minister Vladimir Putin and Turkish Prime Minister Recep Tayyip Erdoğan hold a joint press conference following Russian-Turkish bilateral talks,” June 8, 2010, <http://archive.premier.gov.ru/eng/events/pressconferences/10922/> (accessed September 30, 2014).

event of regular disruptions of gas supplies from third countries during the winter season. Turkey would like to buy more Russian gas after 2015, including via the Blue Stream II gas pipeline. We have reached an agreement that, after the new Israeli government takes office, we will initiate, together with our Turkish colleagues at a corporate level, putting this project into basic documents which would allow us to launch it, if only at its pre-project stage.<sup>55</sup>

Nevertheless, the construction of Blue Stream and the projected Blue Stream II demonstrates how Russia has been striving to increase its gas influence over Turkey, as well as emerging gas markets in Europe.

### **Aims of Russia Gas Policy (3): Wielding Political Leverage towards CIS**

Hedenskog and Larsson (2007), argue that Russia interrupted the gas supply to Ukraine in 2006 and 2009 as a key strategic goal for Russia to keep the former CIS area intact and restore it as an exclusive zone of Russian influence. They contended that the halt of Russian gas supply to Ukraine was one of Russia's political strategies to wield political leverage, in other words a neo-imperial policy. However, Roderic Lyne (2006) did not consider "neo-imperial" to be an accurate description. He characterized the actions of Russia's energy companies in the post-Soviet space a "post-imperial hang-over not wholly unlike the British experience for a generation and more after the Second World War." Similarly, Vladimir Milov (2006) used the term "post-imperial syndrome" and described the Russian energy diplomacy as "highly unpredictable." In contrast with those who talked of neo-imperial aspirations, he did not believe that Moscow had a clear long-term strategy on how to use energy for political purposes. Furthermore, Hirdman argued that, "the Russians have learnt from their mistakes and realized that these kinds of actions will not benefit them in the long run. So, during the latest dispute with the Ukraine, they did not turn off the gas but tried to negotiate a deal."<sup>56</sup>

In stark contrast to Milov and Hirdman's argument, however, this paper advocates the conclusions of Hedenskog and Larsson. Russian gas pipeline politics have been implemented based upon obvious intentional

55 Russian Government Archives, "Vladimir Putin had a working meeting with Gazprom CEO Alexei Miller," April 3, 2009, <http://archive.government.ru/eng/docs/3769/> (accessed September 30, 2014).

56 Solum Whist, 24-25.

political leverage over CIS member states. As of 2014, CIS has consisted of nine member states, and Turkmenistan is currently an associate member of CIS while Georgia withdrew in 2009. Most recently Ukraine withdrew from CIS in March 19, 2014. What is remarkable is that currently Ukraine has shifted its political stance to be pro-EU, having just received an IMF tranche and both American and European loan promises. Furthermore, Ukraine has prepared to reach an agreement on a free trade area with the EU. However, these sorts of political maneuvers by Ukraine have been perceived as a national security threat to Russia. If Ukraine completely alters its political stance to be pro-EU, this change will trigger huge economic damage to the Russian economy as well as aftermath that could spread to other CIS member states. Therefore, this paper argues that Russia has constructed the Nord Stream and the South Stream to wield economic pressure on Ukraine not to alter its political stance. Furthermore, Russia has planned to intensify its political alliance among CIS members through the construction of the pre-Caspian gas pipeline, blocking the disturbance on CIS member states derived from the change of Ukraine's political stance.

### **Nord Stream/ South Stream: Hedging Against the Ukrainian Pro-EU Movement**

In a speech at the meeting of the Russian-Ukrainian Interstate Commission's Committee for Economic Cooperation on October 15, 2013 Dmitry Medvedev discussed the Ukrainian political stance. Currently Ukraine has withdrawn from the CIS and has tried to reinforce its political alliance with the EU. Medvedev insisted that Ukraine has its own choice as a sovereign state, but Ukraine must be cautious in terms of altering its political stance because Russia will regard Ukraine as a national threat if Ukraine becomes involved in the EU's market order.<sup>57</sup>

Soon the Ukrainian trade and economic policy in its legal and practical aspects will be more in harmony with EU policy. Of course, this is Ukraine's sovereign choice, but we should analyze all the ensuing consequences of the relevant decision, the document to be signed, in respect to our bilateral cooperation, so that we do not

57 Russian Government Archives, "Meeting of the Russian-Ukrainian Interstate Commission's Committee for Economic cooperation," October 15, 2013, <http://government.ru/en/news/7425/> (accessed September 30, 2014).



create additional problems or increase risks on our markets.<sup>58</sup>

Also, Medvedev explained how Russian producers will be protected against competition if Ukraine becomes an associated EU member during a meeting with Federation Council members.<sup>59</sup>

Ukraine is moving in seven-leagued strides toward signing a so-called Norwegian-model agreement on associated membership with the European Union. So what policies could the Russian Government adopt - including legislative moves - to protect our markets? We are talking about protecting our markets and producers from potential competition. I'm sorry to say we'll have to use all protective procedures and protocols that we have the right to use as a WTO member. We'll simply restrict their access to these goods - both European and Ukrainian. In this case Ukraine will no longer be entitled to the special treatment - partnership treatment so to speak that it has enjoyed until now. Yes, we'll be friends and trade partners but we'll trade with Ukraine in the same way as with our other partners - without any privileges - and, possibly, even with some restrictions considering what I've said earlier.<sup>60</sup>

The most important transit country, Ukraine, has an impact on Russian gas exports which can directly damage the Russian economy. Therefore, Moscow at the same time is operating a channel of conversation to maintain its political ties with Ukraine. Putin stressed the important role of Ukraine and wanted to preclude the worst situation: "Some states are losing their exclusive hold on the transit of Russian gas; but these partners remain very significant. And I hope that our joint work with both Ukraine and Belarus...we should continue to work with all our partners on a mutually advantageous basis."<sup>61</sup>

In line with opening this channel of communication, Russia has utilized the gas pipeline politics as one of the most strategic instruments in

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<sup>58</sup> Ibid.

<sup>59</sup> Russian Government Archives, "During a meeting with Federation Council members Dmitry Medvedev explained how Russian producers will be protected against competition if Ukraine becomes an associated EU member," September 23, 2013, <http://government.ru/en/news/5990/> (accessed September 30, 2014).

<sup>60</sup> Ibid.

<sup>61</sup> The Russian Government Archives, "Prime Minister Vladimir Putin meets with Gazprom CEO Alexei Miller."

pressing Ukraine. At a meeting between Medvedev and Ukrainian President Viktor Yanukovich on June 27, 2012, the Russian prime minister exploited the gas pipeline card in order to reconcile the political relationship with Ukraine,<sup>62</sup> stating, "It is very important to move forward in the areas of cooperation we have always discussed with you. We are discussing all issues at the presidential and prime ministerial levels, ranging from technological cooperation and the setting up of new production facilities to the complex issues of energy cooperation, including the gas issue. I'm certain we will discuss this today."<sup>63</sup> On the other hand, Medvedev attempted to hedge Ukraine's political pro-EU stance by mentioning the Nord Stream and the South Stream:

Ukraine is not as important to us as a transit country now that we have the Nord Stream and the South Stream under construction. An alliance between Russia and Ukraine can be formed only on condition of Ukraine's withdrawal from a whole number of institutions, including the Energy Union accession accord. That is, if Ukraine is interested [in our involvement]. If not, then we'll go our separate ways and Ukraine could then remain in any international alliances as it sees fit, with this being its right as a sovereign country. But if we enter into an alliance, we should make sure our interests are upheld. Talks on this issue continue; Ukrainian partners send us signals every now and then but the process hasn't advanced beyond those signals so far. Well, we'll see as we go along.<sup>64</sup>

The cited official statements of Russian high officials above display how the Kremlin has utilized the gas pipeline ambivalently to exercise its political leverage. Russia has invariably attempted to tie Ukraine under Russian political leverage through gas pipeline politics. On the Ukrainian side, this sort of political pressure from gas pipeline politics has had a large effect in changing its political position because the Ukraine economy still has a high dependency on Russian gas supply.

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62 The Russian Government Archives, "Dmitry Medvedev meets with Ukrainian President Viktor Yanukovich while on a working visit to Kiev," June 27, 2012, <http://government.ru/en/news/4811/> (accessed September 30, 2014).

63 Ibid.

64 The Russian Government Archives, "During a meeting with Federation Council ...EU member."

## **Pre-Caspian Gas Pipeline: Reinforcing the Political Alliance between the CIS Member States of Turkmenistan, Uzbekistan, and Kazakhstan**

According to Bertil Nygren, there are three foreign policy arenas on which Russia plays with CIS countries: the politico-military (or geo-political) arena which includes security, military and defense cooperation as well as conflict issues, border issues, and separatist issues; the politico-economic (or geo-economic) arena including economic cooperation and conflict issues, especially energy issues and Russian takeovers of companies in the CIS countries; and the politico-cultural arena which consists of ethnicity and identity issues, migration and “language politics.”<sup>65</sup> Russia has three different foreign policy arenas in which to maintain its strategic relationship with CIS member states. Russia assessed the political strategic relations with CIS countries to increase Russian national security and interests. Therefore, Russia has struggled to lay a more robust foundation for the integration of CIS member states in the politico-economic arena, especially regarding energy issues. In this respect, Russian gas pipeline politics have played a pivotal role in wielding Russian political leverage on CIS member states. Prime Minister Medvedev attended an expanded meeting of the CIS Council of Heads of Government, and mentioned that Russia is interested in ensuring stable energy deliveries to CIS member states.<sup>66</sup> This remark strategically targeted most of the CIS member states, which single out securing a stable gas supply as an urgent national task. Medvedev’s official speech displayed Russian intentions to wield political leverage by providing a stable gas supply. On May 21, 2010 Putin signed an energy cooperation project with CIS member states announcing that Russia will shore up CIS member states’ energy supply.<sup>67</sup> Putin remarked, “I am referring to the launching of specific, comprehensible and attractive initiatives and joint program across the CIS, including in the energy sector, transport, high tech, and social development.”<sup>68</sup> This also depicts how Russia will use the energy issue in integrating the CIS member states. In 2007, Russia and three

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65 Bertil Nygren, *The Rebuilding of Greater Russia: Putin's Foreign Policy towards the CIS Countries* (New York: Routledge, 2008), 5.

66 Russian Government Archives, “Prime Minister Dmitry attends an expanded meeting of the CIS council of Heads of Government,” May 30 2012, <http://government.ru/en/news/5398/> (accessed September 30, 2014).

67 Russian Government Archives, “A number of documents have been signed following the meeting of the heads of government of the council of CIS countries,” May 21, 2010, <http://archive.premier.gov.ru/eng/events/news/10682/> (accessed September 30, 2014).

68 Ibid.

countries of the CIS, Turkmenistan, Uzbekistan and Kazakhstan, signed an intergovernmental contract of construction for the pre-Caspian gas pipeline. Conventionally, Russia has supplied gas via the Central Asia Center (CAC) gas pipeline system to Turkmenistan, Uzbekistan, and Kazakhstan. But the gas demand in those countries has risen steadily so the Kremlin decided to construct a pre-Caspian gas pipeline parallel to the CAC pipeline. The surging energy demand in CIS member states makes them susceptible to Russian political clout because Russia is the most powerful gas supplier to those countries.

## Conclusion

Since the Soviet period, Russia has been the dominant gas supplier for Europe. Through three gas pipelines which were constructed during the Soviet period, Russia had exported gas to buttress its economy. The Brotherhood pipeline, the Soyuz pipeline, and the Trans-Balkan pipeline had connected the Soviet Union with European countries and had fulfilled European gas demand. However, after the collapse of the Soviet Union, Russia faced a significant predicament which altered Russian gas policy. The transit country issue had emerged coupled with the collapse of the Soviet Union. After the break up the Soviet Union, all Russian gas pipelines had to traverse post-Soviet countries, particularly Ukraine. Ninety-three percent of total Russian gas exports traversed Ukrainian territory, and Ukraine had begun to exercise its sovereignty over gas pipelines. Ukraine took an advantageous position and utilized the transit country issue to enhance its national interest. Therefore, after the breakup of the Soviet Union, the first aim of Russian gas policy was to minimize the role of transit countries. The transit issues had caused a heavy economic and political burden to Russia. In response, Russia constructed the Yamal-Europe gas pipeline, the Blue Stream and the Nord Stream which currently bypass Ukraine, as well as the South Stream, currently under construction.

Ukraine and Russia had suffered from several gas crises in 2006 and 2009, which resulted in the European countries' gas diversification policy. In line with the increasing gas demand in the European gas market, the European countries' move to construct different gas pipeline routes from Central Asia has contributed to lowering gas dependency on Russia. However, on the Russian side, the European countries' diversification policy has alarmed Moscow, due to the fact that it could damage the Russian economy. Therefore, the second aim of Russian gas policy was to

directly target the European countries which have had high gas demand but relatively low dependency on Russia. Main targets were the western European countries such as Germany, France, the UK, the Netherlands, and Italy. The Nord stream primarily targeted Germany in addition to France, the UK and the Netherlands. The South Stream primarily targeted Italy, even though the South Stream crosses other several onshore countries. The Blue Stream was also planned to directly target Turkey, and the Blue Stream II is under discussion to maintain Russian gas influence over Turkey. Economic grounds as well as political reasons were pivotal for developing Russian gas policy. Particularly, Russia has exploited political leverage over CIS member states to hedge the pro-EU political movement. A high level of integration among CIS member states helps not only to improve Russian security but also to boost its economy. Therefore, Russia has exploited the pre-Caspian gas pipeline to maintain its political leverage over CIS member states. The bypassing of Ukraine by the Nord Stream and the South Stream also have indirect political influence on Ukraine. The Ukrainian economy is highly reliant upon Russian gas supplies, but in response to the Ukrainian pro-EU movement, Russia has gradually cut off gas supplies to Ukraine in order to hedge its political shift.

On May 21, 2014 the Russo-Sino gas pipeline deal prompted Russia to shift its focus to the East Asian gas market. Conventionally, Russia has highly concentrated on the European gas market and has taken fruitful political and economic interests. However, in 2014, after the aggressive political drive of Russia towards Ukraine, a harsh level of sanctions from the European Union and the United States has played a decisive role in altering the big picture of Russian gas policy. Combined with this external driving force, declining political control from the Kremlin to the Russian Far East has also propelled Russia to seriously consider the East Asian gas market. The East Asian gas market is an attractive target for Russia because the traditionally energy-poor East Asian countries, the Republic of Korea, Japan, and China, have severely thirsted for a stable energy supply. In this respect, the altered Russian stance towards East Asia is expected to modify the sweeping energy dynamic in East Asia. The full-fledged energy supply and demand structure is now set up. However, what is Russia's concrete gas pipeline blueprint for East Asia? And how can East Asian countries have more equitable gas cooperation with Russia? Based upon the assumption of bureaucratic inertia of Russian gas policy, the aforementioned three aims of Russia's gas policy will be a useful compass to anticipate how Russia will unfold its gas policy towards East Asia. **Y**



# AN ANALYSIS OF HOW THE EU UNDERSTANDS ITS STRATEGIC PARTNERSHIP WITH CHINA

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*From the European perspective, the rise of China challenges the European Union (EU) on intellectual, technological, organizational, economic and political fronts but also offers ample opportunities for cooperation. The EU has attached increasing importance to building a strategic partnership with China. However, what Brussels means when it talks about forging a “strategic partnership” with China and on what conceptual ideas and principles it wants this “strategic partnership” to develop have not been made clear. This paper aims to offer insight into the EU’s ideas of strategic partnership with China. It will begin with a review of the EU approach to China. Next, it will make an assessment of the thinking behind EU-China communications to show the differences between their respective conceptualizations of strategic partnership. Then, it will demonstrate the difficulties caused by these differences and recommend how the two sides should manage them.*

Both the EU and China have changed dramatically during the past 20 years. With a population of 480 million, the Euro as a single currency and the world’s largest GDP, the EU has played an important role in international affairs.<sup>1</sup> China, with a population of over 1.3 billion has achieved unprecedented economic growth through its dramatic reforms.<sup>2</sup> This unprecedented economic growth has enabled China to become increasingly important in the world. Both the EU and China express interest in expanding and further deepening their relationship. As Commissioner Benita Ferrero-Waldner stated in February 2005: “There is no greater challenge for Europe than

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1 Fraser Cameron, “The Development of EU-China Relations,” *European Studies: A Journal of European Culture, History and Politics* 27, no. 18 (2009): 47.

2 Ibid.

to understand the dramatic rise of China and to forge closer ties with it.”<sup>3</sup> Yet it seems unclear what Brussels means when it talks about a “strategic partnership” and whether it shares the same conceptual ideas and principles with China. The EU insists on proclaiming that it stands for a values-based foreign policy with a focus on “effective multilateralism.”<sup>4</sup> China affirms that its rise is peaceful and aimed at developing a “harmonious world.”<sup>5</sup> In recent years the EU has published several policy papers on China while there were just two Chinese policy papers on the EU published in 2003 and 2014, both of which were highly appreciative of the relationship with the EU.<sup>6</sup> An analysis of how the EU thinks of its strategic partnership with China is required for both academic and policy circles to have a better picture of EU-China relations. Thus, this paper begins by reviewing the EU approach to China before evaluating the thinking behind various communications in the EU and China. Then, it will demonstrate the main difficulties caused by the EU and China’s divergences in conceptualizing a “strategic partnership” and put forth some recommendations for managing the conceptual gap.

### The EU Approach to China

In 1995, the EU published a significant Communication of the Commission, “A Long-Term Policy for China-Europe Relations,” which outlined a long-run course for EU-China relations into the twenty-first century. In this very first policy paper on China, the European Commission indicated the vital role of China in the European Union’s external affairs:

The time has come to redefine the EU’s relationship with China, in the spirit of the “new Asia strategy” endorsed by the Essen European Council. Europe must develop a long-term relation with China that reflects China’s worldwide, as well as regional, economic and political influence. Europe’s relations with China are bound to be a cornerstone in Europe’s external relations, both with Asia and globally. Europe needs an action-oriented, not a merely declaratory

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3 Ibid.

4 Ibid.

5 Ibid.

6 Ministry of Foreign Affairs of the People’s Republic of China, “China’s Policy Paper on the EU: Deepen the China-EU Comprehensive Strategic Partnership for Mutual Benefit and Win-win Cooperation,” 2014, [http://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/wjzcs/t1143406.shtml](http://www.fmprc.gov.cn/mfa_eng/wjdt_665385/wjzcs/t1143406.shtml) (accessed July 14, 2014)



policy, to strengthen that relationship.<sup>7</sup>

Three more policy papers on China were published in 1998, 2003 and 2006 that, in the same tone as the first one, laid the ground work for the development of a stronger EU-China Comprehensive Strategic Partnership.<sup>8</sup>

Since the beginning of diplomatic relations between the EU and China in 1975, the EU's policy on China has been implemented on two levels. On the level of the EU, the European Commission and today's European External Action Service (EEAS) have engaged China by promoting the modernization of its society and socialisation in the international environment, assisting China in development projects, and having dialogues with China on human rights as well as rule-of-law enforcement. The EU's framework for advancing cooperation with China was described in the EU's China strategy paper 2007-2013. The mid-term review of this strategy was released in 2010 and concluded that the response strategy for the future EC cooperation programme should take the contradiction in China's nature into consideration: "...that of a developing country in terms of certain traditional indicators on the one hand, and that of a significant player on the world stage in economic and political terms on the other."<sup>9</sup> At the national level, the EU Member States desired to have good political relations with China and thus tended to turn a blind eye to sensitive issues on China's sovereignty, human rights and democracy. With this approach the EU Member States, particularly Germany and France, have received lucrative contracts for their national companies.

Economic considerations have been the driving force of the EU's China policy. Since 2004, the EU has been China's biggest commercial partner and China has become the EU's second biggest commercial partner. A growing number of European companies have been investigating and relocating production in China, increasing the amount of EU foreign direct investment in this Asian country. Also, Chinese direct investment in Europe has been increasing overwhelmingly as observed by Thilo Hanemann and Daniel H. Rosen:

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7 European Commission, "A Long-Term Policy for China-Europe Relations," 1995, [http://eeas.europa.eu/china/docs/com95\\_279\\_en.pdf](http://eeas.europa.eu/china/docs/com95_279_en.pdf) (accessed July 27, 2014)

8 EU-Asian Centre, EU's Key Documents on China, [http://www.eu-asiacentre.eu/links.php?cat\\_id=24&level=0&tree=24&code=4](http://www.eu-asiacentre.eu/links.php?cat_id=24&level=0&tree=24&code=4) (accessed July 29, 2014)

9 European External Action Service, "China Strategy Paper, 2007-2013," 2006, [http://eeas.europa.eu/china/csp/07\\_13\\_en.pdf](http://eeas.europa.eu/china/csp/07_13_en.pdf) (accessed July 27, 2014)

Europe is experiencing the start of a structural surge in outbound direct investment in advanced economies by Chinese firms. The take-off was only recent: annual inflows tripled from 2006 to 2009, and tripled again by 2011 to \$10 billion (€7.4 billion) for the year. The number of deals with a value of more than \$1 million doubled from less than 50 to almost 100 in 2010 and 2011.<sup>10</sup>

Unlike the United States, which has serious commitments to its Asian allies and thus is likely to confront China in the region militarily and politically, the EU's lack of commitments in Asia enables it to avoid contentious matters with China. This helps the EU to develop economic relations with China rapidly and still engage this Asian country in a broad range of issues pertaining to human rights and democratization. For instance, in a 2006 Communication on China, the European Commission indicated clear political conditions for its proposal to remove the EU arms embargo on China. However, Brussels has never had open confrontations with Beijing the way Washington has on political and security issues. It is noticeable that the majority of EU policy makers have not seen China as a potential enemy or as a military threat to current global security.

But the European general public seems to perceive China differently than the government does. In fact, Europeans have held a negative view about developing commercial ties with China in the same way that Americans have.<sup>11</sup> These general public views in Europe reflect the emerging discourse which underscores the economic challenges posed by China in the EU. The European markets have been flooded with cheap products and more Europeans have become unemployed because of China's tendency to become a low-cost competitor in high-skill industries.<sup>12</sup>

In general, the EU has based its approach to China on the concept of change through economic integration. Hence, it seeks to promote a liberal internationalist agenda. The main idea of this approach is that in an increasingly interdependent world the rise of China is sophisticatedly

10 Thilo Hanemann and Daniel H. Rosen, *China Invests in Europe: Patterns, Impacts and Policy Implications*, (New York: Rhodium Group, 2012), 1, [http://rhg.com/wpcontent/uploads/2012/06/RHG\\_ChinaInvestsInEurope\\_June2012.pdf](http://rhg.com/wpcontent/uploads/2012/06/RHG_ChinaInvestsInEurope_June2012.pdf) (accessed July 20, 2014)

11 German Marshall Fund of the US, "Transatlantic Trends" 2012, Washington, September 12, 2012, <http://www.gmfus.org/archives/survey-eu-more-likely-to-view-china-as-military-threat-than-previous-years/> (accessed August 25, 2014).

12 Jonathan Holslag, "The Strategic Dissonance between Europe and China," *Chinese Journal of International Politics* 3, no. 3 (2010), <http://cjp.oxfordjournals.org/content/3/3/325.full> (accessed June 24, 2014).

interconnected with and supported by Chinese economic integration into the society of nations. Implicitly, it is unavoidable for China to get involved in non-economic fields of policy. This ultimately leads to the full openness of Chinese society which is likely to embrace all the values of democracy and human rights and adopt a peaceful and cooperative policy stance towards the world. Such a scenario is considered by the EU's leaders to be in the interest of the EU.

In recent years, a growing number of scholars and policy makers have begun to argue for the need to link economic benefits for China with political conditions in the EU-China relationship.<sup>13</sup> In a similar fashion, the European Parliament, some national Parliaments and several political forces of the EU Member States have increasingly criticized China's trade policies and practices, which in the European view have created unfair competition in EU and China commercial relations. More reciprocity in EU-China relations is what key EU policy makers like the EU Commissioner for Trade Karel De Gucht are very much concerned about and call for over time.

In 2003, Brussels and Beijing launched a strategic partnership. In 2010, this strategic partnership was brought to new heights with an inclusion of foreign affairs, security issues and global challenges such as climate change and global governance. The EU-China strategic partnership features a high degree of institutionalization. Since 1998, an EU-China summit has been organized every year. Also, an EU-China High-Level Trade and Economic Dialogue as well as an EU-China High-Level Strategic Dialogue have been organized annually since 2008 and 2010, respectively.

