

Shao Cheng Tang

## The EU's policy towards China and the arms embargo

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**Abstract** Since the rise of the “Middle Kingdom” in recent years most European leaders consider this major Asian power as the most important opportunity and challenge in the years to come, not only economically and commercially but also politically and strategically. The EU's China policy is promising, and EU–China ties have been smooth and comprehensive despite bilateral trade and human rights disputes. Concerning Cross Strait relations the domestic political development in Taiwan has a strong impact on the peace and stability in the region because Beijing has never renounced the use of force against the island in case of its formal independence. Given its large bilateral trade deficit, the EU's potential arms exports to China remain significant to the European countries. But this prospect aroused great concern from the US, Russia and Japan. Nonetheless, the Anti-Secession Law from Beijing against Taiwan in mid March 2005 and the likely change of government in the German elections in autumn 2005 on top of the failures of the constitutional referenda in France and the Netherlands in June 2005 will affect the EU decision on the embargo.

## 1 Introduction

After a short period of stagnation in the bilateral relations due to the Tiananmen Crackdown in 1989 the European Union saw it necessary ever to re-engage with the PR China.<sup>1</sup> The EU leaders believe that the more prosperous and influential China becomes, the more the EU could benefit from it.<sup>2</sup> There is no fear of a threat of a rising "Middle Kingdom". Also no historical burdens were left after Hong Kong (1997) and Macao (1999) returned to the motherland. In recent years the EU and China have the same stances on more and more international issues such as multilateralism and the importance they attach to the UN. Nevertheless problems in bilateral trade, especially textiles, and controversies over human rights occurred from time to time.

Since 1998 the EU elevated the political relations with China to the status accorded by the US, Japan and Russia. Annual summit meeting between the two sides and meetings of senior officials started taking place. Regarding all these paths to engage with China it is clear that the Europeans consider this major Asian power as the most important opportunity and challenge in the years to come not only economically and commercially but also politically and strategically. Constant suggestions on practical ways for further developing the EU-China ties were put forth. Both sides have realized the fact that a comprehensive partnership serves the best their interests not only domestically but also internationally. Therefore the EU's China policy and the tendency of further development are promising and the EU-China ties have been developing rather smoothly and comprehensively.<sup>3</sup>

<sup>1</sup> The current EU's policy towards China can be traced back to the 1994 "Towards a New Asian Strategy". Ever since "A Long Term Policy for China Europe Relations" 1995 and the "EU-China Cooperation, A New Strategy" 1996 followed suit. In March 1998 the EU Commission came up with its Communication of "Building a Comprehensive Partnership with China". As a result the EU-China relations have been elevated to a higher dimension. Communication of the Commission. A Long Term Policy for China-Europe Relations, COM(1995) 279/final; see also: Richard Louis Edmonds, China and Europe since 1978, China Quarterly (London), No. 169, (March 2002), pp. 1-9; Eberhard Sandschneider, China's Diplomatic Relations with the States of Europe, ebd., pp. 33-44; Communication from the Commission to the Council and the European Parliament. EU Strategy towards China: Implementation of the 1998 Communication and Future Steps for a more Effective EU policy, COM(2001) 265 final, Brussels, 15.5.2001; China: Country Strategy Paper 2002-2006, IP/02/349 - Brussels, 1. March 2002, see: [http://www.europa.eu.int?comm/external\\_relations/china/csp/index.htm](http://www.europa.eu.int?comm/external_relations/china/csp/index.htm).

<sup>2</sup> Commission launches fresh policy on China, 25.03.1998, see: [http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=IP/98/276101AGED&1](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/98/276101AGED&1); EU's Patten: China Not Threat, Likely Competitor, see: [http://english.peopledaily.com.cn/200105/25/print20010525\\_70990.html](http://english.peopledaily.com.cn/200105/25/print20010525_70990.html).

