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The EU Arms Embargo against China: Should Europe Play a Role in East Asian Security?

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Introduction

Europe and East Asia are highly interdependent through their extensive mutual trade and investment relations, but also because the European Union (EU), China, and Japan are major actors on international forums such as the United Nations (UN) and the World Trade Organization (WTO). While Europe has a stable regional security system – the main component of which is the EU – this is not the case in East Asia. The lack of a dependable security mechanism to deal with potential East Asian flashpoints such as the ‘Taiwan issue’ has a destabilising effect on Europe’s economic and security interests. Clearly, Europe would benefit from a strengthening of stability in East Asia. The main argument in this paper is that the EU should strive to assume a degree of responsibility for East Asian security that corresponds with its interests. The EU arms embargo against China serves as an illustration both of the need for the EU to take more responsibility for East Asian security, and of the ways in which a more active role might be pursued.

Interests versus Influence

The EU has major interests in East Asian security. In the first place, trade and investment relations between Europe and China, Taiwan, Japan, Hong Kong, and South Korea are extensive. However important the economic role of the

United States (US) may be, it cannot replace East Asia's role in the world economy. Economic growth rates and labour costs are more attractive in Asia, while the US offers a huge high-end market and abundant technology. Europe simply needs both these economic partner regions. A collapse of East Asian stability would negatively affect trade and investment ties with Europe.

The second major interest in East Asian security lies in the effectiveness of multilateral institutions. A major international conflict in East Asia would probably involve the US, China, and Japan. These countries play crucial roles in global institutions like the UN and the WTO. The US and China are permanent members of the UN Security Council, while the US and Japan are important members of the World Bank and the International Monetary Fund (IMF). The European-American relationship within North Atlantic Treaty Organization (NATO) could also be affected if the Americans engage in an East Asian conflict. The EU, not being a global military power, depends on all of these multinational institutions for its external security.

While Europe's interests in East Asian security are considerable, its influence in this area is very limited. The EU, like the US, is a dialogue partner of the ASEAN Regional Forum (ARF), the only 'security forum' for Southeast and East Asia. However, the scope of the EU's influence in the ARF is mainly limited to issues of human security, which focuses on the protection of individuals from violence and is closely associated with a human rights approach.¹ Moreover, not even the ARF itself plays a significant role in the fundamental issue underlying security in East Asia: stability between China, Japan and the United States.

There are a number of more localised international security issues within the region, such as North Korea's foreign relations, China-Taiwan relations, and maritime disputes in the East China Sea. Only in the case of North Korea has the EU played a role. In the 1990s it co-financed the Korean

Peninsula Energy Development Organisation (KEDO), which was established in 1994 under the international agreement to limit North Korea's capability to produce nuclear weapons. This financial involvement came about at the initiative of Japan, and was a return gesture for Japan's support for reconstruction efforts in the Balkans.² However, the EU is not an influential actor in relation to North Korea and it does not take part in the Six Party Talks, the negotiations on the future of North Korea's nuclear programme.

The Arms Embargo against China

The European Union imposed the arms embargo against China in the wake of the violent suppression of the pro-democracy movement in Tiananmen Square in Beijing on 4 June 1989. The purpose was to put pressure on the Chinese government to end 'repressive actions against those who legitimately claim their democratic rights.'³ While the arms embargo was initially aimed at ending the prosecution of pro-democracy activists, there now is disagreement between the EU's 27 member states on which terms the embargo should end. The current outlook is that a number of human rights and security elements need to be in place before consensus on ending the embargo can be reached. With regard to human rights, Commissioner for External Affairs Ferrero-Waldner identified the following points of attention: Beijing's ratification of the UN International Covenant on Civil and Political Rights, the release of all persons imprisoned because of their involvement in the 1989 demonstrations, and the abolition of the 'reeducation through labour' system.⁴ These are not formally conditions for lifting the embargo, but their implementation would be seen by the Commission as encouraging signs of Beijing's human rights policy. With regard to security, lifting the embargo should not endanger stability in Chinese-Taiwanese relations or the security of the EU's allies.

