

**THE EU-CHINA STRATEGIC PARTNERSHIP:
ARMS EMBARGO AND HUMAN RIGHTS**

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DECLARATION

I declare that the dissertation entitled "The EU-China Strategic Partnership: Arms Embargo and Human Rights" submitted by me in partial fulfilment of the requirements for the award of the degree of **MASTER OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The dissertation has not been previously submitted for the award of any other degree of this or any other university.

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List of Abbreviations

AFP-	Agence France Presse
ASEM-	Asia-Europe Meeting
BAE-	British Aerospace
BBC-	British Broadcasting Company
CAAT-	Campaign Against Arms Trade
CAT-	Convention Against Torture
CFSP-	Common Foreign and Security Policy
CSP-	Country Strategic Paper
CTA-	Central Tibetan Administration
EADS-	European Aeronautic Defence and Space Company
EC-	European Community
ECHR-	European Convention of Human Rights
ECOM-	European Commission
EEAS-	European External Action Service
EEC-	European Economic Community
EIDHR-	European Instrument for Democracy and Human Rights
EP-	European Parliament
EPC-	European Parliament Cooperation
ESDP-	European Security and Defence Policy
ESS-	European Security Strategy
EU-	European Union
FCO-	Foreign and Commonwealth Office
FDI-	Foreign Direct Investment
FTA-	Free Trade Agreement

GAERC-	General Affairs and External Relations Council
GDP-	Gross Domestic Product
GLONASS-	Global Orbiting Navigation Satellite System
GNSS-	Galileo Global Navigation Satellite System
GPS –	Global Positioning System
HPPD-	High Level People-to-People Dialogue
ICARE-	Institute for Clean and Renewable Energy
ICCPR-	International Covenant on Civil and Political Rights
ICESCR-	International Covenant on Economic Social and Cultural Rights
IMF-	International Monetary Fund
INGOs-	International Non-Government Organisations
IPP-	Intellectual Property Rights
IPR-	Intellectual Property Rights
IT-	Information Technology
MES-	Market Economy Status
MFN-	Most-Favoured Nation
MIRV-	Multiple Independently Reentry Vehicle
NATO-	North Atlantic Treaty Organisation
NGOs-	Non-Government Organisations
NME-	Non-Market Economy
OECD-	Organisation for Economic Co-operation Development
OSCE-	Organisation for Security and Co-operation in Europe
PLA-	People’s Liberation Army
PRC-	People’s Republic of China
SARS-	Severe Acute Respiratory Syndrome

UDHR-	Universal Declaration of Human Rights
UDP-	User Datagram Protocol
UK-	United Kingdom
UN-	United Nations
UNCHR-	United Nations Commission on Human Rights
UNCHR-	United Nations Commission on Human Rights
UNDHR-	United Nations Declaration on Human Rights
UNPO-	Unrepresented Nations and Peoples Organisation
UNSC-	United Nation Security Council
US-	United States
WMD-	Weapon Mass Destruction
WTO-	World Trade Organisation

Chapter 1

Introduction

The Concepts of Strategic Partnership in International Relations

The European Union (EU) and China have achieved a great deal of success in the past three decades, which marked the most important incident in international relations. European Union has integrated into one union state with 28 member states, formed a common currency for its own and has biggest GDP in the world which makes a significant actor on the international stage. China, on the other hand, has reformed its economy and promoted its consumer market at global level which resulted in unprecedented economic growth. Both states have emerged as most influential actor on the global stage. In order to play effective role in the world, both EU and China have acknowledged each other as significant global players and legally announced each other as “strategic partners” in 2003. They have celebrated tenth anniversary of achievements of their strategic partnership in 2013. However, both states do not support similar conceptual ideas and principles. The EU asserts strategic partnership stance for a value based political system which emphasis on “effective multilateralism”. China claims that their aim is to develop harmonious world. China is essentially different from the European Union in many ways, size, political ideology and value system. The differences in their conceptual understanding of the strategic partnership propose a puzzle in their relationship. In order to understand EU-China strategic partnership in present global order, first, it is necessary to understand the meaning of term “strategic partnership” and different views shared by the parties. In order to analyse the EU-China model of strategic partnership, it would provide a definition of strategic partnership in international relations and meanings provided by the both the partners.