<sup>3</sup> Engaging China, Speech by Sir Leon Brittan, Vice-President of the European Commission, EU China Academic Network Annual Conference London, 2.2.1998, See: [http://europa.eu.int/rapid/start/cgi/guesten.ksh?p\\_action.gettxt=gt&doc=SPEECH/98/21101AG](http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=SPEECH/98/21101AG). Also: Philip Baker, Human Rights, Europe and the People's Republic of China, The China Quarterly, March 2002, No. 169, pp. 45-63; EU's Taiwan policy in the light of its China policy, Asia Europe Journal (2003) 1, pp. 511-525.

According to the fifth and latest Commission policy paper on EU-China relations in September 2003 a strategic partnership between the two sides was built.<sup>4</sup> Not only the promotion of bilateral trade and cooperations in various fields but also supporting China's transition to become a democracy was the EU's priority concern. Therefore the human rights issue was mentioned again. May 2005 marks the 30th anniversary of the establishment of the diplomatic relations between China and the EU. Leaders from both sides expressed their overall satisfaction on the development of bilateral relations, except for the arms embargo and the human rights issues.<sup>5</sup>

Since 1978, EU-China trade has increased more than 30-fold and reached around €175 billion in 2004. China became the EU 2nd biggest trading partner (after the US) and according to China's statistics, the EU became China's 1st trading partner (ahead of the US and Japan) in the same year. Whereas the EU enjoyed a trade surplus with China at the beginning of the 1980s, EU-China trade relations are now marked by a sizeable and widening EU deficit with China (around €78.5 billion in 2004). This is the EU's biggest bilateral trade deficit.<sup>6</sup>

## 2 Taiwan factor

Due to the struggle between China and Taiwan over the sovereignty issue since 1949 bilateral political relations still remain frozen today, although since 2004 China has become the biggest trading partner of Taiwan. Beijing considers that Taiwan is a part of China, but Taipei, especially the current DPP government, rejects it categorically and strives for Taiwanese independence despite the risk of military intervention across the Strait.<sup>7</sup>

Since the establishment of diplomatic relations with the PR China in 1975 the "One China Principle" has been adopted prudently by the EU, and its Taiwan policy has been carried out constantly below the official level.<sup>8</sup> Nonetheless the EU is very much concerned about the security and stability in the Taiwan Strait but their means for interventions are constrained. European Parliament resolutions as well as the stance of the Council and the Commission towards Taiwan during the 1995/96 and 1999 Taiwan Strait crisis have demonstrated the EU's ability to tread

<sup>4</sup> COMMISSION OF THE EUROPEAN COMMUNITIES, Brussels, 10/09/03, COM(2003) 533 fin. COMMISSION POLICY PAPER FOR TRANSMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT, A maturing partnership - shared interests and challenges in EU-China relations, (Updating the European Commission's Communications on EU-China relations of 1998 and 2001) [http://europa.eu.int/comm/external\\_relations/china/intro/](http://europa.eu.int/comm/external_relations/china/intro/).

<sup>5</sup> EU-China Ministerial Troika in Beijing to mark the 30th Anniversary of EU-China Diplomatic Relations, 11-12 May, 10/05/05 [http://europa.eu.int/comm/external\\_relations/news/ferrero/2005/ip05\\_548.htm](http://europa.eu.int/comm/external_relations/news/ferrero/2005/ip05_548.htm).

<sup>6</sup> [http://europa.eu.int/comm/trade/issues/bilateral/countries/china/index\\_en.htm](http://europa.eu.int/comm/trade/issues/bilateral/countries/china/index_en.htm).

<sup>7</sup> Shirley Kan, China/Taiwan: Evolution of the "One China" Policy—Key Statements from Washington, Beijing and Taipei, Congressional Research, 2000; Michael Yahuda, The International Standing of the Republic of China on Taiwan, in David Shambaugh (ed.), Contemporary China, Oxford, 1998, pp. 275-295; 盧曉衡, 台灣問題的由來和一個中國原則, 盧曉衡 (主編) 中國對外關係中的台灣問題, (北京: 經濟管理出版社, 2002) pp.1-19; Current standpoint from Taipei see: <http://www.roc-taiwan.org/taiwan/5-gp/glance/ch10.htm>.

