



SOUTH KOREA-EU COOPERATION IN GLOBAL GOVERNANCE

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1. INTRODUCTION: SOUTH KOREA-EU COOPERATION IN GLOBAL GOVERNANCE

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South Korea and the EU are 'like-minded partners' that have significantly strengthened their relationship over the past decade. Since the upgrade of relations to a Strategic Partnership in 2010, South Korea and the EU have signed a Free Trade Agreement (FTA) applied since 2011 and formally entering into force in 2015, a Framework Agreement that entered into force in 2014, and a Crisis Management Participation Agreement that entered into force in 2016. These agreements cover the three key areas of economics, politics, and security. They also help to cover the South Korea-EU relationship in the area of North Korea issue management. All of them are central to South Korea's foreign policy, since they underpin some of the country's core foreign policy objectives: to strengthen national security, to increase trade and economic relations with third countries, and to manage the North Korean issue. They are also central to the South Korea-EU partnership.

At the time of writing, South Korea is the only country in Asia with which these three agreements covering economics, politics, and security have entered into force. This highlights and proves the importance that the EU accords to its relationship with South Korea. Indeed, these agreements have served to establish or reinforce a host of bilateral dialogues on a wide range of issues and to promote cooperation at the global level. They include traditional security threats such as nuclear proliferation as well as non-traditional security threats such as cyber-attacks or climate change. The agreements have also served South Korea to join EU counter-piracy missions; potentially, this could also be the case for peacekeeping and peacebuilding. Furthermore, the FTA has served to boost trade and investment. In other words, the three agreements signed between South Korea and the EU have had a positive effect on the bilateral relationship between both. They have led to tangible and material benefits.

Notwithstanding this success, the relationship could be improved and upgraded. South Korea and the EU are currently discussing the modernization of their FTA, which signals that partners feel that there is room to strengthen trade and investment links further. Also, the departure of the United Kingdom from the EU will have an impact on this agreement, for it was South Korea's second largest trading partner in the EU. Meanwhile, both MOFA and the European External Action Service (EEAS) are re-examining the Framework Agreement and Crisis Management Participation Agreement to find more synergies and strengthen and improve their implementation. In the case of the Framework Agreement, it covers a wide range of issues but the number of bilateral dialogues (around 40) and implementation activities suggests that there is scope to deepen the relationship. As for the Crisis Management Participation Agreement, South Korea has participated in the EU's Atalanta counter-piracy mission off the Horn of Africa. But there are ongoing discussions about participation in a larger number and more varied range of missions. In other words, both South Korea and the EU are aware that their bilateral relationship could improve – and they are actively looking at ways of doing so.

Having already celebrated the tenth anniversary of their strategic partnership, with growing bilateral cooperation, and in a post-COVID-19 pandemic environment, the time has come for South Korea and the EU to establish systematic cooperation in global governance. The multilateral system is currently under threat from both revisionist powers seeking to transform it and, to an extent, its main linchpin – the United States – where there are many who think that multilateralism does not benefit their country. South Korea and the EU, however, remain supportive of multilateralism. They have strengthened bilateral cooperation in a number of areas. And they both understand that post-COVID-19, multilateralism needs to increase. It is in this context that this report seeks to present an analysis of areas of potential cooperation and actionable recommendations in five universal issue-areas which can only be effectively addressed multilaterally: democracy, health, human rights, human security, and trade.

These are five issue-areas often categorised as non-traditional security issues. Yet, they pose an existential threat to countries and people across the world.

Since South Korea and the EU seek to preserve multilateralism and seek to be active shapers of global governance, they are areas they cannot ignore. However, they are also areas that no single country can affect in and by itself. Cooperation is essential. Thus why South Korea and the EU should work together with other like-minded countries to foster the security and well-being of their parties – as well as their own, but neither Seoul nor Brussels is shielded from security threats elsewhere in the world.

Recommendations for South Korea

1. Work together with the EU in reinforcing and, when necessary, reforming global governance. This should be done together with other like-minded partners such as Australia, Canada, Japan, the US and other European countries.
2. Be pragmatic in its approach to cooperation with the EU in global governance when necessary, focusing on common priorities and using bilateral, regional and minilateral frameworks that may support global arrangements.
3. Consider cooperation with the EU when it comes to capacity-building in third countries, in areas such as democracy promotion, health, human rights promotion, human security and trade.
4. Show leadership in its relationship with the EU in areas in which it has more experience, for example engagement with countries in the Indo-Pacific.
5. Ensure a smooth transition among administrations when it comes to global governance. In this respect, greater cooperation with the EU could help to preserve relevant structures and policies across administrations.
6. Consider closer cooperation with the EU in dealing with North Korea in global institutions of which North Korea is part.
7. Use the COVID-19 pandemic and US-China rivalry as an opportunity to strengthen links with the EU at the bilateral and global levels.

2. DEMOCRACY PROMOTION

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1. Introduction

Both the European Union (EU) and South Korea are committed to democracy and democratic ideals as key components of their foreign policies (CEU, 2012; Constitution, 1987). In 2021, it was reported that only 49.4 per cent of the world population live in a democracy. In the same index, the EU is not represented as a single entity, but rather through the EU member states. Norway and Iceland, which are not EU member states, top the ranks among the full democracies in the index, followed by an EU member, Sweden, and then Finland, Denmark, Ireland, the Netherlands, Luxembourg, Germany, Austria, and Spain. South Korea, ranked 23rd, concludes this list (Democratic Index 2020, 2021).

The democratic environment is facing challenges related to the restrictions in legislation and government policies, and corruption, which affect the freedoms of expression, assembly and association, the impartiality and integrity of institutions and those in power, as well as human dignity. This ultimately leads to a lack of trust in public authorities and protests and affects the democratic participation (COE, 2021). The most recent democratic backsliding among countries has been attributed to the impacts of the COVID-19 pandemic in relation to the withdrawal of civil liberties, lack of tolerance, censorship, and disinformation.

The responses to the virus in Europe and South Korea vary in scale of school and workplace closures, travel bans, lockdowns or tracking and policing of the citizens (UOX, 2021). Additionally, the democratic governments are facing a challenge from non-democratic states that undermine the international order and engage in a systemic competition. This requires strengthening the collaboration of democracies and campaigning for democratic multilateralism without creating a bloc, by supporting a value-based multilateralism under democratic principles within reformed existing frameworks. This collaboration

does not exclude working with non-democratic states since all states and the EU, as a supranational entity, share transnational threats such as climate change, cyber threats, or terrorism (Jones and Twardowski, 2021).

While there is no agreed definition of “democracy”, essentially, this chapter refers to the fundamental rights and freedoms, and free and fair elections when using the term. In a democracy, it is vital for the processes and institutions to be transparent, inclusive, and credible. Even though this part of the report does not analyse human rights and the rule of law, these areas are referred to in this assessment, since they are strongly linked because they underpin democratic societies.

To advise on how the EU and South Korea can cooperate at the global level, it is pertinent to analyse their policies and presence in multilateral institutions and see them in the context of the current state of the democratic environment.

2. South Korea's policy

The evolution of South Korea's democracy is reflected in the key milestones and the foreign policy efforts of its recent history. South Korea's foreign policy choices have largely been dictated by its geopolitical position and the pressures of great power politics (Snyder, 2018). South Korea transitioned from authoritarianism to democracy in the late 1980s with the appearance of its first democratically elected President, Roh Tae-woo, in 1988. The next President, Kim Young-sam, building on his predecessor's emphasis on *seggyehwa*, or ‘globalisation’, adopted the “New Democracy” policy. This policy sought to shift South Korea's diplomatic concerns, which had been locked into grappling with issues arising from relations with North Korea, towards contributing more proactively to educational reforms, legal and economic reforms, globalisation of the country's politics, media, and bureaucracy, cultural awareness, and more (korea.kr, 1995).

After his election, President Kim Dae-jung focused on strengthening the East Asian regionalism and on the country's ties with major powers. Garnering international support was essential to the success of his signature *Sunshine Policy*, a policy toward North Korea aimed at going beyond a “Cold War mentality” to forge peaceful ties with the North (Snyder, 2018; Paik, 2002). Kim's

Sunshine Policy subsequently became a point of polarisation in the domestic arena between conservatives and progressives. One of the main criticisms of the policy was the North's engagement in the development of nuclear weapons, a significant point of contention that continues to haunt inter-Korean relations and the US-ROK alliance, especially given the North's subsequent provocations.

The election of Roh Moo-hyun in 2002 saw the start of his "balancer policy," which aimed to strengthen South Korea's position as a middle power through the Northeast Asian Cooperation Initiative. Against this backdrop, Lee Myung-bak's Global Korea policy emphasised Korea's leadership in the international arena, and a return to a strengthened US-ROK alliance. Lee embraced the policy of "hosting diplomacy," whereby South Korea served as a host at key meetings such as the G20 meeting. Confronted by further regional security challenges, the next President, Park Geun-hye, continued her predecessor's emphasis on the US-ROK alliance and pushed for the Korean Peninsula Trust-Building Process (*Trustpolitik*). Finally, Moon Jae-in, who assumed office in 2017, has sought a more proactive role in the inter-Korean relations and the US-ROK alliance, and has also attempted to navigate the ties with Japan, which had hit one of their all-time lows, namely after Lee Myung-bak's visit to Dokdo in 2012 (Kim, 2012). Moon's optimism and the effort for a greater autonomy regarding the North Korea issue were challenged by the North's resumption of nuclear operations in 2021 (Pyongyang Declaration 2018; IAEA 2021).

With less than a year to go for President Moon's administration, more can be done to ensure its democratic components. From 2017, South Korean society has slowly recovered from the memories of the "candlelight rallies" held by the public to call out the privileges and corruption of the elite (Moon Jae-in, 2017). However, the public outcry and accusations of preferential treatment and forgery, among other allegations, continue to lead to a politics that is deeply polarised between the progressives and the conservatives (Khatouki, 2019; Kang, 2020). This is one of the avenues where we can witness the disputes concerning 'disinformation', or the so-called 'fake news', regarding the opposition. These ongoing debates on media freedom, reveal common challenges and the growing democratic deficit confronting democracies.

As a full democracy, Korea was ranked 42nd in the World Press Freedom Index in 2021, the same position that it was given in the previous year. However, the recent domestic and international criticism of South Korea's *Act on Press Arbitration and Remedies for Damages* caused by Press Reports, poses concerns about possible democratic backsliding. While the Act was intended to deal with the issues of disinformation, the push for the imposition of punitive damages on media organisations, and the ambiguity of the Act, which is devoid of clear parameters, were met with reservations by many international organisations (UN OHCHR, 2021; WAN-IFRA, 2021). There have also been criticisms related to the manipulation of internet comments by both conservative and progressive administrations, an issue that is not unique to South Korea, but rather one that poses a global challenge to democracies nowadays (Tworek and Lee, 2021; Supreme Court of Korea, 2021).

3. The EU's policy

Since its founding in 1993, the EU has set out to defend the values of democracy, the rule of law, and respect for human rights, and to uphold the respect for human dignity, equality, and freedom (TEU, 1993). These values are meant to ensure the internal coherence of the Union and they have also shaped the EU's Global Strategy. The EU, being the largest group of democracies in the world, aims to work with like-minded partners to foster a more transparent and effective multilateral system.

