

Europe's Area of Maritime Interest in Northeast Asia

by Philip Shetler-Jones

ABSTRACT

Participation in the monitoring of UN sanctions on North Korea is Europe's most prominent operational contribution to Indo-Pacific security, but is also characterised by a fragmented, bilateral approach that contradicts the trajectory of recent European policies that strive for a more meaningful and coordinated investment in this area. A coordinated European presence in the region built around the sanctions monitoring task is within reach, and steps taken to achieve it would dramatically enhance the policy coherence and impact of European action on Northeast Asian security.

*European Union | Military missions | Maritime security | Indo-Pacific |
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keywords

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Introduction

European nations have individually and collectively committed to prioritise the Indo-Pacific and step up their security contribution there.¹ One of that region's most dangerous security problems is the Democratic People's Republic of Korea's (DPRK) defiance of UN resolutions prohibiting development and testing of nuclear weapons and their delivery systems. It therefore seems fitting that the monitoring of UN sanctions on DPRK has become, over the last four years, the clearest manifestation of Europe's operational contribution to regional security. This operational task far exceeds – in terms of material commitments and accepted risks – other activities that are more often name-checked, such as capacity-building or port calls. Based on an evaluation of European contributions in the context of policy evolutions, steps can be taken to improve the alignment of rhetoric and action in this area.

1. Background

In response to the DPRK's nuclear arms and missile procurement efforts, back in 2006 the UN Security Council (UNSC) adopted resolution 1718, beginning a sanctions regime that has tightened as the DPRK systematically and persistently continued to violate it. UN sanctions restrict trade in fuel, among other items, in order to dissuade the DPRK from continuing its missile and nuclear programme and proliferation of weapons and weapons technology. In response to the DPRK's

¹ Indo-Pacific strategies by France, the Netherlands, Germany, Italy and the UK "tilt", as well as the EU Strategy for Cooperation in the Indo-Pacific were all published over the last five years.

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nuclear weapon and ballistic missile development activities, the EU has imposed autonomous sanctions on the DPRK to a point it claims they represent "the toughest against any country".² These include a travel ban, port entry bans, asset freezes imposed on listed persons and entities, and restrictions on financial transactions.

Since 2018, Australia, Canada, France, Germany, Japan, New Zealand, the Republic of Korea (ROK), and the United Kingdom (UK) have transmitted observation data to an information sharing initiative called the "Pacific Security Maritime Exchange" (PSMX) created by the United States to compile this data into reports for the UN sanctions committee.³ The data collection process is coordinated by an "Enforcement Coordination Cell" (ECC). The ECC is hosted in the US Navy base in Yokosuka, Japan, where liaison officers from nations committing ships and planes to the monitoring task coordinate the tracking of illicit activities such as ship-to-ship transfers of fuel and other contraband. Despite carrying the term "enforcement" in its title, operations directed from the ECC have been limited to observing, recording and documenting possible violations. Interceptions, boarding or other direct action to interdict illicit activities have not so far been performed.

2. European participation

European participation in DPRK sanctions monitoring entails action on the sanctions regime at United Nations HQ in New York, and the bilateral contributions of French, German and British militaries. The latter take the form of ships and aircraft deployed to the region and tasked with sanctions observation, as well as the deployment of liaison officers to the ECC. A short summary of each follows.

2.1 UNSC

Coordinated or collective European action on UN sanctions signals European support for multilateralism as a principle, adds weight to the influence of member states acting alone in the UN Security Council (permanent or non-permanent members), and gives substance to the coordinating role the EU as an institution. In

² On the EU sanctions on the DPRK, see Council of the European Union, *North Korea: EU Confirms Autonomous Sanctions for a Year*, 30 July 2020, <https://europa.eu/!wR96nC>.

³ Kathryn Crummitt, "Nations Collaborate to Prevent North Korea from Evading UN Sanctions", in *US Department of State DipNotes*, 15 April 2022, <https://www.state.gov/dipnote-u-s-department-of-state-official-blog/nations-collaborate-to-prevent-north-korea-from-evading-un-sanctions>. "The PSMX prevents the DPRK from skirting UN sanctions by: Identifying smuggling ships. The PSMX partners identify, track, and report on dozens of vessels involved in the illicit smuggling of oil, leading to many of these vessels ultimately getting scrapped; Raising the cost of sanctions evasions. Identifying smuggling ships raises the cost for the DPRK to undermine UN sanctions, forcing the DPRK to attempt to create ever more intricate smuggling networks, usually involving multiple vessels, to transfer just one load of oil; Disrupting black market networks. By identifying illicit maritime activity, the PSMX helps disband entire networks of people and entities helping the DPRK violate UN sanctions."