<sup>8</sup> EU 'one-China' policy leaves flexibility for Taiwan, <http://www.roc-taiwan.be/press/20011108/2001110801.html>.

lightly when dealing with, and their interest in getting more actively involved in the Taiwan issue.<sup>9</sup>

On the official EU website, before the current update in November 2003, there were only 14 lines expressing its Taiwan policy. At the very beginning of the web the EU's standpoint is clear that:

The EU recognizes Taiwan as a separate customs territory, not as a sovereign state.

Now it has been changed into:<sup>10</sup>

The EU pursues a "One China" policy and recognises the Government of the People's Republic of China as the sole legal government of China. However, the EU has a significant economic and commercial relationship with the Island and maintains exchanges in the economic and various technical fields. The information provided below should be read in that context.

Compare to the previous text it sounds moderate to some extent but without mentioning the name of Taiwan. On the other hand it is noticeable that there are also no words on the relations between Taiwan and China. The stance, e.g. Taiwan is a part of China, occurs often in the communiqués by establishing diplomatic relations between third states and China, or as Taiwan is a part of the PRC, as the Chinese constitution stipulates.

The real status of Taiwan, in the perspective of the EU is now diverted from "a separate customs territory" into "an economic and commercial entity".<sup>11</sup> The former title of separate customs territory, Taiwan, Penghu, Kinmen and Matsu, is the same as that Taipei uses in the WTO, while the second one is created by the EU. Could this change be interpreted as a more friendly gesture of the EU towards the island? At least "entity" sounds more independent than just "territory" as Taiwan is striving for a long time.

Nonetheless, the EU stressed the significance of bilateral trade interests because in 2003 Taiwan is the 10th biggest trading partner of the EU. According to EU Commission's statistics bilateral trade in 2003 amounts to 33.4 billion Euros with a deficit of 9.5 billion Euros on the EU side.<sup>12</sup> Therefore bilateral consultations on trade and technology have been taking place annually for decades. Especially after Taiwan entered the WTO in January 2002 a "European Economic and Trade Office" was set up in Taipei in March 2003. It seemed to be a new start in EU-Taiwan relations.

<sup>9</sup> China/Military exercises off the Taiwan Coasts, CSFP Presidency Statement: Brussels (8/3/1996)—Press: 54 Nr: 5514/96, DECLARATION BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION ON CHINA'S MILITARY EXERCISES OFF THE TAIWAN COASTS, see: <http://ue.eu.int/newsroom/Load>; Taiwan: Principle of "One China", CFSP Presidency Statement: Brussels (20/7/1999)—Press: 232 Nr: 10256/99, Declaration by the Presidency on behalf of the European Union on Taiwan, see: <http://ue.eu.int/newsroom/LoadDoc.asp?MAX=561DID=58429LANG=1>.

<sup>10</sup> [http://europa.eu.int/comm/external\\_relations/taiwan/intro/index.htm](http://europa.eu.int/comm/external_relations/taiwan/intro/index.htm).

<sup>11</sup> [http://europa.eu.int/comm/external\\_relations/taiwan/intro/index.htm](http://europa.eu.int/comm/external_relations/taiwan/intro/index.htm).

<sup>12</sup> [http://www.deltwn.cec.eu.int/EN/eu\\_taiwan/eu\\_taiwantraderelations.htm](http://www.deltwn.cec.eu.int/EN/eu_taiwan/eu_taiwantraderelations.htm).

In Taiwan the domestic political development has a great impact on the peace and stability in the Taiwan Strait because Beijing has never renounced the use of force against Taiwan in case of its formal independence. On the eve of the last presidential election in March 2004 both candidates President Chen and the Vice President Lu, proponents of Taiwan independence, were shot and lightly wounded.<sup>13</sup> As a result Chen and Lu won the election with a razor-thin margin by only less than 30,000 votes or 0.2%.<sup>14</sup> The opposition doubted the truth of the official statements on the shooting incident and the measures of rejecting ad hoc investigations. There was a turbulence in Taipei aroused by a mass demonstration organized by the opposition, while Beijing warned with intervention if Taiwan's government should lose control of the island. Cross Strait relations drastically deteriorated and both sides stood at the edge of a military conflict.

