

The EU's Strategic Partnerships: The Case of EU-China Relations

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Introduction

The EU used to consider leading industrialized countries, such as the USA, Japan and Canada, its most important partners. Recently there has been much talk of emerging powers, especially the so-called BRIC-countries, i.e. Brazil, Russia, India and China. These countries, as well as Mexico and South Africa, are now included in lists of the EU's "strategic partners." On a recent trip to South Africa the European Council President Herman Van Rompuy said: "We agreed on the need for Europe to promote its interests and values in a spirit of reciprocity and mutual benefit. The EU's strategic partnerships with key players in the world, (...) provide a useful instrument for pursuing these objectives."¹ So according to this statement strategic partnerships are about promoting interests and values. That immediately raises the question whether there could be conflicts between 'interests' and 'values'.

This paper will deal with EU-China relations as a case of the EU's strategic partnerships. It will study the concept of strategic partnerships and see how the EU officially has tried to define these partnerships. As is well known, China is an emergent power which plays an increasing role internationally. With its huge market the EU has clear commercial and financial interests in developing good relations with China as well as integrating China in the global political economy, in particular the WTO framework. As it was said in a recent factsheet from the EU: "Since bilateral ties between the EU and China were established thirty five years ago, trade relations have expanded from €4 billion in 1978 to €296 billion in 2009. Today, the EU is China's most important trading partner, while for the EU, China is second only to the United States."²

But the EU also claims to promote its values internationally. Here the EU has a serious problem with China, a country that is far from democratic and which does not respect human rights as understood in Europe. To what extent and with what effect has the EU tried to deal with these problems of values in its relations with China?

If the EU is to be considered a "normative actor" as suggested by some scholars this must be reflected in its external behaviour. But could it be that economic interests trump normative positions in the EU's relations with China? If this is the case it has implications for what kind of international actor the EU is.

It will be argued that rational theories go far in explaining the EU's international behaviour. Ideas and values are secondary. A study of particular issues in EU-China relations, including China's relations with Taiwan and the issue of human rights will give empirical evidence in support of the argument. A study of the EU's arms embargo against China may have

¹ "Remarks by Herman VAN ROMPUY President of the European Council at the press conference following the EU-South Africa Summit", Brussels, 28 September 2010.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116792.pdf

² "European Union Factsheet, EU-China Summit (Brussels, 6 October 2010), EU Relations with China,"

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/116848.pdf

more mixed results. But the way some leading members of the EU have worked to get the arms embargo lifted suggests a strong role for commercial interests, in this case counteracted by the United States, which adds a geopolitical element in the equation. But this would all fit in with a Realist understanding of the EU as an international actor.

It is not expected that things will change after the entry into force of the Lisbon Treaty. Post-Lisbon CFSP remains intergovernmental. It will therefore continue to be difficult to get a coherent 'external action' in favour of the values that the EU proclaims. So far there has been no change in EU policy towards China since the entry into force of the Lisbon Treaty in December 2009. Expect to see national leaders from the EU member states regularly visiting Beijing to promote 'national' interests ahead of 'European' values also in the future. And these leaders, through the strategic role played by the European Council, may well turn the EU towards defending interests instead of promoting values.

I shall start by briefly looking at the concept of strategic partnership as we find it in EU documents as well as the concept of a normative power as we find it in the literature. Then I shall give an historical overview of EU-China relations. This will be followed by case studies of three issues in EU-China relations, namely the Taiwan issue, the arms embargo and the human rights issue. How has the EU dealt with these issues? What does it say about the EU as an international actor?

Strategic Partner: Interests vs. Values?

The concept of strategic partnership is not well-defined. In the post-Lisbon period both the Foreign Ministers and the European Council have held discussions, starting in September 2010, trying to clarify the meaning of the term.

The EU now officially considers relations with the traditional partners, USA, Canada and Japan, and relations with the so-called BRICs (Brazil, Russia, India and China) as well as South Africa and Mexico, as constituting strategic partnerships. The latest country to be added to the list is South Korea.³ And the term is also used for relations with some groups of countries and international organisations.

The concept emerged in the late 1990s, when the Amsterdam Treaty introduced the instrument of 'common strategies' next to 'common positions' and 'joint actions', which had been the Common Foreign and Security Policy (CFSP) instruments in the Maastricht Treaty. The instrument of 'common strategies' was never used much. It has now been dropped by the Lisbon Treaty. But in 1998 the EU's relation with Russia was the first to be called a 'strategic partnership.' In 1999 the term was also used to describe the relationship with Latin America and the Caribbean, and then it briefly went out of use.⁴

³ Gauri Khandekar, "Strategic partnerships, what's in a name? *New Europe*, Issue 919 (January 23-29, 2011). <http://www.neurope.eu/articles/104313.php>

⁴ Thomas Renard, "EU Strategic Partnerships: Evolution of a Concept, from Amsterdam to Lisbon," *EU-China Observer*, Issue 5 (2010), pp. 16-22.

The first effort to start to define it seems to have been the European Security Strategy (ESS) in 2003, although the definition was not very explicit.⁵ In the concluding part of the ESS it was stated that “There are few if any problems we can deal with on our own.” The various threats faced by the EU are “common threats, shared with all our closest partners. International cooperation is a necessity.”⁶ The text then singled out the transatlantic relationship as “irreplaceable.” The aim should be “an effective and balanced partnership with the USA.” The text called for “closer relations with Russia” and saw relations with neighbours in the Middle East and partners in Africa, Latin America and Asia as important. And finally the term was actually used: “In particular we should look to develop *strategic partnerships*, with Japan, China, Canada and India as well as with all those who share our goals and values, and are prepared to act in their support” (emphasis added). Talking about values of course added a normative element to the concept, without claiming that all strategic partners will necessarily share the EU’s values.

The Report on the Implementation of the ESS published in 2008 again singled out the transatlantic relationship as strategic, mentioning both the USA and NATO. It then went on to say: “We have substantially expanded our relationship with China. Ties to Canada and Japan are close and longstanding. Russia remains an important partner on global issues. There is still room to do more in our relationship with India. Relations with other partners, including Brazil, South Africa and, within Europe, Norway and Switzerland, have grown in significance since 2003.”⁷ Adding the two European countries may not have helped clarify the concept, despite the fact that they are both important trade partners. Or maybe they were added exactly because of that. Interestingly this was all in a section on ‘Effective Multilateralism.’ Presumably strategic partnerships can deal with bilateral issues too.

After the ESS was produced by High Representative (HR) for CFSP Javier Solana and his team in 2003 the Commission published Communications on relations with emerging powers, China, India, South Africa, Brazil and Mexico, between 2003 and 2008. The titles of these communications applied the designation ‘strategic partnership’ except the EU-China communication which used the term a ‘maturing partnership’ in the title. In the executive summary, however, we read that “the EU and China have an ever-greater interest to work together as *strategic partners* to safeguard and promote sustainable development, peace and stability” (emphasis added).⁸ This seems to be the first time the term was used for the EU-China relation.

⁵ Giovanni Grevi, “Making EU strategic partnerships effective,” *Working Paper* No 105 (December 2010). Madrid: FRIDE. <http://www.fride.org/publication/875/making-eu-strategic-partnerships-effective>

⁶ “A Secure Europe in a Better World: European Security Strategy, Brussels, 12 December 2003,” <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

⁷ “Report on the Implementation of the European Security Strategy – Providing Security in a Changing World.” Brussels, 11 December 2008.

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/104630.pdf

⁸ Commission of the European Communities, “Commission Policy Paper for the Transmission to the Council and the European Parliament: A maturing partnership – shared interests and challenges in EU-China relations,” COM(2003)533 fin. Brussels, 10/09/03. For references to the other communications, see fn. 8 in Renard, “EU Strategic Partnerships,” op. cit.