The growing degree of institutionalization reflects that the EU desires to develop bilateral relations with China in not only trade and commerce but also on strategic issues. The EU acknowledges that China is emerging as a force in a multipolar world and developing multilateral relations in such a world is beneficial to both the EU and China. Though both the EU and China are highly appreciative of the strategic partnership that they are seeking to build, it is likely that they are using the same term, but with different connotations.

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13 John Fox & François Godement, *A Power Audit of EU-China Relations*, (London: The European Council on Foreign Relations, 2009), [http://www.ecfr.eu/page/-/ECFR12\\_-\\_A\\_POWER\\_AUDIT\\_OF\\_EU-CHINA\\_RELATIONS.pdf](http://www.ecfr.eu/page/-/ECFR12_-_A_POWER_AUDIT_OF_EU-CHINA_RELATIONS.pdf) (accessed August 18, 2014).

## Differences in Conceptualizing a Strategic Partnership

At the Europe-China Forum organized by Friends of Europe and the Chinese Mission to the EU on November 26, 2013, participants had a discussion on all aspects of EU-China relations including elements of the 2020 Strategic Agenda adopted by the EU-China summit in Beijing on November 21, 2013. At this forum, one European participant said: “there is a trust gap in EU-China relations.”<sup>14</sup> This “trust gap” is firmly rooted in the differences between the EU’s and China’s understandings of strategic partnership.

### *Strategic Partnership from the European Perspective*

The 2003 European Security Strategy (ESS) “A Secure Europe in a Better World” is a brief but comprehensive document that analysed and defined for the first time the EU’s security environment, identifying key security challenges and setting out the political implications for Europe.<sup>15</sup> This document explains why the EU needs to have strategic partnerships. It argues for the importance of advancing EU relations with the US and Russia as the heads of the EU unanimously stated that:

there are few if any problems we can deal with on our own. The threats described above are common threats, shared with all our closest partners. International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organizations and through partnerships with key actors.<sup>16</sup>

The EU stressed that the transatlantic relationship is vital and that the EU needs to build an effective and balanced partnership with the United States. At the same time, the EU needs to work for closer relations with Russia, a main factor in European security and prosperity. Additionally, the EU “should look to develop strategic partnerships, with Japan, China, Canada and India as well as with all those who share [the EU’s] goals and

14 Friends of Europe, “Ten Years On: Rebooting the EU-China Strategic Partnership,” 2013, <http://europesworld.org/think-tanks/ten-years-on-rebooting-the-eu-china-strategic-partnership/#.ULHOPmSx64> (accessed July 12, 2014).

15 European External Action Service, “The European Security Strategy,” 2003, <http://www.eeas.europa.eu/csdp/about-csdp/european-security-strategy/> (accessed July 20, 2014).

16 Ibid.

values, and are prepared to act in their support.”<sup>17</sup>

Yet, the European Council shifted from this concentration on common goals and values when in its 2010 document “Trade, Growth and World Affairs: Trade Policy as the Core Component of the EU’s 2020 Strategy” it underlined that such strategic partnerships should be “based on mutual interests and benefits and on the recognition that all actors have rights as well as duties.”<sup>18</sup> This shows that the heads of the EU have no clear statements of what strategic partnerships are.

For European practitioners, the concept of strategic partnership remains confusing. At a meeting of EU leaders and foreign ministers in Brussels on strategic partnership on September 16, 2010, one EU diplomat pointed out that: “it’s like love - no one can define it. You only know what it is when you experience it.”<sup>19</sup> Another EU diplomat added that the term had been thought up a few years ago “without anyone ever really defining what it meant and whether, indeed, the others regard us as their strategic partners.”<sup>20</sup>

Obviously, the term “strategic partner” is not well-defined in EU usage. This concept is mainly employed for political aims - either to underline the significance of a partner country or to highly praise the partnership with that country. Also, it is used as an alternative to full-fledged EU membership, as mentioned in the negotiations of Turkey’s entry into the EU. The EU Member States mostly see the concept of “strategic partnership” with China as relating only to selected issues and shy away from what are considered sensitive matters in their bilateral relationship. For European scholars, the concept of EU strategic partnership, which was introduced into the European discourse in the late twentieth century, remains hotly contested. The list for potential partner states has been extended, but the instruments of building partnerships have been devised inconsistently. Particularly, what role a strategic partnership has in EU economic and political affairs has remained ambiguous. This was reflected in a statement by the President of the European Council Herman Van Rompuy in September 2010: “We have strategic partners, now we need a strategy.”<sup>21</sup>

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17 Ibid.

18 European Commission, “Trade, Growth and World Affairs: Trade Policy as the Core Component of the EU’s 2020 Strategy,” 2010, [http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc\\_146955.pdf](http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_146955.pdf) (accessed July 20, 2014).

19 Andrew Rettman, “Ashton Designates Six New ‘Strategic Partners,’” 2010, <http://euobserver.com/institutional/30828> (accessed June 24, 2014).

20 Ibid.

21 Herman Van Rompuy, “EU External Relations,” 2010, <http://www.consilium.europa.eu/uedocs/>

The European academic circle seems to be making more effort to search for the European meaning of “strategic partnership.” In their policy paper for the EU in 2010, Sven Biscop and Thomas Renard offered a clear explanation of why the EU needed a strategy:

In a world that is increasingly multipolar and interdependent – this is to say interpolar – the EU cannot continue to approach emerging global powers without a clear strategy. The EU has therefore created a new instrument to engage with other global actors: strategic partnerships.<sup>22</sup>

These two scholars point out the main rules of establishing a strategic partnership in a post-Cold War inter-polar world:

The first rule of strategy-making is to know thyself. Seemingly evident, it is actually not that clear which values and interests the EU seeks to safeguard, and which kind of international actor it wants to be. Therefore, the EU should start its strategic review by looking at itself and try to identify the purpose of its foreign policy. But there are many dangers in looking too much into the mirror, and furthermore the EU cannot pretend to become a strategic actor if it continues to ignore the other strategic players. This is not about knowing thy enemy (arguably the EU has no direct enemies, although strategic surprises should never be entirely ruled out), but about knowing “the other.” Finally, a last principle of strategy-making could be: know thy environment, or to put it in other words, know the rules of the game. If the EU hopes to become a global power, it needs to understand – or better to shape – the rules defining international relations.<sup>23</sup>

In his 2010 working paper for Friderici, a European think tank for global action, Giovanni Grevi argued that how strategic partnerships can be defined depends on how vital the partnerships are in helping to advance or achieve European interests and objectives:

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cms\_Data/docs/pressdata/en/ec/116494.pdf (accessed July 20, 2014).

22 Thomas Renard and Sven Biscop, “A need for strategy in a multipolar world: Recommendations to the EU after Lisbon,” *Egmont Security Policy Brief* no. 5 (2010), <http://aei.pitt.edu/14426/> (accessed June 25, 2014).

23 Ibid.

the EU should identify what its main interests and objectives are and consider strategic those partnerships that tangibly help it advance or achieve them. Strategic partnerships are those that both parties regard as essential to achieve their basic goals. This is because the cooperation of strategic partners can lead to win-win games and, conversely, because such partners are those who could inflict most harm to one another were relations to turn sour. Strategic partnerships are therefore important bilateral means to pursue core goals.<sup>24</sup>

Obviously, the EU itself is still searching for the meaning of “strategic partnerships.” The term normally means what the EU wants to achieve when establishing a strategic partnership. Its aims for strategic partnerships are to jointly promote effective multilateral cooperation while pursuing common challenges. Put simply, the EU desires to be an active actor in seeking common ground on issues of mutual interests and concerns, assisting each other’s political agendas and acting at both the regional and global levels. It is noticeable that what these issues of mutual interests and common concerns comprise is different from partner country to partner country. The nature of the EU’s strategic partnerships with emerging countries in general, and with China in particular, is that they allow the EU to pursue its goals and spread its norms at the international level.

### *Strategic Partnership from the Chinese Perspective*

Chinese leaders and scholars appear to have a clearer understanding of strategic partnerships compared to their European counterparts, especially with regards to the China–EU “strategic partnership,” for which they have displayed a positive stance and attitude. Speaking in 2004 at the Investment and Trade Forum jointly sponsored by China’s Ministry of Commerce and the Directorate General for Trade of the European Commission in Brussels, Chinese Premier Wen Jiabao explained what China means when referring to a comprehensive strategic partnership with the EU:

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24 Giovanni Grevi, “Making EU Strategic Partnerships Effective,” *Fride Working Paper* 105, 2010, [http://www.fride.org/download/WP105\\_Making\\_EU\\_Strategic\\_ENG\\_dic10.pdf](http://www.fride.org/download/WP105_Making_EU_Strategic_ENG_dic10.pdf) (accessed June 24, 2014)

It is a shared view of the two sides to work for a comprehensive strategic partnership. By “comprehensive,” it means that the cooperation should be all-dimensional, wide-ranging and multi-layered. It covers economic, scientific, technological, political and cultural fields, contains both bilateral and multilateral levels, and is conducted by both governments and non-governmental groups. By “strategic,” it means that the cooperation should be long-term and stable, bearing on the larger picture of China-EU relations. It transcends the differences in ideology and social system and is not subjected to the impacts of individual events that occur from time to time. By “partnership,” it means that the cooperation should be equal-footed, mutually beneficial and win-win. The two sides should base themselves on mutual respect and mutual trust, endeavour to expand converging interests and seek common ground on the major issues while shelving differences on the minor ones.<sup>25</sup>

In the twelfth China-EU summit in 2009, Premier Wen Jiabao elaborated on the concept of comprehensive strategic partnership and stressed that the current situation demanded that China-EU ties should be more strategic, comprehensive and stable. The EU and China needed to expand consensus on major issues concerning the development of the world community and deepen cooperation in political, economic and cultural areas:

The two sides should also make sure they are on the right path for sustainable development...I hope to have a candid and in-depth talk with the EU leaders. We need to make concerted efforts to ensure the meeting is a success, which could manifest resolutions of both sides on jointly coping with challenges and achieving common development...It is of great significance for both China and the EU, and will influence the world in a constructive way.<sup>26</sup>

Chinese analysts are positive about the necessity for developing the China-EU comprehensive strategic partnership even though the two sides have had disputes on such issues as the arms embargo, China's market economy status and trade. Therefore, the comprehensive strategic partnership

25 Wen Jiabao, “Vigorously Promoting Comprehensive Strategic Partnership Between China and the European Union,” 2004, <http://www.chinamission.be/eng/zt/t101949.htm> (accessed June 24, 2014).

26 Xinhua, “Wen Calls for more strategic, Comprehensive, Stable China-EU Ties,” 2009, [http://www.china.org.cn/world/2009-11/30/content\\_18978182.htm](http://www.china.org.cn/world/2009-11/30/content_18978182.htm) (accessed June 24, 2014).



presents a significant institution contributing to stability in China-EU ties. With this institution, China and the EU are able to have open dialogues on a broad range of issues including politics, economics, jurisdiction, society, culture, environment, technology and information.

Clearly, both Chinese and European leaders understand that their partnership is important to the prosperity of their economies and the advancement of their citizens. Their partnership also contributes to stabilizing the regional and global orders as both China and the EU are important players on the world's economic and political stage. In addition to the significance of the EU in China's foreign relations, the reality that Chinese analysts highly appreciate the partnership between their country and the EU indicates that the Chinese foreign policy circle embraces the concept of a strategic partnership. China has been seeking to build partnerships with different countries since the late 1990s.<sup>27</sup> For Chinese policy-making and academic circles, a partnership means that neither party should view the other one as an enemy; the parties need to treat each other with respect and equality; the parties should not intervene in each other's internal affairs; the parties need to coordinate with each other to advance their common political and economic interests and they need to support each other in international affairs. Although the concept of "strategic partnership" has not been well defined in general, it in fact represents an important institutional framework through which China can advance cooperation with its most important partners, especially with the EU. From the Chinese perspective, one of the fundamental functions of the strategic partnership is to increase consensus and reinforce mutual trust. This serves as a firm base from which China and the countries it sees as strategic partners can cooperate and coordinate in the international system and thrive in harmony.

## Conceptual Differences

Though the EU has released many policy papers on China and regarded China as its strategic partner, it continues to make complaints that there is more competition than cooperation in the China-EU strategic partnership. China has reflected its dissatisfaction with the EU by expressing that the EU approach to China tends to be commercial rather than strategic.

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27 Feng Zhongping and Huang Jing, "China's strategic partnership diplomacy: engaging with a changing world," European Strategic Partnerships Observatory Working Paper 8, June 2014, [http://fride.org/download/WP8\\_China\\_strategic\\_partnership\\_diplomacy.pdf](http://fride.org/download/WP8_China_strategic_partnership_diplomacy.pdf) (accessed November 16, 2014).

Their unhappiness with their strategic partnership is deeply rooted in the differences between their respective understandings of a strategic partnership.

China perceives strategic partnership as a long-term, well-rounded and stable relationship while the EU holds that such a partnership should be predicated on market penetration and a common approach to global governance. This comes from the fact that the EU is in its post-modern period while China is still emphasising the modernization of its society. Thus, the EU and China have been struggling to execute the proclaimed strategic partnership.

Though China and the EU use the same term of “strategic partnership” when speaking about their relationship, the connotations and conceptualizations of the term may be conceived differently. Jonathan Holslag stated that: “Europe’s posturing as a liberal normative power has resulted in a strategic disconnect with China.”<sup>28</sup> Eberhard Sandschneider, a European scholar, observed that “most so-called ‘strategic partnerships’ are not ‘strategic’ in a strict sense of the word. In a more narrow definition, strategic partnerships should be based on a mutual perspective on basic values, interests and actions to be taken in specific situations.”<sup>29</sup> Regarding the partnership between China and the EU, he underlined that “China is too big and the EU is too multifaceted to simply declare a ‘strategic partnership’ and paint the world in black and white.”<sup>30</sup>

Stanley Crossick echoed Jonathan Holslag’s view when adding that the current relationship between China and the EU is neither a partnership nor strategic.<sup>31</sup> Gustaaf Greeraerts emphasized that China and Europe have to agree on which interests they will build the pillars of their strategic partnership. One of the main setbacks in the EU-China relationship has been its obsession with dialogues without a common view on how the world order actually binds them together.<sup>32</sup>

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28 Jonathan Holslag, “The Strategic Dissonance between Europe and China,” *Chinese Journal of International Politics* 3, no. 3 (2010), <http://cjip.oxfordjournals.org/content/3/3/325.full> (accessed June 24, 2014).

29 Eberhard Sandschneider, “The Strategic Significance of China-EU Partnership,” 2009, <http://www.cpifa.org/en/q/listQuarterlyArticle.do?articleId=40> (accessed July 10, 2014)

30 Ibid.

31 Stanley Crossick, “China-EU Strategic Partnership: State of Play,” 2009, <http://crossick.blogactiv.eu/2009/10/13/china-eu-strategic-partnesr-ship-state-of-play/> (accessed July 22, 2014)

32 Gustaaf Greeraerts, “China, the EU and the New Multipolarity,” *European Review* 19, no.1 (2011), <http://www.vub.ac.be/biccs/site/assets/files/apapers/China,%20the%20EU%20and%20Multipolarity-2.pdf> (accessed July 24, 2014)

The Chinese academic circle appears to be cautious about the substance and realization of a EU-China strategic partnership, and they especially question whether the EU is able to fulfill the promise of a strategic partnership.

### **Impacts of Conceptual Differences**

The conceptual differences regarding strategic partnership give clues as to why there is still friction between the EU and China. Since the late 1990s, the EU has been seeking to socialize China with its own post-modern values such as respecting the rule of law, promoting human rights, and creating a liberal economic order. The EU has expected to advance those values in China through conditional and constructive engagement. Yet the reality shows that the EU and China have not agreed on these values. China's stance in multilateral organizations indicates that its eco-political goals and norms are still different from those of Europe. This divergence can be seen in their views and attitudes towards Africa, Iran, and climate change. The EU believes that they can further cooperate with China on the issue of climate change, yet this has turned out to be a source of tension. In particular, the EU has not succeeded in pushing China to fully open its markets. Though China entered the World Trade Organization in 2001, it was reluctant to further open new sectors. The EU has been worried about the possibility that the Chinese state may use its invisible hand to exert influence on China's economic transition. This implies that the EU has not gained what it expected to achieve from its relations with China.

With its values of democracy, freedom, human rights, and good governance, the EU may think of itself as a good strategic partner in the international system. Yet it does not seem easy for the EU to attract China with these values. Thus, developing a strategic partnership between the EU and China is still a very daunting task. Modern states and post-modern states naturally have difficulty in adapting to each other. This is even more difficult for China (a modern state) and the EU (a post-modern state) as they have to do it in a changing world order.

### **Managing the Differences**

The conceptual gap between the EU and China in understanding strategic partnerships, especially the EU-China strategic partnership, is hard to close because of two main reasons. First, both the EU and China have ill-

defined concepts of a strategic partnership. Second, the concept of the EU-China strategic partnership has been affected by dynamic developments in their relationship at bilateral, regional, and global levels. As the would-be superpowers, China and the EU are both employing the instrument of strategic partnership as a means to realize their ambition of becoming influential actors on the world stage. The lack of clearness in conceptualizing a strategic partnership and of historical knowledge of the other caused by physical distance and commercial dominance has resulted in friction and conflict in EU-China relations. Put simply, the gap in a shared understanding of the term “strategic partnership” has led to increasing frustrations in the EU-China relationship. This gap needs to be bridged.

Both China and the EU have a responsibility to manage this gap. Four steps should be taken into consideration by the two sides. First, they need to have a better knowledge of each side’s norms and values. This means that an extensive examination of the differing backgrounds of linguistics, histories, societies, politics, economics and cultures in China and the EU needs to be carried out. This will be a starting point for the EU and China to learn about the hidden factors shaping the Chinese and European perspectives and thus their respective perceptions of strategic partnerships. Both China and the EU need to find out the other’s preferences as the EU and China are currently at different stages of development.

Second, the EU and China need to push forth the development of a common strategic concept. This has invited more debate from scholars and policy-makers. Such a debate will help to set up policy priorities and strategies that will assist in the successful implementation of strategic policies. Thus, more strategic debate is necessary within the EU as well as in China.

Third, a clear expression of priorities, interests, and aims would help to enhance mutual trust between China and the EU. For instance, if the EU can have a better understanding of the priorities that its strategic partner China has set forth, it will be able to shape its policy towards China. To achieve this, the EU should also demonstrate to China what it is prioritizing on its agenda. The exchange of priorities, interests and aims can be supported by the exchange of people. More programs allowing the exchange of scholars and policy-makers who would be allowed to live in each other’s countries for a certain period of time would help enhance mutual understanding of each other’s perspectives and policy lines.

Last but not least, both China and the EU should make concerted efforts in building their partnership. Though this is not a natural partnership,

it is necessary for both China and the EU to sustain a partnership with each other. The rhetoric of a declining EU and rising China can negatively influence the minds of decision-makers in China and the EU. However, it is the global challenges for and the interdependence of these would-be great powers that put them in a situation in which it is necessary to understand and compromise with each other.

## **Conclusion**

The conceptual differences of a strategic partnership may have heavy costs. Clarity of thought would contribute to building a real strategic partnership between the EU and China. This paper explains that China and the EU both expect to be each other's strategic partners. However, their understanding of strategic partnership is not the same and so they expect to achieve different goals in the partnership. The conceptual differences on strategic partnership help to explain why frustrations remain between the EU and China. The EU's endeavors to enforce the rule of law, promote human rights, and create a liberal economic order on a global scale seem to clash with China's concentration on economic development and modernization. This means that it will continue to be an uphill journey for the EU to realize its strategic partnership with China. This journey can be successful if both the EU and China see that this partnership is in their interests and if they advance research on each other's historical, linguistic, cultural, eco-political, and social backgrounds, support people-to-people exchange programs, invite more debate on common strategic concepts, and clearly express their priorities and goals. Another important factor that will decide whether the EU and China can be real strategic partners is whether or not they are willing to make concerted efforts to coordinate with each other. Building a strategic partnership is not easy, and it is particularly difficult in the case of the EU and China. **Y**



## ESSAYS

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# THE GREEN DÉTENTE: ENVIRONMENTAL NEGOTIATIONS AS A TRUST-BUILDING MECHANISM FOR THE TWO KOREAS

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*Countries worldwide are increasingly attempting to address issues involving climate change and the environment, and the same phenomenon is occurring in the Korean Peninsula. The Republic of Korea is taking a growing leadership role in the global movement towards green growth. But what if this momentum was directed closer to home? This paper aims to assess the Green Détente as a policy mechanism for trust-building on the Korean Peninsula. It attempts to explore whether opportunities are available for environmental cooperation between the two Koreas as a stepping stone to future bilateral exchange.*

After over 60 years of division, the Korean Peninsula still remains a highly polarized geopolitical arena. Issues involving nuclear weapons tests, human rights violations, drug trafficking, and cyber warfare surround the poor, isolated Democratic People's Republic of Korea, while its richer, capitalist southern neighbor, the Republic of Korea, now boasts a full-fledged democracy and is an increasingly important international player in middle power diplomacy. While much of the world has started to view North Korea with keen interest, its seemingly aberrant behavior and a lack of transparent information have made North Korea one of the most complex and difficult diplomatic challenges today. For its immediate neighbors, especially South Korea and Japan, provocative actions from the Kim regime pose an urgent regional security concern.

Peace and stability on the Korean Peninsula and its vicinity, therefore, depend largely on North Korea and its relations with its neighbors. However, due to continued mistrust and political impasse, improvements in diplomacy



seem unlikely. This paper will examine an alternative policy instrument, namely environmental negotiations, as a key means of trust-building on the Korean Peninsula. First, the paper will survey the development of environmentalism in South Korea and its engagement with environmental policy making in the domestic and international spheres. Second, it will describe North Korea's current environmental situation, its underlying causes, and the regime's domestic responses. Last, the paper will explore environmental cooperation as an inter-Korean exercise and discuss future prospects, developments, and challenges. This research serves to enhance the understanding of the role the environment has played in South Korea's recent history and suggests possibilities for its role in the future of South Korea's foreign policy developments, especially in engaging North Korea.

### **South Korea and the Environment: A Policy Tool**

South Korea's efforts for environmental cooperation in Northeast Asia began within the past century when growing public awareness of the consequences of environmental degradation resulted in multiple international regimes on the protection of various environmental issues. While regional environmental cooperation in both Europe and North America has developed into largely functional entities, for countries in Northeast Asia, commonly defined to include China, Japan, Mongolia, North Korea, Russia (the Russian Far East), and South Korea, regional steps to environmental cooperation have materialized only recently within the past two decades.

Environmental issues are numerous in scope and variety, but one key common trait is its trans-boundary nature. Rapid industrialization and urbanization in Northeast Asia, largely driven by energy and resource-intensive industries, have led to remarkable economic growth while simultaneously placing strains on the environment. Air and water pollution, increased carbon emissions, and waste discharge are some of many direct ramifications of industrialization, but deforestation, desertification, water scarcity, land degradation, biodiversity loss, and threats to ecosystem and health are all pressuring Northeast Asia in multidimensional ways. Because such environmental externalities can be unidirectional, multidirectional, or both, there has been an increased awareness of and recognition for the environment as transcending national boundaries and posing risks that incur economic, social, and health costs; with issues such as acid rain, marine pollution, and more recently dust and sandstorms becoming prominent, an increasingly environmentally conscious civil society is taking shape.

Environmental movements in South Korea developed largely in tandem with domestic democratization movements. After the Korean War, South Korea's primary policy goal was two-fold: national security, with unbridled, export-oriented economic growth as the main method of achieving this goal, and a foreign policy that reflected its staunch, anti-Communist world view.<sup>1</sup> The speed of South Korea's economic growth resulted in an equally rapid destruction of the environment. In fact, former President Park Chung-hee, who governed South Korea from 1961 to 1979 under authoritarian rule, was noted to have stated in 1962 at Ulsan, an industrial city housing petrochemical industries and later shipyard and automobile assembly lines, "Dark smoke arising from factories is symbolic of our nation's growth and prosperity."<sup>2</sup> While small environmental groups, often based in universities, had existed since the 1970s, it was not until the 1980s that environmental movements began to gain a foothold in civil society. Expansions in environmentalism occurred from a convergence of several factors. First, by the late 1980s, South Korea entered phases of democratization, with social movements that placed pressure on the government to introduce domestic policies that focused on overlooked public needs. Among these various issues included the environment, which by this point was noticeably degraded at the expense of rapid economic development. Expanded efforts in environmentalism by a now wealthier society with more political freedom resulted in marked changes in civil society. In 1990, the Environment Administration, formerly a subsidiary of the Ministry of Health and Society, was promoted to the Ministry of Environment, and greater measures were set in place by the judiciary to ensure strengthened environmental protection.<sup>3</sup>

While democratization in the late 1980s accelerated the mobilization of civil society in environmental issues, it was not without precedent. In 1982, the Korea Pollution Research Institute (KPRI), the first organized environmental group in South Korea, was founded and had since its inception played an important role in raising environmental awareness. Despite its limited political capacity, KPRI was responsible for exposing environmental disasters such as the Onsan Illness, a public health scandal that involved local drinking water being chemically contaminated by the Onsan Industrial Complex. Developments in democratization allowed environmental groups

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1 Esook Yoon, "South Korean Environmental Foreign Policy," *Asia-Pacific Review* Vol. 13, no.2 (2006): 76.