a period where reform of the UN Security Council touches on the justification for a geographic imbalance, action at the UN on threats to peace justifies permanent Security Council seats for those like the UK and France that have them, and action on enforcement justifies bids by those like Germany who are seeking a permanent seat. Member states who vote on sanctions without committing resources to their enforcement are more exposed to charges of double standards (expecting non-members to do their work) or hypocrisy. The permanent observer status of the EU at the UN is without voting rights, but the organisation can influence the process around UNSC action, for instance by coordinating its member state delegations, including in the Security Council.⁴ In any case, a willingness to back diplomatic decisions with operational commitments gives substance to the often-heard claim that supporting multilateralism and the rule of law is an EU priority.

2.2 France⁵

France explains its participation as follows:

France will engage in monitoring and surveillance activities by aircraft against illicit maritime activities, including ship-to-ship transfers with North Korean-flagged vessels prohibited by the United Nations Security Council resolutions (UNSCRs), using Futenma Air Station under the Agreement Regarding the Status of the United Nations Forces in Japan.⁶

French deployments requiring support from Japan come under a UN Status of Forces Agreement (SOFA) with its roots in the armistice of the 1950-3 Korean War.

To date, the following participation has taken place:

- March 2019, for three weeks Falcon 200 surveillance aircraft flying from Kadena Air Station, Japan
- April 2019, *Vendémiaire* surveillance frigate
- February to March 2021, frigate FS *Prairial*
- Early May 2021, amphibious assault ship FS *Tonnerre* and frigate FS *Surcouf*
- Mid-October to early-November 2021, Falcon-200 flying from Futenma Air Station, Japan
- 2021 from mid-October to early-November 2022, Falcon-200
- March 2022, *Vendémiaire* surveillance frigate
- October to November 2022, Falcon-200

⁴ Teun Janssen, "An EU United Nations Security Council Seat", in *Conference on the Future of Europe Platform*, 6 May 2021, <https://futureu.europa.eu/en/processes/EUInTheWorld/f/16/proposals/2103>.

⁵ Information for deployments by France, Germany and UK verified by Japan MOFA. See Japan Ministry of Foreign Affairs website: *Suspicion of Illegal Ship-to-Ship Transfers of Goods by North Korea-related Vessels*, last updated 31 October 2022, https://www.mofa.go.jp/fp/nsp/page4e_000757.html.

⁶ Japan Ministry of Defense, *Monitoring and Surveillance Activities by France against Illicit Maritime Activities Including Ship-to-Ship Transfers*, October 2022, <https://www.mod.go.jp/en/article/2022/10/0b4739433744954c8c060300844599e15c4e41f9.html>.

2.3 Germany

When the German frigate *Bayern* sailed to the Indo-Pacific in 2021, then defence minister Annegret Kramp-Karrenbauer offered the following framing: "In view of attempts to curtail the freedom of navigation in the Indo-Pacific and to assert territorial claims by force, showing presence is of political importance".⁷

For around a month from 13 November to 14 December 2021, German Navy frigate *Bayern* engaged in monitoring and surveillance activities against illicit maritime activities, including ship-to-ship transfers with North Korean-flagged vessels in waters surrounding Japan including the East China Sea.⁸

In contrast to 1997, when four German naval vessels travelled together as a maritime task group, the *Bayern* sailed by herself. For the frigate, travelling to the other end of the world as an independent unit demonstrates a logistic capability unusual among world navies. As her commander explained: "This tour requires a massive amount of planning and organization involving various agencies, institutions, and companies, both at home and abroad, basically in every country along the scheduled route."⁹

Although no further contributions to the sanctions monitoring have been announced, Germany has been increasing its attention to security partnerships in the region.¹⁰ Foreign and defence ministry "2+2" meetings with Japan began in 2021, Germany donated unmanned aerial vehicles (UAVs) to support the Philippines coastguard on maritime security in June 2022, and in September of the same year the German air force sent three Eurofighter jets to Japan as part of a regional deployment for exercises with Australia and other allies.¹¹

⁷ German Ministry of Defence, *Minister Sees off Frigate Headed for the Indo-Pacific*, 2 August 2021, <https://www.bundeswehr.de/en/organization/navy/news/frigate-bayern-sent-off-indo-pacific-5210308>.