Even after the ESS and the emergence of Commission communications that applied the concept of ‘strategic partnership’ to specific relations the term remained unclear. Was there a strategic vision behind? Were the partners really partners – and how should the partners be selected?

After the entry into force of the Lisbon Treaty, in December 2009, the interest in ‘strategic partnerships’ reemerged. The new semi-permanent President of the European Council, Herman van Rompuy, decided to call a special meeting of the European Council in September 2010 where the Heads of State or Government were invited to discuss the concept. This meeting was preceded by an informal Gymnich-type meeting of the Foreign Ministers chaired by the new High Representative (HR) of the Union for Foreign Affairs and Security Policy Catherine Ashton. Ashton was also a Vice-President (VP) of the Commission in the new institutional set-up.

The Gymnich-type meeting was preceded by HR/VP Ashton’s visit to China for a first “Partnership” dialogue, 30 August-4 September 2010. In the press release before the trip we learn: “The EU and China have shown a common will to deepen bilateral relations on foreign and security matters such as the Korean Peninsula, Iran, Africa and piracy in the Gulf of Aden.”⁹

The meeting of the European Council on 16 September 2010 discussed relations with strategic partners as well as economic governance. I quote from the Conclusions:

In accordance with the Lisbon Treaty, and in line with the European Security Strategy, the European Union and its Member States will act more strategically so as to bring Europe's true weight to bear internationally. This requires a clear identification of its strategic interests and objectives at a given moment and focused reflection on the means to pursue them more assertively. The European Council calls for improved synergies between the European Union and national levels, consistent with the provisions of the Treaties, for enhanced coordination between institutional actors, for better integration of all relevant instruments and policies, and for summit meetings with third countries to be used more effectively...¹⁰

So the EU was to become more strategic in its external action. It had to identify its interests and objectives and be more assertive. Further the meeting called for enhanced cooperation between EU institutions as well as the EU and the member states. Notice, the EU’s values were not mentioned. The conclusions saw strategic partnerships as ‘useful instruments’. They should be “two-ways streets based on mutual interests and benefits.” Enhanced trade with strategic partners was singled out as “a crucial objective, contributing to economic recovery and job creation.” More specifically: “We must take concrete steps to secure ambitious Free Trade Agreements, secure greater market access for European business and deepen regulatory cooperation with major trade partners. Although ‘effective multilateralism’ was also mentioned in the conclusions, bilateral FTAs were now clearly on the agenda. Would that also include China?

⁹ “EU High Representative/Commission Vice-President Catherine Ashton visits China for its first ‘Partnership’ Dialogue,” Brussels, 30 August 2010.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1077&type=HTML>

¹⁰ European Council 16 September 2010 Conclusions, Brussels, 12 October 2010.

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116547.pdf

Family photos, September 2010



EU High Representative for Foreign Affairs and Security Policy Catherine Ashton (bottom, center) poses for a family photo with European Union foreign affairs ministers on the first day of an informal meeting at the Egmont Palace in Brussels on September 10, 2010.

Source: http://www.rferl.org/content/EU_Ministers_Weigh_Strategic_Partnerships/2155015.html



European Council, 16 September 2010. The family photo gathers the 27 Heads of State of Government from the EU countries. President Van Rompuy welcomes them as well as the Ministers for Foreign Affairs.

Source: <http://www.flickr.com/photos/europeanunion/4998214287/#/>

On October 6, 2010, the 13th EU-China summit took place. It was the first after the Lisbon Treaty had entered into force. In his introductory remarks Herman van Rompuy stated: “Our relations are rooted in 35 years of diplomatic relations. The 12 previous summits have

developed a dynamic and comprehensive partnership. We have come a long way since our first Summit in London in 1998.”¹¹ The Joint Press communiqué issued after the meeting mostly dealt with economic issues: the international financial crisis, bilateral economic and trade relations, investment, macro-economic issues, climate change and energy policy, without being very specific on any of these. Human rights and the arms embargo were not mentioned. Of direct relevance for our discussion we find this commitment:

The EU and China agreed to strengthen further their comprehensive strategic partnership in a spirit of equality, reciprocity and mutual benefit. They agreed that their cooperation should also be strengthened to address global challenges. In this regard, they stressed the strategic guidance given by the EU-China Summit in coordinating EU-China dialogues and cooperation in all fields, with particular importance attached to the significant role of EU-China strategic dialogues on political, economic and trade, as well as macro-economy affairs. Both sides fully acknowledged the importance of recognizing each other’s major concerns with a view to furthering their overall relationship.¹²

Basically the meeting reaffirmed the commitment on both sides to strengthen mutual relations. It does not seem to have added to the understanding of what a strategic partnership is or is supposed to be. It seems first of all to single out a relationship as being particularly important.

By the time of the European Council meeting 16-17 December 2010 the Heads of State or Government “welcomed the first progress report presented by the High Representative on the European Union’s relations with its strategic partners.” And then we learn: “...the European Council invited the High Representative, in close cooperation with the Commission and the Foreign Affairs Council, to take this work forward in line with its conclusions of September 2010, setting out common European interests and identifying all possible leverages to achieve them.”¹³

Clearly, coming to grips with strategic partnerships was a work in progress. The good intentions of clarifying the concept during the second part of 2010 did not really produce a clear outcome.

It seems that there was a change in vocabulary during the second part of 2010, though. There was now a clear emphasis on interests. References to values largely disappeared. Was the EU becoming the kind of rational actor Realists would expect it to be? If so this has implications for the concept of the EU as a normative actor.

I shall not go into a discussion of the concept of normative actor here. A much cited article by Ian Manners in 2002 discussed the concept.¹⁴ The discussion of the nature of the EC/EU as an international actor started in the 1970s with Duchêne suggesting the the European Community was a ‘civilian power’. The Maastricht Treaty, which added defence policy, opened

¹¹ “Introductory remarks by Herman van Rompuy, President of the European Council, at the EU-China Summit,” Brussels, 6 October 2010, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/116905.pdf

¹² “13th EU-China Summit Joint Press Communiqué,” Brussels, 6 October 2010. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/116908.pdf

¹³ “European Council 16-17 December 2010 Conclusions,” Brussels, 25 January 2011. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/118578.pdf

¹⁴ Ian Manners, “Normative Power Europe: A Contradiction in Terms?” *Journal of Common Market Studies*, Vol. 40, No. 2 (“002), pp. 235-58.

the possibility that the EU might become a military power, a possibility that has got further substance after the EU started developing the European Security and Defence Policy ((ESDP) from 1999. The concept of normative power suggests an impact of the EU's international identity, based on its history and institutional set-up. The argument is that the EU promotes its own norms. These norms have been strengthened in the treaties and various declarations, especially after the end of the Cold War. The Maastricht Treaty emphasized democracy, rule of law and respect for human rights and fundamental freedoms, but these norms had actually been mentioned already in the Copenhagen Declaration on European identity in 1973. They have now become explicit conditions for membership in the EU and the EU sets conditions along these lines in its agreements with Third countries. According to Manners, the concept of 'normative power' should be seen as an 'addition to civilian or military conceptions.' His case study was the abolition of the death penalty, where the EU – and the Council of Europe – seemed to have had some success, at least in Europe. However, it is also a case where the “EU often finds itself at odds with other developed OECD states, such as the US and Japan.”¹⁵

Historic Overview of EU-China Relations¹⁶

Historically EU-China relations were very much affected by the so-called 'China problem,' the existence of two governments which claimed to represent the same country, the People's Republic of China (PRC) on the mainland and the so-called Republic of China (ROC) on Taiwan. The international community, including Western European countries, faced difficult choices. Gradually the European countries established diplomatic relations with the PRC and broke off relations with the ROC - in some cases because the ROC did not accept relations with countries that had established relations with Beijing. To-day, when Taiwan wants to join the UN, while allowing the PRC to continue as a UN member, it is the PRC that does not accept such a two-China solution.¹⁷

The current relations between the EU and the PRC go back to 1975, when the European Community (EC) established official relations with the PRC. This happened on the occasion of a visit to Peking by EC Commission Vice-President Sir Christopher Soames.¹⁸

A number of the EC member states had trade agreements with the PRC and most of them had established official relations with the PRC by 1975. The UK, the Netherlands and Denmark had recognized the PRC in 1950 and diplomatic relations were established. France actually had decided

¹⁵ Ibid. p. 253.