Under the EU Commission's mandate, through the *European Democracy Action Plan*, the Union aims to empower citizens with a focus on improving their electoral voices and promoting free and fair elections. It ensures the freedom of media and an exchange of diverse views within a public space. It works with various stakeholders and engages states, academia and civil society while countering malign interference and disinformation. More action is required to improve the legislation in the areas of creating a greater transparency in political advertising, and the funding of European political parties, or to provide more mechanisms to counter threats to information systems and defend against cyber-attacks (European Democracy Action Plan, 2020). Better legislation is also needed in

the areas of protecting journalists and ensuring more transparency of media ownership and state advertising. More capacity-building is required in fighting disinformation. The European Parliament plays an important role in this process since its members are directly elected by the public. It has powers to influence the EU laws, confirm the budget, and approve international agreements.

The EU, through enlargements, has absorbed former communist countries and has helped them through economic and political reforms. These democratisation processes are a work in progress, however, since these member states still suffer from weak political cultures, corruption, conflicts of interests and issues with institutions that are there to safeguard the rule of law. The resilience of democratic systems has been tested during the COVID-19 crisis since in emergency situations, governments tended to implement measures that were unchecked and infringed on civil liberties. This was not a trend specific to one particular region in Europe since even some Western full democracies lost their status and moved to the category of ‘flawed democracies’ because of their curtailing of freedoms (Democracy Index 2020, 2021).

The respect for freedom of expression has been in decline over the past three years, with journalists being targeted or murdered for their work, and both their own and their families’ safety being threatened. The pandemic brought losses of jobs or censorship when questioning of government policies, online hate speech and “fake news” have increased. Positive initiatives in this regard included some member states launching media and information literacy initiatives and strengthening their pre-COVID activities involving fact-checking. The Council of Europe has been encouraging the promotion of rule of law so that it would be applied to the governance of digital platforms, which have not done enough to restrict their users’ access to harmful or illegal content (COE, 2021).

The challenges to and the sustenance of civil society, as well as cyberspace, in democracies are of heightened importance, and these problems have been further exacerbated by the pandemic. This is not a cautionary tale limited to the EU and South Korea, but it is one of the challenges raised by the new media platforms and their role in democracy promotion globally. The question of ensuring freedom of information and freedom of press in the media albeit

without resorting to democratic backsliding, appears to be an increasingly urgent challenge and presents an avenue for collaboration within multilateral institutions.

4. South Korea-EU cooperation in democracy promotion

With the international system increasingly multipolar, non-democratic states are asserting themselves more and tend to violate codes of conduct and international law. It is important to support multilateralism because it contributes to regulating the conduct of states and a fair institutional order. Not having basic ground rules, leads to instability and issues with collective action. When they conduct relations, voice their views, influence world affairs among great powers, or confront the challenges to democratic systems, multilateralism is a preferred form for both the EU and South Korea.

Over the years, the EU and South Korea formed a strategic partnership underpinned by the shared values of democracy, human rights, the rule of law and the market economy. South Korea became the only country in Asia with an institutional agreement with the EU in all the three areas of economy, politics and security. This was the Framework Agreement between South Korea and the EU from 1994, and then its upgraded version from 2010 (Park, 2020). For the EU, this marked their first FTA in Asia, one which subsequently shaped their relationship with other Asian countries. To South Korea, this marked its first FTA with the 'big three' powers China, the United States and the EU.

During the tenth anniversary of the strategic partnership in 2020, the aspirations for a partnership in global solidarity were affirmed, especially through the G20 and the United Nations system, and the commitment to the shared values and the importance of effective multilateralism (EEAS, 2020). This multilateralism, far from solely serving as a fine rhetoric, signals and strengthens South Korea's renewed presence in multilateralism, moving away from the shadows of the traditional ROK-US alliance, but also proving its lasting significance, especially when the traditional alliance was under strains during the Trump administration.

The EU's long-standing commitment to 'effective multilateralism' and approach to 'effective global governance' have been based on the idea of transforming the processes rather than preserving the multilateral system. And although the EU and South Korea are committed to strategic partnerships, they also embrace a wider range of actors. Both entities are very pragmatic in their relations with other states, but they do lack efficiency when dealing with civil society and non-governmental institutions. Often these actors are underfunded but they are the first contact point for many affected by breaches of liberties and issues with government institutions (Lazarou, 2020; Dworkin, 2021).

In this regard, it should be noted that one of the cornerstones of the EU-Korea dialogue and the initiation of the peace process in the Korean peninsula is reflected in the EU's policy toward the North Korea issue. Given the ups and downs, the first phase of the EU-North Korea relationship (1994-2003) involved the EU actively engaging North Korea with humanitarian and developmental assistance, political dialogue and more. The EU led the UN condemnation of North Korea's human rights record for years, with the support of South Korea, which has been a member of the UN Human Rights Council several times since its inception. On March 22, 2021, the EU imposed the first-ever human rights sanctions on individuals and entities in the DPRK under the Global Human Rights Sanctions Regime. For EU officials, there is a need to up the multilateral sanctions to put more pressure on the DPRK, and this is certainly a space where South Korea and the EU can further collaborate to make important changes (Pacheco Pardo, 2021).

However, the collaboration within the Human Rights Council and the North Korea Human Rights Dialogue have been more successful regarding dealing with human rights in general and the democracy promotion component has been rather lacking. South Korea and the EU could be doing more. Based on the Organisation for Economic Cooperation and Development's (OECD) Official Development Aid Development Assistance Committee (DAC), South Korea ranks as the 16th largest donor, and the 27th largest DAC donor in proportion to the size of its economy. In its priorities, it highlights funding going toward health and medicine, and education, and sustainable investments in trade, infrastructure, future industries and security. Forecasts point out that in this case, grants should be directed toward education and public administration, among other

things. There does not appear to be much focus on democracy enhancement in regard to South Korea's neighbour to the north (Donor Tracker, 2021).

The EU, a multilateral entity itself and comprising the most democracies out of all the international organisations, needs to improve the coordination among member states and with other co-donors. There is a different success rate in this regard and the priorities vary among member states as to where funding should be committed. For some countries, foreign aid is not a priority agenda at all (OECD, 2021a). Looking at the OECD's DAC Committee data, the most EU/EU member state aid is directed toward social infrastructure and services. There is a special focus on government institutions and civil society (OECD, 2021b). In the case of South Korea, the funding is higher than that of most Asian countries, and in comparison, with Japan, which commits most of its funding toward economic infrastructure, South Korea, just like the EU, prefers to support projects with social ends (OECD, 2021c). However, what they both share is that these projects are often single purpose with expiry dates and when they end, there is no follow up with the local institutions. As such, these efforts are not very effectively handled and are not sustainable. It is vital for the EU and South Korea to have joint missions and joint analyses of results, while working with the priorities of national strategies and local institutions of recipient countries (OECD, 2015).

5. Conclusions

As stated throughout this chapter, both the EU and South Korea embrace the democratic systems of governance and they aim to advance democracy around the globe. From the EU perspective, it is in the Union's interest to strengthen the multilateral system and work with like-minded partners to achieve a more transparent and effective rules-based system. Although South Korea is an established democracy and has a clear division on powers, with protection of freedoms and human rights, there is still room for improvement when it comes to closing the gap to overcome inequalities. Bilaterally, working with civil society organisations, the EU delegation in Seoul has already identified several areas of mutual interest such as gender equality and addressing the related violence (including online gender-based violence), anti-discrimination efforts and

tackling hate-speech, the de jure abolition of the death penalty and freedom of association. Amid the pandemic, they found innovative ways of engaging with the government and civil society organisations. These initiatives can be further shared as good practices within the multilateral frameworks.

We recommend that to overcome challenges related to the decline of democratic governance and building more resilient societies, South Korea and the EU should jointly:

1. boost democratic processes and institutions and eliminate the restrictions on free media, eliminate corruption and discrimination, provide enough space to political parties and the opposition and increase the transparency of financing and campaigning. This will ultimately increase the trust of the public in these processes.
2. collaborate on supporting efforts that eliminate disinformation campaigns, hate speech, violations of citizens' privacy rights and violations of data protection. Good steps were already taken via the new media law that was introduced in South Korea, but further steps are required, and South Korea and the EU should also work with the UN and the world on better protection of online technologies.
3. continue with a specific focus on voting within the UN human rights agencies where the voting records of the EU and South Korea are very similar, and this would demonstrate their like-minded approaches in these areas. They can contribute to the active critical engagement with the DPRK by pressuring the government through sanctions but also keeping the communication and dialogue channels open. Additionally, with the latest developments in Afghanistan, both South Korea and the EU can help with recommendations for how to proceed to improve the situation of the most vulnerable groups. The South Korean government has completed the evacuation of Afghans who supported its activities in Afghanistan, which was dubbed "Operation Miracle". This is one area where there is much potential for the expansion of its democratic components for the cooperation between the EU and Korea.

4. make the aid within the OECD and other fora more effective by working together to share missions and analyse the progress and outcomes to ensure that the funds reach the required recipients and are in line with the local priorities. Simultaneously, it is vital to help build local capacities to sustain the duration of these activities beyond the duration of a single project.

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3. HEALTH

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1. Introduction

The world is facing the COVID-19 pandemic, one of the most threatening global health crises. Before the COVID-19, there have been other epidemics and pandemics such as the Zika virus epidemic in 2016, the MERS outbreak in 2015, the Ebola outbreak in 2014, SARS in 2003. These examples show that a health crisis in a country cannot only be a matter of that country any more. Due to the increasing interdependencies between countries, the control and management of infectious diseases become harder and harder and require more robust international cooperation.

South Korea and the EU play major roles in global health governance. Since South Korea joined WHO in 1949, the country has closely cooperated with the international organization, improving its domestic health conditions. Up until the 1990s, it had been a recipient of international aid. In the late 1980s and the early 1990s, South Korea transformed into a donor country, starting to make financial and intellectual contributions to global health governance and supporting the WHO's mission in developing countries. The EU also has become an important international actor, despite its limited powers in the field of health and being just an observer at the WHO, since 2001. The organization provides significant financial support to cope with the spread of infectious diseases and improve health systems in developing countries.

In this chapter, we will review a brief history of the health governance policies in South Korea and the EU. Then, we will discuss both entities' presence in international organizations. Finally, we will make suggestions promoting the South Korea-EU cooperation for global health governance. We believe that the cooperation between these two primary actors will be crucial in ensuring global health security.

2. South Korea's policy

South Korea's commitment to global health governance is mostly through the Official Development Assistance (ODA). According to the Korea International Cooperation Agency (KOICA), South Korea has spent about 15 percent of the total annual ODA budget in the health sector on average (KOICA 2021b). In 2019, health-related ODA was the second biggest disbursement after education. Asia is the top region where the most of the ODA health budget has been distributed (about 38% in 2019) (KOICA 2021b).

South Korea has a shorter history in its commitment to global health governance. It started to become a donor country with the foundation of the Economic Development Cooperation Funds (EDCF) in 1987 and the Korea International Cooperation Agency (KOICA) in 1991. Since the 1990s, KOICA has played a major role in South Korea's global health governance. The agency is under the Ministry of Foreign Affairs and administers bilateral and multilateral cooperation development projects. It promotes three main objectives for the improvement of health quality and medical services around the globe. Those are "ensuring access to essential health services for reproductive, maternal, and child and adolescents," "enhancing water/sanitation and access to comprehensive nutrition service," and "preventing disease and ensuring treatment" (KOICA 2016). The agency has implemented many health-related programs, such as the Second Korea-Peru Maternal and Child Health Center Improvement Project in Comas District from 2011 to 2016. This project is listed as one of the best practices on the KOICA website (KOICA 2021a). 3.2M USD was invested in the construction of the centre, providing medical equipment, and the healthcare personnel training.