But things have changed by the election of the parliament (Legislative Yuan) in December 2004 for the better. This time the opposition party coalition took 114 of the parliament's 225 seats, just one seat above the absolute majority.<sup>15</sup> Nonetheless, because of the split of the opposition after the election, a minority government was set up and tolerated by the opposition again.

Although, the triumph of the opposition could have jeopardized the intention of President Chen to change the status quo by rewriting a new constitution for the time being. This result is likely to come as a détente in the cross strait as well as a relief to both Beijing and Washington. Since the missile crisis of 1995/96 Beijing has failed to oppress the independence movement in Taiwan by means of military and verbal intimidations: The stronger the threat from Beijing the more favourable for the pro-independence movement in the campaign. But the resent visits of the two opposition political party leaders Lien Chan and James Soong have helped to ease the tension between the two civil war rivals.<sup>16</sup> A military conflict between the two sides seems rather unlikely in the near future.

### 3 Arms embargo

Right after the Tiananmen Incident in June 1989 the United States and the member states of the European Community have imposed sanctions on China as a protest. The European Council, convened in Madrid on June 27, 1989, made a declaration which contents suspension of high-contacts and "...interruption ...of military cooperation and an embargo on trade in arms with China".<sup>17</sup> But there was neither

<sup>13</sup> <http://www.times.hinet.net/SpecialTopic/930322-shot/>;

<sup>14</sup> Central Election Commission, <http://www.cec.gov.tw/hotnews/File/1/0930326-1.pdf>; Tang Shaocheng, The 2004 Taiwan Parliament election, Asian Affairs, n°24, 2005, pp. 38–48, <http://www.udn.com/PE2004/result/20040302146807980/20040302148274240.shtml>.

<sup>15</sup> Ebd., Tang, pp. 38–41.

<sup>16</sup> Lien Chan's visit beneficial to cross-Straits relations: scholar, [http://www.english.people.com.cn/200504/26/eng20050426\\_182782.html](http://www.english.people.com.cn/200504/26/eng20050426_182782.html); Soong's visit helps promote CPC-PFP ties, <http://www.chinataiwan.org/web/webportal/W2037304/A86172.html>.

<sup>17</sup> European Union's Arms Control Regime and Arms Exports to China: Background and Legal Analysis, March 1, 2005, Congressional Research Service, The Library of Congress, CRS Report for Congress, Received through the CRS Web, Order Code RL32785, Richard F. Grimmett, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division, Theresa Papademetriou, Senior Foreign Law Specialist, Directorate of Legal Research, The Law Library of Congress.

a clarification of the meaning of the term "military cooperation" nor a list of weapons that conforms to "trade in arms". Therefore the arms embargo against China has been interpreted differently and several Member States have been delivering defense-related weapons to China since the very beginning. Although EU member states provide totals of values of arms exports to China (see Table 1 below) there is no uniformity of its accuracy as they all have different ways of categorizing their export items. Nonetheless, understandably, to narrow down the trade deficit with China is their priority concern if we take the aforementioned huge EU-China trade deficit into consideration.

**Table 1** Recent EU arms exports authorized for China (in Mio. Euro)

	<i>F</i>	UK	<i>I</i>	A	CZ	<i>D</i>	Total
2002	105	80	23	2	0	0	210
2003	172	112	127	0	4	1	416
Total	277	192	150	2	4	1	626

Source: 2003 O.J. December 31, 2003 (C320) 9, 14, 30, 42.; The Sixth report is found at Official Journal C 316, December 21, 2004, pp. 001-215

To coordinate the Member States with respect to the arms ban against China "The European Union Code of Conduct on Arms Exports" was adopted in June 1998.<sup>18</sup> This mechanism helps the Member States to get well informed of which and what kind of weapon systems are banned from sales to China. It exams the license of arms exports to China that conform to the international commitments and which are not to be used for internal repression and undermining regional security, etc. But, in fact, the truth is that this Code of Conduct is not legally binding.