Definition of Strategic Partnership

The concept of “Strategic Partnership” emerged in the late 1990s as a new big idea in the theory of international relations. After the Cold War, power structure has changed in international relations and “strategic partnership” has become a new trend of alliance formation in international relations to pursue comprehensive and long term goals. In the era of globalised world, countries have become more interconnected and interdependent where sovereignty has become less significant. It was felt necessary to build a strategic partnership with potential ones to become a strategic actor in the growing multilateral world. Thomas Renard stated that the “EU should invest time and energy in building its strategic partnership with emerging great powers because the more the world becomes globalised and interconnected, the more the EU will be confronted with them” (Renard 2011: 4). Since then, EU has persistently engaged in the building of partnership with potential ones. In 2003, European Security Strategy (ESS) has decided to expand its strategic partnership with growing powers.

However, the concept of “strategic partnership” has not much been discussed and problematized in international relations. Meanwhile, the concept has been growing and becoming more relevant along the time and the usage of its term has been widely spread in international relations but none has explained it in detail. Therefore, first, it is necessary to conceptualise the meaning of “strategic partnership” which is a new discourse in the international relations.

What does “strategic partnership” mean in the international relations?

Before conceptualising the meaning of strategic partnership, it would be starting with a definition of simple “partnership”, it is more recent arrival to the alignment and has developed as a new idea in the contemporary development period but the model of partnership outside the international

relations is much older. Concepts such as partnership, alliances, bilateral relations, free trade agreements, cooperation and special relationship are old types of formation of relationship between international actors (Blanco 2011: 2). A term partnership grew its popularity and reflects larger forms of cooperation managed, usually on a more informal basis. The debate of partnership are already developed in the field of US and European social policy (Lister 2000:228) and they categorise its main implication as “a working relationship that is characterised by a shared sense of purpose, mutual respect and willingness to negotiate” (Buchanan 1994:9). Powell also argues that it “is not about deferring to others, it is about working with them” (Powell 2004: 25-26). So, the term ‘partnership’ can refer either to a group of diverse state or an organisation that joins the same organisation or involved in the same activities and associate in a mutual interest. Countries in partnership therefore have common interest and are ready to be in relationship for joint action.

Whereas international strategy in general refers to long-term, big plans to increase a country’s national interest (Chen and Wankun 2002:235). The word strategy is strongly associated with the aspect of military capability and was largely associated with warfare. The aspect of strategy is still relevant today as the term was associated with the U.S strategy in Iraq and NATO strategy in Afghanistan, but however, the usage of this term has become involve in larger aspect such as political and economic strategies (Reuter and Crossick 2007: 3).

The term “strategic” and “partner” are associates with long-term connotation when used together (Reuter and Crossick 2007: 3). According to Grevi, a partnership does not turn into a strategic by simply defining them. His main argument is that strategic partnerships are that partner who considers other party as an equally important to attain their common goals. Where the engagement possibly will lead to win-win games to both the strategic partners and equally it can also cause maximum harm to one another and might turn their relation sour (Grevi 2010: 5). As such strategic partnerships are essential bilateral ways to pursue main goals. Emerson argues that it involves two important and influential actors who are proficient in working strategic

action together (Emerson 2001:45). However, it should be presence of “common values, common interest and mutual understanding for a partnership as opposed to mere cooperation with similar parties of roughly equal size” (Vahl in Blanco 2011: 7).

In the light of above arguments the EU’s strategic partnership with China could be a real problematic because both partners believe in different norms, values and political system. The difference in EU and China believes and system is a huge challenge to the convergence of their strategic partnership.