⁸ German Federal Foreign Office, *German Contribution to Monitoring North Korea Sanctions*, 12 November 2021, <https://www.auswaertiges-amt.de/en/aussenpolitik/regionaleschwerpunkte/asien/sanktionen-nordkorea/2495750>.

⁹ German Ministry of Defence, *Minister Sees off Frigate Headed for the Indo-Pacific*, cit.

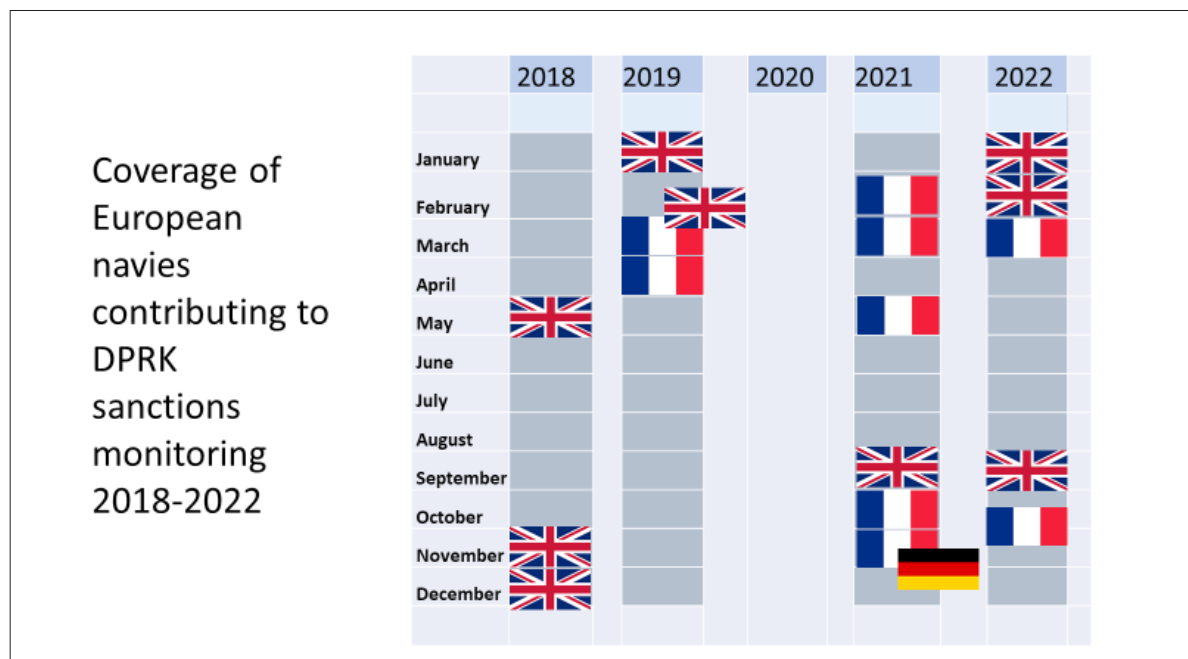
¹⁰ Anke Reiffenstuel, "Germany's Engagement in the Indo-Pacific Region", in *FACTS Asia*, 2 November 2022, <https://www.factsasia.org/blog/germanys-engagement-in-the-indo-pacific-region>.

¹¹ "Japan and Germany to Hold Indo-Pacific Security Talks", in *Nikkei Asia*, 1 November 2022, <https://asia.nikkei.com/Politics/International-relations/Japan-and-Germany-to-hold-Indo-Pacific-security-talks>; Rune Ylade, "Germany Enhances Philippine Coast Guard's Security Capacity by Donating Unmanned Aerial Vehicles", in *GIZ Worldwide*, 21 November 2022, <https://www.giz.de/en/worldwide/110503.html>.

2.4 UK

The UK's Royal Navy (RN) has so far made the following contributions:

- May 2018, Frigate HMS *Sutherland*
- From the middle of May to the beginning of June 2018, RN Flagship HMS *Albion*
- 6 November 2018, Frigate HMS *Sutherland*
- The middle of December 2018 to the beginning of January 2019, Frigate HMS *Argyll*
- From the end of February to the beginning of March 2019, HMS Frigate *Montrose*
- September 2021, Frigate HMS *Richmond*
- January to February 2022, littoral combat ship *Tamar*
- September 2022, littoral combat ship HMS *Tamar*



As can be seen from the above chart, excepting Covid conditions of 2020, which led to the cancellation of deployments, the European monitoring presence in the area around the DPRK since 2018 already approaches on average of over four months of the year.¹²

3. Keeping up with policy evolutions

Four evolutions in European security policy are relevant to the fulfilment of ambitions for European security contribution in the Indo-Pacific.