Under the global health crisis caused by COVID-19, KOICA implements the ABC Program (Agenda for Building Resilience against COVID-19 through Development Cooperation) (KOICA 2020a). The program aims to provide diagnostic kits, support drug and vaccine development, and provide emergency response and livelihood support to vulnerable groups. The total budget of the program is \$158.63M and direct health-related budget is \$148.92M. The fund is mostly used for the distribution of test kits, masks, and personal protective equipment

(PPE) (KOICA 2020b). Also, in 2017, South Korea established the Global Disease Eradication Fund (GDEF). With partnership with International Vaccine Institute, WHO, UNICEF, and NGOs, KOICA uses the fund to combat the spread of infectious diseases in the Global South (KOICA 2018).

3. The EU's policy

The EU is not a standard actor in multilateral health cooperation due to the absence of its own health system and limited powers delegated by its member states, which consider health policy primarily a national prerogative. Still, over the years, its competences and international engagement have been growing – most often in response to health crises, such as the epidemic of AIDS in 1980s or the BSE in the 1990s (Greer, Fahy, Rozenblum 2019).

Starting from 1980s, the EU has set up its first health-related research programmes devoted to cancer, AIDS and harmful drug use, and began to regulate pharmaceutical and medical devices markets. The Maastricht Treaty of 1992 gave it first explicit powers in the public health sphere, to support member states' policies and cooperation in certain areas. In 1995 the European Medicines Agency (EMA) was established and in 1999 the European Commission (EC) set up the Directorate-General for Public Health and Consumers (DG SANCO), later Directorate-General for Health (DG SANTE). The EU became more active in new fields, such as tobacco use regulation and control of communicable diseases (Greer, Fahy, Rozenblum 2019). This was reflected in active participation in the WHO negotiations on Framework Convention on Tobacco Control and International Health Regulations (concluded, respectively in 2003 and 2005), and establishment of the European Centre for Disease Prevention and Control (ECDC), tasked with coordinating EU member states' activities for health, in 2004.

A breakthrough EC's Communication on the EU Role in Global Health of 2010 set as key EU global health aims the promotion of universal coverage of quality health services, finding coherence among different EU policies that affect global health (e.g. trade) and supporting the WHO (European Commission 2010). A recent 2020 communication, issued during the COVID-19 outbreak, declared EU's will to strengthen its role in international coordination and cooperation to

prevent and control cross-border health threats through the enhancement of the ECDC and EMA capabilities, closer cooperation with the WHO and non-EU centres for disease control and prevention, engagement in platforms such as the Global Health Security Initiative, use of formats such as the G7 and G20 and support for regional cooperation and solidarity (European Commission 2020). The EU has also been cooperating with or financially supporting various health-related organizations, such as the International Vaccine Institute (IVI) (International Vaccine Institute 2019, 2020 & 2021a).

4. South Korea's & EU's presence in multilateral institutions

South Korea joined WHO in 1949 and created the country's Liaison Office in Seoul in 1962, which was upgraded to a WHO Representative Office in 1965. As the country transitioned from a recipient country to a donor country, its cooperative relationship with WHO has been strengthened. It has shown a strong commitment to global health through its commitment to the WHO system (World Health Organization Regional Office for the Western Pacific 2019). South Korea has made assessed financial contributions (AC) and voluntary financial contributions (VC). Among 194 WHO member states, South Korea ranked 11th in its AC between 2008-2013 and 13th between 2014-17. It provided \$32.9M VC in 2014-15 and \$26.6M VC in 2016-17, being ranked 10th and 12th respectively (World Health Organization Regional Office for the Western Pacific 2019). As South Korea is a member state of the Western Pacific Region in WHO, the country's support in the region is critical. In 1996, South Korea's Ministry of Health and Welfare and the WHO Regional Office for the Western Pacific signed a memorandum of understanding (MOU) to establish a community health project fund. The ministry contributed \$300,000 VC to the fund. Other MOUs are signed and renewed between South Korean government agencies and the WHO Regional Office (World Health Organization Regional Office for the Western Pacific 2019).

South Korea signed the WHO Framework Convention on Tobacco Control (FCTC) negotiated under the auspices of WHO in 2003 and ratified it in 2005, when the treaty entered into force. In 2012, South Korea hosted the fifth session of the

Conference of the Parties (COP) in Seoul, which was attended by more than 140 Parties. In the COP, the Protocol to Eliminate Illicit Trade in Tobacco Products was adopted. South Korea signed the protocol in 2013 (World Health Organization Regional Office for the Western Pacific 2016).

In 2006, South Korea joined the International Agency for Research on Cancer (IARC) and became one of the 24 participating states (World Health Organization Regional Office for the Western Pacific 2016). In the IARC, South Korea conducts cancer research in cooperation with other member states to enhance the quality of cancer research and develop international cancer policies.

South Korea also hosts the International Vaccine Institute (IVI). In 1996, South Korea and WHO signed the IVI Establishment Agreement in the UN headquarters and in 2003, the headquarters building opened in Seoul, which was donated by the South Korean government (International Vaccine Institute 2021b). The institute is to aid developing countries from infectious disease by developing and distributing vaccines. The Ministry of Health and Welfare of South Korea contributes about 30% of the annual operating budget. Through the institute, South Korea aided North Korea for conducting surveillance in diarrheal disease and acute encephalitis syndrome, launched a massive oral cholera vaccination program in Ethiopia (2015), Malawi (2015), and Mozambique (2018), and implemented cholera vaccination campaigns in Nepal (International Vaccine Institute 2021b).

The EU has been recently increasing its engagement in health governance. It has supported the WHO and commended its leadership in response to Covid-19 pandemic, particularly coordination of international efforts (European Union External Action Service. 2020b). South Korea's stance has been similar. The EU has helped WHO to launch its ACT-Accelerator initiative to coordinate and speed up the development of vaccines, treatments and diagnostics, and later to gather 16 billion EUR donations for it (European Union External Action Service 2020a). It has also backed the COVAX vaccine procurement initiative by hosting a pledging conference which raised 8 billion USD for it in May 2020 (European Commission 2020d). So far it has donated 1 billion EUR to COVAX (European Commission 2021a) and its members another 1.5 billion EUR. The EU countries

have also pledged to share more than 1.5 millions of their vaccine doses with COVAX (The Brussels Times 2021). South Korea has also been COVAX's active supporter (Cheongwadae 2020) and to date has pledged 210 million USD for the initiative (Reuters 2021).

Still, the EU has also observed WHO's insufficient pandemic prevention and response capacities and called for a reform of the organisation (European Commission 2020d). It calls to give the WHO more resources and powers, allowing it e.g. to independently assess high risk zones in member states during health crises, and to increase information-sharing on health emergencies by WHO member states (Reuters 2020a & 2020b). The EU and South Korea have also been advocating a change in the 2005 International Health Regulations (IHR), WHO's main body of rules governing pandemic prevention, and, later – also together – a conclusion of a new international treaty on pandemic prevention and preparedness (European Council 2021a). Some of the ideas include the revision of the emergency alert system and de-linking trade from travel restrictions. So far the WHO members have agreed to hold a special session to discuss the merits of developing such a treaty in November 2021 (Devex 2021a). The EU also co-hosted, with Italy, the G20 Global Health Summit in May 2021 (South Korea was one of the participants), to discuss the ways to prevent future health emergencies and enhance cooperation in case they occur (European Commission 2021b).

Both the EU and South Korea have been sceptical with respect to a proposed waiver of WTO's TRIPS intellectual property protections in relation to COVID-19 vaccines (Devex 2021b), arguing that states should rather limit export restrictions and encourage pharmaceutical companies to issue voluntary licenses. This position was in line with WTO Ottawa Group's (consisting of i.a. the EU and South Korea) "Trade and Health" initiative (European Commission 2020b). Throughout 2020 and 2021 the EU remained the largest exporter of COVID-19 vaccines (European Council 2021b) and South Korea has recently announced its determination to become a global vaccine hub (Yonhap 2021). After Joe Biden's declaration of support for the waiver in May 2021 though, the EU has been struggling to work out a common position on the issue.

Within the framework of the Team Europe initiative launched in April 2020, the EU and the European Bank for Reconstruction and Development gathered 40,5 billion EUR to support partner countries in emergency humanitarian needs. It helped to improve resilience of health systems and vaccination efforts of its partners within the framework of new projects launched in cooperation with the WHO, e.g. for ASEAN (European Council 2021b) and the Western Balkans (European Commission 2021c).

5. Conclusion: how South Korea and the EU can cooperate

There are at least several potential avenues of cooperation between the EU and South Korea in global health governance. Both the EU and South Korea have signalled support for the strengthening of the WHO and the conclusion of an international treaty on pandemic prevention and preparedness. Together they could use their influence and formats of cooperation in respective regions – such as South Korea's Support Group for Global Infectious Disease Response (G4IDR) or EU's Solidarity for Health Initiative in the Eastern Partnership countries – to support the solutions they agree upon with a view to implementation by all WHO members. The appropriate fora to look for like-minded countries could also be the World Health Summit held in Berlin in October and the special meeting of the World Health Assembly in November/December 2021. They should also engage in the initiatives carried out by the WHO which actively support countries in the region, as they already do for example in case of COVAX.

There is also room for cooperation to support the WHO policies they both share. One can mention here e.g. the One Health Approach (which addresses the nexus between animal and human health to better prevent the zoonotic diseases) and the Health and Environment approach (which aims to address environmental health issues such as water and sanitation, hazardous waste disposal or air pollution, also as health challenges). As South Korea is the host of the WHO Asia-Pacific Centre for Environment and Health in the Western Pacific Region, it is particularly well-positioned to be the main partner with which the EU could help the countries in the region to implement these approaches for the benefit of the population of these countries.

The EU could also help South Korea create its own WHO-certified emergency medical team (EMT) to improve its outbreak response capacities and make it able to deploy such EMT in the region in case of emergencies. Both partners could then encourage and support the creation of EMTs in other countries in the region, generally lacking such capacities. Another idea could be to support the creation of reference laboratory networks, particularly one which the ASEAN wanted to set up before 2020 according to its most recent Health Cluster Work Programme. So far, there does not appear to be visible progress made towards this goal, although such a network could greatly enhance these states' alert and response capacities in case of outbreaks and its creation lies in the interest of the EU and South Korea. Both partners could therefore probe what is causing the delay and perhaps help to bring the project to a successful conclusion. Finally, they could consider supporting the creation of the ASEAN Centre for Public Health Emergencies and Emerging Diseases. Its establishment was announced in late 2020 but according to the publicly available information it has not yet become operational. It has received support from Japan but the EU and South Korea could also help it to reach sufficient operational capacities, for example through experience-sharing by the ECDC and Korea Disease Control and Prevention Agency.

The EU and South Korea could also advocate for some robust global vaccine R&D or procurement schemes, building on the idea of the global common goods which they both support, as well as the experiences of the COVAX initiative, South Korea-hosted International Vaccine Institute (IVI) and the EU Vaccine Strategy procurement programme. Such schemes could include COVID-19 vaccines but also those used to prevent the spread of other highly contagious diseases. Both partners could try to elevate the role of the IVI as a leading development hub of vaccines for neglected diseases affecting developing countries. In this regard, support can be expected from WHO and UN agencies such as UNDP. At the same time, the ongoing negotiations of a COVID-19 vaccine patent waiver and the membership of the EU and South Korea in WTO Ottawa Group call for coordination of their common position in the WTO and undertaking efforts to maintain the unity of the Group, particularly in the light of the new stance of the U.S. administration. In order to reduce the possible political impact of an

eventual tough stance, both partners could consider supporting further debt-relief measures for the poorest countries affected by COVID-19 within the organizations such as the IMF and the World Bank, making support linked to e.g. full implementation of COVID-19 vaccination programmes there.