In the past few years France has been arguing strongly in favour of ending the embargo. Debates in the European Council since 2004 have

brought to light major differences of opinion between the member states. Public statements from the EU in late 2004 and early 2005 that the embargo would be lifted in the near future attracted strong attention not only from China but also from the US and Japan.⁵ China regards the embargo as an impediment to good relations and accepts only an unconditional ending of the embargo.⁶⁷ However, the US, Europe's main security ally, and Japan strongly urged the EU to keep the embargo in place. The current impasse in the EU's decision-making on the embargo is harmful in several ways.⁸ In the first place, the continued display of dissent within the Union on this issue reveals its weakness and indecisiveness in its external relations. In the second place, the unresolved matter plays a negative role in EU-US relations. Washington has made it very clear that an end to the embargo is unacceptable, because of both human rights and security reasons. The EU can not go back on its statements that it is working towards ending the embargo without affecting its credibility and its relations with China, and staying in the current stalemate is highly unfavourable. The only option for the EU is to move ahead and find a way to end the embargo.

The approach of the EU towards ending the embargo takes place on two levels. On one level, China is being encouraged to take human rights measures such as mentioned by Ferrero-Waldner, to refrain from explicitly threatening the use of force against Taiwan, and to reassure the United States by making the Chinese military build-up program more transparent. On another level, the EU is upgrading its Code of Conduct for arms exports. It is also developing a so-called 'toolbox' for its arms export policy to cope specifically with exports to currently embargoed countries such as China. The new Code of Conduct and the toolbox are intended to guarantee that arms exports to China are subjected to human rights and security conditions, so that the act itself of lifting the embargo does not imply any quantitative or qualitative increase in exports. The EU has announced that an end to the arms

embargo will only happen in conjuncture with these improved export controls.⁹

Security Themes in the Embargo Debate

Although human rights play a major part in the controversy, this paper will focus only on those problems in the arms embargo debate that relate to international security. A solution will have to be found in both areas, but it is the security dimension that relates directly to the question of the EU's role in East Asian security. We will take a closer look at the two security themes in the debate: stability in China-Taiwan relations and the security of the EU's allies.

First, China is very concerned that Taiwan will gain formal independence. Preventing this is China's foremost security objective. On 14 March 2005 China's so-called anti-secession law went into effect. This law declared that China would, as a final resort, employ non-peaceful means to prevent Taiwan from declaring independence. An extensive study by the International Crisis Group in 2003 states that in the current decade, China lacks the military power to enforce an effective blockade of Taiwan and it is not militarily strong enough to achieve the goal of reunification without sacrificing its fast-growing economy.¹⁰ Nevertheless, each year China's defence expenditure grows significantly. Military capabilities and the perception thereof play a pivotal role in the relationship between China and Taiwan. When China adopted its anti-secession law, concerns were voiced in the European Parliament that linked the embargo with Sino-Taiwanese relations.¹¹ These concerns are that an end to the embargo could either increase the likelihood that China uses force or induce an increased arms race across the Taiwan Strait.

Second, there is also a concern that lifting the embargo could harm the security interests of some of the EU's allies, in particular to the United States and Japan. Pressure from these two countries, especially from the US, plays an important role in this respect. The United States is the EU's main security ally. The relationship between China and Taiwan is crucial in the American perception of the embargo. As President George W. Bush stated, 'there is a deep concern in our country that a transfer of weapons would be a transfer of technology to China, which would change the balance of relations between China and Taiwan, and that is of concern.'¹²

The Taiwan Relations Act, which dates from 1979, requires the US government to maintain the status quo across the Taiwan Strait by arming Taiwan and by stationing substantial military forces in Japan. In 2001, the Bush administration began move towards a full military alliance with Taiwan.¹³ In the same year the United States military created the Operations Plan 5077 for the defence of Taiwan. This plan includes such options as maritime intercept operations and attacking targets in Mainland China, while the use of nuclear weapons is not ruled out.¹⁴ Meanwhile, the Bush administration upgraded its military alliance with Japan and increased its military cooperation with the Philippines. All these policies were in part to ensure that America's Pacific-based forces would be strong enough to contain a Chinese military attack on Taiwan.¹⁵