¹² Table produced by the author based on information published by Japan MOFA. See Japan Ministry of Foreign Affairs website: *Suspicion of Illegal Ship-to-Ship Transfers of Goods by North Korea-related Vessels*, cit.

First, the joint communication on the Indo-Pacific published on 16 September 2021 stated that

Given the importance of a meaningful European naval presence in the Indo-Pacific, the EU will explore ways to ensure enhanced naval deployments by its Member States in the region [...] the EU will assess the opportunity of establishing Maritime Areas of Interest in the Indo-Pacific and engage with partners in the region, including by exploring the possibility for them to be associated with this initiative.¹³

Second, the Strategic Compass published on 21 March 2022 added: "we will expand our Coordinated Maritime Presences to other areas of maritime interest that impact on the security of the EU and seek to associate relevant partners, where appropriate [...] we will consider other maritime areas of interest."¹⁴

Third, the EU has developed its own experience in similar mission roles. Operation EUNAVFOR MED IRINI was set up in March 2020 as a successor to operation EUNAVFOR MED Sophia to contribute to the implementation of the UN arms embargo on Libya in accordance with UNSCR 1970 (2011) and 2292 (2016). It does so through inspections of suspect vessels on the high seas off the coast of Libya, monitoring of possible violations at sea, in the air, and reporting to a dedicated UN panel. Unlike the work coordinated through the ECC, IRINI also conducts hailings, friendly approaches (a consensual visit undertaken without any specific approval by the flag state of the vessel and not involving any enforcement activity), boardings and diversions (redirection to a European port).¹⁵ As well as being mandated to support the implementation of UN measures against the illicit export of crude oil and other petroleum products from Libya, the mission conducts tasks commonly found among other CSDP missions such as capacity-building and training of the Libyan coast guard and navy, as well as the disruption of human smuggling and trafficking networks at sea.¹⁶

Last, the creation of the European Political Community (EPC) in October 2022 is an indication of a willingness on the part of the 27 EU member states and the 17 other participants to acknowledge that European security interests are served also by going beyond existing institutional frameworks and formats. In the spirit of this new platform for political coordination, an EPC designation of the Northwest Pacific as an area of "European Maritime Interest" would extend available capacity

¹³ European Commission and European External Action Service, *The EU Strategy for Cooperation in the Indo-Pacific* (JOIN/2021/24), 16 September 2021, p. 13, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52021JC0024>.

¹⁴ Council of the European Union, *A Strategic Compass for Security and Defence*, 21 March 2022, p. 27 and 30, <https://www.eeas.europa.eu/node/410976>.

¹⁵ Operation IRINI, *Friendly Approaches, How Operation IRINI Cooperates with Merchant Vessels*, 28 September 2020, <https://www.operationirini.eu/?p=4273>.

¹⁶ Operation IRINI website: *About Us*, <https://www.operationirini.eu/?p=581>.

to a point where coordination with maritime partners and allies (e.g. Norway, the UK) could combine to achieve a persistent or even continuous presence in the area.

4. Capitalising on the European contribution

In passages describing EU security cooperation with Asian partners, the EU joint communication on the Indo-Pacific refers to “live” exercises, but in terms of operational capability these have so far been at the low end of the spectrum such as port calls and PASSEX (the latter is little more than practising communication drills between ships that cross paths). By contrast, a typical exercise for serious Indo-Pacific security partners involves anti-submarine warfare drills. Exercises of this type have understandably not been appropriate in the context of combined exercises between Asian partners and the EU counter-piracy mission, Atalanta.

The EU has devised a concept of “Coordinated Maritime Presence” (CMP) to

allow the EU to act together by enhancing coordination of the existing Member States naval and air assets present in specific areas that are of interest to the EU, around the world, to increase the EU's capacity to act as a reliable partner and maritime security provider.¹⁷

The Strategic Compass announced that the CMP would be extended to the Northwest Indian Ocean, and consideration would be given to CMP in the Pacific. Alongside the Pacific Island states, the obvious candidate for a Pacific CMP is the area around the Korean Peninsula. The European contribution described above is evidence that this is *de facto* an area of strategic maritime interest, so it should not be out of the question to “CMP-ise” the region covered by DPRK sanctions monitoring. Compared to the low-level exercises mentioned above, a formal coordination of European presence in the Northwest Pacific would tick a lot of policy boxes:

- Fulfil one of the aims of Strategic Compass on extending CMP to the Pacific.
- Demonstrate support to effective multilateralism (UN sanctions even have the *de jure* support of China and Russia).
- Uphold international maritime law on freedom of navigation and flight. This freedom has been brought into question by legally unfounded challenges by the PRC against flights by Australian and Canadian aircraft on ECC activities.¹⁸
- Demonstrate commitment to the non-proliferation norm by engaging in multilateral counter-proliferation (at least normatively).
- Build on the ECC as a platform that offers scope for cooperation that builds

¹⁷ European External Action Service, *Coordinated Maritime Presences*, 3 December 2021, <https://www.eeas.europa.eu/node/410805>.

¹⁸ Ken Moritsugu, “China Rejects Canadian, Australian Charges of Unsafe Air Intercepts”, in *The Diplomat*, 7 June 2022, <https://thediplomat.com/2022/06/china-rejects-canadian-australian-charges-of-unsafe-air-intercepts>.

on that offered by cooperation with other EU missions like Atalanta as a basis for joint exercises with Indo-Pacific partners. Participation in sanctions monitoring offers opportunities to participate with greater frequency in bilateral or multilateral exercises in the region.

- Not just EU, but European – in the spirit of the European Political Community, and in partnership with like-minded states, in the spirit of the Indo Pacific Cooperation Strategy (with Japan, ROK, Canada, Australia, New Zealand, UK, and USA).

In addition to the above, extending a third EU Coordinated Maritime Presence to Northeast Asia would signal three areas of growth and vitality in the evolution of EU foreign and security policy. First, it would demonstrate unity on the commitment to security in the region, under the safe mantle of a UN operation. Second, it would overcome a lacuna in the EU policy towards the Indo-Pacific regarding the fact that the United States is the framework provider for Indo-Pacific security by partnering with the United States Navy. Third, it would reinforce the signal sent by the European Political Community by demonstrating that the EU is not limited by legacy structures and procedures and is able to partner with non-EU Europeans like the UK, Turkey, Norway, etc.

Military deployments for ECC work offer “spin-off” benefits in the form of opportunities to pursue other national and multilateral objectives in the region. The demonstration of the logistical capability and political willingness to send a warship or an aircraft to the other side of the planet, sustain it and operate it either as a sovereign asset or by integrating it with partners or allies in the region is one of such benefits. In turn, this justifies the extension of logistical agreements in the region that can serve other purposes (should they arise in a crisis). One example of this is the Acquisition and Cross Servicing Agreements (ACSA) that Japan has signed with Australia (2010), the UK (2017), France (2018) and is exploring with Germany. Another is the Reciprocal Access Agreement (RAA) that functions like a Status of Forces Agreement, to which Japan has committed along with Australia and the UK.

A Northeast Asia CMP built around ECC contributions is within reach. The obstacle posed by the small number of EU member states willing and able to deploy ships and aircraft at distance can be overcome to achieve a continuous or near continuous presence by opening up policy more creatively by means of six measures:

1. More coordinated deployments of the naval vessels and aircraft of EU member states.
2. More coordinated deployments of maritime surveillance aircraft of EU member states.
3. Stepped up presence in the ECC in Yokosuka. In addition to liaison officers, administrative support or analysis staff could be deployed.
4. “Ship riding” of European maritime personnel on vessels of other Indo-Pacific partner nations engaged in the region (US, Canada, Australia, New Zealand,

ROK, Japan).¹⁹

5. "Air riding" on maritime surveillance aircraft of other Indo-Pacific partner nations engaged in the region (US, Canada, Australia, New Zealand, ROK, Japan).
6. Broadening the opportunities for European maritime presence by extending partnership with the UK Royal Navy, in the spirit of the European Political Community.

Conclusion

The commitment of European platforms to operational activities in Northwest Pacific over the last four years is proof that the area around the Korean Peninsula is a *de facto* maritime area of European strategic interest. As it is, it represents an under-valued asset in terms of demonstrating European contributions in the region. With some small changes, its value in terms of operational impact and as a platform for a wide range of other national and multilateral policy goals can be greatly enhanced.

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¹⁹ The framework partnership agreement between the EU and ROK enables ROK personnel to work on EU member state ships participating in EUNAVFOR Atalanta. That relationship provides the basis to explore the secondment of European military personnel to ROK ships and aircraft engaged in sanctions monitoring.

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