¹⁶ The following partly relies on earlier publications by the author, including "EC Trade Policy, GATT and the ROC," in Cen-Chu Shen and Yann-huei Song (eds.) *EC Integration and EC-ROC Relations* (Taipei: Institute of European and American Studies, Academia Sinica, 1995), pp. 177-232 and "The Politics and Economics of EU-China/Taiwan Relations: A European Perspective," *Dalhousie EUCE Occasional Paper No. 1* (2006). <http://euce.dal.ca/Files/Number1FinnChinaTaiwan.pdf>

¹⁷ Republic of China, Ministry of Foreign Affairs, "The Republic of China on Taiwan and the United Nations," August 1995.

¹⁸ Harish Kapur, *Distant Neighbours: China and Europe* (London: Pinter Publishers, 1990), p.123. Let us recall the EC had nine members in 1975: France, Germany, Italy, Belgium, Netherlands, Luxembourg, United Kingdom, Denmark and Ireland. Greece joined in 1981, Spain and Portugal in 1986, and Sweden, Finland and Austria in 1995.

to recognize the PRC at that time, too, but the PRC's recognition of the Ho Chi Minh regime hindered an implementation of the decision. France finally established relations with the PRC in 1964 under General de Gaulle. The French tried to maintain relations with the ROC at the time, but the ROC rejected the idea of "two Chinas." So France broke off relations with the ROC in favour of the PRC. This was followed by Italy in 1970, Belgium in 1971, and Greece, Germany and Luxembourg in 1972. Spain also followed after the UN decision in 1971 to seat the PRC and expel the ROC and so did Portugal in 1974. Ireland eventually followed in 1979.¹⁹ This left the Holy See as the only European state with diplomatic relations with the ROC.²⁰

In 1974 the EC Council discussed trade relations with state trading countries, including the PRC. It was decided that bilateral trade agreements of the member states, which were expiring, should be replaced by EC agreements. This was in accordance with the Treaty of Rome establishing the European Economic Community (EEC), which foresaw a Common Commercial Policy. A draft text contemplating long-term non-preferential trade agreements, based on a reciprocal assurance of equal benefits and obligations, was sent to the state trading countries, including the PRC. The EC was offering most-favoured nation (MFN) treatment in respect of tariffs subject to exceptions. Agreements would also provide for Joint Committees and appropriate safeguard mechanisms.²¹

Christopher Soames' trip to the PRC in May 1975 should be seen in this perspective of the EC's Common Commercial Policy. The status of Taiwan (ROC) could not be kept off the agenda.²² The PRC insisted that the EC formally and publicly declared that Taiwan was an integral part of China, and Beijing the sole government entitled to represent China. Christopher Soames made the following statement at a press conference on 7 May 1975:

I confirmed to the Minister that the Community ... does not entertain any official relations or enter any agreements with Taiwan. I explained that matters such as recognition of states did not enter into the responsibility of the Community. But I pointed out to the Minister that all the member states of the Community recognized the Government of the People's Republic of China as the sole legal government of China and have taken positions with regard to the Taiwan question acceptable to the People's Republic.²³

This position was confirmed by Sir Christopher Soames, when he answered an oral question on EC-PRC relations in the European Parliament on 18 June 1975.²⁴

A trade agreement was concluded between the EC and the PRC in 1978 and a textile agreement was signed in 1979. Economic cooperation was increased further with the conclusion of a Trade and Economic Cooperation Agreement in 1985.²⁵ Finally, in 1988 the EC Commission

¹⁹ Harish Kapur, *China and the EEC: The New Connection* (Dordrecht: Martinus Nijhoff Publishers, 1986), p. 32.

²⁰ See also Cheng-wen Tsai and Chu-cheng Ming, "The Republic of China and Western Europe: Past and Future," in Yu San Wang, (ed.), *Foreign Policy of the Republic of China on Taiwan: An Unorthodox Approach* (New York: Praeger, 1990), pp. 123-143, esp. pp. 127-28.

²¹ *Bull. EC* 5-1974, point 2330, and *Bull. EC* 11-1974, point 1301.

²² Xiao Zhi Yue, *The EC and China* (London: Butterworths, 1993), pp. 6-7.

²³ Quoted from Kapur, *China and the EEC*, p. 37 [the ref there: *FBIS Daily Report*, 9 May 1975, p. A-19.]. See also *Bull. EC* 5-1975, point 1201-1205.

²⁴ *Official Journal of the European Communities*, No. C 157, 14 July 1975.

²⁵ Council Regulation (EEC) No 2616/85 of 16 September 1985, *Official Journal of the European Communities* No L 250, 19 September 1985. See also 'Signing of the Community-China Cooperation Agreement', *Bull. EC* 5-1985, points

established a representation in Beijing. In 1989 the relations cooled, first because of human rights problems in Tibet, later because of the Tiananmen Square events.²⁶ On the latter occasion the EC Commission released a statement in which it said that it was 'dismayed and shocked.' It went on:

It deplores the brutal repression of the people of Peking, so sorely tried. It would point out that cooperation between China and the Community can only suffer as a result and would risk being permanently affected if the policy of the Chinese Government were to start on a course which would put at risk the policy of openness and reform followed until now.²⁷

The Commission expressed the wish that 'peaceful conditions will very quickly return in China.' More concretely, the EU decided to introduce an arms embargo against China.

Prior to establishing official relations with the PRC the EC had actually concluded a textile agreement with the ROC as late as October 1970.²⁸ It expired on 1 October 1973. From then on there were no official agreements or relations between the EC and the ROC. Secret unofficial relations started in the 1980s dealing mostly with trade-related issues. These relations have been upgraded after Taiwan joined the WTO in 2002, a membership actively supported by the EU.

When the Trade and Economic Cooperation Agreement between the EC and the PRC was concluded in 1985 the European Parliament was consulted, pursuant to article 235 of the European Economic Community (EEC) Treaty. The Parliament approved the Commission's proposal for a regulation concerning the agreement, having, *inter alia*, "regard to the enormous potential offered by China's economic policies and conscious of the need to compete effectively to exploit that potential."²⁹ But on the same day the Parliament also adopted a resolution on trade with Taiwan, where it pointed to Taiwan's "important foreign trade relations with over 140 countries and its position amongst the 20 largest trading nations of the world." The European Parliament therefore believed that "the Community cannot neglect the economic importance of Taiwan and should take full advantage of developing commercial and economic relations." In line with this the Parliament urged the Commission to "improve the existing commercial and economic relations with Taiwan and therefore to ensure that Taiwan is informed of planned trade measures and is treated in a comparable manner to other Far Eastern trading partners where EEC exports and imports are concerned."³⁰

Clearly, the Community faced a dilemma. It had important trade with Taiwan, but, given the economic reforms on the mainland, China could be expected to become an important trade partner too.