In October 2003 Beijing issued the first ever "Policy Paper on the European Union". Since then the campaign to induce the EU to end its arms embargo on China has begun.<sup>19</sup> At seventh EU-China summit on December 8, 2004, just 3 days before the above mentioned parliamentary election in Taiwan, the EU decided to maintain the embargo during this sensitive time but to send a positive signal of intending to work on its abrogation. A few days later at the European Council meeting of December 16-17, 2004 in Brussels the European leaders reasserted their intention to lift the ban with the suggestion of spring 2005. It seems that the lifting of the embargo is merely a matter of time.<sup>20</sup>

<sup>18</sup> Ebd.

<sup>19</sup> Xinhua (New China News Agency), October 13, 2003; European Union's Arms Embargo on China: Implications and Options for U.S. Policy, April 15, 2005, Congressional Research Service, The Library of Congress, CRS Report for Congress, Received through the CRS Web, Order Code RL32870, Kristin Archick, Specialist in European Affairs, Foreign Affairs, Defense, and Trade Division, Richard F. Grimmett, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division, Shirley Kan, Specialist in National Security Policy, Foreign Affairs, Defense, and Trade Division.

<sup>20</sup> Ebd.

As a reaction to Beijing's Anti-Secession Law of March 2005 the EU has shown its concern on the stability in the Taiwan Strait again.<sup>21</sup> It could have a negative impact on the embargo issue. Although German foreign minister Joschka Fisher is reluctant to see the arms embargo against China lifted, the German Chancellor Gerhard Schroeder and, with much stronger emphasis, French President Jacques Chirac are the two leading proponents in this regard.<sup>22</sup> But the defeat of Schroeder's SPD in Germany's largest state election, Nordrhein-Westfalen, in May 2005 has put his position as Chancellor in jeopardy.<sup>23</sup> And the failures of the EU constitutional referendum on May 29, 2005 in France and on June 1, in the Netherlands have imposed a tremendous blow to its ratification process.<sup>24</sup> How severe would these incidents impact the process of the arms embargo issue remains still to be seen.

But the major objections to the lifting of the EU's arms ban comes from Washington.<sup>25</sup> Not only Secretary of State Condoleezza Rice, but also President Bush has stressed the severe implications of the embargo during their visits to Europe in February 2005. Even the House passed a resolution expressing its grave concerns in the same month.

Washington's stance could be summarized as following:<sup>26</sup> Firstly, to lift the arms ban on China would mean providing the PLA with state-of-the-art weapon systems that would upgrade immensely its military capabilities. Thus it could broaden the asymmetrical imbalance of power in the Taiwan Strait that could increase tension between the US and China in case of conflict between China and Taiwan. In this case, given the fact that the US is the major guarantor of Taiwan since the 1950's and its main arms supplier, these weapons could be used by the PLA to fight against American soldiers.

Secondly, it could be a wrong signal to Beijing and the rest of the world, as if the still poor human rights situation in China, as Washington sees it, has been improved. Thirdly the fear of China's proliferation of weapon systems is also real because Beijing maintains good relations with the so-called "rouge states" such as North Korea and Iran. Last but not least, due to EU-US defense cooperation EU arms export to China could also mean the transfer of US military technologies that could undermine eventually the US sanctions on arms sales to China. But in fact, how to withstand the pressure of US suppliers to sell arms to China may be more at stake to Washington if EU's ban is lifted. Why can the Europeans, but we can't?

<sup>21</sup> EU Presidency declaration on the 'anti-secession law' by China, [http://www.europa-eu-un.org/articles/en/article\\_4470\\_en.htm](http://www.europa-eu-un.org/articles/en/article_4470_en.htm); ANTI-SECESSION LAW AFFECTS E.U. LIFTING OF CHINA ARMS BAN: MAC, <http://www.globalsecurity.org/wmd/library/news/taiwan/2005/taiwan-050408-cna02.htm>.

<sup>22</sup> Schroeder Calls For End To Arms Embargo Against China, <http://www.dw-world.de/dw/article/0,1047143,00.html>. EU official calls China embargo 'unfair', [http://www.chinadaily.com.cn/english/doc/2005-03/24/content\\_427647.htm](http://www.chinadaily.com.cn/english/doc/2005-03/24/content_427647.htm).