From the above literature, it is clear that “strategic partners” should be similar parties with the presence of “common values, common interest, have mutual understanding” (Vahl 2001: 9) and maximize their national interest and commitment to build a long term relationship. But it is difficult to apply in real because issue of mutual interest consists of will and desire varies from partnership to partnership. For instance, the EU-China strategic partnership lacks above mentioned necessary elements. There is lack of conceptual clarity in the definition of their strategic partnership. However, some scholars observe unproblematic in the absence of common conceptual framework in international relations. As Grevi argued that it can be benefit for not having a precise definition since there is a certain degree of flexibility and scope for mutual adjustment and concession in the approach (Grevi 2008: 109). He again argued saying that the strategic nature of the EU’s partnership lies in the way how EU’s partners allow the EU to pursue its goals and spread its norms at the international level (Schmidt 2010:3).

What makes a partnership “strategic”? Thomas Renard in his book “The Treachery of Strategies: A Call for True Strategic Partnerships” has outlined five major points to who can be defined as a strategic partner:

1. A strategic partnership must be comprehensive, in order to allow linkages and trade-offs between various policies.
2. It must be built upon reciprocity, short of which it cannot be deemed a partnership at all.

3. In strategic partnership both partners share a common understanding of their mutual values and objectives.
4. A strategic partnership must be oriented towards the long-term.
5. A strategic partnership must go beyond bilateral issues to tackle regional and global challenges, because they are the potential ones to take strategic action together (Renard 2011: 6).

But the concept has been pushed to a level that it has become hard to identify a partnership. Some analyst worries that the term 'strategic partnerships' creates expectation that is unfulfilled. As Maihold, Gunther has analysed both the 'partnership' and 'strategy', and according to him, "partnership" is a cultural ideal for the joint shape of a relationship that includes concepts such as equal rights and mission and the opportunity to joint development of the relationship. With the term "strategy" he argued, it should not be taken casually either. He said like the economic concept of 'strategic alliance', it relies on cooperation between economic actors approving to produce something mutually in order to fulfil common goals (Maihold 2010:149-156; Schmidt 2010: 8).

Furthermore, Lister recognises a number of other fundamentals essential for a 'successful partnership', including "mutual trust, mutual support, joint decisionmaking, reciprocal accountability, financial transparency and long-term commitment" (Lister 2000: 228). With the wide range of categories, it lack conceptual clarity and inclined to form a multiple interpretations (Crawford 2010: 142).

Gordon Crawford suggested four dimensions of a more 'genuine partnership':

1. "Partners should have mutual goals and cooperate between multiple constituencies, for instance between external actors (multilateral and bilateral organisations) and internal actors (government and non-governmental).
2. Partners should respect for sovereignty and the right of national actors to determine their own policy options (in the case of a 'partnership' between internal and external actors).
3. Partners should have an equitable and meaningful relationship, characterised by depth and quality.

4. Final dimension is commitment in time and to build and maintain a strong partnership” (Crawford 2010:143).

There have been cooperative efforts at defining the basic fundamentals of a true strategic partnership, it includes “comprehensiveness, reciprocity, empathy and normative proximity, duration and the ambition to reach beyond bilateral issues” (Grevi 2012: 11).Based on such difficult standard only the EU-US relationship would possibly qualify as a strategic partnership Grevi 2012:10).

The debate on a definition of strategic partnership, who qualify as a strategic partner and who does not is a tricky one, since the demanding benchmark for the partners are quite difficult to put in practice. “Both the ‘strategic’ quality and the ‘partnership’ nature of relations with individual countries are often questioned” (Blanco 2011: 10). The concept itself is new discourse in international relations and explanations are not clear as Thomas Renard argued that strategic partnership sometimes lack meaning, “with no clear list, no real substance and no purpose, strategic partnership appear like an uncertain fleet of empty vessels sailing in the troubled water of multi-polarity with no course to follow” (Renard 2011).

Thereby, from the collectiveviewpoint of the scholars, strategy can be regarded as “a well-planned pursuit of a clearly-defined long-term goal or as planned realisation of certain long-term interest” which precisely can have defined objectives; timeframes and action plan (Schmidt 2010: 5).