Moreover, the EU and South Korea could also take steps to influence together the shape of the pandemic-and-health-related restrictions on tourism and transport, both now and in the future, through advocating common objectives within international organizations. This could be done both at the universal level, in agencies such as the World Tourism Organization, ICAO or IMO, or at the regional level, e.g. in APEC, which South Korea is a member of. The latter has already signalled the idea of working out common health and travel protocols with a view to reducing the barriers to trade caused by COVID-19-related restrictions (including medical equipment and supplies) and to resuming cross border travel. The EU could help to reach this aim through sharing its expertise and trying to facilitate dialogue outside of APEC's formal meetings, while South Korea could help it through its active involvement in negotiations within the APEC.

Finally, top medical journals warn that climate change is the greatest threat to public health (NPR 2021). As climate change is an issue that requires close global cooperation between countries, South Korea and EU can work together and lead to take comprehensive actions such as the expansion of electric vehicles and the redesign of the production and distribution of food. Also, both actors can actively exchange environmentally-friendly policy experiences and green technologies to take the lead in global climate politics.

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4. HUMAN RIGHTS

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1. Introduction

This chapter assesses the human rights policies of South Korea and the European Union (EU) and the potential for their cooperation in global governance. Its main findings are three-fold. First, South Korea has been historically—and remains to this day—somewhat selective in its human rights promotion and protection. At home, issues surrounding gender equality and minority protection pose enduring challenges; abroad, its approach to human rights issues in North Korea is notably inconsistent. Second, the EU has sought to institutionalize its human rights agenda through a process of “holistic nesting,” incorporating various features of the international human rights regime into its own regional framework. Yet, the EU faces growing problems in bridging its credibility and delivery gaps, as its priorities and approaches are contested at home and abroad. Third, while South Korea has expanded its procedural representation in international human rights bodies, its performance on the delivery of human rights initiatives remains subject to debate. Meanwhile, the EU has been a more active advocate of human rights multilateralism and seeks consolidation of existing institutional channels and mechanisms.

Based on these findings, we provide three avenues for South Korea-EU cooperation on global human rights governance: (1) facilitating the collaboration of South Korea- and EU-based human rights organization and empowering their potential for cross-pollination; (2) further institutionalizing joint dialogues and initiatives by integrating them within the UN framework; and (3) instituting parliament-to-parliament dialogues to encourage cross-national learning on shared human rights priorities. We address each in greater detail below.

2. South Korea's policy

The authoritative body for human rights in South Korea is the National Human Rights Commission of Korea (NHRCK 2021). Established in 2001, the Commission was designed in accordance with the Paris Principles and through the efforts of the Joint Task Force of Private Organizations for the Realization of a National Human Rights Institution—a group of 71 civil society organizations that sought to create an independent human rights advocacy institution in South Korea (Hwang 2021). The Commission is tasked with a broad mandate, including (1) designing and delivering human rights policies; (2) investigating alleged violations and provision of remedies; (3) promoting human rights education; (4) monitoring the implementation of international human rights treaties; and finally, (5) facilitating exchanges and cooperation between civil societal, governmental, and intergovernmental institutions on human rights.

The Commission's recent efforts emphasize capacity-building and further institutionalizing its activities across relevant ministries. The annual report in 2020—the latest that is publicly available—highlights two key tasks in this regard: reinforcing partnership between central and local governments and deepening collaboration with civil society organizations (NHRCK 2020). Many of its programmatic initiatives also focus on updating South Korean human rights norms and practices according to international standards. In fact, the notable policy recommendations of the Commission in 2018 included the abolition of the death penalty (through accession to the Second Optional Protocol to the Civil Rights Covenant) and the improvement of labour conditions (by joining additional conventions of the International Labor Organization aimed at guaranteeing the workers' right to organize).

Despite the continued institutionalization of its human rights agenda, South Korea faces enduring challenges in promoting and protecting human rights in several areas, including gender equality (Goedde and Arrington 2021). In the wake of democratization in late 1980s, formal protections for gender equality proliferated, ranging from the Sexual Equality Employment Act (1987) to the Women's Development Act (1995) to the Prevention of Domestic Violence and Protection of Victim Act (1997). Formed in 2001, the Ministry of Gender Equality

and Family has also sought to develop and implement the “2nd Framework Plan for Gender Equality Policies,” which is organized around four priorities: promoting (1) “mature” awareness of gender equality, (2) work-life balance, (3) women’s employment and participation, and (4) women’s safety and health (MOGEF 2021). These policies highlight the intersectionality of gender issues in public, professional, and personal spaces.

Yet, these policies remain mostly aspirational. South Korea ranks the lowest among the OECD countries in terms of equal treatment of women at work (The Economist 2019); a 2021 World Economic Forum survey on gender gap confirms this finding, placing South Korea at 102 out of 156 countries with a pay gap of 32.5 percent (WEF 2021)—the largest of any advanced economy (Human Rights Watch 2021). Gender-based violence is similarly rampant. These issues are due in large part to the ineffectiveness of existing legal measures (Kim 2016). Despite generous mandates for parental leave, the policy is informally discouraged, providing limited support for working mothers (Lee 2017). And despite legal protections against gendered violence, prosecutors tend to drop cases at a disproportionately higher rate when they concern sexual crimes, compared to other categories of crime; and few among the prosecuted ended up serving prison sentences (Human Rights Watch 2021). In short, gender inequities appear to perpetuate *in spite of* legal protections, which suggests problems of enforcement rather than provision.

Gender-based issues become more severe when other discriminating factors are involved. For this reason, South Korea has instituted legislations aimed at prevention of violence against young girls and migrant women, including the Act on the Protection of Children and Juveniles from Sexual Abuse (2010) and the Multicultural Families Support Act (2008). Nonetheless, young girls continue to fall victim to sexual exploitation and trafficking, as illustrated by recent instances of digital sex crimes such as the “Nth room” scandal (De Souza 2020). Foreign-born brides, who become naturalized citizens through brokered marriages, also remain at risk of violence due to their restricted social network and access to remedies (Draudt 2019). Furthermore, women as well as sexual minorities in more explicitly gendered contexts, such as the military, are susceptible to abuse. Various international human rights organizations have argued that the

South Korean military law institutionalizes discrimination against women and LGBT persons; the Military Criminal Act, for instance, punishes sexual acts among soldiers, regardless of consent (Human Rights Watch 2020). Together, these intersecting issues highlight the need for a more comprehensive anti-discrimination law, which the country currently lacks (Kim and Hong 2021).

Internationally, North Korea presents a significant source of incoherence in South Korea's human rights policy. This occurs on both sides of the political spectrum. For the conservatives, illegitimate uses of the National Security Law (NSL) have resulted in substantial violations of the rights to freedom of expression and assembly (Haggard and You 2014). An artefact of war, the NSL allows the arrest, detention, and imprisonment of those who are deemed to have endangered the security of the state. Using the broad powers this law affords, the intelligence and law enforcement authorities have cracked down on various anti-government organizations and activities (Kraft 2006). At the same time, the conservatives have pushed for a more comprehensive policy to advance human rights in North Korea, which culminated in the North Korean Human Rights Act (NKHRA) in 2016. Among the notable provisions of the NKHRA include the establishment of a human rights advisory committee (to develop a human rights agenda), a human rights foundation (aimed at promoting research), and a human rights archive (to collect and store information pertaining to North Korean human rights). For many, this signified a growing focus on human rights as a pillar of South Korea's North Korea policy under conservative leadership (Boydston 2016).

For the progressives, continued silence on North Korea's human rights violations and increased checks on civil societies working on North Korean human rights continue to elicit criticisms (Jo 2020). In fact, the government recently issued an amendment to the Development of Inter-Korean Relations Act, which imposes a ban on cross-border leaflets and devices for fear of undermining the peace process. Campaigns aimed at increasing access to information in the North—including posting visual aids and broadcasting messages along the DMZ—have been stymied as a result, which the Ministry of Unification has claimed were “harmful to national security” (Roh 2020).

In sum, South Korean human rights policy has made important strides but remains fragmented and contested in key issue areas. While the efforts of civil societal organizations culminated in the establishment of a central advocacy body—the NHRCK—a comprehensive framework for anti-discrimination has been slow to take shape. South Korea’s efforts to protect and promote human rights abroad have also been complicated by its unique situation and relationship with North Korea, generating human rights controversies on both sides of the political spectrum.

3. The EU’s policy

For the EU, human rights policy is defined and directed by various bodies, forming a diffused, rather than centralized, system; among them, four provide the general structure. First, the European Council sets the general guidelines on human rights issues, which fixes priorities and provides directions for translating them into policies; currently, there are 13 such guidelines. Second, the Council of the European Union makes and coordinates policies; the Foreign Affairs Council, in particular, oversees EU’s external action, including on human rights. Third, the European Commission manages the implementation of human rights policies, including enforcing any (non-)binding measures and treaties it negotiates abroad. Finally, the European Parliament plans human rights policies and monitors relevant institutions; for instance, it can block the enforcement of any international agreement that do not meet the EU’s human rights standards. Within these bodies are also human rights advocacy groups, such as the Council’s Human Rights Working Group and the Parliament’s Subcommittee on Human Rights, which perform more specific roles for the design and implementation of human rights policy in the EU. Together, these bodies act on the basis and toward the promotion of the EU Charter of Fundamental Rights, in which the rights of EU citizens—stipulated in all relevant instruments like the European Convention on Human Rights—are enshrined (European Commission 2021). The Charter was declared in 2000 and became legally binding as of 2009 through the Lisbon Treaty.

To fulfil the demands of the Charter, the EU has created several new institutions with the goal of holistic nesting—integrating various features of the international institutional order into the regional framework for human rights governance. Most notable among them are the EU High Representative for Foreign Affairs and Security Policy/Vice President of the Commission (HR/VP) and the European External Action Service (EEAS), which coordinate and conduct EU’s human rights foreign policy, and the EU Special Representative for Human Rights, who serves as the voice and face of the EU on the world stage. In addition, the EU has established focal points in various delegations and initiated a series of dialogues with relevant civil societal actors—such as the EU-NGO Human Rights Forum—in order to lead a more localized strategy for advancing human rights (European Parliament 2021).

Given the myriad bodies tasked with human rights protection and promotion across the EU’s institutional architecture, one of the principal objectives of the EU has been to strengthen the coordination and monitoring of human rights policies across different levels of EU governance (European Parliament 2021). In 2012, the Foreign Affairs Council adopted a Strategic Framework on Human Rights and Democracy, aimed at centring all EU policies around human rights; later in 2020, the Council also updated its action plan to reflect key priorities, among which was to improve policy delivery through institutional consolidation. In accordance with efforts to “mainstream” human rights, the EU has adopted a wide range of instruments to support human rights and democracy, including Global Europe—a comprehensive financing tool for initiatives concerning human rights, development, and peace.

Yet, the EU faces significant challenges in maintaining its credibility as an “agent of change” and delivering on its promises (Isa et al. 2016). In fact, the EU’s waning credibility reflects a broader problem of legitimacy of the West’s human rights agenda, fuelled by grievances from both within and beyond Europe. Following the 2008 Financial Crisis, backlash to globalization has burst open dormant anti-democratic impulses. From Hungary to Poland to France, populist leaders have been on the rise; and since Brexit, the union’s credibility has been under severe strain. And because the EU has, at times, wilfully forfeited democratic principles in exchange for favourable strategic outcomes—such as when it implicitly

supported the 2013 coup in Egypt—perceptions of double standards also remain rife (Bossuyt et al. 2014). In brief, the EU’s “authoritarian turn” at home and the lack of coherence in its approach abroad have catalysed criticisms of bad faith and hypocrisy, both within and beyond Europe (Greenhill 2016).