According to the International Crisis Group, 'because a low-level attack – or the use of significant non-military coercive measures – cannot be excluded, the risk of was across the Taiwan Strait has to be taken seriously.'¹⁶ Should a Chinese-Taiwanese military conflict break out, then there is a risk that United States becomes involved.¹⁷ The US military takes the risk of a war with China over Taiwan seriously. This is perhaps the most important reason why the US government opposes its European allies to lift the arms embargo.¹⁸ The American government has warned the EU that if the embargo

is lifted, America may reduce the export of its military technology to Europe and reconsider the existing transatlantic military relations.¹⁹

America's most important ally in Asia, Japan, has also put pressure on the EU to retain the embargo.²⁰ Although Japan has no security commitment to Taiwan, it is the most important military ally of the United States in Asia. Japan acts as the main regional base for America's military presence in East Asia, and is a neighbour to Taiwan. Obviously increased tensions between China and Taiwan, or between China and the US would also affect Japan's security.

An important question is to what extent the arms embargo actually affects China's military capabilities. In principle, the embargo makes it more difficult for Beijing to obtain European-made weapons and military technology. This has an impact on the development of China's military strategy. The embargo is not the only policy on weapons exports at the EU level that potentially affects China. Since the early 1990s, the EU has issued criteria for arms exports by its member states.²¹ In 1998 these criteria were incorporated into the above-mentioned Code of Conduct. Although the code is not legally binding, the implication is that even if the EU would lift the arms embargo against China, there is still a potential obstacle for Beijing to purchase weaponry from Europe. The criteria laid out in the existing code have already precluded the sale of weapons if they could be used to repress a country's own population (criterion 2a), or to act 'aggressively against another country or to assert by force a territorial claim' (criterion 4). In 1995, the European Council also implemented a law to control the transfer of civilian technology with a potential for military purposes, so-called dual use goods.²² Finally, the individual member states also have their own regulation on arms exports.

In practice, however, the arms embargo and the other export limitations only have a limited impact on the transfer of militarily relevant technology between China and Europe.²³ Since 1989, several European countries have sold arms to China. France, Italy and Britain are currently the largest arms exporters to China within the EU. In 2003, the total value of arms exports licensed by the EU countries was 416 million Euros.²⁴

Russia is China's main arms supplier, selling advanced hardware such as aircraft and submarines.²⁵ What China is interested in buying from Europe are specific niche technologies such as radar, air-to-air missiles, sonar equipment, torpedoes, and C4ISR (command and control, communications, computers, intelligence, surveillance, and reconnaissance) equipment.²⁶ Some of the technologies involved can be obtained today as dual-use goods. Nonetheless, the lifting of export restrictions by the EU will increase competitive pressure on international arms sellers – especially Russia - which will benefit China as a buyer. Moreover, the EU's claim that an end to the embargo will not result in more arms sales to China is widely doubted.²⁷ European arms dealers and the manufacturers of dual-use goods are expected to put strong pressure on their governments to allow more exports once the embargo is gone.²⁸

Security Risks of Lifting the Embargo

With regard to the security dimension of the embargo, there is a great risk that lifting it will damage Europe's relation with the US. So far the Americans have expressed little faith in the value of the revised export policy - or in the willingness of countries such as France to uphold this policy - and the warnings from the US that the embargo should not be lifted have been very clear. Addressing the risk of damaged transatlantic relations takes more than a public relations campaign to promote the revised export code in

Washington. Rather it is necessary to look at the fundamental elements in the embargo's security relevance.