The Commission did not agree with the European Parliament in 1985. As a matter of fact during some years the Commission denied having contacts with representatives of the ROC. No official contacts were allowed in Commission buildings in Brussels.

1.5.1-1.5.4.

²⁶ Xiao Zhi Yue, *The EC and China*, pp. 7-9.

²⁷ *Bull. EC* 6-1989, point 2.4.1.

²⁸ *Ibid.*, p. 6.

²⁹ Doc. A2-74/85, 11 July 1985, OJ No C 229, 9 September 1985.

³⁰ Doc. 2-1765/84, 11 July 1985, OJ No C 229, 9 September 1985.

As late as October 1991 when the ROC's semi-official Central News Agency announced that there would formal talks between the EC and the ROC on intellectual property rights in November, without naming the venue, the Commission denied the announcement. "There are no formal negotiations between two entities which do not recognize each other," a Commission spokesman said. He admitted that there could be contacts, but there would be no negotiations.³¹

In April 1992 the Vice-President of the Commission, Martin Bangemann, visited the ROC in private capacity, as Chairman of the Friedrich-Naumann Foundation. While he was there Bangemann stated that the EC favoured simultaneous admission of the PRC and ROC to GATT. He also discussed the participation of EC industries in the major infrastructure projects launched by ROC. ROC Premier Hau Pei-tsun lauded the visit of Bangemann as highly significant.³² In October 1992 a member of the European Parliament, Carlos Robles Piquer (PPE) asked a written question to the Commission about this trip. The answer given by Bangemann on behalf of the Commission on 5 February 1993 was the following:

Since the establishment of diplomatic relations between the Community and China in 1975, the Community does not maintain official relations with Taiwan. Despite the absence of diplomatic relations, technical discussions between the Community and Taiwan are required on a number of commercial questions. Furthermore, the Working Party on the accession of Taiwan to GATT was set up on 29 September 1992.

Bilateral trade between the EC and Taiwan has grown considerably in recent years. Total trade grew from ECU 3,8 billion in 1981 to ECU 16,5 billion in 1991. The EC's trade deficit with Taiwan reached ECU 5,5 billion last year.

Vice-President Bangemann paid a private visit to Taiwan last April. This does not modify the situation described above although private visits can play a useful role in improving relations.

Relations between Beijing and Taipei are an internal Chinese affair which does not involve the Community.³³

In reality there had been regular informal consultations between the EC and the ROC for some years. At first they did not take place in Taipei or Brussels. But the 9th ROC-EC Consultation took place in Taipei, 22-23 October, 1992. The agenda included multilateral issues, bilateral cooperation, and removal of trade barriers.³⁴

The fact that the consultations took place in Taipei for the first time was seen as a "political breakthrough" on the ROC side.³⁵

The EC rejected the Taiwanese proposal to set up a trade office in Taiwan, but said it would consider this after Taiwan joins the GATT.³⁶

In general the EC/EU has been trying to upgrade its relations with Asia in the 1990s. The Commission issued a communication on Asia in 1994.³⁷ In 1995 a communication on "A Long-

³¹ Reuter News Service, 31 October 1991.

³² *Agence Europe* 3 June 1992; China Economic News Service, Reuter Textline, 11 April 1992.

³³ "Written Question No 2410/92," *Official Journal of the European Communities* No C 141 (19 May 1993), p. 30.

³⁴ Information kindly provided by the Taipei Economic and Cultural Office in Brussels.

³⁵ *Agence Europe*, 8 September 1992.

³⁶ China Economic News Service, Reuter textline, 23 October 1992.

³⁷ Commission of the European Communities, "Communication from the Commission to the Council: Towards a New Asia Strategy," COM(94) 314 final, Brussels, 13.07.1994.

Term Policy for China-Europe Relations" followed. The Commission argued that Europe and China share a number of interests in global and regional security, for instance non-proliferation of nuclear weapons, and other global issues, e.g. protection of the environment. Global economic stability was also a shared interest:

China's size and influence on world trade gives its economic policy global significance. It is in the world's interest, as well as China's, that the Chinese economy continues to grow and to open up, and that China takes its place as a major player in the world system of economic rules and policies. It is also essential to help China to participate fully in the rules-based system of the World Trade Organisation.³⁸

Eventually many of the rather technical trade issues that got on the agendas of bilateral trade relations between the EU and China and Taiwan respectively were solved – or partly solved - during the accession negotiations that led to Chinese and Taiwanese membership of the WTO in December 2001 and January 2002 respectively. After WTO accession the EU did establish a representative office in Taipei, but there are still no diplomatic relations between Taiwan and the EU or its member states. The EU member states do not support Taiwan's membership of the UN even if such membership would be in accordance with a fundamental normative principle, namely self-determination.

It is fair to conclude that the development of relations between the EC/EU and China and Taiwan has been driven by commercial interests. The choice forced on the member states was very much affected by economic interests. Mainland China had the greatest population by far. Forced to choose between the two Chinas the European states gradually chose the PRC, and since the two Chinas did not accept a two-China solution the ROC was left alone. But since the EC/EU had important commercial interests in Taiwan pragmatic unofficial relations were developed.

Cases of Political Issues

The current issues, which will be discussed in the following, fall under CFSP on the EU side.

EU's policy on Cross-Straits Relations

Although trade may have primacy in the EU's relations with China and Taiwan it is obvious that the EU is concerned about the wider political developments in East Asia, as is the United States. In a Joint Action Plan from an EU-USA meeting in 1995 the two actors talked about sharing responsibility in other regions of the world and said that they would "work together to reduce the risk of regional conflict over the Korean peninsula, Taiwan and the South China Sea."³⁹

Over the last few years the EU has tried to clarify its strategic interests in East Asia, partly in connection with reflections on the concept of 'strategic partnership'. This has allowed

³⁸ Commission of the European Communities, "Communication from the Commission: A Long Term Policy for China-Europe Relations," COM(95) 279 final, Brussels 05.07.1995, p.3.

³⁹ http://www.eu2006.at/en/The_Council_Presidency/EU-USSummit/ImportantDocuments/ActionPlan.pdf

the EU to respond a little more concretely and a little faster to issues of cross-straits relations. This clarification especially happened during the UK Presidency in the second half of 2005. The details of the new strategic guidelines were kept confidential at the time.⁴⁰ But various statements issued in recent years give us a certain picture of the EU's perceived interests in East Asia. Eventually in December 2007 the Council approved a document on "Guidelines on the EU's Foreign and Security Policy,"⁴¹

In the Guidelines document we find a section on Cross-Strait Relations, in which it is said that the EU has "a significant stake in the maintenance of cross-strait peace and stability." Referring to the One China Policy the EU should "Encourage initiatives aimed at promoting dialogue, practical cooperation and confidence building."

In the following I will look at some relatively recent EU Presidency statements as well as statements from the High Representative for CFSP, Javier Solana (1999-2009). Since the entry into force of the Lisbon Treaty in 2009 cross-straits relations have been calmer because of President Ma's efforts to improve Taiwan's relations with the PRC since his election in 2008.

The EU favours increased cross-straits communications, hoping these will help produce trust and confidence. This has included support for direct cross-straits flights. When such flights were established for the Lunar New Year the Luxembourg Presidency issued a declaration on 3 February 2005:

The EU welcomes the agreement to cross-strait direct charter flights over the Lunar New Year. It considers that this type of practical cooperation will help to promote dialogue and understanding between the parties and hopes that ways can be found to build upon it.