This credibility gap constrains, and is exacerbated by, the EU’s ability to deliver on its promises. According to the Universal Periodic Review of the UN Human Rights Council, some EU countries lag severely behind in the protection of social and economic minorities (including, specifically, the Roma (Ram 2014)) as well as the rights of migrants and asylum-seekers (Benedek et al. 2018). In no trivial part, these democratic deficits arise, because the EU lacks a consistent oversight mechanism within its borders. While countries seeking EU membership must meet the so-called “Copenhagen criteria” for human rights, there is no systematic framework for monitoring them once they have been admitted. At the same time, recent conflicts in Syria, Libya, and elsewhere have generated record levels of refugees and asylum-seekers, whose accommodations the EU has limited capacity, and importantly, diminishing desire to provide. Indeed, even staunch advocates of the EU like Michel Barnier are increasingly voicing anti-immigration views in favour of “national unity” (Coman 2021). In this way, the gaps between the EU’s aspirations as a defender of human rights and its track record have widened in recent years (Búrca 2011; Dennison and Dworkin 2010).

In short, the EU’s institutional architecture for human rights is in the process of expansion and consolidation. But the efficacy of its policies and programs are increasingly undercut by credibility and delivery gaps, which are driven by the EU’s own democratic deficits and policy incoherence. At the same time, questions about the EU’s legitimacy have sustained internal contestation about the appropriate scope and nature of its objectives as a human rights actor as well as the right approach to pursue them.

4. South Korea-EU cooperation in human rights governance

Given their particular priorities and challenges in advancing human rights, South Korea and the EU have engaged in multilateral institutions to varying degrees

and in different manners. Driven, in part, by status aspirations as a middle power democracy, South Korea's presence has focused on procedural representation within the UN system rather than leading the design and delivery of human rights policy. Meanwhile, the EU continues to seek complementary expansion and networking of existing human rights institutions and mechanisms.

South Korea's participation in multilateral institutions—particularly within the UN system—on human rights has focused on procedural representation and consolidation of human rights channels within the UN system. Since joining the United Nations in 1991, South Korea has frequently served as a board member of the UN Commission on Human Rights and its successor UN Human Rights Council (UNHRC); in 2016, South Korea also chaired the UNHRC. It is also the member of the Commission on the Status of Women and the Executive Board of UN Women. In a similar vein, South Korea has supported efforts aimed at mainstreaming human rights in the UN system, such as the “Human Rights Up Front Initiative,” and helped establish Accessibility Centers at UN offices (PMROK, 2021).

Some have criticized South Korea's relatively more tepid and inconsistent stance on particular human rights issues. For example, despite its formal commitments, South Korea has made limited strides on refugee protection. According to the 2020 Human Rights Report, South Korea had only 39 refugee officers in 2018; while this number has increased to 93 as of 2020, the country remains overwhelmingly understaffed and underequipped to accommodate incoming refugees and asylum-seekers (US State Department 2020). At the same time, South Korea's policy on North Korean human rights continues to oscillate between activism and negligence. Under conservative leadership, South Korea has emphasized North Korean human rights; in 2015, it mobilized support for the establishment of the UN Human Rights Office in Seoul, aimed at documenting and publicizing North Korean human rights abuses and assisting relevant civil societal actors. By contrast, under progressive leadership, South Korea has recurrently abstained from the long-standing UN North Korean Human Rights resolution, wary that this might jeopardize the inter-Korean peace process (King 2021). These gaps and inconsistencies in South Korean human rights policy—driven, in part, by the politicization of certain categories of human rights—have thwarted a deeper engagement with multilateral institutions on human rights.

The EU, on the other hand, has been a more active supporter of multilateral institutions on human rights. In developing its own human rights institutional architecture, the EU has engaged with existing international standards and platforms, such as the UNHRC and the Office of the High Commissioner for Human Rights (OHCHR). Indeed, as one comprehensive review notes, the EU's work on human rights at the UN is informed by the EU's concept of "effective multilateralism," which sees the strengthening of the UN human rights system as a key priority for improving the EU's own efficacy as a human rights actor. In this context, the EU has assumed a leadership role in consolidating and promoting many human rights instruments at the UN, including the Universal Periodic Review (for regularly monitoring human rights performances of member states); the Treaty Bodies Review System (for implementing the 10 core human rights treaties); and the Special Procedures (for advising on thematic and country-specific mandates of the UNHRC). At the same time, the Foreign Affairs Council of the EU has also adopted various action plans to endorse the EU's priorities in UN human rights forums. In this manner, the EU's human rights policy has been explicitly geared toward multilateralism.

But the EU's activities in these institutions also point to certain imbalances in its human rights priorities and inconsistencies in its policy delivery. Crucially, observers have noted that the EU prioritizes civil and political rights over economic, social, and cultural rights. While it has begun to address some basic aspects, such as the right to drinking water, food, and sanitation, the EU has been largely silent on guarantees of social security and education (Baranowska et al. 2014, 82). This reluctance stems, in part, from the divergent interests and priorities among EU member states and, in related part, the principle of unanimity for the EU's Common Foreign and Security Policy (CFSP), which prevents the EU from adopting a more ambitious stance. Where there is greater discord about which human rights issues to tackle and how, the policy tends to be reactionary rather than proactive, providing a limited framework for responding to human rights violations. This has been the case for the EU's policies on counterterrorism and refugee protection.

5. Conclusions

There is room for considerable cooperation between South Korea and the EU over human rights. After upgrading their bilateral ties to strategic partnership in 2010, they adopted the Framework Agreement (2014) covering political cooperation and the Crisis Management Participation Agreement (2016) (EEAS 2021). The former provides a legal basis for deepening dialogues and interaction on human rights protection and promotion, while the latter offers operational guidelines for cooperation in crisis situations. In particular, these agreements provide a strong foundation for collaboration on North Korean human rights issues, as European organizations have a long history of extensive on-the-ground engagement with North Korea when it comes to humanitarian assistance (Casarini 2021). Indeed, the two entities have already conducted extensive political dialogue on topics ranging from human rights to development assistance (EEAS 2021). But beyond consultations, joint initiatives in the design and delivery of humanitarian interventions have been sparse and provide important avenues for collaborative efforts.

Mobilizing the EU-South Korea Framework Agreement, the two entities should build joint initiatives—to critically self-examine human rights situations within their own boundaries as well as to design and deliver humanitarian programs abroad. We make three specific recommendations in this regard:

1. South Korea and the EU should facilitate the cross-national collaboration of non-governmental, civil-societal, and private organizations with shared human rights objectives. This approach can be particularly effective when the human rights issue at stake is highly politicized—such as those concerning North Korea or refugees—because the governmental bodies can support dialogues and joint initiatives without “directing” them. Building on past examples of such collaboration, as when the Seoul-based Citizens’ Alliance for North Korean Human Rights and the Norwegian Rafto Human Rights House co-sponsored a conference in 2006, South Korea and the EU should make concerted efforts to encourage cross-pollination of ideas and programs among various human rights organizations. The benefits of such collaboration in terms of public visibility can and should

be amplified by collaboration with relevant think tanks in Europe (such as Chatham House) and South Korea, and by inviting media representatives to participate in and report on these deliberations.

2. South Korea and the EU should further institutionalize their dialogues and initiatives in accordance with the UN framework. Where priorities align, such as the North Korean human rights issue, the two entities should seek to upgrade their consultations to a working-group level, in which humanitarian programs can be jointly designed and implemented. To this end, the EU should appoint a special representative on North Korea—which the European Parliament recommended in 2010 (Bandone 2012)—tasked with improving coordination with relevant South Korean authorities as well as the UN Special Rapporteur on North Korean Human Rights. Likewise, dialogues between South Korea and the EU should be embedded within the framework of the UN Human Rights Council.
3. South Korea and the EU should institute and regularize parliament-to-parliament dialogues to encourage cross-national learning. Beyond North Korea, the two entities share many concerns surrounding democratic institutions and inclusive cultures. With the Framework Agreement as the political-legal foundation, the two entities should foster “exchanges of delegations between the European Parliament and the National Assembly of the Republic of Korea” (Framework Agreement 2010) to devote attention to shared human rights challenges, including the protection and promotion of the rights of migrants and asylum-seekers, anti-discrimination, media freedom, and internet privacy. These dialogues can facilitate legislative reflexivity and lend greater legitimacy to new approaches to protecting and promoting human rights.

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5. HUMAN SECURITY

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1. Introduction

During the past decade, security cooperation between the EU and South Korea significantly increased both quantitatively and qualitatively (e.g. Casarini 2020). While this expanded security cooperation also includes traditional security challenges such as non-proliferation, a much greater focus is placed on cooperation in non-traditional security fields. This has again been confirmed most recently with the EU's Joint Communication on Cooperation in the Indo-Pacific. Against this background it might seem surprising that human security cooperation is an often overlooked field of cooperation between the EU and South Korea. This contribution seeks to explain the development of a human security approach in the EU and South Korea, respectively, and highlight possible areas of cooperation.

2. On the Concept of Human Security

While the concept of human security is rooted in a long trajectory of referencing the individual and individual rights in international politics (Sen 2014), of particular influence to the more recent development of the concept was the UNDP's 1994 Human Development Report, which set forth seven dimensions of human security: economic security, food security, health security, environmental security, personal security, community security and political security. The report emphasized four key features of the concept (UNDP, 1994):

1. Human security focuses on people (people-oriented) and considers the following questions: How do people live in a society, can they freely exercise their potential, what opportunities do they have;
2. Human security is of universal importance. It applies to all people, regardless of whether they live in rich or poor countries;

3. The components of human security are interdependent;
4. Human security is easier to achieve through early prevention rather than late intervention.

This contrasts the conventional view of national security in which the security of states takes centre stage and which thus focuses on the territorial integrity of a state and its political independence and sovereignty independence through the use of political, legal, or military instruments at the state or international level (Harnisch and Kim, 162). Human security, on the other hand, puts particular emphasis on individuals and communities, specifically on those citizens in situations of extreme vulnerability – either because of war or because of social and economic marginalization. Accordingly, human security implies two kinds of shift: on the one hand, a shift from security of territory to security of people; on the other hand, a shift from security through military means to security through sustainable human development.

From these earlier understandings of human security, the concept has developed both as scientific concept and a foreign policy strategy.

Since its inception in the Human Development Report in 1994, human security has been appropriated by various (mainly) governmental actors and international organizations based on sometimes very different and diverse interpretations (e.g. Wählisch 2014), resulting in a dissonance of national and international strategies sometimes contradicting each other (e.g. Bae and Diaz 2018). In sum, over the previous two decades, the concept has become both much more salient but also more divisive.

3. The EU's policy

Human security remains a contested concept in Europe, “setting groups of EU institutions and member states with distinguishable policy patterns apart from each other” (Harnisch and Kim 2020: 147).

The EU's and its member state's approach and practice on human security has evolved considerably over time. The *European Security Strategy* (ESS) – ratified in

2003 – was essential in the development of an EU approach to human security, as it described, for the first time, an understanding of security that moved beyond states. Although the document does not explicitly mention human security by name, it made several references to components of what could be defined as a human security agenda. For example, it states that “security is a precondition of development,” and acknowledges that “in much of the developing world, poverty and disease cause untold suffering and give rise to pressing security concerns.” The ESS recognized the nature of the new threats (i.e. terrorism, the proliferation of weapons of mass destruction (WMDs), regional conflicts, failed states, and organized crime). For these threats are transnational and global in nature, the ESS notes that political insecurities – whether caused by failed states or non-states actors – require a ‘people’ first approach – as military power in its traditional form was largely ineffective in the face of the new threats and challenges.