2 Su-Hoon Lee, "Environmental Movements in South Korea," in *Asia's Environmental Movements: Comparative Perspectives*, ed. Yok-shiu F. Lee and Alvin Y. So (New York, Routledge: 1999), 90-96.

3 Yoon, 77.

to organize and expand, while increased media coverage on environmental scandals, including tap water contamination in Seoul or phenol pollutants in the upper Nakdong River, transformed these issues to matters of personal concern. By 1992, 8,884 cases of environmental issues received newspaper coverage, a tremendous increase from 479 cases just one decade before.<sup>4</sup>

The 1992 United Nations Conference on Environment and Development, also known as the Earth Summit, in Rio de Janeiro further strengthened South Korea's growing environmental outlook. At Rio, South Korea viewed environmental issues as a strategic niche market for foreign policy and positioned itself as a mediator between developed and developing countries. It urged developed countries to the principle of common but differentiated responsibility while simultaneously offering financial assistance to developing countries.

Soon after the Earth Summit, South Korea focused on establishing a regional architecture for environmental cooperation. In 1992, the South Korea-led environment symposiums with Japan initiated in 1988 was reorganized as the Northeast Asian Conference on Environmental Cooperation (NEAC), a forum that now includes China, Mongolia, and Russia and encourages sharing of environmental information and understanding. In 1993, South Korea partnered with the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), and the Asian Development Bank (ADB) to establish the North-East Asian Subregional Programme for Environmental Cooperation (NEASPEC). With all Northeast Asian countries represented, NEASPEC allows comprehensive multilateral cooperation based on capacity building and information sharing to address environmental challenges in the region. In 1994, as part of the UNEP's Regional Seas Programme, South Korea hosted the first meeting for the Northwest Pacific Action Plan (NOWPAP) with all Northeast Asian countries except Mongolia for collaboration on coastal and marine environments. In 1999, South Korea initiated the Tripartite Environmental Ministers Meeting (TEMM) with China and Japan to promote environmental management among the three countries. TEMM meets on an annual basis and collaborates on multiple areas of the environment including climate change, biodiversity, contamination control, dust and sandstorms, and electronic waste. At present, South Korea cooperates with all countries in Northeast Asia on a bilateral level on environmental issues,

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4 Su-Hoon Lee, 105.

except with North Korea.<sup>5</sup>

### **Segyehwa (Globalization) and the Environment: Integrating with the Global Community**

South Korea's explosive engagement in environmental multilateralism (and bilateralism) strongly correlates with its overall policy pursuing globalization in the 1990s. With the end of the Cold War and South Korea's admittance to the United Nations in 1991, *seggyehwa*, or literally globalization, became South Korea's top policy objective. Used as a public slogan by former President Kim Young-sam from 1993 to 1998, *seggyehwa* represented South Korea's first push towards gaining leadership and a greater role in the international community. Recognizing South Korea's dire need for integration with the global community, Kim announced in 1995 six different *seggyehwa* targets that would help South Korea develop into a global player: education, the legal and economic order, politics and the press, public administration, the environment, and culture and attitudes.<sup>6</sup> This belief translated directly in the administration's foreign policy. Kim's first foreign minister, Han Sung-joo, declared in 1993 the following:

With the advent of the era of globalism, Korea's diplomacy needs to pay more attention to such universal values as freedom, justice, peace and welfare... We will take an active part in international efforts to tackle global issues such as international peace and security, disarmament and arms control, eradication of poverty, protection of environment, and efficient utilization of natural resources. Through such engagement, we will play our due part in making a more just, safe, and prosperous world.<sup>7</sup>

South Korea quickly joined multiple multilateral and intergovernmental organizations following this time. It joined the WTO in 1995, the OECD in 1996, and became a part of 21 different treaties and institutions under the

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5 Esook Yoon, 83.

6 B.C. Koh, "Segyehwa, the Republic of Korea, and the United Nations," in *Korea's Globalization*, ed. Samuel S. Kim (Cambridge, Cambridge University Press: 2000), 198.

7 Ibid.

United Nations.<sup>8</sup>

By now, the environment was firmly established as a domestic issue and by recognizing the environment's increasing importance on the global playing field, a large component to *seggyehwa* thus became devoted to mobilizing South Korea's global efforts on the environment. Needless to say, South Korea became involved in most of the major global environmental agreements since then: the Montreal Protocol in 1989, the Convention on International Trade in Endangered Species of Wild Fauna and Flora in 1993, the Basel Convention on International Trade in Hazardous Wastes in 1994, the United Nations Framework Convention on Climate Change (UNFCCC) in 1994, the Ramsar Convention on Wetlands in 1997, the Convention to Combat Desertification in 1999, and the Kyoto Protocol in 2002. Han stated to the United Nations that South Korea, as the world's thirteenth largest economy at the time, planned to "assume responsibilities commensurate with [its] standing in the international community," and Kim Yong-sam's *seggyehwa* policy and South Korea's international commitments both indicate the importance it placed on the environment as an area for Korea to grow its international stature.

These efforts towards multilateralism on the global scale have worked in tandem with South Korea's regional leadership at bolstering environmental cooperation in Northeast Asia. South Korea has played a strategic role in mediating between developed and developing countries in the Earth Summit, and now its emphasis on environmental leadership suggests middle power diplomacy in a regional and international arena that is without clear leaders. In Northeast Asia, juggling between the two regional powers, China and Japan, presents a daunting task, but environmental negotiations offer an opportunity for South Korea to maneuver strategically around pressing issues, especially since environmental issues also touch upon economic growth, energy security, and national security.

### *Using the Environment to Fuel Economic Growth*

On February 2008, former President Lee Myung-bak revealed his Low-Carbon and Green Growth Strategy, a set of plans for South Korea's long-term development that Lee claimed to be a "new national development paradigm." Lee's strategy offered to tackle the impact of the worsening global recession on the domestic economy with an economic stimulus package of

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8 Yoon, 79.

US\$ 38.1 billion, 80 percent of which was allocated to “more efficient use of resources such as fresh-water, waste, energy-efficient buildings, renewable energies, low-carbon vehicles, and the rail network.”<sup>9</sup>

Less than one year later, South Korea officially announced its National Green Growth Strategy, which included the Five-Year Plan for Green Growth (2009-2013) that aimed to implement Lee’s vision of sustainable growth through a set of three strategies and ten policy directions.

*Table 1: Five-Year Plan for Green Growth (2009-2013),  
Strategies and Policy Directions<sup>10</sup>*

Strategies	Policy Directions
1. Measures for climate change and securing energy independence	1. Reduce carbon emissions
	2. Decrease energy dependence and enhance energy self-sufficiency
	3. Support adaptation to climate change impacts
2. Creation of new growth engines	1. Develop green technologies as future growth engines
	2. Greening of industry
	3. Develop cutting-edge industries
	4. Set up policy infrastructure for green growth
3. Improving quality of life and strengthening the status of South Korea	1. Green city and green transport
	2. Green revolution in lifestyle
	3. Enhance global cooperation on green growth

Source: UNEP Overview of the Republic of Korea’s National Strategy for Green Growth (2010)

While the environment has always been a key policy mechanism for South Korea’s foreign diplomacy as seen thus far, the National Green Growth

9 United Nations Environmental Programme (UNEP), *Overview of the Republic of Korea’s National Strategy for Green Growth* (Geneva, 2010), 6.

10 UNEP, 17.

Strategy represents a significant change in national understanding of the country's priorities. Some experts, such as Esook Yoon, have criticized South Korea for cherry-picking international environmental agreements based on its economic priorities. More specifically, while South Korea has often led regional environmental initiatives and adopted most global frameworks governing environmental issues since *seggyehwa*, Yoon claims economic interests more than the environment," especially in relation to climate change negotiations and sewage discharge into coastal waters, two environmental challenges that pose a significant economic cost to South Korea.<sup>11</sup> Although this may have been true as of Yoon's publication, South Korea has since then stepped up its environmental governance in the international arena. In 2009, South Korea became the first non-Annex I Party to the Kyoto Protocol to voluntarily reduce its carbon emissions by 30 percent by 2020, the highest reduction level recommended by the Intergovernmental Panel on Climate Change to developing countries.<sup>12</sup> From 2012 to 2014, the Ministry of Land, Transport and Maritime Affairs (MLTM) has tightened enforcement on dumping wastewater into the ocean in multiple phases, banning the disposal of livestock manure and sewage sludge into the ocean in 2012, food wastewater in 2013, and industrial wastewater and sludge in 2014.<sup>13</sup> South Korea's petition to expand the Global Green Growth Institute from a nongovernmental organization to an intergovernmental body, as well as its attempts to host the Green Climate Fund, both of which were successful, show its dedication to match words with action. These developments in the international front coincide greatly with a revised domestic understanding of the importance of the environment as a policy instrument.

Critics of the National Green Growth Strategy claim that the government has merely green-washed existing industries by placing uneven emphasis on large construction projects that inherently create carbon emissions or nuclear and hydropower projects whose environmental friendliness are questionable.<sup>14</sup> Whether South Korea's green growth paradigm will allow economic growth by addressing root sources of

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11 Yoon, 80.

12 UNEP, 9.

13 Sayuri Umeda, "South Korea: Ban on Dumping of Food Wastewater in the Ocean Comes to Force," *Library of Congress*, February 7, 2013, [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205403482\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403482_text) (accessed April 27, 2015).

14 For more information, refer to Maggie Mazzetti, "Assessing South Korea's National Strategy for Green Economic Growth," *SAIS US-Korea Institute 2011 Yearbook* (2011): 71-74.

environmental problems or present merely a rebranded “business-as-usual” approach remains to be seen. Nonetheless, domestic dialogue on the environment and its nontraditional roles in policymaking has undoubtedly made its mark.

## North Korea’s Environmental Crisis

### *Ideology and North Korea’s Environment*

While South Korea honed its environmental diplomacy, North Korea has led a different approach to environmental decision-making. Central to North Korea’s political worldview is its *juche* ideology of self-reliance. While *juche* has been studied to grasp a better understanding of North Korea’s political economy, it also presents an opportunity to comprehend the nature of environmental discourse in North Korea and how that may come to change in the future.

In understanding environmental discourse in North Korea, Atkins et al. (1998) underscore the need to place North Korea in the context of modern Korean history. Repressed under Japanese occupation and severely debilitated by the Korean War, North Korea has viewed itself as an embattled state, “with few friends [and] a hostile natural environment with a mountainous topography that restricts the amount of arable land and climate extremes swinging from severe floods one year to drought the next.”<sup>15</sup> For Kim Il-sung, the environment represented a natural challenge, one that was “but another enemy to be defeated by socialist ingenuity.” In 1981, Kim declared, “It is the duty of communists to master and remake nature.”<sup>16</sup>

With *juche*, a central tenet to self-reliance is the concept of human domination over nature and technological optimism. Humans are able to modify nature through modern technology so that social benefit is maximized, and this concept was sustained through the implicit assumption that natural resources are effectively limitless. With this ideological outlook, North Korea carried on numerous environmental projects, including the irrigation of 1.4 million hectares of cultivable land that included 1,700 reservoirs fed by

15 Peter Atkins, Ian Simmons and Brian Roberts, *People, Land and Time* (Oxford, UK: Hodder Education, 1998), 228.

16 Peter Atkins, “The Dialectics of Environment and Culture: Kimilsungism and the North Korean Landscape,” in *Environment and Development: Views from the East and the West*, ed. Amitava Mukherjee and V.K. Agnihotri (New Delhi, Concept: 1993): 309-32.



25,800 pumping stations, 40,000 kilometers of irrigation canals, and an interconnected system of hydropower plants.<sup>17</sup> Massive land reclamation projects also ensued: the Nampo West Sea Barrage, 300,000 hectares of new arable land by 1987, 100,000 hectares of tideland reclamation, and the damming of multiple rivers and bays.<sup>18</sup>

These major infrastructure projects altered the North Korean landscape, giving what Atkins claims is a “human meaning of landscape.”<sup>19</sup> North Korea’s top-down approach in unilaterally transforming nature to fit its political and economic needs further became apparent at the onset of its economic collapse with the demise of Communism in Eastern Europe in 1989 and the fall of the Soviet Union in 1991. To date, studies by the UNEP show that North Korea suffers immense challenges in deforestation, water quality degradation, air pollution, and land degradation.<sup>20</sup> According to Byun, systemic problems plagued North Korea as well: a focus on heavy industries that prioritized quantitative growth, competition for legitimacy with South Korea, unsustainable dependence on low-grade coal especially after the fall of the Soviet Union, inability to invest in protection facilities and infrastructure, and the absolute absence of civil society groups.<sup>21</sup>

Perhaps recognizing the severity of its state of the environment, North Korea has also begun to initiate internal projects aimed at improving the environment, namely the “National action plan for land degradation/desertification and drought protection (2006-2010)” or the “Ten-Year Plan for Afforestation/Reforestation (2003).”<sup>22</sup> However, these policies have not yet shown profound impact in recovering the environment.

### *State of the Environment*

In 2003, UNEP, in partnership with UNDP and the National Coordinating Committee for Environment, published the first (and only) state of the environment report on North Korea, providing a comprehensive survey of environmental problems faced by North Korea at that time. Without much improvement in North Korea’s economy, it is highly unlikely that the

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17 Ibid.

18 Ibid.

19 Ibid.

20 United Nations Environment Programme (UNEP), *DPR Korea: State of the Environment* (Bangkok, 2003).

21 Jinsuk Byun, “The Environmental Issues of a Unified Korea,” (paper presented at the 1st Annual Conference of the CSIS-USC Korea Project, Los Angeles, California, August 20-21, 2010).

22 UNEP, 14.

environmental challenges detailed by UNEP have improved in recent times; it is much more likely that environmental issues have worsened. These issues are summarized below to provide a contextual background for discussions to follow:

Table 2: Summary of Environmental Challenges in North Korea

Environmental Issue	Cause	Effect
1. Deforestation	Conversion to low-grade agricultural land	More than 40 percent of forested lands lost since 1985
		Increased vulnerability to extreme climate events (e.g. severe floods, landslides, and mud flows)
	Source of firewood to meet energy demand	Production of firewood for heating increased from 300 million m <sup>3</sup> in 1990 to 720 million m <sup>3</sup> in 2000
2. Land Degradation	Very high levels of fertilizer and pesticide use	Unstable agricultural systems
		Soil acidification
		Increased water degradation from runoffs
3. Water Quality Degradation	Around 70 percent of industrial sites not properly installed with industrial wastewater treatment facilities	Severe industrial pollution in waterways. For example, more than 50 percent of sewage is dumped into the Taedong River without treatment.
4. Air Pollution	Heavy dependence on coal for primary energy.	High levels of air pollution (specific data unavailable)
	Heavy industrial dependence on mining and manufacturing	High levels of air pollution (specific data unavailable)

Information adapted from UNEP DPR Korea: State of the Environment (2003)<sup>23</sup>

23 The energy sector in North Korea is comprised of 70 percent coal, 15 percent hydropower, and the

## Recent Developments

While official data on the state of North Korea's environment still remain elusive, several recent developments allow room for optimism, especially in agricultural reform and increased desire for external assistance.

Lankov (2015) states that a policy of agricultural reforms in 2013, also known as the "6.28 Measures," has helped increase agriculture in North Korea to around 5.1 million tons of grain, which is above the recent average of 4.5 million tons.<sup>24</sup> The 6.28 Measures allow for one or two neighboring families to register as a "small work team" and retain 30 percent of their annual harvest. Similar to policies implemented in China in 1978 when agricultural production jumped by 50 percent within seven years, these reforms, Lankov claims, will bring "easy economic improvement, both in the countryside and in major cities." This has also had a considerable impact on stabilizing North Korea's market rice prices, which are often used as proxies to gauge inflation in the country.<sup>25</sup>

North Korea has also increasingly invited foreign experts to assess its environment in the hopes of obtaining strategies on restoration and improving food security. For instance, in March 2012, North Korea partnered with the American Association for the Advancement of Science and the Chinese Environmental Education Media Project to host a conference that brought together 14 scientists from eight different countries with 75 local scientists and officials.<sup>26</sup> On a related note, Habib (2013) has found that North Korea is increasingly a willing participant of the UNFCCC in the international dialogue on climate change, despite its confrontational nuclear diplomacy. Habib attributes this change in stance to four possibilities: 1) using the UNFCCC as a means to address climate change vulnerabilities, 2) using the UNFCCC to address vulnerabilities in agriculture via capacity-building provisions, 3) using the UNFCCC to modernize the energy sector, and 4) using the Clean

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rest on timber, which is used disproportionately for cooking and heating by those living away from North Korea's industrial centers. Refer to Byun (2010).

24 Andrei Lankov, "North Korea Farm Policy Changes Point to Better Harvests," *Radio Free Asia*, February 4, 2015, <http://www.rfa.org/english/commentaries/parallelt-thoughts/lankov-farm-03042015120240.html> (accessed April 27, 2015).

25 Kang Mi Jin, "Trade and Rations Behind Stable Prices," *Daily NK*, February 3, 2015, <http://www.dailynk.com/english/read.php?catId=nk01500&num=12938> (accessed April 27, 2015).

26 Joanna M. Foster, "North Korea's Choked Environment," *New York Times*, March 30, 2012, <http://green.blogs.nytimes.com/2012/03/30/q-and-a-north-koreas-choked-environment/> (accessed April 27, 2015).

Development Mechanism (CDM) to obtain foreign currency revenue.<sup>27</sup> In fact, North Korea is currently home to seven hydropower projects that may generate up to 241,000 Certified Emission Reductions (CERs) that are valued at US\$ 1.3 million.<sup>28</sup> These developments show that North Korea is now voluntarily participating with the outside world on issues related to the environment as long as such participation caters to the interests of the regime.

## Environmental Negotiations: Future Prospects, Developments, and Challenges

### *Green Détente: The Environment and the Final Frontier*

As established thus far, South Korea has had a history of mobilizing environmental dialogue for strategic purposes (integrating with the international community, initiating regional middle power diplomacy, or utilizing green industries to propel economic growth). President Park Geun-hye's Green Détente is a continuation of this trend. Park's Green Détente aims to direct South Korea's expertise in environmental negotiations to the Korean Peninsula and engagement with North Korea.

Historically, previous attempts at inter-Korean reconciliation have occurred mostly from unilateral humanitarian and food aid from South Korea. The Green Détente instead recognizes that unilateral aid alone can neither reduce political and military anxiety nor lead to sustainable practices in restoring the environment. At the core of the Green Détente is the understanding that environmental cooperation is a symbolic venture that will allow a platform for apolitical, non-military dialogue that can help restore the environment in North Korea while also providing an opportunity for economic growth throughout the peninsula. It assumes that South Korea will be the net giver of environmental services through technology transfers, financial assistance, facility and equipment support, and sharing of research and know-how. The Academy of DMZ Sciences lists multiple areas of industry that are potential candidates for cooperation: reforestation, CDM projects,

27 Benjamin Habib, "DPRK Meets UNFCCC: An Introduction to North Korea's Interactions with the International Climate Change Regime," *International Review of Korean Studies* 10, no.1 (2013): 65-83.

28 Ladka Bauerova and Alessandro Vitelli, "North Korea, Eco State?" *Bloomberg Business*, May 31, 2012, <http://www.bloomberg.com/bw/articles/2012-05-31/north-korea-eco-state> (accessed April 27, 2015).

agriculture, renewable energy, biodiversity protection and the DMZ Peace Park.<sup>29</sup>

While the Green Détente, as a North Korea-oriented foreign policy tool, is necessarily politicized, South Korea's rationale for environmental engagement is much broader than just diplomatic rapprochement and "trust-building." Rather, environmental cooperation with North Korea satisfies five of 10 policy directions in South Korea's Green Growth Plan; of the five, all four policy directives in Strategy 2: Creation of New Growth Engines are included (see Table 1). With Japan already a global leader in cutting-edge green technologies and China exhibiting economies of scale from unbridled investments in renewable energy, the danger of being squeezed out of the market for South Korea is high. Providing assistance to North Korea in the environmental sector presents an untouched market and an opportune moment for South Korea to develop and export green technologies.

There are several ways to evaluate whether the Green Détente will be a feasible policy option. First, South Korea has an obvious advantage in capital and technology that can be mobilized to develop guidance and partnership in the environment, an area in which North Korea is currently seeking assistance. Second, as noted previously, North Korea is interested in hosting CDM projects, and the Green Détente presents an opportunity for both Koreas to engage in positive UNFCCC-based initiatives. Third, by partnering with UNDP and UNEP, both of which have field experience working in North Korea, the Green Détente presents a greater opportunity to develop a legitimate environmental community throughout the peninsula. However, significant challenges threaten the successful implementation of the policy. First, there is a disconnect in the scientific research, technological development, and cultural awareness between the two Koreas. More importantly, there lacks a framework within South Korea for these expert communities to converge and attain a mutual understanding of North Korea. For instance, in a survey of South Korean experts on how to best install renewable energy capacity in North Korea, Sul-Ki Yi has found that differences between the perspectives and positions of engineers, security experts, and foreign policy experts are difficult to bridge, given their distinctly different priorities and viewpoints.<sup>30</sup> Second, South Korea's May

29 The Academy of DMZ Sciences, *Geurindaetang teureultonghan hwangyeong gongdong chaeuchujin banghyang* [Policy Directions for an Environmental Community through Green Détente] (Seoul: The Academy of DMZ Sciences, 2013), 38-132.

30 Sul-Ki Yi, Hwa-Young Sin and Eunnyeong Heo, "Selecting sustainable renewable energy source for energy assistance to North Korea," *Renewable and Sustainable Energy Reviews* (2011), 562.

24 Measures, which ban most trade between North and South Korea, trips to the North, and aid to North Korea, make it difficult for any component of the Green Détente to actually materialize. Before the May 24 Measures were implemented, environmental NGOs in South Korea routinely provided North Korea with supplies to construct nurseries and greenhouse infrastructure as an effort to aid reforestation. In the current political environment, such exchanges are banned. However, as of April 27, 2015, the Ministry of Unification approved the shipment of 15 tons of fertilizer to North Korea by a South Korean charity group, showing signs that the May 24 Measures may be gradually easing to allow room for cooperation.<sup>31</sup>

### *North Korea and the Green Détente*

Implicit in the Green Détente is North Korea's willingness to cooperate. Recent examples of North Korea's openness in dealing with environmental issues show that the regime is willing to be flexible as long as its own policy objectives are met. Most experts view regime stability as North Korea's primary objective. Yet, as can be seen with the 6.28 Measures, top decision-makers in North Korea who were once afraid to implement small (but necessary) agricultural reforms in the event that they would trigger political crises are now relaxing control. Likewise, increased eagerness in participating with the UNFCCC comes at least at some level with an implicit acknowledgment of North Korea's vulnerability to climate change and the ramifications this susceptibility has on regime stability.<sup>32</sup> While North Korea undoubtedly shows greater flexibility in the environmental arena, there is no guarantee that North Korea will cooperate with South Korea on constructing an environmental community throughout the peninsula despite the Green Détente's potentially positive sum results. Furthermore, South Korea also lacks the leverage to coerce North Korea into cooperation other than simple goodwill diplomacy.

Whether the Green Détente will truly lead to a sustainable environmental paradigm in North Korea is another point of debate. Kihl and Hayes (1997) emphasize that the key to solving North Korea's environmental problems are four-fold: 1) institutional reforms are needed to internalize

31 Reuters, "South Korea allows first fertilizer aid to the North since 2010 sanctions," April 27, 2015, <http://www.reuters.com/article/2015/04/27/northkorea-southkorea-fertilizers-idUSL4N0XO1FV20150427> (accessed April 27, 2015).

32 Benjamin Habib, "Climate Change and the Terminal Decay of the North Korean Regime," (paper presented at the Oceanic Conference on International Studies, Brisbane, Australia, July 2-4, 2008).

currently ignored environmental externalities; 2) new technologies must be adopted in sectors such as forestry and mining; 3) pragmatic economic reforms, such as opening North Korea to foreign investment and introducing market-based pricing, should be adopted; and 4) building institutional capacities to monitor and enforce environmental regulations.<sup>33</sup> Not included in Kihl and Hayes' list, however, is the need for civil society to be included in the policy-making process. As seen in South Korea's experience with environmental movements, environmental management can only be sustained in the presence of an active civil society with access to political freedoms and symmetric information. It is no coincidence that environmental movements in South Korea occurred concurrently with increased democratization.