EU’s Perception of Strategic Partnership

The achievement of the integration process and the growth of economic power of the EU were main factor in driving EU to be a more powerful global actor (Cameron 2013: 4).The EU has developsignificantly important international actor as it was regarded as an economic giant having its own national common currency (the euro) and performs important role in international trade

negotiations, environment and development policy (Factsheet on the European Union 2009).¹ It is biggest benefactor of development assistance and the largest contributor to the UN budget (Fraser 2013:1). EU seeks to promote and expand its value system such as promotion of democracy and human rights and to promote its norms in developing countries (European Parliament 2009: 15).

In the changing world order, the term 'strategic partnership' is very important because the relationship is global in nature, both partners share basic common interest and both are committed to constructing more stable and multilateral global order (Zongze 2005).

Hence, it is important to examine how EU perceives the concept of strategic partnership. After the deep EU divisions over Iraq in 2001, the European Security Defence Policy (ESDP) project in 2003, (Cornish 2005: 802) it had to revive and European Security Strategy (ESS) was issued in December (Men 2008: 6). The ESS clearly visualised EU as a global actor from the experience of EU's representation in both conflict and cooperation. The ESS has recognised clearly the five 'key threats' to EU, such as "terrorism, the proliferation of Weapon Mass Destruction (WMD), regional conflicts, state failure and consequent regional instability, and organized crime" (Cornish 2005: 809). In order to deal with these five vigorous identified threats, the EU believed none of these threats could be encountered by solely military capability, rather different and additional measures are needed in the globalised world. Required measures to check those security threats include improved export controls, political, economic and police intelligence (Callahan 2007: 783). The ESS recommended for upgrading EU's strategic partnership by extending its partnership with Japan, Canada, China and India as well as with all those "who share same goals and values and are prepared to act in EU's support" (Kavalski 2008: 72). The EU needs these potential ones to act in their support to take part in global action such as "humanitarian action and assistance to reconstruct governments, civil society and economic

¹ Factsheet on the European Union, 2009 Edition

infrastructure” (Cornish 2005: 809). The EU was “particularly well-equipped to respond to such multi-faceted situations’, but an EU ‘strategic culture’ was called for that would enable the Union to meet security threats with ‘early, rapid, and when necessary, robust intervention” (Cornish 2005: 810; Linchu and Yixiang 2004; Shambough et al. 2008).

According to the ESS (2003) all the important actors who are significant for EU’s security and share common objectives and values with the Union are considered as potential strategic partners (Blanco 2011: 6). With strategic partnerships, EU objects to jointly promote effective multilateralism in the pursuit of common challenges. More precisely it wishes to pursue common ground on matters of “mutual interest, support each other’s political agenda and take joint political action at regional and global level” (Council of European Union 2003: 27).

EU has developed its strategic partnerships with ten states so far, such as Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea, and the United States (Renard 2013: 11). The meaning of strategic partnership varies from partners to partners depending on EU’s interest and goals. It is not even clear for EU itself on what basis EU has reached list of 10 strategic partnerships. EU’s building its strategic relations with this diverse range of countries become very difficult and challenging in its depth, scope and objectives. There are no single criteria for the selection of their particular strategic partnership (Grevi 2011: 9).

Thomas Renard argued that “some countries e.g. the US are considered to be natural partners of the EU, whereas others like China and Russia are considered simply to be too big to ignore. As for the other countries on the list, the strategic rationale is far less evident” (Renard 2011: 3). The selection of partners was a technical and sometimes it is viewed as political and institutional interest rather a true strategic consideration (Renard 2011:1-2). Strategic partners are neither even identical nor equal. According to Thomas Renard, strategic partnership can be categorised into three different kinds of partnership depending on the capability and significance to EU. First, the US

is the essential partner of EU because little can be done without the support of US. Second, Russia, China and Brazil are pivotal partners. They are more complex yet essential to deal with existing global challenges and attain core EU foreign policy goals. Third, Canada and Japan are natural allies who appear to be less strategic than US and BRIC countries yet their presence is equally important in international relations. Fourth, Mexico and South Africa are regional partners (Renard 2013: 3).