Already in 2002, then High Representative for Common Foreign and Security Policy (CFSP), Javier Solana, proposed the establishment of a Study Group on European Security Capabilities to help redefine a pragmatic way of implementing human security (Christou 2014, 368). This Study Group became human security’s main advocacy group and epistemic community for the next decade. The Study Group’s first formal report, published in 2004 and known as the ‘Barcelona Report or ‘The Human Security Doctrine for Europe,’ constituted the first tangible appearance of human security in European policy:

“Europeans cannot be secure while millions of people live in intolerable insecurity... where people live in lawlessness, poverty, exclusivist ideologies and daily violence, there is fertile ground for criminal networks and terrorism. Conflict regions export or transport hard drugs and guns, to the European Union. That is why a contribution to human security is now the most realistic security policy for Europe.” (Barcelona Report 2004, 7)

While the Barcelona Report helped to institutionalize the concept of human security in the European Union, it took a narrow definition of human security, focusing on freedom from fear rather than freedom from want (Christou 2014,

369). However, it still recognized the principle value of freedom from want conceptualizations, focusing on seven guiding principles: the primacy of human rights, clear political authority, multilateralism, a bottom-up approach, regional focus, the use of legal instruments, and the appropriate use of force (Barcelona Report 2004, 11). However, the proposal did not find enough resonance in and across the EU institutional milieu for them to be adopted as strategic concept or indeed policy. In fact, many member states remained sceptical of the concept and critical in that it was seen as ambiguous, unclear, soft and a label for existing practice. On the other hand, the concept also had a number of supporters among the EU member states.

When Finland rose to the EU presidency in 2006, it used its power to request that the Study Group be reconvened, leading to the Madrid Report, also known as *A European Way of Security* (2007). This report was used to both embrace human security as a new strategic narrative and to address critiques of the Barcelona Report's soft approach to security. The Madrid Report highlights that: Human Security is about the basic needs of individuals and communities in times of peril. It is about feeling safe on the street as well as about material survival and the exercise of free will. It recognizes that 'freedom from fear' and 'freedom from want' are both essential to people's sense of wellbeing and their willingness to live in peace. The report was also an opportunity to address two sets of critiques that had emerged from policy-makers and other commentators on the concept of HS: a) That it was a cloak for a new European militarism/ neo-imperialist/ neoliberal intervention; b) That it was too soft a concept and too ambitious, thus not that relevant to the EU (*A European Way of Security* 2007).

The high point of institutionalizing the concept came with the implementation report of the European Security Strategy in 2008. Here, the Council of the EU marked a formal shift in EU security policy by explicitly referring to human security as central to EU's strategic goals. This is notable as the Council had previously been rather hesitant to declare a firm commitment to human security (Martin and Owen 2010: 217). Yet, there were several challenges to further implement the concept of human security within the EU, as there was still disagreement among EU member states regarding the concept. While some criticized human security as too fuzzy, others pushed to include human

security and wider normative commitments into the EU's foreign and security policy doctrine. As a result, the concept was far less dominant within the EU's security discourse in the following years and only re-emerged as part of the Commission's strategic narrative in 2016. Focusing on strengthening the resilience of people and their societies, the term was attached to the EU's peace and security building efforts as described in the EU's Global Strategy of 2016. Moreover, human security was incorporated in the Indo-Pacific strategy released in September 2021 as one of seven priority areas (along with sustainable and inclusive prosperity; green transition; ocean governance; digital governance and partnerships; connectivity and security and defence) in which Brussels seeks to increase its cooperation with regional partners.¹ On the one hand, the Global Strategy and the Indo-Pacific strategy are testimony to the continued relevancy of the concept as an integral element of the EU's external relations. On the other hand, human security as used within the EU today also reflects how the concept has developed over time, taking on different forms since its first adaption in 2003. As such, both the EUGS and the Indo-Pacific strategy clearly reflect a more calculated use of human security compared to earlier strategies. This is due to the fact that human security remains a contested concept and there are differences in the commitment to the human security approach both within the EU and among its member states. This results in a gap between the doctrine and the institutionalized development of human security in the EU.

Within the institutional framework of the EU, the European Commission and Parliament are generally more supportive to the approach and the European Council and particularly certain member states are less keen on human security. Among member states, two groups have emerged over time, with Harnisch and Kim (2020, 148) differentiating a group of norm entrepreneurs from a group of norm sceptics and norm contesters. The former consists of countries such as Finland, Sweden, and EU members of the Human Security Network (i.e. Austria, the Netherlands, Greece, Ireland, and Slovenia) and focus on an interpretation of human security, foregrounding concerns about conflict resolution, peacebuilding as well as gender equality (Ibid.). The latter, consisting of countries such as

1 European External Action Service, Joint communication on the Indo-Pacific, September 16, 2021, https://eeas.europa.eu/headquarters/headquarters-homepage/104126/joint-communication-indo-pacific_en.

France, Poland, and Hungary, have criticized the concept as too fuzzy and unclear in its operational consequences.

4. South Korea's policy

If the EU's approach towards human security suggests a top-down mode of strategic thinking, South Korea's experience can be considered a more patchwork approach, with concepts related to human security used in the context of specific projects such as official development assistance (ODA).

The term "human security" has been used in speeches made by South Korean presidents and minister of foreign affairs. However, it is seldom explicitly used in official documents, with only the Ministry of Foreign Affairs (MOFA) and the Korea International Cooperation Agency (KOICA) explicitly mentioning "human security" in reference to South Korea's experience of official development assistance (ODA) (Kim, 2015). Still, implicit aspects of human security, such as freedom from fear or freedom from want, have long been a part of South Korea's foreign policy goals.

In the absence of an official position or guideline on human security, the way in which South Korean administrations have internalised the concept of human security can be seen in how successive leaders have used the term. For example, in 2020, President Moon Jae-in stated that today's concept of security has expanded from traditional military security to include all threats to security including natural disasters, disease, and environmental problems, and furthermore emphasised that South Korea will lead international cooperation in the field of human security (Cheong Wa Dae, 2020).

In 2011, President Lee Myung-bak stated that human security refers to the protection of individual citizens, and that his administration will prioritise people's safety, such as food safety, safety of children, safety in daily lives, industries, and transportation (Presidential Archive, 2008a). In a different speech, President Lee stated that the ROK-US alliance should work to promote human security, to provide assistance to places stricken with terrorism, environmental pollution, disease, and poverty (Presidential Archive, 2008b).

Going back further, in 1996, President Kim Young-sam stated that the twenty-first century is an era of human security, where humans need to be protected from war and environmental pollution, accidents and crime, as well as chaos and disorder (Presidential Archive, 1996).

There is clear overlap between the concept of human security and non-traditional security threats and despite the lack of a concrete definition of human security, successive Korean administrations' understanding of the concept appears to be aligned with the definition set in the 1994 Human Development Report.

South Korea's MOFA have recently linked numerous activities to promoting human security. In May 2020, the MOFA announced the establishment of a UN Group of Friends of Solidarity for Global Health Security, intended to serve as a platform to promote human security (MOFA, 2020a). In December 2020, MOFA contributed 1 million USD to the UN Multi-Partner Human Security Trust Fund to support the residents of the Aral Sea region suffering from consequences of climate change (MOFA, 2020b).

In terms of specific projects, South Korea has a proud history of transitioning from being a recipient of official development assistance (ODA) to donor and joining the Development Assistance Committee (DAC) in 2010. According to Article 3.1 of the Framework Act on International Development Cooperation which oversees South Korea's developmental aid, the basic idea of development cooperation is to "reduce poverty in developing nations, improve the human rights of women, children and people with disabilities, achieve gender equality, realize sustainable development and humanitarianism, promote economic cooperation relationship with cooperation partners and pursue peace and prosperity in the international community" (Framework Act, 2010).

Another example is South Korea's humanitarian engagement towards North Korea. From President Kim Dae-jung's Sunshine Policy, continued by his successor Roh Moo-hyun, humanitarian outreach began in earnest with the provision of rice and fertilizer, intended to induce improvements in inter-Korean relations.

The rationale behind South Korea's ODA and humanitarian support for North Korea is closely linked to ideas of freedom from want as well as freedom from fear, both of which are key pillars of the human security concept.

Nevertheless, there is still much that can be improved. South Korea's ODA amounts to 0.14% of its gross national income (GNI), fall below the 0.7% target set by the OECD, ranking 27 out of 30 countries in the DAC (OECD, 2021). Humanitarian support for North Korea is domestically politicised and inconsistent, with liberal governments generally reluctant to take a strong stance on North Korea's human rights issues to nurture positive inter-Korean relations.

The Moon administration does not have a specific top-down policy on human security. However, a fair assessment is that values associated with human security have served as an undercurrent behind the Moon administration's foreign policies, rather than a constituting an exclusive foreign policy pillar in and of itself. For example, the administration's plans for health and medical cooperation and human resources development with Southeast Asia through the New Southern Policy, and proposal of a Northeast Asia Cooperation Initiative on Infectious Disease Control and Public Health represent commitments to realising human security at the regional level.

5. South Korea-EU cooperation in human security promotion

Cooperation on human security is facilitated through the 2010 Framework Agreement which upgraded EU-South Korea relations to that of a strategic partnership. The Framework Agreement specifically highlighted efforts to "strengthen cooperation in the area of sustainable development, notably health; employment and social affairs; environment and natural resources; climate change; agriculture, rural development and forestry; marine and fisheries; and development assistance (Article 2.2.d, Framework Agreement). Furthermore, the Crisis Management Participation Agreement, which entered into force in 2016, outlines provisions on participation in civilian and military crisis management operations.

Thus, although neither explicitly mention "human security," these frameworks provide the legislative grounds for the EU and ROK's cooperation in missions that are related to infringement of human security.

One tangible example is South Korea's participation in the EU-led anti-piracy operation in the Horn of Africa (Yonhap, 2017). The deployment of South Korea's Cheonghae unit was seen as having broadened the scope of EU-ROK strategic communication beyond political and economic affairs to include crisis management (MOFA, 2017). Furthermore, EU-ROK have regularly carried out consultation on development cooperation since 2008 (have held the 7th meeting in 2019), where the two sides discuss issues such as the 2030 Agenda for Sustainable Development, EU Emergency Trust Fund for Africa, and gender equality (MOFA, 2019).

When considering EU's engagement of the Korean Peninsula as a whole, efforts linked to human security can be traced back to 1995, with the EU's provision of humanitarian aid funding to support food assistance, health services, access to water and sanitation (North Korea Fact Sheet, 2020). The EU's sponsorship of UN resolutions on human rights in North Korea is another example of the EU's concerns for general human security issues.

Going forward, there are reasons to be optimistic for greater cooperation on human security, albeit this cooperation might not always be conducted under the explicit label of human security. Crucially, there are numerous areas of overlap concerning human security between the EU's Indo-Pacific strategy and South Korea's New Southern Policy (NSP) Plus, an advanced version of the Moon administration's trademark strategy towards Southeast Asia (Moon announces, 2020). The NSP Plus focuses on seven initiatives: combatting the COVID-19 pandemic, promoting a people-centred education, cultural exchanges, sustainable economic development, infrastructure development, technology cooperation, and cooperation on fostering safety and peace (NSP Plus, 2021). Similarly, and as discussed above, the EU mentions human security as one of seven priority areas in which Brussels seeks to increase its cooperation with regional partners in its September 16 Joint Communication on the Indo-Pacific.