North Korea's political context obviously bars most of the five requirements mentioned above, and thus it remains to be seen if the Green Détente will just be a replay of South Korea's unilateral, aid-reliant engagement policies with its neighbor. However, the Green Détente presents an opportunity to provide technical assistance, supply badly needed green equipment, and transfer scientific know-how – channels that ultimately can lead to sustainable capacity-building. With environmental scientists from multiple countries already taking the initiative to create a more informed scientific community in North Korea,<sup>34</sup> it makes sense for South Korea to pursue its Green Détente policy despite the potential setbacks and uncertainties of feasibility.

## Conclusion

Looking at South Korea's history of environmental engagement, it becomes clear that its recent announcement of a Green Détente is an extension of traditional policy. Since democratization, South Korea has refined its environmental discourse, and the leadership roles it has played in both the regional and international spheres on environmental issues have distinct political inextricability. That South Korea has announced two major environment - themed policies in recent years – the National Green Growth

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33 Young Whan Kihl and Peter Hayes, *Peace and Security in Northeast Asia* (New York: M. E. Sharpe, 1997), 116-117.

34 Delegation members of the March 2012 environment convention hosted by Pyongyang have been aiming to create ongoing collaborations among scientists present at the meeting. For instance, one scientist is working with the Society of Ecological Restoration to set up a chapter in China to exchange technological information with North Korean scientists.

Strategy and the Green Détente – may seem odd to some, but in essence those two policies work in tandem to bring policy instruments in both domestic and foreign affairs under the guise of soft power diplomacy.

North Korea's stance is critical to the success of President Park's Green Détente. While numerous documented (and undocumented) uncertainties exist for the successful implementation of the Green Détente, the greatest possibility for failure rests simply in North Korea's unwillingness to comply. That North Korea's environment is in a severe state of deterioration is no recent revelation, but it is interesting to note that the Kim regime has become increasingly flexible in dealing with environmental challenges, whether by implementing small but unprecedented agricultural reforms, complying with climate change frameworks, or openly soliciting foreign researchers and environmental scientists. These new developments tend to suggest that North Korean leaders are starting to find the environment to be a venue for furthering their own policy objectives, namely regime stability and longevity, and with that comes a tacit acknowledgment of North Korea's vulnerabilities to climate change and environmental security.

While certain regulatory frameworks in South Korea, especially the May 24 Measures, currently hinder progress on the Green Détente, it remains to be seen whether the environment will ultimately play a greater role in building trust on the Korean Peninsula and hopefully become a common space for the two Koreas to cooperate in the hopes of sharing a united future. Y



# CHALLENGE TO THE NATION-STATE'S SOVEREIGNTY: THE INFLUENCE OF INTERNATIONAL AND EUROPEAN LAW IN TODAY'S GLOBALIZED WORLD

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*This essay aims to investigate the relationship between nation-state sovereignty and law in today's globalized world. It will do so by bringing about two specific examples: the influence of international and human rights law on national legal order in Libya and Syria and secondly, the European Union (EU) and its new legal order which prevails over the national law of the member states. The first part will be addressed by bringing about examples from Libya and Syria. In Libya, international law has prevailed in breaking the right of Khadafi to use force against civilians. On the other hand, in Syria, international law has failed to protect civilians because of the deadlock at the UN Security Council. Moreover, international law did not prevent Syria from enacting emergency laws which resulted in the arbitrary arrest or detention of people.*

Scholars have extensively argued both in favor of and against the concept of the nation-state sovereignty, especially in today's globalized world.<sup>1</sup> It is now widely accepted that globalization has influenced and changed the conventional notion and structure of sovereignty.<sup>2</sup> Sovereignty is an expression of power within the territory of the state, as defined during the 1648 Peace of Westphalia. This essay aims to investigate the relationship

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1 Eric J. Hobsbawm, *Nations and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1992); Samuel P. Huntington, "The Clash of Civilizations?" *Foreign Affairs* (1993): 22-49; Ali Khan, "The Extinction of Nation-States," *Am. UJ Int'l L. & Pol'y* 7 (1991): 197.

2 Kanishka Jayasuriya, "Globalization, Law, and the Transformation of Sovereignty: The Emergence of Global Regulatory Governance," *Indiana Journal of Global Legal Studies* (1999): 425.

between nation-state sovereignty and law in today's globalized world. It will do so by bringing about two specific examples: the influence of international and human rights law on national legal order in Libya and Syria and secondly, the European Union (EU) and its new legal order which prevails over the national law of the member states.

The scope is to prove that although states are still the main players in the international arena, globalization has changed their notion of sovereignty, especially in light of the existing body of international and European law.

### **Background: Globalization, the Nation-state and the Law**

Amongst the many definitions of globalization, the one that serves the purpose of this essay is given by Ulrich Beck. He depicts globalization as "the processes through which sovereign national states are crisscrossed and undermined by transnational actors with varying prospects of power, orientations, identities and networks."<sup>3</sup>

Although the term transnational actors commonly refers to multinational corporations, media, and non-governmental organizations (NGOs) for the purpose of this essay I also include intergovernmental organizations (IGOs), as argued by Kegley.<sup>4</sup> IGOs, such as the UN and the EU, have been provided with the capacity to make laws, and in this essay I wish to address the body of law created by those organizations.

Globalization has facilitated the flux of goods, services, capital and knowledge, and to some extent- the exchange of people; overall enabling the interlaced nature of today's markets.<sup>5</sup> Nevertheless globalization has also increased problems: the global spread of HIV/AIDS, environmental pollution, human rights abuses, drugs, arms, human trafficking and the spread of terrorism. These problems require an international solution, one which a sovereign state cannot find alone. They require regulations which will be binding upon the actors. To date, these problems have given rise to hundreds of treaties, mostly driven by transnational actors. International regulations have shifted the rights of the individual to the global arena. Human rights, for example, are today internationally established and not

3 Ulrich Beck, *What is Globalization?* (Cambridge: Polity Press, 2000), 11.

4 Charles Kegley and Shannon Blanton, *World Politics: Trend and Transformation, 2012-2013 Edition* (Cengage Learning, 2012): 148-149.

5 Joseph Stiglitz, "Globalization and Development," in *Taming Globalization: Frontiers of Governance*, ed. David Held and Matthias Koenig-Archibugi (Cambridge: Polity Press, 2003): 47.

rooted within the state.

According to Max Weber, the state is “a human community that claims the monopoly of the legitimate use of physical force within a given territory.”<sup>6</sup> Such a definition accepts the unilateral use of force by the leadership of every state. However, Stanley Hoffmann explains that the state is a form of social organization and a factor of international non-integration.<sup>7</sup> The latter point is an interesting one because even though the state might be a form of non-integration, in today’s globalized world, leaders are bound in their choices by the extensive body of international law.

Therefore, the law has an important role in the fate of state’s sovereignty. Michael Kirby said that “law represents the ultimate authority and expression of power of the nation-state.”<sup>8</sup> Yet, states are not the only sources of law. In fact, today more than ever, there are numerous legal systems, which are influencing the sovereignty of the nation-states.

### **Challenges to Sovereignty: International and Human Rights Law**

#### *Breaking the Territorial Sovereignty of the Nation-State*

International law prohibits the free use of force, and it is only justifiable by the UN in instances of self-defense.<sup>9</sup> Even when this occurs, it “shall be immediately reported to the Security Council.”<sup>10</sup> The power to use force or to authorize the use of force under Article 42, UN Charter, by the UN Security Council (UNSC) is “the heart of the collective security system,”<sup>11</sup> hence the power of states to use force within their territories is very limited, and consequentially, it also undermines the core findings of Weber’s definition of the state.

In the case of Libya, the UN Human Rights Council determined that Khadafy and his entourage had breached not only human rights but also civil and political rights.<sup>12</sup> The UNSC, in the first instance, adopted

6 Daniel Warner, *An Ethic of Responsibility in International Relations* (Lynne Rienner Publishers, 1991): 9.

7 Stanley Hoffmann, “Obstinate or Obsolete? The Fate of the Nation-State and the Case of Western Europe,” *Daedalus* 95, (1966): 862.

8 Michael Kirby, “Globalizing the Rule of Law? Global Challenges to the Traditional Idea of the Rule of Law,” in *Globalisation and the Rule of Law*, ed. Spencer Zifcak (Routledge, 2005): 65.

9 Charter of the United Nations Article 51.

10 Ibid.

11 Martin Dixon, *Textbook on International Law* (Oxford: Oxford University Press, 2007): 330.

12 HRC, *Report of the Human Rights Council on its Fifteenth Special Session*, February 25, 2011, A/

Resolution 1970 (2011) demanding the immediate end of the violence via peaceful means. It also invited the authority of Libya to respect human rights and humanitarian law, to permit the entrance of foreign observers, and to “lift restrictions on all forms of media.”<sup>13</sup> However, the Libyan authority did not comply with the resolution, and the UNSC was obliged to take further measures under Article 42 authorizing all necessary measures - hence the use of force - to protect civilians.<sup>14</sup>

In terms of human rights obligations, in 1989, the Libyan government ratified the First Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR).<sup>15</sup> Therefore, any individual who suffered a violation of their rights by the Libyan authority may bring a case before the Human Rights Committee (HRC) established by the covenant.

By becoming a party to the ICCPR, Libya has bound itself and is required to present regular reports to the HRC on the measures adopted to implement the covenant.<sup>16</sup> Additionally, the Libyan government must comply with any external legal obligations under the covenant. Since the ICCPR entered into force, “individual complaints under the Optional Protocol (ICCPR) have helped people obtain passports, seek asylum, be released from detention and exercise their internationally recognized human rights.”<sup>17</sup>

### *Limits of the Globalized Legal Order*

States accept international and human rights law on a voluntary basis. This is the weakness of international law, which only binds those states that have ratified international treaties and conventions. Only a few gave their approval to be judicially bound in human rights disputes.<sup>18</sup> In the case of Syria, its government did not ratify the Optional Protocol (ICCPR), and thus it does not recognize the jurisdiction of the HRC. Therefore, it would be difficult for an individual to make a claim against Syria regarding their right to freedom

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HRC/S-15/1 (2011).

13 UN Security Council, Security Council Resolution 1970, February 26, 2011, S/RES/1970 (2011).

14 UN Security Council, Security Council resolution 1973 [on the situation in the Libyan Arab Jamahiriya], March 17 2011, S/RES/1973 (2011).

15 Sarah Joseph, Jenny Schultz and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary* (Oxford: Oxford University Press, 2013), 671-676.

16 International Covenant on Civil and Political Rights, opened for signature December 16, 1966, 999 UNTS 171, art 40 (entered into force 23 March 1976).

17 Siân Lewis-Anthony, *Treaty Based Procedures for Making Human Rights Complaints Within the UN System* (Brill Transnational Publishers inc., 2004), 57.

18 Richard Bilder, “An Overview of International Human Rights Law,” in *Guide to International Human Rights Practice*, ed., Hurst Hannum (Boston: Transnational Publisher: 2004), 3, 12.

of expression, for example. Syria lacks integration in the global society, and since 1963 has established a form of social organization based on emergency law, which gives the security forces freedom to arbitrarily arrest and detain people, therefore suspending any constitutional rights for Syrian citizens.<sup>19</sup> Although this may be contentious from a Western perspective, it is the right of the sovereign nation to enforce such a law.

Unfortunately, states' individual perceptions of human rights can be very different. Society has a very broad mixture of cultural, political, social, and religious systems, adding to the unity dilemma regarding which rights should be protected through international law. Priorities are indefinitely different. Although, this apparently seems to undermine the point in support of the dismantlement of the nation-state's sovereignty, by signing most international treaties many countries have committed themselves to finding a point of convergence on the importance of implementing human rights.

### *Challenges for the Global Role of the UN Security Council*

Although the UNSC resolutions have a crucial role in limiting the sovereignty of nation-states, the Security Council has been highly criticized for appearing to be the "play thing of a few Western Powers."<sup>20</sup> Geoffrey Granville-Wood came about with such a statement after the UNSC issued sanctions on Libya in 1992 for the Lockerbie bombing, while the same treatment was not reserved for France following the bombing of Greenpeace's "Rainbow Warrior" in New Zealand.<sup>21</sup> The double standards of the UNSC put into question its accountability to establish a global rule of law. The two cases are unquestionably terrorist attacks, although the Lockerbie bomb caused hundreds of deaths, while in the Rainbow Warrior case, French secret agents "only" destroyed a ship.

Unfortunately, within the UNSC, clashes between the two ideals of respect for territorial sovereignty and human rights may arise in many international disputes. The UNSC deadlock has been a problem, especially in the case of Syria where the economic interests of China and Russia have prevented the implementation of a resolution to stop human rights abuses.

19 "Syria," Freedom House, <http://www.freedomhouse.org/report/freedom-world/2009/syria?page=22&year=2009&country=7713> (accessed October 5, 2012).

20 Geoffrey Grenville-Wood, "Sanctions against Libya Set a Questionable Precedent," *Bulletin of the UN Association of Canada* (1993), <http://plane-truth.com/Aoude/geocities/grenwood.html> (accessed October 6, 2014).

21 Ibid.

However, even though this seems to point out the unilateralism of the five permanent members of the UNSC, “countries like-minded should continue to work for an international system and put in place the fabric and structures that are needed.”<sup>22</sup> Clearly, unilateralism within the UNSC is not helping the process of creating an accountable body of international and human rights law. However, although the relationship between states is still the founding stone of the current international system, “without an accepted and binding international order with the United Nations at its center we are destined to a future where the powerful nations of the world make the rules but are not necessarily bound by them.”<sup>23</sup>

### *Reshaping the Notion of Sovereignty: the New European legal Order*

European integration is a successful example of regional globalization. It arose as a consequence of the incapacity of the European nation-states to solve two basic problems: to avoid expensive, devastating wars, and to manage economic competition.<sup>24</sup>

Since 1951, the European Community of Defence, the predecessor of the European Union (EU), has stunningly evolved. Today, the EU has legal personality, and the awarded Nobel Prize for Peace is recognition that “the EU is a unique project that works for the benefit of its citizens; the project that allowed us to unite in peace after devastating wars.”<sup>25</sup>

European integration is therefore the result of a technical supranational institution, which has gradually taken charge over some competencies of the single nation-states.<sup>26</sup> The supranational approach puts forward the idea that sovereignty should shift outside the boundaries of the nation-state.<sup>27</sup> This somewhat limits the nation-states’ capacities to

22 Malcolm Fraser, “Sovereignty, International Law and Global Cooperation,” in *Globalisation and the Rule of Law*, ed. Spencer Zifcak (Routledge, 2005), 163-182.

23 Ibid.

24 Stefano Bartolini, *Restructuring Europe: Centre Formation, System Building and Political Structuring Between the Nation-State and the European Union* (Oxford University Press, 2005).

25 “Nobel Peace Prize for the EU is also recognition of our work outside the EU (2012),” Blog of Commissioner Andris Piebalgs, <http://blogs.ec.europa.eu/piebalgs/nobel-peace-prize-for-the-eu-is-a-also-a-recognition-of-our-work-outside-the-eu/print> (accessed October 15, 2014).

26 Sergio Pistone, *L'integrazione Europea* (1999), 17-19. See, “The EU, therefore, is based on a pact between sovereign nations that have resolved to share a common destiny and to transfer an increasing share of their sovereignty to the Community” from “Europe in 12 Lessons,” Official Publications of the European Communities, [http://ec.europa.eu/publications/booklets/eu\\_glance/60/en.doc](http://ec.europa.eu/publications/booklets/eu_glance/60/en.doc) (accessed March 12, 2015).

27 Richard Bellamy and Dario Castiglione, “Building the Union: The Nature of Sovereignty in the Political Architecture of Europe,” *Law and Philosophy* 16, (1997): 421.

act unilaterally, and can undoubtedly be seen today with the supremacy of EU law over national law.

Although some scholars<sup>28</sup> have supported the view of an inter-governmental EU where the decision-making process is still in the power of the member states, they seem to underestimate the achievements of the European Court of Justice (ECJ), which established by means of court judgments the incorporation of the EU law within the national law of the states and its supremacy.<sup>29</sup>

### *Supremacy of European Law over Domestic Law*

Three specific legal cases brought before the ECJ formally established the supremacy of European Law over national law: Case 26/62 Van Genden Loos, Case 6/64 Costa v ENEL and Case 106/77 Simmenthal. Since then any clash of national law with European law has obliged the member state to change their legal system or disregard the national law in lieu of EU law. In Case 26/62, a Dutch company imported a chemical from West Germany to the Netherlands. The Dutch authorities charged a tariff on imports. The company then brought a case before the national court claiming that such tariffs were against Article 12 of the Treaty of Rome (the founding treaty of the European Economic Community). The national court referred the question to the ECJ for a preliminary ruling. The national court asked whether Article 12 granted rights to the citizens of a member state that could be implemented in national courts.

The court upheld that “the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, and the subjects of which comprise not only member states, but also their nationals.”<sup>30</sup> The judgment is innovative because it recognizes that a new legal order has been established within the Community, and this influences the national legal order of member states who have limited their sovereignty. This completely reshapes the relation between law and the nation-state’s power proposed by Kirby.

The notion of the new legal order set-out in Case 26/62, has been further developed by Case 6/64, Mr. Costa refused to pay a bill of €1 imposed

28 See Alan Milward, *The European Rescue of the Nation State* (1992); Michael Mann, “Nation-States in Europe and Other Countries: Diversifying, Developing, Not Dying,” *Daedalus* 122 (1993): 127.

29 Neil MacCormick, “Beyond the Sovereign State,” *The Modern Law Review* 56(1993): 8.

30 NV. Algemene Transporten Expeditie Onderneming van Genden Loos v. Nederlandse Administratie der Belastingen (C-26/62) [1963] ECR 1.

by ENEL, the newly nationalized Italian energy company. Costa claimed that such action by the Italian government was against Article 37 of the Treaty of Rome concerning state monopolies.<sup>31</sup> The case raised the question of whether a national court should refer to the ECJ when a provision of EU law could be directly applied, even when such provision was precedent to a national law. The court ruled that “the Treaty makes it impossible for the states...to accord precedence to a unilateral and subsequent measure over a legal system accepted by them... Such a measure cannot therefore be inconsistent with that legal system.”<sup>32</sup> The court further affirmed that the law of the treaty is an independent source of law that could not be overridden by domestic legal provisions. From this follows that a provision of EU law would be fairly pointless if a state could unilaterally quash it by means of national legislation, even when provisions are precedents.

The court once again, as in Case 26/62, observed that the Treaty of Rome has created an independent legal order within a community of “unlimited duration, with its own institutions, its own personality and legal capacity on the international plane.”<sup>33</sup> Such legal order is strictly binding on states and their nationals.

Case 106/77 completes the picture of the supremacy of the EU law. It is a case of illegal application of duties within the community in which the ECJ upheld that any national court has to set aside any national law which may conflict with the EU law, whether prior or subsequent to the Community rule. Furthermore, national courts are under a duty to give full effect to those provisions, applying them directly without requesting or awaiting the prior setting aside of conflicting provisions.<sup>34</sup> This means that the European legal order so created is a monist legal order. According to monism, European law and national law form one single system of law, hence states, by accepting EU law, do not require its formal incorporation by legislative transformation. Any treaty would be self-executing upon ratification, and so directly applicable within the state.<sup>35</sup>

By and large, any provision of EU law is directly applicable to the member states and when a conflict arises, such provision always supersedes a provision of national law, even when the former was introduced before the latter. Although the supremacy of EU law is not clearly stated within

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31 Nigel Foster, *EU Law Directions* (Oxford: Oxford University Press, 2012), 120.

32 *Flaminio Costa v ENEL* (C-6/64) [1964] ECR 585.

33 *Ibid.*

34 *Amministrazione delle Finanze dello Stato v Simmenthal* (C-106/77) [1978] ECR 629.

35 Foster, 124.



any treaty, the ECJ, through these three rulings, declared the principle of supremacy which is now widely accepted by the member states.<sup>36</sup> The EU, therefore, through its institutions, is a successful transnational actor that reshaped the old notion of sovereignty - strictly related to the legal power of the state within its territory - in favor of a collective form of sovereignty. It did so by establishing a supranational court, and a new European legal order that binds all member states.

## Conclusion

In conclusion, the notion of state, as created by the Peace of Westphalia, is not a stagnant concept. However, it does need to be updated alongside the challenges of globalization. The old idea of the rule of law, where a state controls the use of force within its territory, has been thoroughly challenged by transnational actors. Also, the most powerful states, including the US, cannot avoid assisting in finding global solutions to global problems.<sup>37</sup> In the specific case of international and human rights law, we have seen the whole international legal body strongly influence the sovereignty of the state, which is no longer the holder of the physical use of force within its territory. Moreover, economics, trade, climate change, migration are strongly intertwined with the international context. Although most of the jurisdiction of international treaties and conventions on human rights is on a voluntary basis, hundreds of states have committed themselves to a global civil society where law-making functions are at the international level, rather than based at the domestic.

The presence of multiple legal systems, the rise of transnational actors, and all the international bodies constituted to defend human rights are progressively more challenging on the nation-states' sovereignty. States cannot impede such external influences in today's globalized world. "Lawmakers of the nation-state are no longer fully able to control the legal destiny affecting the persons living, within the borders of the nation-state," said Kirby.<sup>38</sup> Furthermore, in today's world some challenges cannot be faced individually by one state. Human rights abuses require a collective solution.

36 Bruno De Witte, "Direct Effect, Primacy, and the Nature of the Legal Order," in *The Evolution of EU Law*, ed. Graig Paul and Grainne De Burca (Oxford: Oxford University Press, 2011), 323.

37 Harold Hongju Koh, "International Law as Part of Our Law," *American Journal of International Law* (2004): 43-44.

38 Kirby, "Globalizing the Rule of Law? Global Challenges to the Traditional Idea of the Rule of Law," :66-67.

Therefore, the way in which sovereignty is understood today is much different than at the time of Westphalia. Territorial jurisdiction is not anymore one of the characteristics of national sovereignty, and since the UN Charter was introduced, the Weberian notion of a state holding the monopoly of the use of force, is not acceptable. As the case of Libya has shown, international law provides the basis to counteract Khadafy's illegitimate choice to use force against Libya's population. In the other contexts, international law has failed, such as in Syria, where the economic interests of a few members of the UNSC prevented a resolution to stop the use of force against civilians. Overall, what can be said is that globalization has definitely changed the way states make and perceive the law.

The EU, a successful example of regional globalization, has prepared its member states to share the burden of legislation, which can also have a contrary impact on their national interests, hence, their sovereignty. They know that overall the supranational system created a whole array of rewards for its members, peace and stability first, but also free trade, free movements of goods and services, labor mobility, and legal guarantees. This has been achieved by establishing a supranational court for the EU. The ECJ, by having authority over the whole EU, had a crucial role in harnessing the acceptance by member states of the supremacy of EU law. European states, by giving away some of their national sovereignty to the EU, have contributed to establish a common legal order, respected and acclaimed by the whole community. Y

# TRANSITIONAL JUSTICE IN NORTH KOREA

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*This article aims to design a possible transitional justice in North Korea. Because it is difficult to imagine transitional justice for North Korea in the current state of the nation state, the essay is based on the hypothetical setting that transitional justice will be established after the current regime loses its power and after the reunification in the form of South Korea absorbing the North, similar to the case of Germany. The article explores the different types of trials and justice systems to design one that will be optimal for North Korea.*

Throughout history, numerous people have suffered and many lives have been lost due to conflict and large-scale human rights violations. On the other hand, due to these tragic experiences, the international community has learned lessons for the prevention of massive human rights tragedies and how to deal with aftermath effectively for future events. The accumulated knowledge and tools have evolved under the name of “Transitional Justice” or TJ, which is often defined as a “full range of processes and mechanisms associated with a society’s attempts to address past human rights violations following periods of political turmoil, state repression, or armed conflict.”<sup>1</sup> With the goals of transitional justice, “ensuring accountability, serving justice and achieving reconciliation,”<sup>2</sup> different mechanisms and theories have been created according to different categories of transition. In other words, there is no single method or theory of transitional justice that can be applied to all cases. Therefore, the TJ model should be carefully customized for each case of human rights violation in transition.

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- 1 Jon Elster, *Closing the Books: Transitional Justice In Historical Perspective*, (New York: Cambridge University Press, 2004), 7.
  - 2 United Nations, Secretary General, *Guidance Note of the Secretary General: United Nations Approach To Transitional Justice* (March 2010), [http://www.unrol.org/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf) (accessed March 25, 2010).