The two crucial underlying elements are the EU's capacity to provide modern weapons technology and the EU's security relationship with the United States. First, modern weapons technology is the thing that China wants and that the US does not want China to have. Various EU countries are willing to supply such technology – under certain restrictions – because they are doing so even under the embargo. Second, it is the future of the transatlantic security alliance that is at stake in the debate over the arms embargo between Washington and Brussels.

Neither China nor the US appears inclined to involve the EU as an active participant in East Asian security, even though they expect Europe to adapt its arms exports policy to their respective – mutually conflicting – security interests. China's position is that the embargo is a matter of political discrimination and that the Taiwan issue as an internal Chinese affair. The American position is that its security role in East Asia is for the common benefit of all of its allies, especially Europe with its extensive economic interests in the region. Since the Europeans do not have the capabilities to contribute to the US effort in East Asia to protect security, the Americans do not accept significant European influence in this area.

If the EU maintains its ad hoc, introspective, and minimalist attitude towards the arms embargo – and to East Asian security – it will not escape the risk of damaging its external relations. Because of their weapons technology and their security relationship with the US, the EU member countries have not only an interest but also a source of influence in East Asian security. Obviously the potential to exert influence remains limited, but a better balance between interests and influence is possible. In other words, the EU should take more responsibility for East Asian security. If Europe plays an

active role in influencing the context in which its arms technology is employed and if it shoulders part of the burden of upholding regional security, it will acquire more freedom of action to deal with the arms embargo. This is a complicated approach, but it surely is the less harmful way to solve the embargo as well as other security issues that will come up EU-East Asian relations.

To attain an active and responsible role in East Asian security that is relevant to the arms embargo, two initiatives seem appropriate. One is contribute to establishing a regional security forum aimed at arms control. Military modernisation in Asia should be directed towards more international security, not result in a destabilising arms race. The EU, having a large defence industry, has a strong incentive and strong arguments to be involved in such a forum. The other initiative the EU could take is to contribute to international cooperation in maritime security. As stated by Paul Kennedy, Europe is largely absent from the protection of the two most important maritime trade routes of the twenty-first century, namely the sea lanes between the Persian Gulf and East Asia, and those across the Pacific.²⁹ Europe, with its dependence on international trade, has a strong interest in the protection of these sea lanes. Committing European naval resources to maritime security in the Indian Ocean and the Pacific would increase the legitimacy of a European voice in Asian security debates. A greater European role in international security would also help make the transatlantic security relationship more balanced, which would create more space within this relationship for Europe's China policy.

Conclusion

The issue of the arms embargo against China symbolises the overall position of the EU towards security in East Asia. What it shows is that even though

Europe's influence in security matters in the region is limited in the context of its extensive interests, the EU could and should do more than it currently does. The problems which the EU currently faces with regard to the embargo should be seen in the context of Europe's role in international security. The root cause of these problems is that Europe takes insufficient responsibility for security in a strategically important region. The solution therefore would be assuming a larger degree of responsibility in Asian security. The aim is not so much eliminating the arms embargo issue, but to address the more serious matter underlying this issue, namely the future of Europe's security relations with the US and East Asia.

Notes

¹ Axel Berkofsky, 'Can the EU Play a Meaningful Role in Asian Security through the ASEAN Regional Forum?' *ELIAS Policy Brief* 03/01 (2003), <http://www.eias.org/publications/policybriefs/aseansecurity.pdf>

² Alfredo C. Robles, Jr, 'The ASEAN Regional Forum and the European Union as a Security System and a Security Actor', *Dialogue + Cooperation* 2 (2003), http://www.fesny.org/docus/peacesec/the_asean_regional_forum.pdf

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⁵ Frank Ching, 'The EU's Balancing Act: Selling Arms to Beijing,' *China Brief* 5/6 (Washington D.C.: Jamestown Foundation, March 15, 2005).