<sup>23</sup> Schroeder plans early German poll, <http://www.news.bbc.co.uk/2/hi/europe/4571465.stm>.

<sup>24</sup> Q&A: French EU referendum. French voters have rejected the European Union constitution in a key referendum, <http://www.news.bbc.co.uk/1/hi/world/europe/4483817.stm>.

<sup>25</sup> Ebd., European Union's Arms Embargo on China: Implications and Options for U.S. Policy, April 15, 2005.

<sup>26</sup> Ebd.

Hand in hand with the US, Japan also expressed its concern over the embargo issue with the argument that it could enhance the Chinese influence in East Asia.<sup>27</sup> In recent years these two countries have been quarrelling over war time history and territorial disputes. In spite of a huge amount of bilateral trade between the two sides the political wrangle is still unlikely to calm down in the near future.<sup>28</sup>

Also Russia disagrees with EU's lifting of arms ban on China although the Sino-Russian relations have never been so smooth and friendly.<sup>29</sup> Due to historical reasons the former Soviet Union and Russia have been the biggest arms supplier of China. To this date almost 80% of the military equipment of the PLA originates from Russia and it will be the first to suffer, if the EU's ban is lifted. In the past five years these exports to China have risen to \$5 billion. As a result the relations between China and Russia have been improving swiftly in recent years. Also the success of Victor Yushenko in Ukraine could have accelerated the pace of this development.<sup>30</sup> President Vladimir Putin fully supports Beijing's stance on Taiwan and refused to sell arms to the island. Both sides have planned the first ever joint military maneuver on Chinese soil later this year to promote their military co-operation. This could be seen as the first significant implication of EU's intention to lift the arms ban on China.

#### 4 Conclusion

All in all since the Tiananmen Crackdown the bilateral relations between the EU and China have been proceeding rather smoothly. Neither the Taiwan issue nor trade and the human rights issue could have set back this process.

In the Cross Strait stalemate the EU has acted somewhat like a fair mediator between the two rivals in respect of maintaining the stability in the region, because it serves best the EU interest. But, unlike the US, the EU lacks useful leverage in the Cross Strait configuration. Their means are confined to verbal statements of the EU institutions. Still there is large room for further improvements in the EU's Taiwan policy.

In fact to lift the arms embargo against China could mean more effective control of arms sales, so as the UK suggested, because a stricter code of conduct could be implemented. Therefore to legalize the code of conduct could be a appropriate solution. But it is widely believed that EU's arms sales to China would deliver Beijing with much stronger bargaining leverage vis-à-vis Russia and the US. The first ever joint Sino-Russian military maneuver is the best evidence of it. Also the pressure from US suppliers to the Bush administration will be increasing. Therefore the implication of lifting the arms ban to China is much more severe and

significant than the enhancement of Chinese military capabilities itself. But after the defeat of Schroeder and Chirac will the embargo issue still remain only a matter of time?

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<sup>27</sup> FT.com/World - Japan opposes lifting of China arms embargo, <http://www.news.ft.com/cms/s/6ef2e598-6ad5-11d9-9357-00000e2511c8.html>.

<sup>28</sup> No progress in China-Japan talks, <http://www.news.bbc.co.uk/1/hi/world/asia-pacific/4592881.stm>; China-Japan Tensions Flare as Beijing Recalls Envoy, <http://www.npr.org/templates/story/story.php?storyId=4663825&sourceCode=RSS>.

<sup>29</sup> China, Russia plan to hold military drill, [http://www.chinadaily.com.cn/english/doc/2004-07/08/content\\_346370.htm](http://www.chinadaily.com.cn/english/doc/2004-07/08/content_346370.htm); China, Russia pledge further development of strategic partnership, [http://www.english.people.com.cn/200409/25/eng20040925\\_158290.html](http://www.english.people.com.cn/200409/25/eng20040925_158290.html).

<sup>30</sup> Russia and China plan war games, <http://news.bbc.co.uk/2/hi/europe/4128337.stm>; Ukraine's orange revolution, <http://www.socialismtoday.org/89/ukraine.html>.