This paper aims to design a possible transitional justice for North Korea. Serious human rights violations in North Korea have already been acknowledged by the international community.<sup>3</sup> Considering that the North Korean government is heavily involved in massive human rights violations in the country, it is difficult to imagine transitional justice for North Korea given the current status quo. Therefore, this paper is based on the hypothesis that North Korean TJ will be carried out after the Kim family loses its leadership, and following reunification in the form of South Korea absorbing North Korea, similar to the German unification. Under this scenario, North Korean TJ will require high impact decisions under a given time frame and despite limited information about the North Korean regime. Therefore, this preliminary study can be a meaningful preparation for such a case. This paper focuses on the criminal prosecution measurements of TJ, and attempts to answer the following questions: what type of trial should be used?; who will be punished?; how severely should the perpetrators be punished?

In order to answer these questions, this paper discusses the framework of transitional justice, including the role of the United Nations and the International Criminal Court (ICC) in the TJ mechanism, and studies the TJ mechanism of East Germany (post-communist Germany) after German unification. The paper will provide guidelines for designing a transitional justice mechanism for North Korea.

## Framework of Transitional Justice

### *General Framework of Transitional Justice*

The beginning of formal TJ is seen as the Nuremburg Trial, conducted between 1945 and 1949.<sup>4</sup> Yet, the field had not emerged until the late 1980s and early 1990s, when many people called for justice during the political transitions in Latin America and Eastern Europe.<sup>5</sup> These transitions were popularly called “transitions to democracy.” People started referring to the field addressing the systematic abuses of former regimes while reinforcing political transformations as “transitional justice” or “justice in

3 United Nations, General Assembly, Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic Of Korea, A/HRC/25/63, <http://www.ohchr.org/EN/HRBodies/HRC/ColDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>. (accessed February 7, 2014).

4 Jon Elster, 6.

5 Paige Arthur, “How “Transitions” Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly* 31 (2009).

times of transition.”<sup>6</sup>

The general purpose of transitional justice is to change a society from a state of injustice to justice, from an oppressive government to a government with rule of law, from authoritarianism to democracy, and ultimately to bring a stable peace to society. Since transitional justice is largely about human rights violations, both victims and perpetrators are the main objects of the process.

Transitional justice involves judicial and non-judicial mechanisms that fall into the following three broad categories: 1) mechanisms of accountability for past crimes, including trials, and truth commissions; 2) victim-oriented restorative justice mechanisms, reparations, construction of monuments, and public memory projects; and 3) mechanisms of security and peace, amnesties and pardons, constitutional amendments, and institutional reform.<sup>7</sup> There are trade-offs among these mechanisms since harsh punishment and amnesty cannot be practiced at the same time. Therefore the proper combination and balance of TJ mechanisms is a key for successful transitional justice. Also, in order to design an effective TJ mechanism, one must take into account factors such as “the regime’s level of political legitimacy and security, its relationship with human rights violators, the strength of opposition groups, the activities of civil society and the presence of international actors.”<sup>8</sup> This paper primarily focuses on studying the balance between the mechanism of security and peace, since it requires more agile decision-making and action than the restorative justice mechanism.

Trials can take different forms, including domestic, international and mixed courts. Prosecution can have various forms in its targeting of for perpetrators, by targeting only commanding ranks of political and military power, being limited to the top echelons, or to reach to the lowest ranks of soldiers and citizens.<sup>9</sup> In any case, these selections should be made to provide the greatest voice to victims and deliver the greatest positive impact to local communities. However, the calculation is very complex considering

6 United Nations, *What is Transitional Justice? A Backgrounder* February 20, 2008, [http://www.un.org/en/peacebuilding/pdf/doc\\_wgli/justice\\_times\\_transition/26\\_02\\_2008\\_background\\_note.pdf](http://www.un.org/en/peacebuilding/pdf/doc_wgli/justice_times_transition/26_02_2008_background_note.pdf) (accessed May 14, 2015).

7 Tricia D. Olsen, Leigh A. Payne, and Andrew G Reiter, “The Justice Balance: When Transitional Justice Improves Human Rights and Democracy,” *Human Rights Quarterly* 32 (2010).

8 Huma Haider, “Factors Contributing to Transitional Justice Effectiveness,” GSDRC Helpdesk Research Report, Governance and Social Development Research Centre, University of Birmingham, UK (2011), <http://www.gsdrc.org/docs/open/HD762.pdf> (accessed May 14, 2015).

9 Olsen, 2.

the social, political and economic factors involved and the time constraints. Transitional justice designers therefore often face conflicts between short-term and long-term goal and between the realization of justice and social effectiveness. The past experiences of truth and reconciliation commissions (TRCs) have shown that the prosecution process involves many challenges, such as a lack of political will, institutional constraints, lack of capacity, increasing security concerns, and shortages of time and funding.<sup>10</sup> The prosecutors often granted amnesties and mitigated penalties for elites who had contributed to human rights crimes. Compromising justice weakened the justice mechanisms and hindered post-conflict reconciliation.<sup>11</sup>

### Transitional Justice Mechanism in the UN and the ICC

Transitional justice deals with systematic and massive human rights abuses committed by states that have recently transformed from non-democratic or brutal systems of governance. Therefore, many states that require TJ often lack the capability to carry out justice and require outside support for the creation of systematic and democratic legal standards. The United Nations and the International Criminal Courts have been two main supporters for the field of transitional justice.

In the 1988 decision of the Inter-American Court of Human Rights in the case of Velásquez Rodríguez v. Honduras, the Inter-American Court declared that all states have four fundamental obligations in the area of human rights:

to take reasonable steps to prevent human rights violations; to conduct a serious investigation of violations when they occur; to impose suitable sanctions on those responsible for the violations; and to ensure reparation for the victims of the violations.<sup>12</sup>

This principle influenced the jurisprudence of the European Court of Human Rights and decisions of UN treaty bodies such as the Human

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10 Joanna R. Quinn, "Haiti's Failed Truth Commission: Lessons in Transitional Justice," *Journal of Human Rights* 8, (2009).

11 Ibid.

12 Velasquez Rodriguez Case, Interpretation of the Compensatory Damages Judgment (ART. 67 American Convention on Human Rights), Inter-American Court of Human Rights Series C No. 2 August 17, 1990, <http://www.internationaljusticeproject.org/pdfs/rodriguez.pdf> (accessed May 14, 2015).

Rights Committee,<sup>13</sup> and has finally been incorporated into numerous UN documents.<sup>14</sup> Now, the UN system serves transitional justice in both judicial and non-judicial processes with prosecution initiatives, by facilitating initiatives, and through institutional reform support.<sup>15</sup> The prosecution initiatives and facilitation of initiatives of the UN TJ programs supports and ensures that trials are carried out in accordance to international standards. These include fair trial and the delivery of reparations, to provide a range of material and symbolic benefits to victims. Also, the programs support states' institutional reform and the development of fair and efficient public institutions to sustain peace, protect human rights, and foster a culture of respect for the rule of law. This is to prevent the recurrence of future human rights violations and can also promote local ownership.<sup>16</sup>

In the UN system, the Office of the High Commissioner for Human Rights (OHCHR) has been the main body assisting with and developing rule of law tools as well as designing and implementing transitional justice mechanisms.<sup>17</sup> OHCHR support for TJ activities is conducted through its TJ coordinator, part of the Rule of Law and Democracy Unit.<sup>18</sup> The OHCHR field presence and human rights components of peacekeeping missions function to support transitional justice.<sup>19</sup> Specifically, the field presence activities range from providing technical advice and assistance to local legal actors, law societies, universities and NGOs, to assisting governments and civil society in designing and implementing consultative processes and outreach programs.<sup>20</sup> The United Nations' TJ activities include "developing standards and best practices, assisting in the design and implementation of transitional justice mechanisms, providing technical, material and financial support, and promoting the inclusion of human rights and transitional justice considerations in peace agreements."<sup>21</sup>

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13 United Nations, *What is Transitional Justice?*

14 Ibid.

15 United Nations, *United Nations Approach To Transitional Justice*.

16 Ibid.

17 United Nations, *What is Transitional Justice?*

18 Ibid.

19 Ibid.

20 United Nations, Economic and Social Council, *Study by the Office of the United Nations High Commissioner for Human Rights on human rights and transitional justice activities undertaken by the human rights components of the United Nations system*, E/CN.4/2006/93 February 7, 2006, <http://unrol.org/files/E.CN.4.2006.93.pdf> (accessed May 24, 2015).

21 United Nations, Security Council, *The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General*, S/2004/616, August 23, 2004, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement> (accessed May 14, 2015).

The brutal conflicts in the former Yugoslavia and the genocide in Rwanda led to the creation of two ad hoc international tribunals: the International Criminal Tribunal for Former Yugoslavia (ICTY), and the International Criminal Tribunal for Rwanda (ICTR). Through these processes, the international community realized the need for a permanent international court, and this led to the establishment of the International Criminal Court (ICC) in 2002.<sup>22</sup> The roles of the ICC are investigating and prosecuting individuals responsible for genocide, war crimes, and crimes against humanity.

The ICC was established based on the Rome Statute allowing the ICC to deal with crimes committed since July 1, 2002, when the Rome Statute was first enforced.<sup>23</sup> Also, due to the Rome Statute's "complementarity" principle, domestic courts have the primary duty to deliver justice, while the ICC remains a court of last resort in case domestic courts are unwilling or unable to follow through.<sup>24</sup>

The ICC is legally independent from the UN, but the Rome Statute grants the UN Security Council (SC) a certain degree of power to limit the functional independence of the ICC.<sup>25</sup> For example, Rome Statute Article 13 allows the SC to intervene in Court situations that would not otherwise have fallen under the Court's jurisdiction and Article 16 allows the SC to require the Court to defer from investigating a case for a period of 12 months.<sup>26</sup>

## Transitional Justice in East Germany

The characteristics of a specific transition are a key factor in determining the appropriate TJ mechanism. This paper's hypothetical scenario of North Korea's transition through a reunification with South Korea can be partially studied from looking at the East German TJ that was carried out through the German unification. The transition of Germany was endogenous since the East German regime collapsed from within, and the unification treaty

22 International Criminal Court, *Understanding the International Criminal Court*, ICC-PIDS-BK-05-003/13 (10 May 2011), <http://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf> (accessed May 14, 2015).

23 Ibid.

24 Ibid.

25 War Crimes Research Office, *The Relationship Between The International Criminal Court And The United Nations*, International Criminal Court Legal Analysis and Education Project, American University, Washington College of Law, August 2009, [https://www.wcl.american.edu/warcrimes/icc/documents/WCRO\\_Report\\_on\\_ICC\\_and\\_UN\\_August2009.pdf](https://www.wcl.american.edu/warcrimes/icc/documents/WCRO_Report_on_ICC_and_UN_August2009.pdf) (accessed May 14, 2015).

26 Ibid.



was based on a voluntary agreement between two sovereign states.<sup>27</sup> Yet, in practice, the newly unified Germany inherited the legal and constitutional framework of West Germany, and the East Germans perpetrators were judged by West Germans judges. Therefore, the transition is often described as a “democratic takeover.”<sup>28</sup>

Germany followed a dual approach of trying to achieve both justice and reconciliation. This dual approach, in reckoning East Germany’s past, has included prosecution of some human rights violators, disclosing to the public the records of the East German State Security Service (‘Stasi’) under the German Stasi Records Act and the establishment of an Inquiry Commission to document the atrocities of the Communist regime.<sup>29</sup> These mechanisms were successful to some extent, but also had many flaws.

Above all, the prosecution of East Germany was executed chiefly by West Germany. When most East German courts were replaced by the West German system of specialized courts, nearly all the judges were West Germans.<sup>30</sup> Initially, East German judges who remained in service were not able to preside over trials in unified Germany because they had to undergo retraining in West German law.<sup>31</sup> With the West Germans in control of the de-communization process and the search for accountability, East Germans felt that they lacked a voice in shaping the whole process, and some of them expressed that they were being “colonized by the West.”<sup>32</sup>

Critics of German TJ argue that the trials were not vigorous according to transitional standards. Many prominent Western leaders confessed that they feared punitive measures could hinder reconciliation and potentially poison the political atmosphere after reunification.<sup>33</sup> In addition to that, many of the worst offenders of the former regime had been very old; many trials were subsequently cut short and ended without definite judgment. Western judges from the majority of cases admitted that due to a legal culture in which “value of human life outweighed the public clamor for

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27 Claus Offe and Poppe Ulrike, “Transitional Justice in the German Democratic Republic and in Unified Germany” in *Retribution and Reparation in the Transition to Democracy*, ed. Jon Elster (New York: Cambridge University Press, 2006), 5.

28 Ibid.

29 Ibid, 9.

30 Maryam Kamali, “Accountability for Human Rights Violations: A Comparison of Transitional Justice in East Germany and South Africa,” *Columbia Journal of Transnational Law* 40 (2001): 109.

31 Ibid.

32 Ibid.

33 Mike Dennis and Eva Kolinsky, ed., *United And Divided: Germany since 1990* (New York: Berghahn Books, 2004), 18.

retribution,”<sup>34</sup> they could not provide the kind of justice which would have been served by stricter sentences. In practice, most of the convicted former East German border guards and officials received sentences of suspension or parole.<sup>35</sup> These prosecutions thus became occasions for condemnation, rather than real punishments. As a result, the sanctions executed were not satisfactory to many Easterners, and indeed, later studies have suggested that the victims under the SED regime were often deeply offended by the mild sanctions implemented.<sup>36</sup>

Furthermore, the outcome of border guard trials became controversial because the prosecutions mainly targeted lower-rank or peripheral officials, while many former leaders of the communist regime remained free.<sup>37</sup> East German public viewed that the trial was selective to the border guards in search of scapegoat, and therefore unjust.<sup>38</sup>

The unsuccessful and inconsistent attempts at prosecuting the perpetrators gave way to a greater emphasis on other reconciliation and rehabilitation measures, mainly the Stasi Records Act and the establishment of an Inquiry Commission.<sup>39</sup> These led to an array of controversial problems in the society, because many sensitive archives were smuggled away before the transfer of power to the new regime.<sup>40</sup> Former East Germans could easily access the Stasi files to find out who had spied on them, which revealed that friends and family members were often among the informers cited in one's file.<sup>41</sup> In the short-term, this process of discovering the truth about the past and reckoning with its implications made the process of reconciliation much harder, creating internal tensions between truth and reconciliation. The outcome of the Inquiry Commission was not very effective because few Germans took heed of their efforts, and its final conclusions were so contentious that the commissioners themselves could not agree on them.<sup>42</sup> The final outcome was that Germany built a strong 'rule of law' and stabilized the integrated society in a democratic way. However, there was

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34 Sarah Glatte, "Judging the (East) German Past - A Critical Review of Transitional Justice in Post-Communist Germany," Oxford Transitional Justice Research (2011), 14.

35 Neil J. Kritz, ed., *Transitional Justice - How Emerging democracies Reckon with Former Regimes, Volume I: General Considerations* (Washington: United States Institute of Peace, 1995), 599.

36 Offe and Poppe, 261.

37 Maryam, 107.

38 Ibid.

39 Glatte, 16.

40 John Hooper, "Khol Struggles to Protect Stasi Files," *The Guardian*, July15, 2002, <http://www.theguardian.com/world/2002/jul/15/germany.johnhooper> (accessed May 14, 2015).

41 Kamali, 115.

42 Ibid. 89.

disappointment surrounding transitional justice in East Germany.

## **Transitional Justice for North Korea**

### *Insights from Transitional Justice in Germany for TJ in North Korea*

Germany's experience in transitional justice presents some insightful input for TJ in North Korea. First, in a transitional period, the South Korean government should seize documentary evidence in North Korea as quickly as possible before North Korean officials can smuggle it away. And after collecting the documents, the government will have to decide how to handle the records. Germany's hasty opening of records to the public resulted in a social shattering effect, and in this sense, a progressive disclosure to the public is recommended for South Korea. However, it should be coordinated in such a way that it does not infringe on the people's right to know. Therefore, South Korea's inner cabinet should set a code of conduct regarding the issue. Second, regarding the targeted level of perpetrators and the severity of punishment, South Korea will have the same fear as West Germany—that punitive measures can hinder reconciliation and poison the political atmosphere after reunification. This is a key point to be considered in the design of a TJ mechanism for North Korea. There are additional factors to be considered for the Korean case. The severity of penalty for the leadership—especially the Kim family—is the toughest aspect of prosecution. The former heads of North Korea, Kim Il-sung and Kim Jung-il, committed extensive human rights violations, and created a state of terror. Therefore, it could be challenging to define the degree of accountability of the leader who handed over the political system. Furthermore, North Korean civilization has been exposed to propaganda, which invokes strong patriotism, racial pride, and a strong loyalty toward the Kim regime.<sup>43</sup> As such, harsh punishment toward the Kim family will not necessarily satisfy North Korean civilians but will possibly infuriate them. Considering that successful accountability reflects the voice of the local population, the approach and outcome of verdicts will be affected by the North Korean civilian perception of the Kim leadership. However, it is difficult to know their true opinions before being freed by the government. Additionally, in North Korea, it is mandatory for men to be in the military service for ten years, and North Korean soldiers are reported

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43 David Owen, "The Cleanest Race: How North Koreans See Themselves-And Why It Matters," *Asian Politics & Policy* 3, (2011): 477-478.

to be involved in many inhumane actions due to state regulations. For that reason, setting a broad target for perpetrators will result in high economic and social costs. These aspects indicate the hardships of balancing justice and reconciliation.

Third, selecting the nature of trials is a critical part of the transitional justice mechanism. West Germany's domination of TJ in East Germany has led many East Germans to feel that German feeling that they were being "colonized by the West," which slowed down the reconciliation process. The two Koreas fought in the bloody Korean War from 1950 to 1953, and they have been separated for more than 60 years. Meanwhile, the regimes in the two states have often invoked an animosity for each other's political interests. This context can result in serious controversies regarding verdicts and can have negative effects on social integration. Thus, these aspects must be considered when choosing the nature of trials for transitional justice in North Korea. The latter part of this paper further discusses trials for North Korea.

### *Human Rights Violation in North Korea*

Starting from around the 1990s, the international community became aware of the realities of human rights violations in North Korea, piece by piece, from the live testimonies of slave labor workers, defectors hiding within Chinese and Russian borders, and North Korean defectors that had settled in democratic countries, mostly in South Korea. Accordingly, the international community began to investigate and address the problems, though the human rights issues often remained overshadowed by concerns with North Korea's nuclear weapons program. In 2004, the UN Commission on Human Rights assigned a Special Rapporteur to investigate both the human rights situation in North Korea and the government's compliance with its obligations under international human rights law.<sup>44</sup> Then, in order to call for a greater investigation into human rights abuses inside the country, the UN established a Commission of Inquiry (COI) on North Korea on March 21, 2013. Even though neither the Special Rapporteur nor the COI had access to investigate inside North Korea and China, their efforts have done much to bring North Korea's human rights abuses into the limelight. The COI panel's 372 page report details a wide range of crimes against humanity,

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44 The United Nations, *Human Rights Situations that Require the Council's Attention* (General Assembly, 2013)

including extermination, murder, enslavement, torture, imprisonment, rape, forced abortion, and other forms of sexual violence.<sup>45</sup> In addition, war crimes have been reported, especially regarding the vast majority of abductions and enforced disappearances linked to the Korean War, of which most victims were nationals of South Korea and Japan.<sup>46</sup> The report concluded that “systematic, widespread and gross human rights violations have been and are being committed by the Democratic People’s Republic of Korea, its institutions and officials.”<sup>47</sup>

## **Designing a Transitional Justice Mechanism for North Korea**

To account for the extensive human rights crimes committed by North Korea, a broad transitional justice mechanism must be employed with great care, with consideration of both the short-term and long-term affects to society. The following part will explore the possible prosecution style for North Korea’s TJ, specifically the type of trial to use. Also, additional matters requiring attention in designing a TJ mechanism for North Korea will be discussed.

Possible trial options for North Korea’s TJ are the International Criminal Court (ICC), an Ad hoc tribunal, the Court of Korea, or a mixed court. This section explores each option. The following points are factors to be addressed prior to the establishment of a court:

revelation of truth and collection of credible evidence; distinction between active and passive participants and those condoned in the perpetration of the atrocities in question; legal basis for the applicable laws and the institution of a special court; the scope of participation of international judges, prosecutors, and legal counsels; the coverage of intervention of international organizations and human rights institutions; the venue for the judicial deliberation; the practical enforceability of judicial decisions; and in the case of creating both TRC and a court system, the legal basis for those institutions and the need to weigh the pros and cons of utilizing dual-track proceedings.

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45 The United Nations, *Report of the Commission of Inquiry on Human*.

46 Ibid.

47 Ibid.

*The International Criminal Court*

In the event that the ICC seizes jurisdiction over North Korea, rules on crimes against humanity and war crimes can be applied. The Prosecutor Office of the ICC has already received communications alleging that North Korean forces committed war crimes in the territory of South Korea, and they opened a preliminary examination to evaluate if certain incidents constitute war crimes under the jurisdiction of the Court. They are: a) the shelling of Yeonpyeong Island on the November 23 2010 which resulted in the killing of South Korean marines and civilians and the injury of many others; and b) the sinking of a South Korean warship, the Cheonan, hit by a torpedo allegedly fired from a North Korean submarine on March 26 2010, which resulted in the death of 46 persons.<sup>48</sup>

Although the ICC can have jurisdiction over these relatively recent events, it is that will still limited to meet the Court. First of all, North Korea is not a party to the Rome Statute of the ICC. The only possible way to send North Korea before the ICC is if the UN Security Council refers the case to the ICC. However, two members of the Security Council, China and Russia, already expressed their unwillingness to do so. Chinese representatives to the UNSC told the council that “the Security Council is not the forum to get involved in human rights issues” and that it “should refrain from doing anything that might cause an escalation.” Similarly, Russian representatives told the press, “I think it [referring to placing North Korea before the ICC] is improper to do it at the Security Council.”<sup>49</sup>

Even if the political obstacles are removed, the ICC can deal with only crimes perpetrated after July 1, 2002, when the Rome Statutes of the ICC entered into force,<sup>50</sup> and therefore cannot consider pre-2002 crimes occurred in North Korea. Thus, the war crimes that happened during the Korean War cannot be brought before the ICC, and neither can the crimes committed in the territory of North Korea. Furthermore, considering the reunification of the Korean Peninsula, this paper’s hypothetical scenario, South Korea

48 International Criminal Court, *Office of the Prosecutor, ICC Prosecutor: Alleged War Crimes in the Territory of the Republic of Korea Under Preliminary Examination*, ICC-CPI-20101206-PR608, December 6, 2010, <http://www.icc-cpi.int/NR/rdonlyres/46A212DA-6CDC-48F7-8F9A-DF5FB5B8BBD5/282744/KoreaEng1.pdf> (accessed May 14, 2015).

49 Ankit Panda, “North Korean Human Rights Abuses on the Agenda at UN Security Council,” *The Diplomat*, December 23, 2014, <http://thediplomat.com/2014/12/north-korean-human-rights-abuses-on-the-agenda-at-un-security-council> (accessed May 14, 2015).

50 International Criminal Court, *Rome Statute, A/CONF.183/9*, July 17 1998, [http://legal.un.org/icc/statute/english/rome\\_statute%28e%29.pdf](http://legal.un.org/icc/statute/english/rome_statute%28e%29.pdf) (accessed May 14, 2015).

would utilize the ICC for the prosecution of North Korean perpetrators after integration. However, considering the principle of complementarity of the ICC, the South Korean judiciary is perceived to be well-qualified to perform an independent administration of justice. Due to this, South Korea is more likely to exercise its jurisdictional competence, especially as the holder of the main responsibility of establishing justice in North Korea. Also, even if the ICC trial is adopted after the unification, the ICC's jurisdiction over North Korea's crimes is limited to the pre-2002 crimes.

Also, because the ICC's jurisdiction is limited and can only deal with crimes perpetrated after July 1, 2002, in the case that the ICC is used as the legal venue, separate consideration should be given to those crimes committed before July 1, 2002.

### *A Korean Court*

If a unified Korea were to execute a national trial as Germany did, the prosecution would be based on South Korean legality. Though most of the crimes that happened on North Korean territory would be punishable under South Korean laws, prosecution by solely domestic law would be ineffectual.

First, the long-lived animosity and political factors between South and North Korea can limit the perception of trials as being fair and stable, especially in the case of jurisdiction by the South Korean Court. Also, as the German case suggests, trials by solely South Korean judges would intrude upon the proper reconciliation of citizens from the South and the North. Secondly, given the lack of ample experience of South Korea in dealing with international crimes, including genocide, crimes against humanity, and war crimes, the South Korean Court may not have sufficient competence to deal with North Korea's systematic, grave, state-sponsored, and internationally-concerned crimes. This vulnerability exemplifies the need for international judges. But from a long-term perspective, it is advisable that the Korean court make reforms that meet international law standards, by securing transparency in view of the need to guarantee fairness, legitimacy, and promote the practical cause of social integration and education.