The EU-China strategic partnership was based on two common interests. First, after the collapse of Soviet Union, the EU and China both wanted to establish a multilateral and multipolar world order. In the post-cold war international relations, the U.S. was the only superpower dominating global affairs. However, the European Union wish to play a bigger role in global politics. For example, Javier Solana suggested that “Europe should be ready to share in the responsibility for global security and in building a better world because no single country is able to tackle today’s complex problems on its own” (Solana and Jing Men, 4). Their main aim was “to promote the Union as a global political player, capable of mobilising all the resources available, economic, commercial, humanitarian, diplomatic, and of course military to act in a coherent and above all effective manner over the whole of its international environment” (Scott 2007: 24). Combining their political and economic interests, the EU and China have realised that in the changing global atmosphere, through cooperation, collaboration, and strategic partnership, they can gain more influence in international affairs, achieve win-win economic relations and ultimately promote global peace.

For Javier Solana, the Common Foreign Security Policy (CFSP) ‘High Representative’, his point was simple:

“My aim, at the head of this adventure, was to promote the Union as a global political player, capable of mobilising all the resources available-economic, commercial, humanitarian, diplomatic and of course military to act in a coherent and above all effective manner over the whole of its international environment” (Gnesotto ed. 2004).

The EU's relations with China had started since 1975. Currently the conceptual basis of relations is the Trade and Cooperation Agreement adopted in 1985 (Laursen 2011: 9). EU developed their 'strategic partnership' with others to take account of issues such as "foreign affairs, security matters and global challenges such as climate change and the recovery of global economy crisis" (COM 2011: 11). For EU, the main objectives of proposing its strategic partnership with China were to seek concessions from China on issues such as trade restrictions, human rights and intellectual property and additionally EU aims to promote on its own values and foreign and security policy, principles and norms towards China. However, China rejected both objectives proposed by EU because China's demand to lift the EU arms embargo and grant Market Economy Status to them remain unfulfilled (Zhengde 2005; Remond 2007). In this regard, Beijing blamed EU being weak and disorder when inner-Europe consensus on the embargo issue did not achieve. It is clear that EU as a supra-national institution complicates and slows decision making process.

Moreover, Chinese policy makers usually describe democratising and the concepts of the rule of law, human rights and freedom of speech are not same in China. In fact, most of the times, they have turned to argue that western concept of values and norms does not work in Asia. From the EU side, Solana, High Representative for CFSP stated "we really do have a partnership which is getting wider and deeper. We are natural partners in many ways" (Gnesotto 2004: 6). But according to him, there is "no definition of strategic partnership" (Mahesh in R.K. Jain 2006: 2)

The EU promotes its normative power at the international level. But EU has different interests and objectives with different partners. It has been ten years, the EU being a strategic partner with China there is no any development in domestic issues and political levels. The EU has not explained or described what kind of values and goals they were talking in terms of selecting their strategic partnership. For instance, China is qualified as one of most important partners of EU who is completely different in their political system and norms setting. So EU should explain how China qualifies to the same status with EU. The core idea is that engagement with China is beneficial for EU and should

not be conditional on any specific Chinese behaviour (Khandekar 2011: 4). When it comes to China as a strategic partnership with EU, EU believes that China will reform its political system with economic development. The fast growth of business and trade relations are the only common interest that can be seen between the EU and China. However, the expansion of only business relations is not enough to make strategic if we refer what strategic really means.