The EU attaches indeed great importance to peace and stability in the Taiwan Strait, which are of utmost importance for the whole region and beyond. Within its One China Policy, the EU continues to take the view that the Taiwan question should be settled peacefully through cross strait negotiations. We welcome any efforts by both sides to lower tensions and to find a mutually acceptable basis for a resumption of peaceful dialogue. We would appeal on both sides to avoid unilateral measures which might heighten tensions.⁴²

The EU and its member states have in recent years criticized both sides of the straits when they see behaviour they consider likely to increase tensions. When China passed the anti-secession law in the spring of 2005, threatening to attack Taiwan if it declared independence, this was criticized in a Declaration by the EU issued through the Luxembourg Presidency:

The European Union has taken note of the adoption of an "anti-secession law" by the National People's Congress of the People's Republic of China.

In this context, the European Union wishes to recall the constant principles guiding its policy, i.e. its attachment to "One China" and to the peaceful resolution of disputes, which is the only means of maintaining stability in the Taiwan Straits, and its opposition to any use of force.

⁴⁰ Interviews with Council officials in Brussels.

⁴¹ For text see: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/misc/97842.pdf Oddly enough it was the Environment Council on 20 December 2007 that approved the document, see Press Release 16183/07: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/envir/97858.pdf

⁴² <http://www.eu2005.lu/en/actualites/pesc/2005/02/03taiwan/index.html?highlight=Taiwan>

The European Union asks all parties to avoid any unilateral action which might rekindle tensions. It would be concerned if this adoption of legislation referring to the use of non-peaceful means were to invalidate the recent signs of reconciliation between the two shores. The European Union encourages them to develop initiatives which contribute to dialogue and to mutual understanding in the spirit of the agreement on the direct air links established at the time of the Chinese New Year.

The European Union considers that relations between the two shores must be based on constructive dialogue and the pursuit of concrete progress, and reiterates its conviction that this is the only approach likely to benefit both parties and to lead to a peaceful resolution of the Taiwan question.⁴³

During the UK Presidency in the second part of 2005 there was a debate in the European Parliament on relations between the EU, China and Taiwan and Security in the Far East. The debate was introduced by the President-in-Office, Douglas Alexander. On Taiwan he said inter alia:

The last 30 years have seen tremendous change in Taiwan too. Taiwan is one of the most successful Asian tigers, experiencing an enviable 5.9 % economic growth just last year. GDP per capita in real terms is considered to be on a par with Japan and Hong Kong. But change there has not just been economic, but also political. Thirty years ago Chiang Kai-Shek died and his son Chiang Ching-kuo continued in power thereafter. It was not until 1996 that Taiwan had its first democratic presidential election. Now Taiwan is a full democracy.⁴⁴

The fact that Taiwan had become a democracy was noted. But did it have any implications for relations with China and Taiwan? Should Taiwan be recognized diplomatically now that it had a democratically elected government? The EU and the member states have shied away from such step knowing it would upset the PRC. Instead of honouring the values of democracy and self-determination the EU has pursued *status quo* and stability.

The EU's cross-straits policy tries to encourage confidence building across the straits. The EU opposes steps that can lead to increased tensions. The EU is willing to criticize both sides, the PRC and Taiwan. Change in *status quo* can only come through agreement between the PRC and Taiwan. It cannot be imposed by external powers.

The question of Taiwanese UN Membership and proposed referendum on the issue from the government of Chen Shui-bian produced a statement by Javier Solana on 25 October 2007, where he said inter alia:

The EU supports and shares Taiwan's democratic values. But we have concerns about the current policy of Taiwan's authorities to pursue a referendum on the question of UN membership in the name of Taiwan. This concern flows from the EU's conviction that both sides of the Strait should refrain from statements or actions which might raise tension across the Strait and which might be perceived as a unilateral change in the status quo. The proposed referendum risks making it harder for Taiwan to enjoy the pragmatic participation - which we support - in the activities of specialized multilateral fora, when there are clear public interests for this and when statehood is not required.

I therefore want to encourage both sides to take further initiatives aimed at promoting dialogue, practical cooperation and confidence-building.⁴⁵

⁴³ <http://www.eu2005.lu/en/actualites/pesc/2005/03/14taiwan/index.html?highlight=Taiwan>

⁴⁴ <http://www.europarl.europa.eu/sides/getDoc.do?jsessionid=10C5D8599412327EC157F5F3EFFF9B8D.node2?pubRef=-//EP//TEXT+CRE+20050706+ITEM-027+DOC+XML+V0//EN&language=EN>

⁴⁵ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/96850.pdf

The Taiwanese people should forgo a referendum to avoid upsetting the PRC.

The Democratic Progressive Party (DPP) government of President Chen Shui-bian (2000-2008), which proposed the referendum, was criticised by the EU on various occasions.

After the election on 22 March 2008 of President Ma Ying-jeou of the Kuomintang Party, also known as the Chinese Nationalist Party, the EU Presidency expressed the hope that the new administration would make progress in cross-straits relations:

The European Union welcomes the elections held in Taiwan on March 22 and reiterates its support for Taiwan's democratic values. The EU hopes that the arrival of the new administration in Taiwan will provide a welcome opportunity for both sides of the strait to make further progress in cross-strait relations, to the benefit of people on each side. The EU reiterates its One China Policy and its firm support for a peaceful resolution of the Taiwan question.

The EU recalls that it does not support Taiwan's formal membership of international organisations where statehood is required. In the framework of its One China Policy, the EU will continue to support Taiwan's practical participation in specialized multilateral fora where statehood is not a requirement, especially where Taiwan's participation directly affects its people and is important to the EU and global interests. The EU looks forward to both sides taking concrete steps, including confidence building measures, to agree and implement strategies allowing Taiwan's meaningful participation in such fora.⁴⁶

On June 13, 2008 the EU Presidency issued a statement on the re-establishment of dialogue across the Taiwan Strait:

The EU Presidency warmly welcomes the re-established dialogue between the China mainland's Association for Relations Across the Taiwan Strait and the Taiwan-based Strait Exchange Foundation in Beijing on 12 June. The talks, revived after almost ten years, represent a significant step towards closer relations and the establishment of trust between both sides.

The Presidency is also pleased to note the arrangement on direct charter flights and on the exchange of tourist visits at weekends, which will contribute significantly to the strengthening of friendly ties between the people of mainland China and Taiwan, and to the development of economic, cultural and social ties.

The Presidency hopes that these steps will encourage all concerned to pursue a vision for long-term peaceful political and economic development of the region.⁴⁷

On 4 November 2008 Javier Solana issued the following statement on the agreement signed on 4 November between Chen Yunlin, Director of the Taiwan Affairs Office of the Chinese State Council, and Chiang Pin-king, Chairman of the Straits Exchange Foundation:

I welcome the agreement signed today between the authorities of China and Taiwan to improve direct transport and trade links across the Taiwan Straits.

The European Union has always taken the firm view that the Taiwan question must be resolved peacefully through constructive dialogue between all concerned parties. Today's agreement represents a significant positive step towards finding pragmatic solutions that benefit people on both sides of the Straits. I therefore commend the determination of both sides to take up these opportunities that contribute to reinforcing stability and security in East Asia.

The European Union will continue to adhere to its One China Policy and will provide firm support to future initiatives that advance meaningful dialogue across the Straits.⁴⁸

⁴⁶ http://www.eu2008.si/en/News_and_Documents/CFSP_Statements/March/0322MZZ_Tajvan.html

⁴⁷ <http://www.deltwn.ec.europa.eu/modules.php?op=modload&name=News&file=article&sid=91>

⁴⁸ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/103731.pdf

Clearly, the EU was happy about the new tone in cross-straits relations that followed the early initiatives of the new government of President Ma. It has to be admitted that the departure of the DPP government and the return of the Nationalist Party has allowed for improved cross-straits relations. But it still leaves a country of 23 million people barred from joining the UN. Should the EU as a 'normative actor' accept that?