### *An Ad hoc Tribunal*

An Ad Hoc Tribunal refers to a kind of international court held on an ad hoc basis to prosecute severe human rights violations and violations of

humanitarian law that are considered international crimes, such as crimes against humanity, genocide and certain severe war crimes. The former Yugoslavia (ICTY) and Rwanda (ICTR) Ad Hoc Tribunals were created by the UN Security Council to address violations of international law during the Yugoslavia conflict and the Rwanda genocide of the 1990s, and the judges were experts in international law who did not represent any particular country.<sup>51</sup>

One of the characteristics of Ad Hoc Tribunals is that they usually try individuals rather than states.<sup>52</sup> The former Serbian president Slobodan Milosevic, charged with genocide, war crimes, and crimes against humanity, was one of the highest profiles tried in an ad hoc tribunal.<sup>53</sup> In this sense, the Kim family members and related officials in North Korea can be tried before the Ad Hoc Tribunal. The COI report also discusses the option of creating an Ad Hoc Tribunal for North Korea because the COI believes that North Korea's ongoing criminal acts were initiated decades ago. Since the ICC can only consider crimes occurring after mid-2002, an Ad Hoc Tribunal would involve a more comprehensive accountability.<sup>54</sup> Such a suggestion by the COI is based on the condition of the maintenance of the status quo in which North Korea's domestic law cannot be accepted and utilized for prosecuting crimes in North Korea, requiring instead an international court. However, when considering transitional justice after an integration of the two Koreas, an Ad Hoc Tribunal is not necessarily the best selection.

The past experiences of ad hoc tribunals in Rwanda and the former Yugoslavia have been evaluated as cost-inefficient. The rule of law report of the UN in 2004 expressed this issue by stating that "the two ad hoc tribunals have grown into large institutions, with...a combined annual budget exceeding a quarter of a billion dollars – equivalent to more than 15 percent of the Organization's total regular budget... the stark differential between cost and number of cases processed does raise important questions."<sup>55</sup> Furthermore, the UN Security Council creates ad hoc tribunals, and the past tribunals in Rwanda and former Yugoslavia only tried crimes in those territories over a specific period of time.<sup>56</sup> In the case of North Korea, many

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51 University of Nebraska-Lincoln, "Ad Hoc Criminal Courts and Hybrid Criminal Courts," *Human Rights & Humanitarian Affairs*, [http://www.unhumanrights.org/01/0106/0106\\_08.htm](http://www.unhumanrights.org/01/0106/0106_08.htm).[http://www.unhumanrights.org/01/0106/0106\\_08.html](http://www.unhumanrights.org/01/0106/0106_08.html) (accessed May 14, 2015).

52 Ibid.

53 Ibid.

54 United Nations, *Report of the Commission of Inquiry on Human Rights*.

55 United Nations, *The Rule of Law and Transitional Justice*.

56 Ethel Higonnet, "Restructuring Hybrid Courts: Local Empowerment and National Criminal



human rights violations and crimes happened not only on North Korean territory, but also to a high degree in China and Russia. Consequently, an ad hoc tribunal for North Korea might place limitations on justice.

### *Mixed Trials*

Hybrid courts are very similar to ad hoc courts in pursuing criminal justice for individual perpetrators of gross human rights violations in a specific country. However, the difference is that hybrid courts apply both international law and domestic law, and judges and rules are also a mixture of international and national.<sup>57</sup> This characteristic is the most attractive aspect of the hybrid court for North Korean transitional justice. As stated above, the South Korean domestic court lacks experiences in dealing with international crimes and thus requires the support of international judges. However, the ICC and the ad hoc tribunals have many limitations, as previously stated. Meanwhile, if South Korean judges and domestic law were to be blended with international legal support, this would allow for better communication with the local population and reflect local consciousness and culture more thoroughly. Prosecution based on these surroundings would be accepted by local populations more easily and would promote stronger accountability. Domestic involvement also endorses values of local ownership in the transitional process.

Additionally, compared to the Security Council's domination of the ICTY and ICTR, a hybrid court is more separated from the UN. A hybrid court can be established with several states acting in concert and without any UN involvement at all. And even if the UN is involved, they mainly support the courts in obtaining "funding, resources, judges, and prosecutors through 'voluntary' contributions from other national donors."<sup>58</sup> In the cases of Sierra Leone, East Timor, Kosovo, and Cambodia, the domestic authorities cooperated with the international community, mainly for reasons of cost and expense, in the establishment of mixed trials.<sup>59</sup> This smaller political influence from the UN Security Council may assist in prosecuting crimes that happened in China.

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Justice Reform," *Yale Law School Student Scholarship Papers*, Paper 6, March 2005, [http://digitalcommons.law.yale.edu/student\\_papers/6](http://digitalcommons.law.yale.edu/student_papers/6) (accessed May 14, 2015).

57 Ibid.

58 University of Nebraska-Lincoln, "Ad Hoc Criminal Courts and Hybrid Criminal Courts."

59 Hong, 6.

*Additional Matters Requiring Attention in Designing TJ for North Korea*

Prior to any transition in North Korea, South Korea must be ready for such a transition. Developing a basic foundation for transitional justice before the transition actually occurs is one way to prepare for an uncertain future on the Korean Peninsula. The South Korean government should strengthen education on the conception of North Korea in terms of human rights issues and unification to help prevent the formation of a hierarchical society and reduce discrimination after unification. Currently, there are high levels of mistrust and animosity not only toward the North Korean regime, but also toward North Korean civilians. The South Korean government should educate South Koreans in a way that approaches regime and people separately, and educate North Korean defectors so that they can play a mediating role in bridging differences in the coming future. The South Korean government should also begin building legislation in preparation for unification, especially regarding transitional justice for North Korea, the installation of a public record function, and policies to dismiss the misunderstandings and animosity toward North Korea. Lastly, South Korea should avoid politicizing the North Korean human rights issues by passing the North Korean Human Rights Law, as the United States, Japan and the European Union have done.

In the long run, after the transition occurs along with prosecutions, the establishment of a Truth and Reconciliation Commission (TRC) will further contribute to a transitional justice that promotes proper justice and the rebuilding of society. The proceeding court can examine and punish crimes of a grave nature, but there are presumably over 50,000 minor offense criminals who may be subjected to the decisions of the TRC. However, the judgment will again require experts in the field of international court law since the challenging tasks of balancing law and morality are being dealt with. For instance, judging North Korean brokers, who sold North Korean women to Chinese men but at the same time helped those women escape from North Korea, will be a challenging task. Amnesty for lighter crimes is more often than not granted in return for full-fledged confessions of the truth. Amnesty can therefore be selectively granted to those who reveal the whole truth scale, as was witnessed in the South African TRC.<sup>60</sup>

Lastly, in the case of North Korean transitional justice under the

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60 Truth and Reconciliation Commission, *Volume 1: Truth and Reconciliation Commission of South Africa Report*, October 29, 1998, 267, <http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf> (accessed May 14, 2015).

unification scenario, South Korea will inevitably engage in the process. South Korea must realize that transitional justice in the integration of these two societies demands the establishment of new systems, not merely copying what existed before. In order to build strong reconciliation for the future, South Korea must respect North Korea and its former systems to the extent of meeting the standard of international law. In other words, universal standards need to meet local circumstances and meet the expectations of the North Korean populace. But a change among the ranks of the elite seems inevitable because replacement of elites by import is easier than purification through rebuilding or the construction of a new elite class. Most of the current elites in North Korea show a great loyalty to the Kim family, and it will take time until they can accept unbiased views and international norms. Until that time comes, fortunately, there are many good candidates for elites in the transition period, namely the more than 25,000 North Korean defectors who have settled down in South Korea. Even though they are severely criticized by North Korean people as traitors, and even though many North Korean defectors struggle to adjust in South Korea, their experiences in both North and South Korea will fill the vacuum, and further assist reconciliation of people for a more peaceful Korea.

## Conclusion

Broaching the subject of transitional justice is central to preparing for the possibility of a sudden transition in North Korea. As soon as such an event occurs, undertaking a fair and transparent process of transitional justice will be one of the key elements in creating a bright future for a reunified Korea. However, few discussions exist regarding North Korean transitional justice in South Korea and in the international community, so this paper aims to bring the issue to the forefront by discussing a possible transitional justice mechanism for North Korea.

This paper was based on the hypothetical scenario that North Korean TJ will be carried out through reunification in which South Korea absorbs North Korea, similar to the German unification. This hypothesis itself implies this paper's limitations in dealing with the unforeseeable future. However, North Korean TJ cannot be made under the current Kim family system, and even if another leader were to rise in North Korea, it is difficult to imagine that the new leader would be totally free from facing justice. Therefore, it is not groundless to set the conditions for TJ under a scenario of reunification led by South Korea.

Designing a TJ mechanism for North Korea prior to the transition is challenging since information about North Korea is so limited. The assertions of North Korean defectors and of North Korean regimes are contradictory, and North Korean civilian perception of leadership is also unclear. These factors complicate the precise considerations regarding a transitional justice mechanism for North Korea. Nevertheless, by studying the framework of transitional justice, the transitional justice experiences of East Germany, and possible TJ prosecution options for North Korea, this paper concludes that a hybrid court should be the mechanism for a full range of accountability in North Korean transitional justice. Transitional justice is a long process requiring many measurements, including prosecutions, reparations, truth commissions and institutional reform. The preparation for North Korea's transitional justice requires extensive work. There will be no hope of a bright future for a unified Korea without careful preparation in the present day. **Y**

# A PARADOXICAL AMERICAN FOREIGN POLICY: PIVOT TO ASIA

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*Since Obama assumed office, his foreign policy aim was to reinvigorate Asia under the title of “Pivot to Asia”. Obama and his cabinet members unequivocally articulated that the strategy is designed not to agitate China, but to build more amicable ambience for further economic-relations. However, U.S.-Japan security ties check China’s ambition in the Southeast China Sea and Washington-Beijing diplomatic discord is inevitable. The Obama’s Asia strategy illustrates a paradox that exists between economic and security realms. This paper analyzes Obama’s foreign policy in Asia and its implications for the region.*

US foreign policy under the Obama Administration has refocused toward the Asia-Pacific region under the term coined, “Pivot to Asia”, later entitled “Rebalance to Asia”. The new US policy toward Asia, according to former Secretary of State Hillary Clinton, is defined as “strengthening bilateral security alliance, deepening working relationships with emerging powers including China, engaging with regional multilateral institutions, expanding trade and investment, forging a broad-based military presence, and advancing democracy and human rights.”<sup>1</sup> Kurt Campbell, Assistant Secretary of State for East Asian and Pacific Affairs, also articulates that the policy is not for constraining China’s growth but to enhance the Sino-US relationship.<sup>2</sup>

There is much strategic and practical importance to strengthening Sino-US relations. Given China’s strength in the international community,

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1 With regard to containing China, Clinton argues that “Some in our country see China’s progress as a threat to the United States; some in China worry that America seeks to constrain China’s growth. We reject both those views.” Referring to Hillary Clinton, “America’s Pacific Century: The Future of Geopolitics Will be Decided in Asia, Not in Afghanistan Or Iraq, and the United States should be Right at the Center of the Action.” *Foreign Policy* October 11, 2011.

2 Kurt Campbell and Brian Andrews, *Explaining the US ‘Pivot’ to Asia* (London: Chatham House, 2013).

US would do well to maintain friendly and stable relations. To illustrate, while US (and much of the world) suffered from the global financial crisis in 2008, China's Gross Domestic Product (GDP) rapidly grew. The Chinese economy even surpassed Japan's in 2010 to become the world's second-largest economy.<sup>3</sup> Although many analysts speculated that the rise of China would pose a threat to US security because of disparate political ideologies and approaches such as a divergent policy on denuclearizing North Korea, US has never treated China as it did the Soviet Union. Yet, US remains ambivalent toward China. Unlike Japan or South Korea, China has never been a traditional ally. Even as US appears to desire cordial relations, it continues to display strategic ambiguity toward China. Given the tensions of the Asian-Pacific region, along with US's multifaceted ambitions in the region, this is probably inevitable. Ambiguity exists in various channels, including official support for Japan's collective self-defense rights, and maintaining the US Missile Defense (MD) system in the Asia-Pacific region. However, Japan's collective self-defense can also be a pathway to re-militarization and is a potentially serious threat to Chinese security. The presence of US MD in Asia-Pacific can be viewed as a China containment strategy. Not surprisingly, China strongly opposed the US's advocacy for Japan's defense ambitions, and also criticized the US MD.

While the Pivot to Asia is implemented to vitalize a relationship with the emerging powers, specifically China, there are actions that may be interpreted as 'encircling China'. This is a paradox that exists in American foreign policy that must be explained. US and China always had a discrepancy in security issues, such as the reinvigoration of the US-Japan alliance and China's Air Defense Identification Zone (CADIZ). However, beyond the Sino-US security confrontation, Washington has exerted great effort to ameliorate its ties with Beijing to substantiate its Pivot to Asia's aim, deepening relations with China. The outline of the paper is as follows. First, a brief look at the Obama-Xi summits will examine the Pivot to Asia policy and China's rise on a level of the heads of state. Second, America's participation in multilateral initiatives will examine the effects and reactions to the policy on the level of international entities. Next, the paper will discuss potential destabilizing weak points in US-China relations: Taiwan, Japanese self-defense, and America's missile defense (MD) in the region. The main argument of the paper is that there exists an ambiguity and paradox of the

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3 Kevin Hamlin and Li Yanping, "China Overtakes Japan as World's Second-Biggest Economy," *Bloomberg*, August 16, 2010.

America's foreign policy posture in the region.

## Obama-Xi Summits: Friend or Foe?

As to show for the two goals of America's Pivot to Asia, strengthening bilateral alliances with extant regional allies in Asia Pacific and enhancing relations with China, Obama and Xi held three summits since Xi came to office. If Washington and Beijing maintain antagonistic relation because US policy toward Asia is designed to encircle China, then two head of states would not have convened a summit. For example, after President Park Geun-Hye presumed office, she has not held any official summit with the Japanese Prime Minister. This is unprecedented in South Korean foreign policy. Tokyo used to be a second stopover, followed by Washington, for the head of South Korean administration's state-visit. Due to greater historical animosity that derived from Japanese ultra-nationalistic policies and remarks such as implementation of rights of collective self-defense or not recognizing comfort women, Seoul and Tokyo are not able to host a summit because of domestic opposition. Therefore, if Washington's Asia policy is set to contain the rise of China or Beijing's perception on US policy aim is targeted to undermine its growth then two states will trigger a new Cold War and preserve hostility toward each other.

Xi Jinping visited the White House on February 2012 as Vice President and exchanged thoughts on Pivot to Asia with Obama. Obama said,

"We are a strong and effective partner with the Asia Pacific region... in order to do that it is absolutely vital that we have a strong relationship with China....I have always emphasized that we welcome China's peaceful rise, that we believe that a strong and prosperous China is one that can help to bring stability and prosperity to the region and to the world."<sup>4</sup>

Then Xi replied, "China welcomes a constructive role by the United States in promoting peace, stability and prosperity in the Asia-Pacific."<sup>5</sup> Based on this

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4 Office of the Press Secretary, "Remarks by President Obama and Vice President Xi of the People's Republic of China before Bilateral Meeting," The White House, February 2, 2012, <http://www.whitehouse.gov/the-press-office/2012/02/14/remarks-president-obama-and-vice-president-xi-peoples-republic-china-bil> (accessed December 9, 2014).

5 "Remarks by Chinese Vice President Xi Jinping at a Luncheon Co-Hosted by the US-China Business

mutual understanding between Xi and Obama, the first summit convened in Sunnylands. Although the Sunnylands summit was an unofficial summit, the two head of states were able to build an intimate relationship and created a more effective platform through eight hours of conversations in two days. Tom Donilon, a national security advisor to Obama, analyzed that a meeting that was “positive and constructive, wide-ranging and quite successful in achieving the goals that we set forth for this meeting.”<sup>6</sup> According to observers, both Obama and Xi candidly asked and answered each state’s concerns. For example, China raised an issue regarding US arm sales to Taiwan and US conveyed anxiety in regards to Chinese cyber-theft.<sup>7</sup> Even though the Sunnylands summit did not produce a immediate resolution for ongoing issues in between Sino-US relations, the positive ambience created by the two leaders hints to future possibilities of addressing issues more effectively in the future.

Obama and Xi had a reunion in 2014 at the Nuclear Security Summit in Hague. Xi mentioned that, “China will adopt a more positive attitude and more vigorous actions to strengthen cooperation with the United States.”<sup>8</sup> Through the meeting, both states have concluded, on the issue of North Korean nuclear program, that neither China nor US would tolerate Pyongyang’s nuclear arms and both states would commit to promote denuclearization of the Korean Peninsula.<sup>9</sup> Although Beijing and US could not finalize a decision on the resumption of the Six Party Talks (SPT) because China urged US to return to the negotiation table whereas US insisted that North Korea must show its willingness to resume the talks by eliminating its Uranium Enrichment Program (UEP), China confirmed that North Korean nuclear weapons can stimulate instability in Northeast Asia region. After Xi became president, China has shifted its North Korean policy to cooperate with other parties to circumscribe North Korea’s financial transactions. The Bank of China closed all dealings with the North Korean bank on May 2013 and Beijing has complied with international sanction

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Council and the National Committee on US-China Relations,” *Federal News Service*, February 15, 2012.

6 Office of the Press Secretary, “Press Briefing by National Security Advisor Tom Donilon,” The White House, June 8, 2013, <http://www.whitehouse.gov/the-press-office/2013/06/08/press-briefing-national-security-advisor-tom-donilon> (accessed December 10, 2014).

7 Richard C. Bush, “Obama and Xi at Sunnylands: A Good Start,” Brookings, <http://www.brookings.edu/blogs/up-front/posts/2013/06/10-obama-xi-sunnylands-bush> (accessed December 10, 2014).

8 Shannon Tiezzi, “Obama, Xi Meet at Nuclear Security Summit,” *The Diplomat*, March 25, 2014.

9 “Xi-Obama Talks Frank, Constructive: Chinese FM Spokesman,” *Xinhuanet*, March 25, 2014.



by tightening restrictions on goods banned for export to North Korea on September 2013.<sup>10</sup> Since the Bank of China is state-controlled, the bank cannot autonomously decide to sever the transactions with North Korea. China has started to encourage denuclearization of North Korea by utilizing its leverage, which is extraordinary in Sino-North Korean relations. In the aftermath of UN resolutions on sanctioning North Korean economy for condemning Pyongyang's unilateral nuclear and missile tests, China provided economic assistance to sustain the Kim's regime in spite of other state's criticism and concern. Therefore, China's shifting tides on North Korea can possibly induce changes in Pyongyang's military posture. The Hague summit reassured China's position toward the North Korean nuclear issue, which substantiated deepening Sino-US relations.

The most recent US-China summit was held in the midst of Asia Pacific Economic Cooperation (APEC). In Obama's remarks, he signified the importance in building cooperative setting in between Beijing and Washington by saying, "if China and the United States can work together, the world benefits."<sup>11</sup> The outcomes of the summit validated prospective Sino-US collaboration. Xi promised China's CO<sub>2</sub> emissions would peak in 2030 and be responsible in terms of climate change by cutting CO<sub>2</sub> emissions for the first time.<sup>12</sup> Since industrial production is one of the main resources in the Chinese economy, increments of CO<sub>2</sub> emissions is seen as inevitable.<sup>13</sup> However, Xi setting a specific year in order to recognize the climate change issue is salient for the world in the near future. Other than the climate change deal, two states established rules pertaining to military relations. For instance, each state needs to notify its military exercise to the other in advance. Also, the two established norms for maritime and air encounters in the western Pacific.<sup>14</sup> In terms of cultural exchange and economic

10 Chinese Commerce Ministry posted a list of restricted goods that has potential "dual-use" products that can be used either for weapons or non-military nuclear purposes. Retrieved from Keith Bradsher and Nick Cumming-Bruce, "China Cuts Ties with Key North Korean Bank," *The New York Times*, May 7, 2013; "China Tightens Nuclear Sanctions Against North Korea," *Voice of America*, September 24, 2013.

11 Office of the Press Secretary, "Remarks by President Obama at APEC CEO Summit," The White House, November 10, 2011, <http://www.whitehouse.gov/the-press-office/2014/11/10/remarks-president-obama-apec-ceo-summit> (accessed December 11, 2014).

12 Elizabeth C. Economy, "Obama's Big China Win at APEC: Not what You Think," *The Diplomat*, November 15, 2014.

13 From the data, China's CO<sub>2</sub> emissions rate is the highest in the world. Retrieved from "Data: CO<sub>2</sub> Emissions (Metric Tons Per Capita)," The World Bank, <http://data.worldbank.org/indicator/EN.ATM.CO2E.PC/countries/CN-4E-X?display=graph> (accessed December 11, 2014).

14 Elizabeth C. Economy, "Obama's Big China Win at APEC: Not what You Think," *The Diplomat*, November 15, 2014.

relations, the two sides completed negotiations to issue a ten-year tourist and business visa and to decrease tariffs on semiconductors and other information-technology products.<sup>15</sup> In the last summit, more productive and effective results were delivered as proof that both states were inclined to forging intimate relations.

### America's Pivot through Multilateralism

Over the past decade, China has tried to exclude US from the Asian multilateralism in order to preserve its own version of the 'Monroe Doctrine.' China has invested its resources in the Association of Southeast Asian Nations (ASEAN), ASEAN+3, and the ASEAN Regional Forum (ARF). She has even provided economic incentives to ASEAN through ratifying a Free Trade Agreement (FTA).<sup>16</sup> Also, China perceives the ARF as a vital Asian security forum. Obama has shown active engagement in Asian multilateral organizations in accordance to the Pivot to Asia. The Trans-Pacific Partnership (TPP) is one example of this. The TPP was established by an agreement between New Zealand, Chile, Brunei Darussalam, and Singapore in 2005. US, Canada, Australia, Peru, Vietnam, Mexico and Malaysia have joined following this initial agreement. Japan and South Korea have shown a positive signal toward joining the TPP.<sup>17</sup> The countries that have joined TPP negotiate on issues such as "trade in goods and services, investment, labor, financial services, technical barriers and other regulatory issues."<sup>18</sup> In stark contrast to the TPP, Beijing launched a contending economic integration, Regional Comprehensive Economic Partnership (RCEP). The origin of RCEP differs from the TPP. The participant states are ASEAN, subsuming Brunei, Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippine, Singapore, Thailand, Vietnam, which have already ratified FTAs with each six non-ASEAN states such as China, South Korea, Japan, India, Australia and New Zealand. Through RCEP, separate FTAs between ASEAN and non-ASEAN states can integrate into one regional economic agreement. RCEP argued, "it will establish deeper economic cooperation than the existing FTA agreements."<sup>19</sup> If two forms of economic integration compete in the Asia-

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15 Carol E. Lee, Jeremy Page and William Mauldin, "US, China Reach New Climate, Military Deals," *The Wall Street Journal*, November 12, 2014.

16 Kenneth Lieberthal, "The American Pivot to Asia," *Foreign Policy* 21 (2011): 3-4.

17 Beginda Pakpahan, "Will RCEP Compete with the TPP?" *East Asia Forum*, November 28, 2012.

18 Ibid.

19 Ibid.

Pacific arena, then one may argue that a diverse approach of economic engagement can trigger a deeper rivalry between Beijing and Washington. But through TPP and RCEP, quasi-multilateral economic cooperation can be fostered. Some member states such as Australia and New Zealand have joined both economic partnerships.

Quasi-economic integration is derived from Victor Cha's quasi-alliance concept in which he brings two unallied members to form a strategic alliance through common ally.<sup>20</sup> Since US has not concluded FTA agreements with ASEAN, this quasi-economic integration can act as a catalyst in bringing the Asian economy into a form of deeper integration. On the other hand, China officially announced that it is open to TPP and considers integrating with the global trade system.<sup>21</sup> In other words, TPP and RCEP is not a form of economic containment to exclude either party but can be a mechanism to converge economic and trade relationships. Therefore, Obama's approach of economic integration, which originated from Pivot to Asia, can foster cooperative setting for the means of deepening relations in between Beijing and Washington.

Moreover, in the security aspect, US has presented its effort to bring an intimate relation with China through multilateral organizations. In the aftermath of Pivot to Asia, US Secretary of State attended the ARF and addressed security issues in the Southeast China Sea such as territorial disputes. Also, by signing Treaty of Amity and Cooperation (TAC) with ASEAN, the US provided an institutional framework for regional cooperation. The US was able to accede to the East Asia Summit (EAS) and Obama has been attending the EAS since 2011 with an exception of the eighth annual summit in 2013. China has advocated for the ARF to be an important security forum and through US participation in ARF, the forum could be a more effective and practical platform in dealing with security issues.