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⁷ Sebastian Bersick, 'The Transatlantic Institute Common Agenda Roundtable: Lifting the Arms Embargo on China, a Shift in EU Priorities?' (April 6, 2005). Available at: <http://www.eias.org/specialbriefing/2005/armsembargo060405/bersick.pdf>

⁸ In December 2006 France once again proposed to the other EU member states to end the embargo, but failed to get sufficient support. Report for the Dutch parliament on the meeting of the European General Affairs and External Relations Council meeting of 11-12 December 2006, by the Netherlands Minister of Foreign Affairs B. Bot. Available at: <http://www.minbuza.nl/nl/actueel/brievenparlement,2006/12/Kamerbrief-inzake-het-verslag-van-de-Raad-Algemene.html>

⁹ Greg Austin, 'The 1989 China Arms Ban: Putting Europe's Position to Congress.' (London: Foreign Policy Centre, 2005) 13. Available at: <http://fpc.org.uk/fsblob/444.pdf>

¹⁰ International Crisis Group, *Taiwan Strait II: The Risk of War* (Beijing, June 6, 2003): i.

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¹² Press conference, NATO, Brussels, February 22, 2005. Available at: <http://www.state.gov/p/eur/rls/rm/42523.htm>

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¹⁴ William M. Arkin, 'America's New China War Plan,' *Washington Post*, May 24, 2006. Available at: http://blog.washingtonpost.com/earlywarning/2006/05/americas_new_china_war_plan.html

¹⁵ International Crisis Group, *Taiwan Strait II*, 33.

¹⁶ International Crisis Group, *Taiwan Strait II*, 23.

¹⁷ Denny Roy, 'Rising China and U.S. Interests: Inevitable vs. Contingent Hazards,' in Paul J. Bolt, Damon V. Coletta and Collins G. Schackelford Jr. (eds.), *American Defence Policy* (Baltimore, Maryland: 2005): 72; 'U.S. Likely to Intervene in Chinese Attack on Taiwan: Specialist.' Available at: <http://fas.org/news/taiwan/2000/e-02-19-00-8.htm>

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²¹ 'Extract from the EU Code of Conduct on Arms Exports, Adopted by the Council on 8 June 1998,' annex II of EU, *European Union Factsheet* (European Union: Brussels, n.d.) Available at: http://ue.eu.int/uedocs/cmsUpload/FACTSHEET_ON_THE_EU_AND_CHINA.pdf

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²⁴ Richard F. Grimmett and Theresa Papademetriou, 'European Union's Arms Control Regime and Arms Exports to China: Background and Legal Analysis.' (Washington DC: Congressional Research Service, 1 March 2005) 9. Available at: <http://italy.usembassy.gov/pdf/other/RL32785.pdf>

²⁵ Eugene Kogan, *The European Union Defence Industry and the Appeal of the Chinese Market* (Vienna: Landesverteidigungsakademie, 2005). Available at: http://www.bmlv.gv.at/pdf_pool/publikationen/stb1_05_eu_ch.pdf;

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²⁶ Kogan, *The European Union Defence Industry*, 30.

²⁷ For instance, Kogan, *The European Union Defence Industry*, 10.

²⁸ Kogan, *The European Union Defence Industry*, 11.

²⁹ Paul Kennedy, 'Asia, Europe and the Global Power Balances', in: Bertelsmann Stiftung ed, *Asia: Changing the World*. N.p: Verlag Bertelsmann Stifun 2007, 56. While Kennedy correctly points out that there is little willpower in Europe to invest in more naval capacity, this does not mean that the necessity to do more does not exist.

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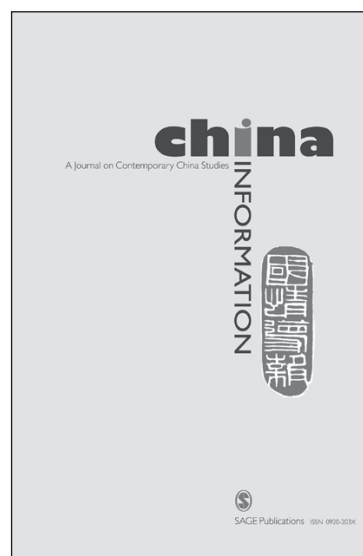
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