The crowning of the cross-straits *détente* was the Economic Cooperation Framework Agreement (ECFA) signed by Taiwan and China in June 2010. The spokesperson of HR/VP Catherine Ashton issued a statement welcoming this agreement. It confirmed that post-Lisbon EU did not change its One China policy:

High Representative/Vice President Catherine Ashton recalls the European Union's firm view that, in the context of EU's one China policy, the Taiwan question must be resolved peacefully through dialogue between all concerned parties. She appreciates and supports the efforts of both sides to find pragmatic solutions and peacefully develop relations. This contributes significantly to stability and security in East Asia. She welcomes the constructive measures to that effect which have been undertaken over the last years by parties on both sides of the Taiwan Strait.

High Representative/Vice President Catherine Ashton welcomes the concrete steps taken at the fifth round of Cross-Straits talks between the Strait Exchange Foundation's Chairman Chiang Pin Kun and the Association for Relations across the Taiwan Straits' Chairman Chen Yunlin, on 29 June 2010, which resulted in signing the Cross-Strait Economic Cooperation Framework Agreement and an agreement on intellectual property rights.

*The European Union believes that the expansion of cross-strait economic relations has a potential also to benefit the development of its already significant trade and investment links in East Asia."*⁴⁹

The Voice of the European Parliament

To put the declarations from the Presidencies and HRs into perspective I will refer to a report from the European Parliament, the Bastian Belder report, adopted on 7 September 2006. This report is clearly more pro-Taiwan than the declarations issued by successive Presidencies and HR Solana and recently HR/VP Ashton. On cross-strait relations the report included the following two sections:

Observes that China's Anti-Secession Law of 14 March 2005 and the present stationing of more than 800 missiles on the south-east coast of the PRC facing Taiwan belie the principle of peaceful reunification; calls on China and Taiwan to establish mutual trust and respect and to seek common ground while setting aside differences, to put in place the necessary political basis for a peaceful and steady development of cross-Straits relations, to resume dialogue on those relations and to strengthen economic exchanges and cooperation, making progress in particular on the "three direct links" across the Taiwan Strait (mail, transport and trade);

Takes the view that, with regard to the possible option of a peaceful reunification process with the Chinese mainland, the will and approval of the 23 million citizens of Taiwan must surely be respected and taken into account, as must Taiwan's territorial sovereignty and integrity, in negotiations with China on Taiwan's status; points out that the beginning of a genuine democratic

⁴⁹ "Statement by the spokesperson of HR Catherine Ashton on the signature of the ECFGA agreement between China and Taiwan," Brussels, 30 June 2010, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/115548.pdf

*process in the PRC would help to ease tensions and pave the way for the resumption of a substantive dialogue between the two sides.*⁵⁰

Talking about “the will and approval of the 23 million citizens of Taiwan” and “Taiwan’s territorial sovereignty and integrity” was a little too much for some socialist MEPs who voted against the resolution. But the resolution was adopted with three-fourths majority. We notice also the explicit criticism of China’s 800 missiles facing Taiwan.⁵¹

The views of the EP put the views of the Council Presidency – and HR – into perspective. Clearly the member states do not want to upset China. China’s commercial power trumps democratic principles. Stability is more important than the norms of democracy and territorial integrity.

EU Policy on the Lifting of the Arms Embargo against the PRC

The EU arms embargo against China was part of the sanctions against China introduced by the EC after the Tiananmen Square protests in 1989.

Up through the 1990s China kept asking for a lifting of the ban. The Presidency Conclusions from the European Council meeting in December 2003 had a relatively brief entry: “The European Council invites the General Affairs and External Relations Council to re-examine the question of the embargo on the sale of arms to China.”⁵² The issue was now on the EU agenda.

In early 2004 the French President Jacques Chirac, with support by German Chancellor Gerhard Schröder, started pressing for a lifting of the ban, surprising some other European leaders as well as officials in Brussels. The issue became a hot potato in EU politics because a number of member states and the European Parliament were sceptical or opposed to the lifting. So did the United States – especially the US Congress – and of course Taiwan.

The issue was on the agenda of the 7th EU-China summit on 8 December 2004. In the joint statement issued by the summit “The EU side confirmed its political will to continue to work towards lifting the embargo. The Chinese side welcomed the positive signal, and considered it beneficial to the sound development of the comprehensive strategic partnership between China and the EU.” Further, we read that “China reaffirmed that political discrimination on this issue was not acceptable and should be immediately removed. The EU reaffirmed that

⁵⁰ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P6-TA-2006-0346+0+DOC+WORD+V0//EN&language=EN>

⁵¹ On the question of sovereignty Dr Georg Jarzembowski, MEP and chairman of the Taiwan Friendship Group in the EP at the time, wrote in a forthcoming book chapter: “Aus meiner völkerrechtlichen Sicht ist die R.O.C auf Taiwan ein souveräner Staat (siehe die geltende Drei Elemente-Lehre: Staatsgebiet, Staatsvolk und Staatsmacht). Taiwan ist zudem – im Gegensatz zur Volksrepublik China – ein demokratischer Rechtsstaat mit Mehrparteiensystem. Das EP ist offen für eine Wiedervereinigung, unterstützt aber gleichzeitig die Auffassung, dass diese nur unter den Bedingungen einer pluralistischen Demokratie, eines Rechtsstaats und der Anwendung der Menschenrechte sinnvoll wäre.” Kindly provided the author by Dr Jarzembowski.

⁵² http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/78364.pdf

work on strengthening the application of the European Union Code of Conduct on arms exports was continuing.”⁵³

By the time of the December 2004 meeting of the European Council, about a week later than the EU-China summit, the Heads of State and Government had this to say:

*... the European Council reaffirmed the political will to continue to work towards lifting the arms embargo. It invited the next Presidency to finalise the well-advanced work in order to allow for a decision. It underlined that the result of any decision should not be an increase of arms exports from EU Member States to China, neither in quantitative nor qualitative terms. In this regard the European Council recalled the importance of the criteria of the Code of Conduct on arms exports, in particular criteria regarding human rights, stability and security in the region and the national security of friendly and allied countries. The European Council also stressed the importance in this context of the early adoption of the revised Code of Conduct and the new instrument on measures pertaining to arms exports to post-embargo countries ('Toolbox').*⁵⁴

Was the ‘well-advanced work’ really well advanced? Or did some of the member states start getting cold feet?

The creative part of the internal politics of the EC was a linking of the lifting of the ban with an upgrading of the Code of Conduct on arms exports. Such upgrading should avoid an increase of arms exports ‘in quantitative (or) qualitative terms.’ The lifting was further linked with human rights, stability and security in the region.

China’s anti-secession law in the spring of 2005 did not help the Chinese case. Then Britain took over the Presidency in the second half of 2005, and Britain had reservations about lifting the embargo, especially Prime Minister Tony Blair, who was known to listen to Washington. Other member states with reservations included Sweden, Denmark, Poland and the Czech Republic.

The issue of the arms embargo was discussed in the European Parliament in July 2005. President-in-Office Douglas Alexander said on that occasion in his closing statement:

*No decision has yet been taken on lifting the EU arms embargo in China. The review launched in December 2003 is ... ongoing. In its conclusions in December 2004, the Council recalled the importance of the criteria of the code of conduct, which have been referred to by a number of Members today, including the provisions regarding human rights, stability and security in the region and the national security of friendly and allied countries.*⁵⁵

Chancellor Schröder lost the federal elections in Germany in the fall of 2005. Angela Merkel, the new chancellor from November 2005 was against lifting the ban. President Chirac was weakened politically when he lost the referendum on the Constitutional Treaty on 29 May 2005. So the coalition in favour of lifting the embargo was weakened in 2005.