If America's Pivot to Asia was designed to contain China's rise, then US should provide security guarantees for those states that are in territorial disputes with China. However, the US is pursuing to settle security issues in the Southeast China Sea through diplomacy and multilateral dialogues. US engagement in multilateral organizations in the Asia-Pacific demonstrates that US commitment to the region is not to contain but to build constructive relations with China. Even in times when China acts unilaterally and sparks

20 Victor Cha, "The Argument: Quasi Alliances," in *Alignment Despite Antagonism: The United States-Korea-Japan Security Triangle* (Stanford: Stanford University Press, 1999), 36-58.

21 Shannon Tiezzi, "Will China Join the Trans-Pacific Partnership?" *The Diplomat*, October 10, 2014.

tension by acts such as declaring a CADIZ or asserting sovereignty over what is disputed territory, the US has maintained the door to dialogue open. If Obama's Pacific Policy were meant to encircle or restrain China's rise in Asia, then multilateral security cooperation such as Southeast Asia Treaty Organization (SEATO) should be revisited. Thus, Obama administration's reconciliation policy toward China rather than coercive diplomacy has confirmed that US interests in Asia-Pacific is to have a tighten linkage with China to avoid the escalation of security confrontation that can instigate a security dilemma in Northeast Asia.

### Taiwan Relations and China's reaction to Pivot to Asia

Obama reiterating the one-China policy indicated that US would not interfere with China's domestic issues, especially pertaining to Beijing-Taipei relations. In the aftermath of diplomatic normalization between Washington and Beijing in 1979, US severed the diplomatic ties with Taiwan to give recognition to mainland China as the sole legitimate state. Based on Joint Communiqués that were issued in 1972, 1978, and 1982 and the US-Taiwan Relations Act, the US was able to continue to preserve cultural, commercial, and other unofficial relations with Taiwan.<sup>22</sup> US respected the Taiwan issue as an internal affair of China and concurred to not to intervene into Chinese domestic matter unless Beijing wages a war against Taipei in which case would affect the peace and stability in the region. Following the agreements and the subsequent US-Taiwan policy, US has established *de facto* embassy, American Institute in Taiwan (AIT), to manage its unofficial relations in order to comply to China's demands. If US and China had hostile relations, then Washington may employ the Taiwan card and pressure China militarily. For instance, by providing expanded military capabilities such as Bush administration's approval for possible selling of offensive-purpose

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22 Regarding to US policy toward Taiwan, refer to "Joint Communiqué of the People's Republic of China and the United States of America," Embassy of the People's Republic of China in the United States of America, February 28, 1972, <http://www.china-embassy.org/eng/zmgx/doc/ctc/t36255.htm> (accessed December 11, 2014); "Joint Communiqué on the Establishment of Diplomatic Relations between the People's Republic of China and the United States of America," Embassy of the People's Republic of China in the United States of America, December 16, 1978, <http://www.china-embassy.org/eng/zmgx/doc/ctc/t36256.htm> (accessed December 11, 2014); "Joint Communiqué of the People's Republic of China and the United States of America," Embassy of the People's Republic of China in the United States of America, August 17, 1982, <http://www.china-embassy.org/eng/zmgx/doc/ctc/t946664.htm> (accessed December 11, 2014); Bureau of East Asian and Pacific Affairs, "Fact Sheet: US Relations with Taiwan," US Department of State, <http://www.state.gov/r/pa/ei/bgn/35855.htm> (accessed December 11, 2014).

arms (i.e. diesel-electric submarines, P-3 anti-submarine warfare (ASW) aircraft, and four decommissioned US Kidd-class destroyers), US can use its both diplomatic and military leverage on Taiwan to encircle China.<sup>23</sup> But Obama officially reaffirmed that US does not support Taiwan's independence and favors cross-strait relations with Taiwan.<sup>24</sup> The implication of Obama's stance on the Taiwan issue is that US will preserve the past traditions in terms of its relationship with Taiwan and be able to create a cooperative ambience with China.

One residual concern is US arms sales to Taiwan. Since the 1990s, Taiwan has been a major US arms buyers and China conveyed serious concern to US.<sup>25</sup> But, in accordance to the US-Taiwan Relations Act, US is committed to assist Taiwan in sustaining its defense capabilities. China's missile launches in 1995-1996 triggered US to expand military ties with Taiwan. However, the US Congress restrained Bush's arms sales by freezing two submitted pending programs, a submarine design program and new F16C/D fighters.<sup>26</sup> Obama still has not made a decision regarding this issue in fear that US selling arms to Taiwan may be interpreted by China as US providing offensive capabilities to Taiwan. During the most recent APEC summit, Xi and Obama candidly discussed the arms-sales issue. When Xi raised his concern on US military ties with Taiwan, Obama simply reiterated the one-China policy and elucidated the purpose of selling arms as offering a defensive capability, which originated from the Taiwan Relations Act. Obama's position in arms-sales and his deferral of spending programs should be appreciated in that it is a sign that the US does not want to aggravate China's regarding Taiwan.

In deepening relations, cooperation is a key in between counterparts, as a marriage cannot be realized by only one side's willingness. If this concept is applied to the Sino-US relations based on America's Pivot to Asia, not only US intention but also China's reactions must be assessed to define whether two states are in the process of developing relations. In other words,

23 Shirley A. Kan, *Taiwan: Major US Arms Sales since 1990* (Washington DC: Congressional Research Service, 2014): 7-8.

24 "Obama: US does Not Support "Independence" of Taiwan,Tibet," *Xinhuanet*, November 12, 2014.

25 During Bush administration, six of the eight pending programs (not a "package") had a combined value of \$6.5 billion. Despite those concerns, President Obama repeated that cycle to wait to submit formal notifications for congressional review all on one day (on January 29, 2010) of five major programs with a total value of \$6.4 billion and again (on September 21, 2011) of three major programs with a total value of \$5.9 billion, including upgrades for Taiwan's existing F-16A/B fighters. Retrieved from Kan, *Taiwan: Major US Arms Sales since 1990*. 44-45.

26 Ibid.

the resulting consequences of Pivot to Asia must be examined to confirm the Beijing-Washington's tightened ties.

For the Iranian nuclear task, P5+1 (the United States, China, France, Russia, the United Kingdom, and Germany) agreed to a Joint Plan of Action (JPOA). JPOA is an interim agreement, issued in November 2013, to provide initial steps for multiple states that are involved in Iranian nuclear issue to ensure a peaceful Iran nuclear program.<sup>27</sup> Prior to promulgation of JPOA, US had consistently imposed a tightened economic sanction on Iran to prevent illicit nuclear developments. But China was exempted from the financial penalties that a state that maintains trade with Iran must pay.<sup>28</sup> China's exemption implies that US respects Chinese national interests, which derive from trading with Iran. However, despite Sino-Iranian relations, China cooperatively operated with other parties to promote the peaceful development of the Iranian nuclear program. China has been a sponsor state of Iran in building nuclear reactors and programs since 1980s. Xi's association with other P4 member states and Germany suggests that if nuclear development is prone to produce Weapons of Mass Destruction (WMD) then China will not support such a program. There has been a shift in the position taken by China on the Iranian nuclear program. This shift in China's Iranian policy indicates that Beijing also shares the view with US and its allies that Iranian nuclear programs can pose a threat to the world. Furthermore, China also allocates its interests on transnational issues with US. China shared a consensus on counterterrorism against ISIS, maritime piracy on the Gulf of Aden, epidemic such as Ebola, and pledged that China will commit to be responsible on those tasks. Thus, China immerses itself with the international community to foster peace and stability. China has shown its commitment to international security, which US has always demanded. Therefore, it can be concluded that China's positive reaction to US' request on Iran and transnational issues can be measured as positive forces in deepening its bilateral relations. Particularly, if US Pivot to Asia is a signal from Washington to Beijing for the purpose of intimate kinship, China welcomes and accepts the US initiative to expand the ties through commitment on international security and shares her aim on resolving Iranian nuclear issue. China is a sovereign state that can autonomously

27 European Union External Action, *Joint Plan of Action* (Geneva: European Union External Action, 2013).

28 Singapore and India were also exempted along with China. Referring to Keith Johnson, "Beijing Gets a Pass on Iran Sanctions," *The Wall Street Journal*, June 5, 2013; Rick Gladstone, "US Exempts Singapore and China on Iran Oil," *The New York Times*, June 28, 2012.

set its foreign policy and does not necessarily need to cooperate with other countries by default. Chinese cooperation and participation in US initiatives is a sign that America's relations with China are improving. This means that American foreign policy towards the Asia Pacific has been successful. Pivot to Asia's aim lies in strengthening ties with the emerging powers not containing them.

## US-Japan Relations: Japanese Collective-Self Defense

Despite Japan's expressed will to exercise the rights of collective self-defense, the Chinese state-run Xinhua published an editorial dismissing Japan's allegedly peaceful ambitions, stating that Japan has no interest in preserving the peace by implementing the rights.

"To conceal Japan's wild ambition of becoming a military power, Abe tailored for his security scheme a phony coat in describing his plan as becoming a 'proactive contributor to peace.'"<sup>29</sup>

The editorial also implied that Japan would use false premises to push its military development past strict Constitutional limitations: "Japan may use 'assisting the US army' as an excuse to break the limitations on its activities under its collective self-defense right."<sup>30</sup> Due to lingering historical animosity and Japanese imperialism in the early twentieth century, there remains significant mistrust between the East Asian nations. It is thus not surprising that China perceives collective self-defense as a pretext for a re-militarizing Japan. Abe Shinzo's ultra-nationalistic policies such as a firm stance on the Senkaku/Diaoyu island dispute, and failure to acknowledge the Japanese Imperial Army's misconduct during the Occupation years have remained issues for dispute. Thus, China's suspicions over Japan's collective self-defense as a pathway to re-militarization will likely never dissipate.

In the Joint Statement of the Security Consultative Committee issued after the 2013 '2+2 meeting, "The United States welcomed Japan's efforts in re-examining the legal basis for its security including the matter of exercising its right of collective self-defense... and US will commit to

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29 Shannon Tiezzi, "China Responds to Japan's Defense Package," *The Diplomat*, December 18, 2013.

30 Ibid.



collaborate closely with Japan.”<sup>31</sup> When President Obama made a state visit to Japan in April 2014, he expressed a firm stance on the US-Japan alliance: “Our commitment to Japan’s security is absolute and article five of the security treaty covers all territories under Japan’s administration, including the Senkaku islands.”<sup>32</sup>

In the context of Pivot to Asia, what motivates US to officially support Japan’s collective self-defense rights, and sovereignty over Senkaku? Since the 2008 financial crisis, US has maintained heavy defense cuts to reduce the financial burden created by US bases abroad. US support for Japan’s collective self-defense is due to these restrictions on forward deployed capabilities in terms of military expenditure. If Japan employs collective self-defense, the national defense budget for Japan will inevitably increase, lessening the burden shared by the US. However, this move may be destabilizing for the region. Re-militarizing Japan as opposed to maintaining the status quo runs the risk of provoking contiguous states and sparking a regional security dilemma.

The former Secretary of State has rejected claims that its policy is designed to restrict the rise of China, and Kerry has not shifted or amended to balance against China. The ambiguity of the Pivot to Asia policy is in that on one hand, US articulates the significance of building a mutually beneficial relationship with China, yet US maintains a security policy that in effect contains China’s influence in the Asia-Pacific region by strengthening its own alliance with Japan. This signals that America’s priority is to deepen bilateral relations with an existing ally – or more insidiously, to indeed check Chinese influence in the region, and not to cooperate with China. If the priority of Pivot to Asia were indeed “deepening working relationship with emerging powers,” US should not have taken a stance on Japan’s collective self-defense and the territorial disputes over Senkaku.

## America’s Missile Defense

China’s response to the US MD is twofold: 1) neglect US’s deployment of MD and focus on its economic development as long as the MD does not involve Taiwan; 2) China should be prepared and must employ a campaign

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31 “Joint Statement of Consultative Committee: Toward a Robust Alliance and Greater Shared Responsibilities.” US Department of State, <http://www.state.gov/r/pa/prs/ps/2013/10/215070.htm> (accessed October 8, 2014).

32 Justin McCurry, “Obama Says US Will Defend Japan in Island Dispute with China,” *The Guardian*, April 24, 2014.



against the MD.<sup>33</sup> Through the assessment of China's security policy on the US MD, China strongly opposes the deployment of US MD in Northeast Asia. According to Ambassador Sha Zukang, Director-General of the Chinese Foreign Ministry's Department of Arms Control and Disarmament from 1997 to 2001, "what the US wants is absolute security, because it is only from a position of absolute security that it can enjoy complete freedom of action in dealing with other countries. The US government and Congress have found MD the best means to deliver this."<sup>34</sup> Chinese analysts suggest that US MD developments could seriously affect China's security interests, and that one of the conditions for Beijing to participate in nuclear disarmament should be a US commitment to suspend ballistic missile defense efforts. China recognizes the broader implications since the US MD posture both reflects the threat perceptions and strategic intentions of the state adopting it, and inevitably will affect the existing international strategic environment and the perceptions and interests of other major powers.<sup>35</sup> China argues that the US MD would have long-term negative effects on the international security environment and progress in arms control and nonproliferation. First, MD disrupts global strategic balance and stability, harming mutual trust and cooperation between major powers. Second, the US MD will induce an arms race, especially in outer space.<sup>36</sup> Despite the China's apprehension and uncertainties toward the US MD, the Obama administration has never intended to remove the MD as it did in Europe. After Obama assumed office, North Korea has conducted two nuclear tests, two ICBM tests, and various missile tests, evoking instability in the region. North Korea became a pretext for Washington's continuing deployment of MD in Northeast Asia. However, China claims that the North Korean threat is greatly exaggerated, and that America's real intentions are to undermine Chinese security by neutralizing its nuclear deterrence.<sup>37</sup> Nonetheless, US ignores China's criticism, even requesting South Korea to join the MD. Under the US security policy in the Northeast Asia, MD clearly depicts Washington's containment policy on China. Therefore the US sends unequivocal message to China in terms of security.

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33 Jing-Dong Yuan, "Chinese Responses to US Missile Defenses: Implications for Arms Control and Regional Security," *The Nonproliferation Review* 10, no. 1 (Spring 2003).

34 Sha Zukang, "US Missile Defense Plans: China's View," *Disarmament Diplomacy*, no. 43 (January-February, 2000). <http://www.acronym.org.uk/43usnmd.htm> (accessed October 13, 2014).

35 Yuan, *Chinese Responses to US Missile Defenses: Implications for Arms Control and Regional Security*.

36 Ibid.

37 Ibid.

China does not share similar democratic ideologies with the US and instead elects to pursue somewhat clandestine security policies, such as the nine-dotted line/island chain to expand its territory at sea. Chinese policies have not only increased the tensions with the countries who have claim to the disputed territory but has alarmed the Japanese self-defense forces. Literature tells us of the difficulty in cooperative relationships between countries with different political systems and between countries that are not allies. Pivot to Asia cannot enhance the US' relationship with China if it does not ensure trust between the two countries. The possibility of the removal of US MD is relatively low, as long as North Korea pursues its nuclear program. Thus, 'how' is a big question in Pivot to Asia in terms of revitalizing the US relationship with China. In a hypothetical world, denuclearizing North Korea is the best solution to settle disputes over the US MD. If China uses full leverage to compel North Korea give up its only bargaining chip, US will lose the only pretext of deploying MD. However, this scenario is less likely due to China's buffer zone mentality and the pursuit of stability in the region.

## Conclusion

While the Obama Administration argues that the Pivot to Asia policy will be a cornerstone for a 'deepening working relationship' with China, the ambiguity of this foreign policy will create uncertainty towards emerging powers. such ambiguity can lead to miscalculations and mistrust. According to Hillary Clinton's *America's Pacific Century* in Foreign Policy, Beijing and Washington has been involved in the Strategic and Economic Dialogue and Strategic Security Dialogue to bring both states towards cohesion on economic and security issues.<sup>38</sup> Notwithstanding high-ranking officials' dialogues and summit meetings, Pivot to Asia has duplicity in terms of security objectives of the US. US has become a patron state for Japan in exercising collective self-defense that can lead to a normal, re-militarized Japan. Moreover, the presence of the US MD in the region and ongoing MD research depicts a containment strategy against China. Even as China tries to assimilate into the international community and abide by international norms, it will not be able to share the consensus on security objectives that can be interpreted as containing China. The Chinese state, retaining its Communist ideology, implements policies and actions that are contrary to existing international

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38 Clinton, *America's Pacific Century: The Future of Geopolitics Will be Decided in Asia, Not in Afghanistan Or Iraq, and the United States should be Right at the Center of the Action.*

norms such as declaring the CADIZ.

This paper criticizes the US commitment to the region which does neither of the two: fully cooperate with China or contain the rise of China. The means with which America is implementing Pivot to Asia, and the purpose of stronger military commitments are both problematic. It is unlikely that Obama will declare or issue a bill to contain China as Harry Truman did after the World War II. By analyzing Obama's behavior since inauguration, such as strengthening the hub-and-spokes alliance system especially with Japan, Obama shows that the US is containing China at least in regards to security matters. One of the major concerns with Pivot to Asia is a priority in US foreign policy: whether to strengthen existing bilateral relations with the 'spokes' or to build a working relationship with China. Since the Northeast Asian states have unsettled disputes over territorial claims and historical issues with China's influence, US allies have been threatened by the rise of China. The US has two options to resolve this issue: 1) build mutual consensus with China as a mechanism; and 2) strengthen the hub-and-spokes system to restrain China's arbitrary actions that induce instability in the region. US cannot implement two options simultaneously. However, Pivot to Asia attempts to subsume two contradictory options, thus nullifying its effect. For example, in order to build mutual consensus or to produce an effective agreement, US must abandon its advocacy on Japan's collective self-defense as a trade-off, which will instigate the less cohesive US-Japan alliance. Therefore, strategic ambiguity or a paradox lies in Obama's foreign policy towards Asia. **Y**



# INTERVIEW

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## **VIEWING THE EAST WITH EASTERN PARADIGMS: CHINA'S PEACEFUL RISE**

*Interview with Professor Choi Young Jin*

# VIEWING THE EAST WITH EASTERN PARADIGMS: CHINA'S PEACEFUL RISE

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## *Interview with Professor Choi Young Jin*

*Choi Young Jin is a distinguished professor at Yonsei University. He served as the former Special Representative of the United Nations Secretary General for Côte d'Ivoire and the Head of UNOCI (United Nations Operation in Côte d'Ivoire), where he oversaw the Ivorian presidential elections and the post-electoral crisis that followed. A former career diplomat prior to his academic career, he served as the Permanent Representative of the Republic of Korea to the United Nations and the Ambassador of Republic of Korea to United States. Previously, he was the Vice Minister for Foreign Affairs and Trade of the Republic of Korea, Ambassador to Austria and Slovenia, and Permanent Representative to all international organizations in Vienna, Austria. He served as Assistant Secretary General for Peacekeeping Operations at the United Nations and was Deputy Executive Director of Korean Peninsula Energy Development Organization (KEDO). He was a resident scholar at the Fletcher School of Law and Diplomacy at Tufts University. Editor in Chief Siri Sung and Junior Staff Editor Hyowon Shin had an opportunity to sit down with Professor Choi.*

### **Y: What motivated you to switch paths from a medical student at Yonsei University to a diplomat?**

Curiosity and youthful inspiration. I wanted to know what was going on in the world. Korea is a really isolated country just like Japan. The North Korean presence blocks our connection to the continent. South Korea is like an island, very much isolated. It was more so in the 60s and the 70s when I was growing up. I could not control my curiosity about what's happening around the world. Between medical doctors and diplomats, at least among the two, foreign policy officers enjoy a better chance of going abroad and knowing and observing what is happening around the world.

**Y: You used to be a practitioner of foreign policy and now you are a theorist, an academic. The question of the gap between theory and practice is centuries old. How do you think your roles have changed, and do you have any idea on how the gap between theory and practice can be narrowed?**

Ideally, there should not be a gap. In other words, a practitioner must be well-versed in theory and theoretician must have experience of practice. The best example is in Washington, the think tanks and administration, they are very close, and they exchange all information for the benefit of the nation. Korea, I think, I see a lot of gaps because academia and government they are separated, which is not good for the nation. What is to be done? The practitioners must study theories and try to formulate their experiences in the framework of understanding theories. On the other hand, those in academia must try to get experience as practitioner; participate in the government exercises, if possible in the government itself. With that kind of effort, you can reduce the gap for the benefit of the entire population. I will borrow the terms power and truth studied by Hans Morgenthau. Between power and truth, there was, is and will be struggles because it reflects the fundamental egos, as you mentioned, and from our search for self-interest. So it is inevitable but what we have to aim at reducing the gap between power and truth. Power should not ignore the truth and truth must recognize the exigencies of power and the limitations of power.

**Y: How did your diplomat career shape your outlook of the world, especially in terms of your book *The East and West: Understanding the Rise of China*?**

We are living in a time of Western paradigms which thoroughly dominate the entire world. This is because the West conquered the entire world and physically dominated for the last centuries. The rise of East Asia is changing this, so we have to correctly understand the fundamentals of East Asian civilization and how it is different from Western civilization. This allows us to understand the strengths and weaknesses of both civilizations. I think using Western paradigms to view East Asia will depict a very different picture from reality. Had I remained inside Korea, I could not have observed and compared the two civilizations. So my diplomatic career allowed me to widen and deepen my search for the understanding of the two civilizations.

**Y: How is your upcoming book different from your first book, the East and the West? How is it different from other authors that have written on the same subject?**

My book is very different from the views of Samuel Huntington or Francis Fukuyama, because in my opinion, they are still very Western centric. My work views the East and West on an equal footing. A predominant number of thinkers place the West on higher ground than the East. Even some Eastern thinkers view the East as an appendix of the West, in line with Hegelianism. I have only found two books, in my last thirty year of research, that compare the two worlds on equal footing. One is by Professor Richard Nisbett of University of Michigan called "Geography of Thought: Why We Think the Way We Do". It is the only book in North America, as far as my knowledge goes, which compares the East and West on an equal footing. The other book is from Europe, written by Professor Francois Jullien of University of Paris Seven. He also compares the East and West on equal footing.

I challenge the notion that the East is simply a part of the West. Without a balanced perception of the East and West, one is not equipped to properly navigate the complexities of the twenty first century. We have to have this balanced perception. We have to compare the strengths of the two worlds, and the weakness of the two worlds, rather than comparing Western strengths with Eastern weaknesses. This was the habit of the West for the past two hundred years, such as Hegelian philosophy of the world.

**Y: Some call for non-Western international relations theories as opposed to only having Western theories of international relations. Would you agree?**

The difference between the East and West when it comes to international relations, cannot be more contrasting. But people ignore this. They think that the East has no distinct paradigms of international relations, and all you have to study is the Western paradigms. This is only half true. We have Eastern paradigms, based on preserving the status quo as opposed to expansion, deference to hierarchy instead of exploitation, and ethics rather than law and force. It values the prevention of conflict as opposed to resolution of problems, and focus on "the day after" as opposed to "D- day". We have such contrasting paradigms between the East and West. The Western



scholars, naturally, refer to their own experiences. What is regrettable is that Eastern thinkers and scholars copy Western thinking.

Even scholars that are in a position such as Koreans. Which country do you think is in the best position to understand China; its past and its future? No other country, except Korea, has better and a deeper experience with China. By virtue of its unique historic experience and its current proximity, both geographical and cultural, it is in a better position to not only know China, but also predict China. Despite this fundamental characteristic that is favorable for Korea to speak out about China's past, present, and future, we do not do this. Instead we import perceptions from outside, the West, and America. This I do not understand.

**Y: The West currently holds the position of knowledge hegemony, and this possibly explains the simple importing of Western thinking by Eastern scholars. Do you think this hegemony will shift to the East in the future?**

Knowledge hegemony is a Western concept. Let us say Western paradigms. It is true that Western paradigms reign over the globe, even in the East. But do not forget that Eastern paradigms supported the rise of the East. Concepts such as market economy and democracy, why do you think the East digested them so successfully unlike any other region? Compare China with the Soviet Union, for example. Both communist countries, faced with the challenge of adopting the market economic, China succeeded and Soviet Union failed. Why? Because of fundamentals. Eastern paradigms such as *wu wei*, philosophy of non-interventionism, or *zunxi*, philosophy of man, were lacking in the Soviet Union.

Eastern paradigms are rising, and it will become more and more relevant. The world of the twenty first century, will be more like the Eastern traditional environment. Circumscribed. There is no more place to explore, to conquer, or expand your power. We all live in a global village, just like East Asia for the last three thousand years. So I would like to see the interaction between Western paradigms and Eastern paradigms, not in the form of conflict or showdown. Western paradigms are reigning supremely, but the Eastern paradigms are rising. That is the most fascinating interaction we are going to see in the twenty first century.