While both the EU and South Korea's initiatives towards the Indo-Pacific region have broad links to human security, specific areas of overlap include health care cooperation in the post COVID-19 era, tackling climate change and fostering a green transition, disaster risk reduction and preparedness engagement, and

research cooperation. The very fact that both the NSP and the EU's Indo-Pacific strategy focus primarily on non-traditional security issues and challenges provides ample opportunities to cooperate in the broad field of human security, as they are not as hampered by geopolitical constraints as traditional security cooperation between Seoul and Brussels.

Cooperation initiatives in the field of human security between Seoul and Brussels encompass both direct bilateral initiatives as well as cooperation in various multilateral fora and settings.

In the short term, Seoul and Brussels will most likely focus on the health sector as one of the primary areas of cooperation, as the COVID-19 pandemic revealed significant weaknesses in healthcare systems and particular in epidemic response mechanisms and in the coordination and cooperation in research and manufacturing in the field of viral diseases and vaccines.

To date, EU-South Korea cooperation has lagged with regards to public health. Despite the inclusion of health sector as an area of cooperation in the Framework Agreement, there is no bilateral dialogue that focuses exclusively on public health (Pacheco Pardo, 2021). However, the pandemic has highlighted the need for enhanced cooperation on public health.

For example, at the 2020 EU-South Korea video conference meeting, the two sides reaffirmed the importance of enhanced information sharing through the coordination among health authorities and centres for disease control, and the importance of mutual support to ensure access to medical products and cooperation in research and development of vaccines and medicines. The leaders affirmed their support for the World Health Organisation (WHO) and its role in overcoming the pandemic and their commitment to overcoming the pandemic by cooperating in the G20 and the UN system. Furthermore, institutions such as the COVAX Facility, which helps global vaccine distribution and of which the EU has been the largest donor until recently, also facilitate greater cooperation between the EU and South Korea.

Other fields for increased cooperation in the context of human security will be climate change and fostering a green transition, both of which are featured prominently in the respective Indo-Pacific strategies of the ROK and the EU.

In the field of climate change, for example, the EU and the ROK cooperate on a wide range of issues, especially technical cooperation on the Emissions Trading Scheme (ETS) – a key policy for both sides toward meeting the target of reducing GHG emissions. The EU and South Korea have launched a technical cooperation project on the ETS and are now in the process of launching a Low Carbon Action cooperation project. These initiatives are managed by the EU-ROK Working Group on Energy, Environment and Climate Change established in 2018 under the Framework Agreement between the EU and the Republic of Korea. It constitutes a forum for deepened dialogue on energy, environmental and climate change issues in the context of the clean energy transition and the green recovery. Multilateral cooperation on climate change between Seoul and Brussels is also conducted in and through global institutions and frameworks, such as the UN Framework Convention on Climate Change or more exclusive multilateral frameworks such as the Major Economies Forum on Energy and Climate Change. Similarly, given their shared commitment to human rights, the EU and the ROK hold annual human rights consultations bilaterally, but also cooperate in numerous multilateral fora such as the Human Rights Council. The EU's European Green Deal and South Korea's Green New Deal, both sides' commitment to carbon neutrality, and interest in forming Green Alliances point to future prospects for closer cooperation not just between the EU and South Korea but also other like-minded countries. Indeed, concluding Green Alliances and Partnerships with willing and ambitious Indo-Pacific partners to fight against climate change and environmental degradation is named as one of the objectives by Brussels.

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5. TRADE

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1. Introduction

Trade policy is one of the few areas in which the EU as such has full and exclusive competency: the EU negotiates trade deals on behalf of the Member States and operates as a single actor at the World Trade Organization (WTO), where it is represented by the Commission and the Permanent Representation of the EU. Also, under the Lisbon Treaty, the European Parliament has an important scrutiny role on international trade policy. In terms of doctrine, the EU has always been among the main promoters of effective international trade based on the rule of law. As a result, it has consistently prioritized a multilateral approach although it does not exclude resorting to preferential trade agreements (PTAs) as complements.

Likewise, South Korea has been a strong advocate of the General Agreement on Tariffs and Trade (GATT) and the WTO. While it continues to support trade liberalization at the multilateral level, PTAs have also become central to South Korea's trade policy since the late 1990s. Today, South Korea has become a hub of PTAs and is in a unique position within the WTO, having undergone a remarkable economic transformation from a developing to an industrialized country.

The following section examines the development of PTAs in South Korea and the EU, respectively. The third section investigates the two parties' respective role in the multilateral trade regime. This chapter concludes by discussing the implications of their trade policies and exploring the scope for cooperation between South Korea and the EU through the promotion of their common values.

2. South Korea's policy

Like most of its East Asian neighbours, South Korea was a latecomer to PTAs. As a beneficiary of the multilateral trade liberalization, the government was

concerned that PTAs would undermine the GATT and the WTO (Jung 2003; Kim 2004). However, in response to the global surge of PTAs and to the 1997-98 Asian Financial Crisis, South Korea began directing its focus to PTAs. Considering South Korea's high dependence on trade,² PTAs were regarded as a vital means to sustain its economic growth. As of May 2021, South Korea has 17 PTAs in effect with 56 countries, which accounts for 74% of South Korea's total exports, equivalent to USD 379.76 billion, in 2020 (K-Stat N.d.).

Although South Korea's PTAs have been largely driven by economic motivations, political motivations, both domestic and international, have also played an important role in shaping its PTA strategy. In 1998, President Kim Dae Jung published Free Trade Agreement (FTA) Promotion Guidelines and specified South Korea's first FTA partner as Chile. Chile was strategically chosen as South Korea's first FTA partner so that it could learn from Chile's experience in FTAs while minimizing potential economic impact to its sensitive agricultural sector (Lee 2021). To effectively promote FTAs, President Kim further carried out a major institutional transformation by housing the jurisdiction over trade under the Ministry of Foreign Affairs (MOFA), changing the name of the ministry to the Ministry of Foreign Affairs and Trade (MOFAT).

The beginning of Roh Moo Hyun administration was a turning point in South Korea's FTAs. In August 2003, the administration announced the FTA Roadmap, which sketched out South Korea's overall FTA negotiation strategy that aimed to negotiate simultaneous FTAs with big and advanced economies. The Roadmap's short-term partners, such as Singapore, ASEAN, Mexico, Canada, European Free Trade Association (EFTA) served as links to reach larger markets, specifically, the United States (US) and the EU. The Roadmap's major achievements included conclusion of FTAs with the EU and the US in 2011 and 2012, respectively, which strengthened South Korea's diplomatic position as a hub for FTAs (Lee Forthcoming).

South Korea's FTA strategy took a sharp curve when President Park Geun-hye announced the New FTA Roadmap in June 2013. As part of this initiative, MOFA's trade-related bureaus were rehoused under the Ministry of Trade, Industry, and

2 As of May 2021, 63.7% of South Korea's GDP is dependent on trade (K-stat N.d.)

Energy (MOTIE). They were also physically relocated from Seoul to Sejong. These changes brought a significant change to the structure of personnel as well as the nature of FTA policies, causing diversion of resources and subsequent inefficiencies (Choi & Oh 2017). The new Roadmap focused on strengthening the linkage between domestic industries and FTAs, which contrasted with the previous FTA strategy that focused on the expansion of FTAs (Kim 2015). The new strategy additionally specified the goal of becoming a “lynchpin” in regional mega-FTAs, however, the three year-long Korea-China FTA negotiations, which began in 2012 and concluded in 2015, took priority over other initiatives.

Since 2017, the Moon Jae-in administration began promoting FTAs in the context of the New Southern Policy (NSP).³ With the rise of global protectionism and the US’ withdrawal from the Trans-Pacific Partnership (TPP), the administration pushed for an early conclusion of the Regional Comprehensive Economic Partnership (RCEP) while focusing on promoting “simultaneous and individual/ bilateral FTAs” as announced at the 190th Economic Ministers’ Meeting in January 2017 (Park 2017). In this endeavour, South Korea has been pursuing FTAs with individual Southeast Asian countries, in addition to its already existing FTAs with ASEAN, Singapore, and Vietnam. To support the strategy, MOTIE’s Asia Trade Policy Division was rebranded as the New Southern Trade Policy Division. As a result, FTAs with Indonesia and Cambodia were concluded in November 2019 and February 2021, respectively; FTA negotiations with Malaysia and the Philippines were announced in 2019 and are currently underway. Furthermore, South Korea signed RCEP with 14 other Asia-Pacific countries in November 2020 and ratified the agreement in December 2021. With the change in the US leadership in 2021, the government has further announced the joining of the Comprehensive and Progressive Agreement for TPP (CPTPP) as its top foreign economic policy agenda of the year (Cha 2021). The recent course of change in policy demonstrates the highly responsive nature of the South Korean trade policy to the external environment.

3 NSP was upgraded to NSP Plus in 2021.

3. The EU's policy

Although the EU is a major driving force in multilateral trade negotiations⁴, the EC has also put in place a wide array of PTAs motivated by economic, historical, development, and geo-political considerations. As a result, in 2021 the EC's extensive network of PTAs, together with the large number of countries eligible for unilateral preferences, has confined the application of its exclusively most favoured nation (MFN) tariff to six WTO Members.⁵

In contrast to Korea, the EU's penchant for PTAs has a long tradition (it dates back as early as the 1960s) and these deals have been concluded with a wide range of trading partners, encompassing developing, least developed, emerging, in transition, and (more recently) industrial economies. Interestingly, the EU's geographical focus has tended to change over time together with its motivations.

Up until the 1980s, the ranking of preferences established by the EC gave priority to PTAs with least developed or developing countries. The first agreements to be signed were with African economies (under the Yaoundé (1960) and Lomé (1975) conventions) as part of the EC's development policy. A major characteristic was their lack of reciprocity, with the EU countries granting preferential access to their markets with no concession in exchange.

A second set of agreements (also non-reciprocal) were signed with Mediterranean countries. While PTAs with Turkey and Greece (1970s) were an extension of the EC's foreign policy, the Euro-Med co-operation agreements that were negotiated in the 1990s with other Mediterranean countries (Morocco, Tunisia, Egypt, Algeria) can be deemed to be pro-development, as they aimed at enhancing the stability of the region as well as local economic development, and at limiting the likely migratory pressures.

A third set of partners include the Central and Eastern European Countries (CEECs) with whom the EU started to negotiate after the fall of the Berlin Wall.⁶ With accession

4 According to the EC DG Trade, "... the EU is one of the key players in the World Trade Organization... and one of the driving forces behind the current round of multilateral trade negotiations..." (DG Trade 2005).

5 Australia; Taiwan; Hong Kong, China; New Zealand and the United States.

6 Association Agreements were also concluded with all of the Commonwealth of Independent States (which include most of the former Soviet Union states).

to the Community as an objective, the pre-accession association agreements were more ambitious, with economic convergence as the primary target.

These “traditional” PTAs were primarily geopolitically motivated, and they all involved countries belonging to the traditional sphere of influence of the EU. Also, to the extent that they were expected to enhance economic development, they were perceived as being part and parcel of a “differentiated treatment” approach.

From 1999 to 2006, following the so-called Lamy doctrine⁷, the EU chose not to add any further bilateral or regional agreements to its portfolio, exercising a *de facto* moratorium on new PTA negotiations. This is what may have given the impression that the EU was a leading champion of the global multilateral system. However, some isolated initiatives reflect the persistence of a bilateral approach in the EU’s strategy, with a broadening of its geographical scope to encompass some Latin American countries such as Mexico (2000) and Chile (2002). The explicit return to bilateralism took place with the publication in November 2006 of a communication by the EC entitled “Global Europe - Competing in the World”⁸, in which it developed new objectives for its PTA strategy.