⁵³ http://ec.europa.eu/comm/external_relations/china/docs/js_081204.pdf

⁵⁴ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/83201.pdf

⁵⁵

<http://www.eu2005.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1079979819948&a=KArticle&aid=1122477608160>

The meeting between the EU Troika and the PRC foreign minister in February 2006 also discussed the issue of lifting the EU arms embargo against China. On this we read in the press statement:

On the question of the arms embargo, Plassnik recalled the instruction of the European Council to work toward lifting the embargo, as well as the EU code of conduct on arms export controls in effect since last year. At the same time she pointed out that there was no consensus yet on this topic within the EU. Plassnik also referred to the feelings with regard to this topic in European parliaments⁵⁶.

So it was becoming clear that the required consensus on lifting the ban could not be reached.

The issue was on the agenda of the 9th EU-China Summit in Helsinki, 9 September 2006. In the Joint Statement from the meeting we read:

Leaders also discussed the EU arms embargo. The Chinese side reiterated its view that lifting the arms embargo would be conducive to the sound development of the EU-China relations and urged the EU to lift the arms embargo at an early date. The EU side recognized the importance of this issue and confirmed its willingness to carry forward work towards lifting the embargo on the basis of the Joint Statement of the 2004 EU-China Summit and subsequent European Council Conclusions.⁵⁷

The statement from the 10th China-EU Summit in Beijing on 28 November 2007 also briefly mentioned the EU arms embargo, reiterating verbatim what had been said the year before.⁵⁸

The December 2007 Guidelines on EU's Foreign and Security Policy in East Asia mentioned above also had a section of relevance for the arms embargo, without mentioning it by name:

The EU should also, in consultation with all partners, deepen its understanding of the military balance affecting the cross-strait situation; of the technologies and capabilities which, if transferred to the region, could disturb that balance; of the related risks to stability including the risk of miscalculation; and factor that assessment into the way that Member States apply the Code of Conduct in relation to their exports to the region of strategic and military items.⁵⁹

So this is where the issue ended. In principle the arms embargo should be lifted. But there were a number of conditions: (1) Upgrading of the Code of Conduct on arms exports, (2) improvements in the human rights situation in China, and (3) security in the region (read improved cross-strait relations). The Communication of 24 October 2006 from the Commission also mentioned "improving the transparency of [China's] military expenditure" as a condition.⁶⁰ So it could take quite some time before the embargo is lifted.

In 2008 the European Parliament added its voice in an adopted resolution: "The EU must maintain its arms embargo on China, as long as China continues to export arms to armed forces

⁵⁶ http://www.eu2006.at/en/News/Press_Releases/February/0302TroikaChina.html

⁵⁷ http://www.eu2006.fi/news_and_documents/other_documents/vko36/en_GB/1157828673423/

⁵⁸ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/97355.pdf

⁵⁹ http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/misc/97842.pdf

⁶⁰ Commission of the European Communities, "Communication from the Commission to the Council and the European Parliament. EU – China: Closer partners, growing responsibilities," COM(2006)631 final, Brussels, 24 October 2006.

and armed groups in countries, many of them in Africa, that fuels conflicts and perpetrate gross violations of human rights.”⁶¹

Then suddenly at the beginning of 2010 the Spanish Presidency reopened the issue, with the Spanish ambassador to China hinting that the EU would look into the issue again. This was followed by the Spanish Foreign Minister Miguel Ángel Moratinos saying that Spain was in favour of lifting the embargo.⁶² This had Charlemagne in *The Economist* criticising the Spanish. With the Lisbon Treaty in force the rotating presidency should not take such an initiative. The Foreign Affairs Council was now chaired by HR Ashton and the European Council by Van Rompuy. Anyway, “there is no significant movement on this dossier, which has been frozen since 2004, when Europe buckled to American pressure and scrapped plans to end the embargo.” Charlemagne then went on to say that “China’s arms build-up has been built up around the ability to place Taiwan in threat, and ultimately to attack that democratic, pro-Western island if its rulers declared independence.” He also referred to China’s “disputed claims to large areas of maritime territory.”⁶³

The Human Rights Issue

Human rights cannot be kept off the agenda of EU-China relations and China has accepted a dialogue on human rights. I will argue that the EU has been very timid and that the dialogue has not produced results.

On the website of the EU Delegation to China we read the following:

Supporting China's transition to an open society based on the rule of law and the respect for human rights is central to EU-China relations. The EU is committed to promote human rights in China in an active, sustained and constructive way.

Constructive dialogue remains the Union's preferred channel for working to improve the human rights situation in China. Human rights are mainly discussed between the EU and China in the framework of both their political dialogue as well as a specific Human Rights Dialogue. This dialogue was set up in 1995. Two rounds of the dialogue take place every year, one under each EU Presidency. It allows the EU to channel all issues of concern (such as the death penalty, re-education through labour, ethnic minorities' rights, civil and political freedoms etc.) in a forum where China is committed to responding. The dialogue, together with pressure from other international partners, has contributed to yield some concrete results (visits to China by the UN Commissioner for Human Rights, signing of the UN Covenant on Civil and Political Rights, signing and ratification of the UN Covenant on Social, Economic and Cultural Rights, release of prisoners, setting up of Commission co-operation projects etc.) but the EU has made it clear on several occasions that it wanted the dialogue to achieve more tangible improvements in the human rights situation on the ground. Nothing will demonstrate that non-confrontational dialogue produces results more effectively than China's own concrete actions.⁶⁴

⁶¹ “Chinese policy and its effects on Africa,” <http://www.europarl.europa.eu/oeil/file.jsp?id=5564762>

⁶² “Spanish EU presidency mulls lifting China arms embargo,” <http://www.eubusiness.com/news-eu/china-arms-embargo.2f5>

⁶³ Charlemagne’s notebook: The EU and arms for China,” http://www.economist.com/blogs/charlemagne/2010/02/eu_china_arms_embargo

⁶⁴ http://ec.europa.eu/delegations/china/eu_china/political_relations/humain_rights_dialogue/index_en.htm

So officially there has been a human rights dialogue since 1995. And the EU claims that it has had some results.

If we go back to the Commission communication “A Long Term Policy for China-Europe Relations” issued in 1995 we find a distinction between political relations and economic and trade relations.⁶⁵ This fitted in with the Union’s pillar structure introduced by the Maastricht Treaty. It meant a division of labour. Economic and trade relations were the responsibility of the Commission, while political relations fell under CFSP. An important trade issue at the time was China’s membership of the WTO. Human rights were covered under political relations. A key concept now was ‘constructive engagement.’ Specifically about human rights we read:

The key criterion for pursuing human rights initiatives must be effectiveness, the impact that an initiative would have on the ground. For this reason, there is a danger that relying solely on frequent and strident declarations will dilute the message or lead to knee-jerk reactions from the Chinese government. To make progress, all the EU institutions should pursue human rights issues through a combination of carefully timed public statements, formal private discussions and practical cooperation.⁶⁶

Human rights were set aside in the Commission’s talks with China about WTO membership. The Commission had the belief that trade and economic growth would have a positive effect on China’s economic development. So a de-linkage took place. Human rights were not mentioned during the WTO negotiations.⁶⁷

It is also interesting to see what happened at the UN Commission for Human Rights. Since 1990 the EU member states had tabled or sponsored resolutions criticising China at the annual meetings. In 1996 France and Germany started questioning this approach, presumably for commercial reasons. They preferred the so-called ‘constructive engagement.’ But the Nordic member states preferred the open criticism of China’s human rights record. In 1997 there was no consensus among the member states, so Denmark alone went ahead and tabled a critical resolution which infuriated China and had some diplomatic costs.⁶⁸

In 1998 the UK Presidency brokered a deal which meant that no member state would table or co-sponsor a resolution, but they would vote against a no-action motion. In February 1998 the General Affairs Council adopted the following resolution:

In view of the first encouraging results of the EU-China human rights dialogue, the Council agreed that neither the Presidency nor Member States should table or co-sponsor a draft Resolution at the next UN Commission on Human Rights. The EU’s opening statement at the fifty-fourth session of the

⁶⁵ Communication of the Commission, “A Long Term Policy for China-Europe Relations,” COM(1995) 279/final. http://www.eas.europa.eu/china/docs/com95_279_en.pdf

⁶⁶ Ibid., no pagination.