**Y: The concept of the “nation-state,” which is considered by some as a Western concept not fit for all regions, such as in the case of Africa, based on tribal traditions. Do you agree with this view?**

You raise a very interesting idea regarding the concept of the “nation-state,” which emerged in the West after the Westphalia treaty in 1648. What is your concept of state formation in the East? Do you think we are still following the footsteps of the Western nation-state? I would disagree. You have to really study in the depth the cultural history of the East. The state formation took place in the East more than two million years prior to Western state formation. The state formation took place in the East very early. For example, during the Warring States period, in fifth century B.C. The significance with the state formation is that it gives birth to the concept of political economy as well as democracy and the people-first politics. The reason why I am teaching East and West civilizations comparisons is because we do not know much about ourselves and because we are dominated by Western paradigms. We have to have a deep reflection and have correct perceptions regarding the East and West.

**Y: Based on your time spent as the Special Representative of the United Nations in Côte d’Ivoire, do you think the reason a lot of the issues ongoing in Africa cannot be solved is because the Western paradigm dominates the world?**

I would like to say without condescending intention a statement of observation facts most of the African countries, most of them still suffer from tribalism. They had no historic experience to move from tribalism to state formation, the way the East did from Warring State Period in fifth century B.C., and the nation-states of the West in sixteenth century. They are making a transition from tribalism to state formation. That is what Africa is now. The West then imposed nation-state models in Africa. There is a mismatch of what Africa is and what the West wants to make Africa to be. And that’s all you see now, the turmoil and disorder Africa is suffering from due to this discrepancy.

Many say the continent is a lost cause, therefore not worth the effort. China, however, has been recently investing heavily into the country. Do you think that this is a region worth concentrating on and do you think Korea should do the same?

First of all, the perception we have regarding Chinese economic involvement in Africa is a view by the Western press. In other words, why should we distinguish Chinese involvement from European Western involvement? There is no difference. Why the Western press focus on China is because somebody outside the West is doing the same thing. The West may ask the question but the fact that Eastern students and intellectuals ask this question surprises me. There is no point distinguishing between Chinese involvement and Western involvement. So, that I wanted to correct. Beyond that, the idea that Africa is a lost cause, I do not buy it. Rather, it represents the future. Africa has yet to trace the step taken by the West for the last several centuries. Africa is young. Currently, the West wanted to help Africa with their typical perception of models, democracy, human rights but that needs some infrastructure to work, which is education. Africa needs education and training and learning. It takes times, generations, if not centuries. So the current approach from the West to Africa will have certain limits. I hope China and other countries, such as Japan, Korea and other Asian countries, will make contributions to Africa in terms of education, training rather than a developmental model approach or an institutional approach.

**Y: How do you view the region we are in, East Asia? Do you think it is stable? What do you make of the future of the regional order in face of changing power dynamics such as the rise of China?**

I think the region is absolutely stable, and a military confrontation between China and the US will not happen. There is a disparity between the Eastern and Western paradigm regarding foreign policies. For example, the East, for thousands of years, evolved around the preservation of the status quo as opposed to the expansionism of the West. With expansion, we are bound to have struggles, wars and conflicts. But when the goal is to preserve the status quo, the default mechanism at play is peace.

The East's default mechanism is peace. You need motivations, intentions and outside input to have conflicts and wars in this region. People may point out the territorial issues in the East China Sea and the South China Sea. When I was in Washington, people always asked me, "When do you see the possible collision surrounding these issues?" I said, no you're not going to see any conflict or military confrontations. It will be resolved or managed in the frame of diplomacy or negotiations, not with armed conflict.

For this you have to have historical perspective; the default mechanism in the East was peace, not war or confrontation. For the West, the default mechanism was confrontation and war. This is not because they were moralistically bad but the environment. The West is in an expansive and open environment so they have to struggle for survival. You have to attain this attitude, of conflict and victory. It is unavoidable. On the other hand, in the East, we live in a circumscribed and contained environment. We do not have to expand to survive. There is no need to struggle for survival, the status quo is sufficient. Do you see the difference when you see the West and East? All the empires, Athenian, Delos alliances, Sparta, the Roman Empire, Charlemagne Empire, they are gone. You see nation states only beginning only after the Westphalia system in seventeenth century and Great Britain, France, Germany, and Italy. But in the East, Korea and Japan existed two thousand years ago. The predilection towards status quo versus expansion, that will help you understand a great deal in understand what is happening in the region. Peace not conflict. You have to be wary about what the Western theoreticians are saying. They will ask you to interpret what is happening the East with Western concepts which is not relevant. It is not a moralistic judgment. If the Eastern people were born in the West and lived there, they will behave exact same way; conquests and exploitations. If the Westerners were born in the East, they would act exactly like the Eastern people; preferring the status quo, peace as the default mechanism. So, it is the context which determine how the national person would behave. Have this distinction in your mind in the twenty first century to be relevant, or you will make mistakes. Such as trying to analyze the Eastern regional issues with the Western concept.

Confrontation between China and the US will not happen. They will compete for supremacy because it is in their blood, in the formation of nations. What is new is the modality with which they will compete for supremacy. The competition for supremacy is inevitable, but the game will be played as a game of *wei chi*, which is predicated on a fait accompli without confrontation. It is different from the Western game of chess, which is based on threats, confrontation, and direct collision with a view to securing a victory. The game played by US and China will be a game of *wei chi* in the twenty first century. They will compete for supremacy, but without confrontation. But this competition, to my mind, is secondary. The primary element in the future will be of the cultural exchange between the two paradigms, the Western and Eastern paradigms and the resulting interaction. We can hopefully have a productive synthesis out of the interaction.

**Y: In comparing White Papers of China and US, there was a clear difference between the assumptions regarding the region. The “Chinese Military Strategy” assumed that the region was very unstable and thus China needed to develop military capacity to maintain Chinese sovereignty and create a conducive environment for its growth. The “American National Security Strategy”, on the other hand, believed that the Asia Pacific was peaceful and wanted to concentrate on economic and cooperative measures to ensure and maintain peace in the region. How do you make of this difference?**

I am not sure that what is described really reflects the Chinese foreign policy posture and American foreign policy posture. I challenge the notion that America is peaceful and China may not be peaceful. The best description you can discern from their foreign policy posture from is their decoration about the “new type of major power relationship”. What does it say? It contradicts what you explained- the relationship between big countries in the Pacific era will be quite different from those in the Atlantic realm for the last five hundred years. The Atlantic era in the five hundred years was about imperial expansion and therefore conflict and confrontation was inevitable. On the other hand, according to Chinese perception of the “new type of major power relations” is what China has been doing in the old times, there will be competition but there will not be confrontation. And I think this goes very well with America’s “pivot to Asia” or “rebalancing towards Asia”, and I agree with your description, it is peaceful fundamentally. So I would like to argue on behalf of trans-Pacific compatibility, which is very important for you studying International Relations in this century. We saw trans-Atlantic incompatibility with Imperial Japan and American involvement in East Asia. But I argue that Chinese rise and the American Pivot to Asia are compatible because both nations will use their soft power, as opposed by hard military power.

Compare China with Prussia of the eighteenth century, Imperial Japan of nineteenth century, and Soviet Union of twentieth century. Where do you see the difference? You mentioned China enforcing its military capability, yes, but it is quite different from the three cases I just mentioned. Not Prussia-like, not Imperial Japan-like, not Soviet Union-like. China has a civilizational fundamentals, which will dictate her to demonstrate different pattern of foreign policy. How many ICBM do you think China has now? As reference, the US and Soviet Union still possess 1,300 ICBMs, and China as you say

has great economic capability, out of this how many ICBM did they produce and possess now? Sixty. Do you see the difference between China now and militaristic nations of the past? China's militaristic capabilities will grow certainly because it was so low in the past, because of the lack of economic resources. Now that they have the economic resources, it will grow but not in the same way as Prussia, Imperial Japan and Soviet Union.

You are born in East Asia and you are bound to know much better that Western people about Eastern cultural fundamentals. For example, would you believe and has anybody told you that China proper, excluding dynasties under Mongols and Manchus, has never stepped out of their frontiers for territorial or economic gains for the last one thousand years. If this is news to you, this means that you really have to make the distinction between East and West. Do you see any other country in the West that did not venture out of its frontiers over the last one thousand years and still preserve its existence? Not a single example. But China is there, Korea is here. Japan, unfortunately tried to emulate the West two times in the past, but these are the exceptions. International relations in East Asia, in general, have been regulated according to a different paradigm, based on preservation of the status quo instead of expansion, deference to hierarchy instead of exploitation, and ethics rather than law and force. It values the prevention of conflict as opposed to victory in conflict, management of the situation as opposed to resolution of problems, and management by default as opposed to resolution by design.

**Y: If there is a renewed Pax Sinica in the future, how do you think it will be different from Pax Americana or Pax Britannica?**

Pax Sinica will be very similar to Pax Americana, and very different from Pax Britannica or Pax Mongolica. Pax Britannica and Pax Mongolica were based on expansion, imperial colonialism, and conquest of other countries. On the other hand, Pax Americana, is and was based on a trade paradigm. In other words, American wanted to have commercial opportunities just like any other country. China, historically, relied on soft power like the United States. America and china each rely on soft power as opposed to military power as the principal means of securing its national interest. China's millennia old tributary system was precisely based on the balance of soft power vis-à-vis neighboring nations, and America is built on the moral principle that repudiates the European realpolitik of balance of hard power that dominated international relations from the time of the Treaty of Westphalia in

1648. So in this sense there is a compatibility between Pax Sinica and Pax Americana, a trans-Pacific compatibility. Pax Sinica and Pax Americana are different from the peace mechanism of the Atlantic era- a paradigm of war and conquest that relied on hard power, a balance of military power, for the last five hundred years.

**Y: What about China's expansion in the South China Sea? Can you still argue that China's efforts to build artificial islands in the South China Sea is an example of its soft power at play?**

What is happening in the South China Sea is too early to tell. I do not accept that this is part of their imperial design of the region. Every country wants to secure their next door territory, not just imperial countries. What China is doing is in their next door territory. If China does this in the Indian Ocean or the Atlantic Ocean, I would reexamine what I have put forth. Better wait to see whether China has aggressive intentions or is simply acting defensively. What is the perception of China's intervention in the Korean War and Vietnam War? Is it seen as offensive or defensive? Absolutely. It was defensive, both in the Korean War from 1950-1953 and in the Vietnam War in 1979. For a country like China, which has fundamentals of a civilization with premises of favoring the status quo, to engage in imperialism, they would have to convert its fundamental characteristics of foreign policy into one of hegemonism. It would take generations if not centuries to change this.

Do not try to import Western paradigms or Western concepts and apply it directly to the East. We have different paradigms and we are fundamentally different. We have to use Eastern paradigms to understand what's happening in the East, and Western paradigms to understand what is happening in the West. Thankfully, America, across the Pacific, stands between the Western and Eastern paradigms. Remember that America was built on the moral principle which repudiates European imperial colonialism. It is very fortunate for us to have such an America, not like a traditional European power. Do not let yourself easily taken in by the Western press. Not the entire Western press, but they want to paint an alarming picture using Western paradigms and applying it to the East.

I challenge the notion that America is peaceful and China is aggressive. I think China is as peaceful as America, if not more. Without due regard to Chinese civilization, one is apt to make the mistake of interpreting China's

moves in terms of the paradigm of the Atlantic Era. But compare the military spending between America and China and the number of ICBMs.

**Y: China's military spending has remained stagnant at 2.5 per cent of their GDP whereas the US has gone up and peaked at 5 percent in 2011. It has only come down to 4 per cent. Are you saying that if China was as aggressive as some think, the percentage should have grown?**

Both countries are peaceful. China, because of the peace loving fundamentals of its civilization, and American because the nation was built on a different moral principle than Western imperial colonialists.

**Y: This is an oldie but a goodie. If you had President Obama's ear for ten minutes, what would you suggest as an alternative to the Asia Pacific strategy?**

I would express my compliments. I agree with his policy to rebalance to Asia. I know that there are people who want to interpret it in terms of containment or encirclement of China, but I do not agree. Look at East Asia from an American perspective. What is East Asia? It is the future! East Asia produced only 10 per cent of the global GDP after the Second World War. Now, the number has approached 30 per cent. It is among the three geopolitical centers of the world along with North America and Europe.

Look at the demographics. In the region we have 1.6 billion people, North America has 400 million people, and Europe has 400 million people. East Asia has twice the number of people, North America and European Union combined. That is not all. People in this region have better motivation for education, hard work, thrift, and what I call default gratification. The fundamentals are better than the Western countries. Economic growth is faster in this region so it will become one of, if not the only, geopolitical centers of the world in the future. It is an economic engine. What would you do as the leader of the US? Focus your attention to this region. I think it is correct to interpret this "pivot to Asia" as America's expression of their will to participate in future trends. So I would express my compliments to American leadership.



**Y: Realism posits a pessimistic view on the role that can be played by a relatively smaller power such as Korea. What do you think of the role Korea can play as a middle powers such as agenda setting and role playing?**

A middle power such as Korea does not enjoy any margin of error. It should be extremely wary of any unrealistic, audacious, intrusive, or interventionist diplomacy. However, Korea must be aware that there are certain foreign policy areas in which she must act to secure her core national interests, and must take a proactive stance in these areas. Korea should be proactive in what is happening around its own country, such as issues regarding North Korea, Korea-Japan relations, and most of all the balancing act with alliance with US and cooperation with China. The balancing is not between China and US per se, but its alliance with US and its trade with China. Korea needs to balance these two relationships, which is primordial for its foreign policy. I believe Korean foreign policy now is solid in its fundamentals. It can be improved in regards to better managing multipolar relationships. I would recommend to be very careful in stretching its capabilities beyond its purview. **Y**



# REVIEW

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## **A TALE OF TWO NORTH KOREANS**

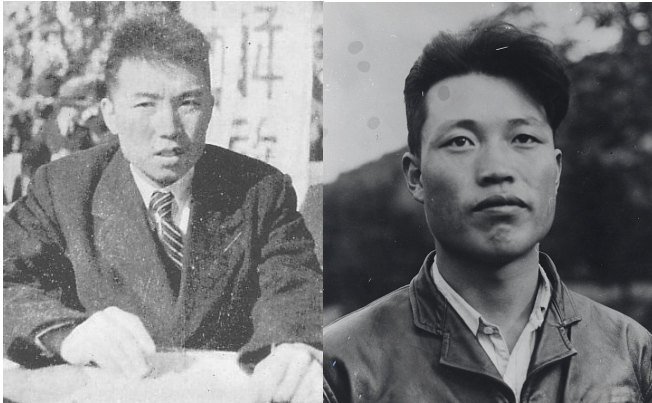
The Great Leader and the Fighter Pilot

*Brandon K. Gauthier*

# A TALE OF TWO NORTH KOREANS

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Kim Il Sung (1946)

No Kum Sok (1953)

Blaine Harden, *The Great Leader and the Fighter Pilot: The True Story of the Tyrant Who Created North Korea and the Young Lieutenant Who Stole His Way to Freedom* (New York: Viking, 2015); 304 pages; \$27.95.

In *The Great Leader and the Fighter Pilot*, Blaine Harden, the famed author of *Escape from Camp 14*, recounts the first years of the North Korean state through the experiences of Kim Il Sung and No Kum Sok. The stories of the former, the founder of the Democratic People's Republic of Korea (DPRK) and the latter, a North Korean fighter pilot-turned-defector, remind us of the diverse individuals who sought to navigate the DPRK's first tumultuous years. As Kim triumphed in power struggles at the top and sought to remake North Korea in his own image, No, whose father had worked for the Japanese before August 1945, survived at the bottom by praising communism until he could escape to South Korea.

Benefiting from Harden's deft storytelling, this work succeeds as a popular history that encourages readers to learn more about the creation

of the North Korean state and the immense suffering that resulted from the Korean War. Its focus on No's first-hand account in particular fosters a greater appreciation for the experiences of all Koreans, regardless of their backgrounds, during those heady days. The book's significance in this regard is that it offers the general public a deeper understanding of North Korean history through the eyes of those who lived it. Readers, especially individuals unlikely to take the time to immerse themselves in the vast historiography of the subject, will learn much about the origins of Kim Il Sung's regime and the horrific war that followed its creation. Many will find themselves disturbed by the North Korean leader's ruthless efforts to accumulate power but filled with admiration for No Kum Sok's tenacious survival instincts.

Despite these strengths, Harden's portrayal of Kim Il Sung is often too simplistic. That narrative, a zero-sum depiction of the Not-So-Great Leader, leaves readers wondering if there was anything more to Kim's story than brutal purges and Machiavellian intrigues. The North Korean leader was, as the author notes appropriately, a morally repugnant dictator. But in making that case, Harden doesn't do enough to analyze Kim Il Sung's deeply flawed humanity. Kim was a cruel despot, but he was also a human being, a father, a husband, and a son, who grew into his tyranny over time with unflagging confidence in his vision for Korea's prosperity. That recognition would have offered a more complex story about how one individual created a Stalinist nightmare with seemingly the best of intentions for himself and his people.

Of course, the dictator's life story has received more measured treatment in Dae-Sook Suh's *Kim Il Sung: The North Korean Leader* and Bradley K. Martin's *Under the Loving Care of the Fatherly Leader*, a much-read tome on the Kim clan.<sup>1</sup> For a more succinct overview, one could also look to Andrei Lankov's *From Stalin to Kim Il Sung: the Formation of North Korea*.<sup>2</sup> These works offer a sober assessment of Kim's early years and his ultimate goals for Korea as a communist state.

Regardless, Harden's *The Great Leader and the Fighter Pilot* remains unique as a popular history that contrasts Kim's first years in power with No Kum Sok's experiences at the opposite end of the political and social spectrum. Through their stories, we are allowed a birds-eye view of how two Koreans responded to a dangerous time.

1 Dae-Sook Suh, *Kim Il Sung: The North Korean Leader* (New York: Columbia University Press, 1988); Bradley K. Martin, *Under the Loving Care of the Fatherly Leader: North Korea and the Kim Dynasty* (New York: St. Martin's Press, 2004).

2 Andrei Lankov, *From Stalin to Kim Il Sung: The Formation of North Korea, 1945-1960* (New Brunswick, NJ: Rutgers University Press, 2002), 49-77.

## Excellent Liars

No Kum Sok was born in 1932 to a privileged existence during the Japanese occupation of Korea. No's father worked for Japan's Noguchi Corporation which built hydroelectric and chemical plants and railroads across the peninsula. His father, however, lost his job after the liberation of northern Korea by Soviet forces and his family had to sell all of their possessions to survive. The subsequent death of No's father from cancer in 1947 and the establishment of the DPRK in 1948 further upended what had once been a tranquil and affluent life.

No, the author states, abhorred Kim Il Sung's government and dreamed of escaping to South Korea, but the young man learned to keep his beliefs to himself and to publicly praise his new communist rulers. By the summer of 1949, No, hoping to avoid slaughter in the North Korean army gained admission to the DPRK's naval academy by lying about his family's privileged background. When war erupted the following year, No watched in horror as US bombers devastated his country, killing countless innocents. Only good fortune allowed him to escape to China in late September 1950 and receive training as a fighter pilot. Emerging as a MiG pilot in the fall of 1951, No quickly found himself battling US jets in the skies above Korea and Manchuria. Neither eager to die for his country nor kill Americans, the young man kept his distance from his adversaries, firing his guns off into the clouds to feign dogfights. When authorities stationed No outside of Pyongyang in September 1953, he promptly defected to South Korea on a training flight. Moving to the United States the following May, No enrolled at the University of Delaware, benefitting from a \$100,000 reward from the US government, before eventually becoming a successful engineer. He lives in Florida to this day.

Kim Il Sung's background, Harden notes, bore little relation to No's. Born in 1912, Kim spent most of his formative years in Manchuria, where his family fled to avoid Japanese imperialism. After Kim's middle school expelled him at age 17 for participating in communist activities, a nine-month stint in jail led the young man to embrace a life of armed struggle. In the mid-1930s, Kim and a small band of fighters, following the lead of Chinese communists, waged a guerilla war against the Japanese in Manchuria before fleeing to the Soviet Union to avoid capture. If the future dictator's military accomplishments were few and far between in these years, Kim—the author notes in quoting the historian Dae-Sook Suh—demonstrated “persistence and obstinate will, characteristic of many successful revolutionaries else-

where, that deserve recognition.”<sup>3</sup>

After September 1945, the future dictator rose to power in Soviet-occupied Korea by idolizing Joseph Stalin and taking orders from Soviet authorities. In the process, Kim gained influence at the expense of his political rivals, most of whom later faced execution squads. By the spring of 1950, Kim managed to convince both Stalin and Mao Zedong to let him launch an invasion of South Korea. Unimaginable devastation ensued as a result, and only China’s intervention saved Kim Il Sung’s government from extinction. In the years following the war, the North Korean dictator charted an independent path outside the orbit of Moscow and Beijing while playing those allies off one another for much-needed aid. Kim oversaw the reconstruction of his country from the ashes in the process and strengthened the brutal political system that persists there to this day.

### **Beyond the One-Dimensional Man**

While Harden accurately recounts Kim Il Sung’s first years, he often ignores significant questions about the future dictator’s ambitions. For example, when noting that Kim and his guerillas in the mid-1930s used extortion, blackmail, and murder to feed themselves, the author writes, “In Kim’s politics...there was never a question of whether the ends justified the means. He had become a thug with a cause.” But one wonders what Kim’s cause was as a young insurgent. Was it the dream of freeing his homeland from Japanese imperialism or seizing power for himself as an all-powerful ruler? Did Kim’s desire to liberate Korea ever transcend his insatiable desire for self-glorification? A discussion of these intertwined questions—raising the possibility that Kim Il Sung initially sought to achieve something larger than himself—would yield no tidy answers nor excuse his abhorrent behavior. Yet it would offer a far more penetrating analysis of the North Korean leader’s formative years.

In a similar vein, the author’s description of Kim Il Sung’s relationship with Joseph Stalin and Soviet authorities is reductive. The North Korean leader, Harden notes, was a “Soviet poodle” who “swallowed Stalinism whole” with “...slavish imitation.” However, in making these points, the text doesn’t consider the extent to which Kim genuinely believed in the Stalinist economic model for Korea, a system that—despite its abundant horrors—transformed the Soviet Union into an industrialized power during the 1930s.

As a result, Harden again misses an opportunity to offer deeper insights into the budding despot's story: Kim used the Stalinist system to ensure his dominance in North Korea—yes—but he also felt it would lead his country to prosperity; Kim thus came to view his personal leadership, and the implementation of communist policies under his watch, as essential for Korea's development. He ultimately believed in the necessity of his own tyranny. This remains one of the great tragedies of modern Korean history.

Another overarching problem in this text is that the author doesn't acknowledge a central similarity in the stories of No Kum Sok and Kim Il Sung: they both manipulated their environments for the sake of larger goals. For years, No faked the role of a fervent communist, outwitting his superiors by praising the DPRK until he could escape to South Korea. Kim did very much the same thing with Moscow, playing the part of loyal stooge until he could take total control of the DPRK and ensure its independence. In telling that story, the author mocks Kim as a puppet while describing No as an "excellent liar," suggesting that the former surrendered his personal agency while the latter managed to maintain his. The reality, however, is that neither man—despite the profound differences in their moral character—ever lost sight of their personal ambitions. There seems to be a fine line between obsequious puppet and cunning liar.

Despite these shortcomings, Blaine Harden's *The Great Leader and the Fighter Pilot* will enthrall popular audiences and encourage them to learn more about the origins of the DPRK. It is a tale of two North Koreans: one who became a villain without realizing it and another who flew to freedom with dreams of a better life. **Y**





# GUIDELINES

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FOR SUBMISSION

**PEAR (Papers, Essays and Reviews)** welcomes submissions from all scholars, most notably graduate students, regarding the diverse field of International Studies, particularly those topics that challenge the conventional wisdom of any given issue. Each issue of the printed Journal will contain the following three sections:

**PAPERS** This section includes feature-length articles of original research and must include proper citations. This section showcases compelling and stimulating research that provides a collage of situations and cases. Inclusions should range from 3,000 to 8,000 words.

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**The following guidelines should be adhered to for all submissions to the Journal:**

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2. Citations should appear as endnotes as per the *Chicago Manual of Style, 15th Edition*.
3. Pages should not be numbered or marked with the author's name.
4. Papers should include an abstract of no longer than 250 words as a separate document.
5. A short biography of the author should be included with each submission.
6. American spelling should be used in all submitted pieces.
7. Foreign words should be Romanized according to the following systems:  
    Japanese: Revised Hepburn  
    Korean: Revised Romanization  
    Chinese: Pinyin

**Submissions that neglect these guidelines will take longer to review and may be sent back to the author for revisions.**

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