This return to regional and bilateral negotiations resulted from a combination of factors: the rise in regionalism worldwide, the persistent difficulties encountered with the Doha round of negotiations, disappointing economic performances in the EU, rising concern with competitiveness, and finally some internal changes within the EC.⁹ This move led to the emergence of an entirely new generation of PTAs which is indicative of a shift in the EU’s geographic focus and, more importantly, in its motivations, representing a clear break with the past strategy.

These “new age” PTAs¹⁰ are primarily economically motivated, with the importance of market size and growth potential ranking high among the selection criteria. The offensive interests of some European industries are also

7 After the then EU Trade Commissioner Pascal Lamy (1999-2004).

8 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0567:FIN:en:PDF>

9 Namely the replacement of Pascal Lamy by Peter Mandelson as the EU Trade Commissioner.

10 The partners include South Africa, Mexico, Chile, Korea and more recently Japan. The most promising trading partners (ASEAN, South Korea, India and Mercosur) identified as priority negotiating partners combined high levels of protection with large market potential and they are active in concluding FTAs with EU competitors.

more actively defended, indicating convergence between the EC and business interests. Moreover, strategic considerations (in the game theory sense of the word) also loom large as negotiations with EU competitors are also considered.

In terms of content, these PTAs go beyond tariff concessions and include efforts to agree to common disciplines for regulatory regimes covering “new subjects” and other rules and disciplines (so-called Singapore issues: services, investment, intellectual property rights, government procurement, competition, etc) with a view to complementing the weakening rule-setting role under the WTO. Another important feature is the inclusion of so-called sustainable development provisions, committing the parties to ratify and implement International Labor Organization (ILO) conventions and Multilateral Environmental Agreements (MEAs), and not to lower environmental and labour standards.¹¹

The Korea-EU FTA was the first agreement to be signed (2011) as part of this new strategy. In the following years, the EU engaged negotiations with Japan. In 2019 the EU-Japan Economic Partnership Agreement entered into force – the EU’s biggest deal ever. Over the period 2014-20 the EU has negotiated and concluded more trade agreements than in any comparable period. As of January 2021, it has 44 trade agreements with 76 countries⁶ – the largest trade network in the world. Trade with these partners represents 33 percent of EU total external trade. Yet EU’s trade policies remain governed by WTO rules and the EU continues to seek the enforcement of these commitments.

In February 2021, the European Commission published its new European trade strategy, entitled “*An Open, Sustainable and Assertive Trade Policy*”, which covers everything from digital trade to sustainability, but also includes suggestions for WTO reform.

4. South Korea’s and the EU’s activism in the WTO

By 2021, South Korea has moved from being one of the poorest countries after the end of the Second World War to the world’s 7th largest exporter (K-State

¹¹ This has not always been effective as the EU has preferred what is often referred to as a ‘promotional’ approach, as opposed to a ‘sanctions-based’ approach notably favoured by the US and Canada (Bronckers and Gruni 2021).

N.d.). In achieving such a remarkable transformation, South Korea considered itself to have significantly benefited from multilateral trade liberalization since its joining of the GATT in 1967 and the WTO in 1995 (Jung 2003; Lee 2021). Hence, despite its active pursuit of bilateral and regional trade agreements, South Korea remains a firm advocate of the multilateral trading regime.

After joining the GATT, South Korea's export-oriented industrial growth was boosted by the Generalized System of Preference and Special and Differential Treatment granted to developing countries (Jung 2003; Suh et al. 2020). It has thus supported trade liberalization in favour of manufacturing industries (Coskeran, Kim & Narlikar 2012). By contrast, South Korea has maintained a protective position regarding its sensitive agricultural and fishery sectors. As a member of the G-10 and G-33, it has sought to cooperate with the members of these groups to defend its interests in the agricultural sector. Therefore, South Korea has pleaded for a gradual market liberalization at the multilateral level, which would grant exceptions to the sensitive sectors of its economy (MOTIE 2019).

After the establishment of the WTO, South Korea has continued to support multilateral cooperation despite the slow progress of the Doha Round (Republic of Korea 2017). It has also actively turned to the Dispute Settlement Mechanism (DSM) of the WTO since the US colour televisions case of 1997; by 2016, South Korea had become the 10th most frequent user of the DSM (Lee & Kwak 2017). To date, it has been involved in 21 cases as complainant, 19 cases as respondent, and 134 cases as a third party (WTO N.d.). Maintaining the developing country status,¹² however, South Korea's contribution to the multilateral forum had generally been limited (Suh et al. 2020).

It was in this context that South Korea announced its official withdrawal from receiving special and differentiated treatment for developing countries in October 2019. The announcement came three months after the Trump administration's warning of unilateral action against the countries¹³ that claim preferential treatment despite their wealthy economic status (The White House

¹² Since joining the Organisation for Economic Co-operation and Development (OECD) in 1996, South Korea has limited its claiming of developing country preferential treatment to the area of agriculture and climate change (Minister of Economy and Finance 2019).

¹³ These countries included China, Brunei, Hong Kong, Kuwait, Macau, Qatar, Singapore, the United Arab Emirates, Mexico, Turkey, and South Korea.

2019). More specifically, however, the South Korean government made it explicit that its intention is not to “forego” its developing country status, but rather, “not seek” preferential treatment, considering the sensitivity of its agricultural sector (Minister of Economy and Finance 2019). Given this recent development, the government continues to face challenges on how its domestic interests in the agricultural sector can best be reconciled with the national interests in the medium to long term. It therefore remains to be seen to what extent South Korea can play a greater role within the WTO as a bridge builder between the developing and the industrialized countries.

The EU, meanwhile, has been a key shaper of the world trade regime. The EU-US tandem is often said to have co-authored the rulebook of international trade during the Uruguay round, which led to the creation of the WTO.

Shortly after the Uruguay round was completed and the WTO started operating in 1994, the EU assumed leadership in demanding a new round of negotiation; it took some time before the project could materialize as most developing countries thought it was too early to launch a new round as all the expected gains from the Uruguay round had not been reaped. After the debacle of the WTO Ministerial Conference in Seattle in 1999, the so-called development round of trade negotiations was finally launched in Doha (Doha round) in November 2001, clearly benefiting from the positive spirit triggered by the attacks of 9/11.

Although the Doha round has stalled ever since, the EU has consistently sought to maintain the multilateral dynamics going through active support of plurilateral and other agreements (such as the trade facilitation agreement reached in 2017). It was actually no coincidence that Pascal Lamy, former EU Trade commissioner (1999-2004), was appointed as DG of the WTO (2005-2013).

Another sign of EU’s support to the WTO system is the fact that it has been one of the most frequent users of its DSM. Since 1995, the EU has been involved in 104 cases as complainant, 88 cases as respondent, and it has requested third party status in 209 other cases.¹⁴ The other parties may be industrial, emerging or developing countries.

14 Figures as of April 25, 2021. https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm

Lastly, as a testament to the group's commitment to a well-functioning multilateral trade order, the EU has been active in promoting WTO reform. In June 2018, the European Council mandated the European Commission to suggest areas in which the WTO could be reformed. EU's modernization proposals of the WTO focus on three main themes: i) adapting the institution's rule-setting ability to the challenges of the 21st century; ii) improving the WTO's daily operations to ensure better monitoring of members' policies and more transparent trade practices; iii) reforming the DSM (Evenett 2018).

Despite its official strong commitment to a multilateral rules-based order for global trade, the EU has been recently accused of playing dirty on the vaccine issue at the WTO. Although it claims to be acting in developing countries' favour, some argue the EU has done everything in its power to strengthen patent rules, making flexibility of deviating from WTO-rules basically impossible.¹⁵

5. South Korea-EU cooperation in trade governance

While PTAs have become central to South Korea's and EU's trade policies, both parties remain firm supporters of multilateral trade liberalization. The room for cooperation between the two parties has further broadened as South Korea no longer claims preferential treatment as a developing country under the WTO and the two parties continue to cooperate through the Korea-EU FTA. As Yoon Soon-gu (as cited in Brzozowski 2021), the ambassador of the Republic of Korea to Belgium, Luxembourg, the EU and NATO, remarked, South Korea and the EU are "born to be the best like-minded partners, united by the common values and principles of democracy, market economy and the rule of law, as well as a shared commitment to global peace and prosperity."

Within the multilateral forum, South Korea and the EU have seen an increasing convergence in their views toward reforming the WTO (in all its functions), reviving it as a forum for trade negotiations, strengthening the organization's monitoring capacity and resolving the paralysis of the DSM. On the former point, the two parties agree that the rules are not adequately adapted to global economic

15 <https://corporateeurope.org/en/2021/03/eu-playing-dirty-game-wto-vaccines-talks>

dynamics and that new domains need to be included such as sustainable or digital trade. The systematic inclusion of environmental chapters in EU's and ROK's recent FTAs is a testament to this convergence of views.

The other area in which the EU and South Korea share a mutual interest is resolving the stalemate in the DSM. The United States has been blocking new appointments to the WTO Appellate Body since 2017, which has effectively dismantled the functioning of the DSM. In response, South Korea, the EU and 9 additional members of the WTO signed the proposals to reform the WTO Appellate Body, in November 2018. In January 2020, 17 members of the WTO, including South Korea and the EU, further agreed to develop a multi-party interim appeal arrangement (MPIA) to enable participating members to utilize a two-step dispute settlement system as a temporary solution to the current deadlock. The MPIA has taken into force in April 2020 and has 24 members to date, including the EU (Titievskiaia 2021). However, South Korea has not yet joined the arrangement nor established an official position toward how it aims to address the crisis going forward (Lee & Kang 2020; Suh et al. 2020).

Achieving consensus among all WTO member states to push through reform has proven increasingly complex. In this regard, the quandary at the multilateral level could be resolved through the cooperation between a group of like-minded countries leading WTO agendas. The pressure for cooperation heightens as the 12th Ministerial Conference has been postponed since 2020 due to the ongoing pandemic. Specifically, South Korea and the EU should seek to reinvigorate global trade rules through the WTO reforms as members of the Ottawa Group and the Friends of Advancing Sustainable Trade (FAST) Group. Key areas of cooperation include promoting sustainable trade, taking effective actions in response to global health crisis, and addressing the new issues of trade such as e-commerce. As the European Commission (2021) notes, the initiatives by this group of countries are "important to attract initial support in view of seeking broader engagement by the WTO membership, an essential building block for WTO reform." Championing such informal groups is a promising option.

Another (complementary) option is for the EU and South Korea to push for a proactive use of the plurilateral approach when the participation of all member

states is not possible due to divergences in development levels and hence in the ability to commit and comply. Currently, there are three forms of plurilateral agreements: (i) agreements that are brought into the WTO and applied on MFN basis, such as the Information Technology Agreement (ITA); (ii) agreements under the WTO that apply only to the signatory countries, such as the Government Procurement Agreement (GPA); and (iii) agreements that are not formally under the WTO umbrella, such as the proposed Trade in Services Agreement (TiSA), which was negotiated but not concluded. All these agreements allow for flexibility, making rule-making easier (Kimura 2019). South Korea and the EU, which are parties to several such agreements (ITA, GPA and TiSA), can be instrumental in bringing progress through this alternative negotiating mode.

Moreover, the two partners can also seek to build upon their bilateral FTA to advance rulemaking in areas not yet covered by the WTO. By way of illustration, they discussed how the implementation of the agreement could further promote climate action and agreed to cooperate on promoting equitable international standards on new technologies, such as environmentally friendly automobiles and self-driving cars, as well as on e-commerce. But South Korea and the EU can also contribute independently to the preservation of a rule-based order through their respective PTA policies; the idea is to supplement a potential weakening of the multilateral system by using PTAs as testbeds.

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