⁶⁷ Giuseppe Balducci, “Inside Normative Power Europe: Actors and Processes in the European Promotion of Human Rights in China,” *EU Diplomacy Papers*. 8/2008. College of Europe. www.coleurope.eu/file/content/.../ird/research/.../EDP_8_2008.Balducci.pdf

⁶⁸ Karen Smith, “Speaking with One Voice? European Union Co-ordination on Human Rights Issues at the United Nations,” *Journal of Common Market Studies*, Vol. 44, No. 1 (2006), pp. 113-37, at p. 126.

Commission on Human Rights will refer to the human rights situation in China. If the situation arose, the Council agreed that EU delegations should vote against a no-action motion.⁶⁹

This was a complete change in EU policy. The countries which broke off from the previous consensus, France, Germany, Italy, Spain and Greece, were referred to as the “Airbus Club”, suggesting that they did so to win commercial contracts from China.⁷⁰

Having agreed not to bother China with critical resolutions at the UN Human Rights Commission the EU was left with the human rights dialogue. Existing scholarship suggests that this dialogue has been a failure. China succeeded “to channel criticism of China’s human rights record into a private forum.” The rationale on the EU side was different: “The fact that a dialogue was continuing meant that the EU member states could say that they were doing something about China’s human rights record, however worthless the dialogue might be.”⁷¹

In Amnesty International’ 2010 report on human rights in the world we learn that the situation in China remains very bad. The report can be summarized in the following points:

1. Freedom of expression: the authorities tried to control the internet by restricting news reporting and shutting down publications and internet sites
2. Human rights defenders, including lawyers, journalists, environmental activists, and proponents of democratic reform, were arbitrarily detained, harassed, subjected to house arrest, held incommunicado detention and imprisoned.
3. Unfair trials remained endemic. Judicial decisions remained susceptible to political interference, etc.
4. The authorities frequently used administrative punishments, including Re-education through Labour, to detain people without trial
5. Torture continued to be commonplace in places of detention, sometimes leading to death
6. China continued to make extensive use of the death penalty, including for non-violent crimes.
7. People who practice their religion outside officially sanctioned boundaries continued to experience harassment, arbitrary detention, imprisonment and other serious restrictions on their freedom of religion.⁷²

The way the story ends has implications for our considerations about the nature of the EU as an international actor. As one scholar concluded:

EU institutions and some member states reinforced each others’ (sic) approaches towards China, which stressed economic interests over the ideational motives of human rights, and succeeded in imposing them to all the other member states. This leads me to argue that the overall European human rights policy towards China did not have a normative character and even less a normative impact in line with the EU principles and norms for human rights promotion abroad.⁷³

⁶⁹ Quoted in Philip Baker, “Human Rights, Europe and the People’s Republic of China,” *The China Quarterly*, No. 169 (2002), pp.45-63, at p. 56.

⁷⁰ Ibid.

⁷¹ Ibid., p. 59.

⁷² *Amnesty International Report 2010: The State of the World’s Human Rights*.

http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf

⁷³ Balducci, op. Cit., p. 27. Also published as “The Limits of Normative Power Europe in Asia: The Case of Human Rights in China,” *East Asia*, Vol. 27, No 1 (2010), pp. 35-55.

Conclusions

This paper started with a discussion of the concept of ‘strategic partnership’, which has been applied by the EU to certain relationships with third countries since the late 1990s. It was concluded that the term is still in need of clarification. I detected a vacillation between pursuing interests and pursuing values. This suggests that it is still uncertain what kind of actor the EU wants to be. It can be argued that the EU has commercial interests in good relations with China. The following sections showed that the EU also considers stability in East Asia a European interest. These interests could be expected from a Realist perspective.

But EU leaders also talk about pursuing values, arguably more a few years ago than recently, although this has to be checked against further evidence. To the extent that the EU tried to project its values in its external relations and foreign policies this fits in with the concept of a ‘normative actor.’

However, the empirical studies of EU-China relations suggest that commercial and geopolitical interests have primacy whenever there is a conflict with values.

In the EU’s One China policy the member states of the EC gradually made a choice in favour of mainland China and cutting off diplomatic relations with Taiwan. Establishing diplomatic relations with communist China may largely have followed from a policy of having relations with the regimes in power, whether liked or not. The two Chinas, the PRC and ROC, made the choice more difficult by not accepting a two-China solution. A kind of two-China solution was found for WTO membership, partly because the WTO allows for membership of customs territories. But pressure was put on the PRC to accept such a solution, arguably because important commercial interests were at stake. The EU has not been willing to accept Taiwan’s membership in the UN or specialised agencies such as the WHO. Shouldn’t the 23 million people on Taiwan have a right of self-determination?

In cross-straits relations the EU and its member states have been bullied by the PRC to warn Taiwan against holding a referendum on UN membership. The PRC has threatened to attack Taiwan if it declares independence. So the EU pursues a policy of stability without looking at the question whether it is fair to leave a democratic country of 23 million without membership of the UN and thus marginalized internationally. This is a policy dictated by power politics, not a moral choice.

A case study of the human rights issue shows a similar picture. The policy of criticizing China for its human rights record at the UN Human Rights Commission’s annual meeting, which began in 1990, started smouldering in 1997 when Denmark alone put forward a critical proposal for a resolution, which infuriated the Chinese. From 1998 the EU has stopped putting forward critical resolution proposals in order not to upset China. Commercial contracts are more important than moral principles. The so-called human rights dialogue started with China in 1995 still remains. But it has moved discussion behind closed doors and there is wide agreement among observers that this dialogue has been a failure.

This leaves the arms embargo, where the EU has not been able to find consensus to lift the embargo, despite being strongly supported by France and some other member states. An

important factor in this equation is the US attitude against lifting the embargo. That gave the UK cold feet when the lifting was considered. The embargo is still upsetting China, which sees it as a policy of discrimination. But China can still buy weapons in other countries and have increased its own weapons production considerably in recent years.

So the overall conclusion has to be that EU policy towards China is dominated by commercial interests and power politics. This leaves practically no room for norms influencing the policy.

This conclusion has implications for the concept of a 'normative power'. The EU is not a normative power in East Asia. It may have been a normative power in Europe where potential membership of the EU has produced incentives for respecting the EU's norms, referred to explicitly in the Copenhagen criteria for membership in 1993 and now part of the treaty requirement for membership. But the EU's 'soft power' does not extend much beyond Europe. Witness the current situation in North Africa and the Middle East.

Concerning 'strategic partnerships' the EU faces a difficult question: Should it become a 'normal' power pursuing interests, commercial and strategic? Or should it seriously try to project its values in its external action? And if so, how?