China's Perception of Strategic Partnership

Chinese government issued a Policy Paper on EU in 2003, proposed a deepening of their relations by stressing on mutual interest and impressive development in the EU. China considers that building a strategic relation with EU is free of strategic competition and rivalry because EU's interest is refined in the commerce and non-geopolitical area, unlike U.S. The U.S. has a geopolitical interest on the issue of Taiwan and China regards Taiwan as its core national issue. Moreover, developing a strategic partnership comprises of comprehensive issues covering issues such as weapon of mass destruction, terrorism, trade, economic, energy, environment, satellite navigation, etc. This seems to be impossible for China to have a strategic partnership with US. That is why China proposed a strategic partnership with EU and considers it as a potential partner of China. Reuter and Crossick argued in their book, China is worried about the US's unilateral approach in international affairs, especially when it comes to the issue of Taiwan. In order to retain US influence, China has tried to follow EU's way of multilateral approach which was perceived as a more appropriate way to conduct themselves in the world affairs. Building a strategic partnership with EU, China tries to promote a multipolar world and the democratisation of international relations. Keeping this ambition in mind, China maintains its close relationship with EU to pursue similar interests (Reuter and Crossick 2007: 5). However, due to different political systems and beliefs, China and EU remain limited in the economic spheres.

Nevertheless, China's first Policy Paper emphasised the importance of their relations with EU. For China, a strategic partnership with the EU complements its effort to emerge as a global power in international politics. As EU share same interest of building multipolar world with China and EU do not pose any threat in Asia Pacific region. China had a very high expectation of the EU model, but due to EU's failure to meet China's demand such as lifting EU's arms embargo from China, granting China Market Economy Status (MES), Galileo project, questioning China on human rights issue, made China very critical about the EU's policy towards China.

Javier Solana, High Representative of CFSP, in his speech at Shanghai on 6th September 2005, two important points were made in response to the China's first ever Policy Paper issued toward EU (Solana 2005:1).He said:

“First the issues which we discuss together and on which we push action forward are global strategic issues. Issues such as the proliferation of weapons of mass destruction and international terrorism, Question such as global security of energy supply, regional crises and the environment.

Second, we are partners with significant global strengths, capabilities and responsibilities. China is rapidly emerging as a word leader and positive actor on the global stage. We in the EU warmly welcome that”(Solana 2005: 1).

However, official definition of the “strategic partnership” has given by both the partners. but from the Chinese side, a slightly more detailed meaning was given by the Chinese Premier Wen Jiabao at a press conference on 6 September 2005, on the

“shared view of the two sides to work for a comprehensive strategic partnership. By ‘comprehensive’, it means that the cooperation should be all-dimensional, wide-ranging and multi-layered. It covers economic, scientific, technological, political and cultural fields, contains both bilateral and multilateral levels, and is conducted by both governments and non-governments group” (Scott 2007: 26).

He further went on

“By ‘strategic’, it means that the cooperation should be long-term and stable, bearing on the larger picture of China-EU relations. It transcends the differences in ideology and social system and is not subjected to the impacts of individual events that occur from time to time” (Scott 2007: 26).

By partnership it means that the cooperation should be equal-footed, mutually beneficial and win-win, the opposite of zero-sum competition (Scott 2007: 23). China also connotes ‘strategic partnership’ as the mutual acceptance of the partner state’s importance to each other and to the world at a large (Deng 2007).

And Jose Barros President of EU Commission at the Seventh China-EU Annual Summit:

“Both the PM Blair and I fully agree with the definition of strategic relationship presented by Premier Wen, it means that we put the big picture in front of minor problems [Wen’s Strategic levels?], that might appear precisely because the relationship is growing and developing and very fast in a very wide number of sectors” (Scott 2007: 27).

However the so-called strategic partnership imagined by the EU-China does not exist in practical. The EU-China relationship involves two diverse global actors who share different value system and political framework. PRC is one party state preserving its sovereignty in a world and often seen as an antagonistic to its very existence; on the other hand, the EU is a well-established democratic group with strong value system. By analysing the standards set by both the partners are indeed a long term and are interdependent to each other on trade and economy.

How Strategic is EU-China Partnership?

With regard to the EU-China co-operation on international issues and security, their interests, foreign and security policies behaviour is going to diverge

fundamentally, practically difference in their relationship limits the scope of challenging international issues where the EU and China can together achieve outcomes. While economic relations have become strong and political ties have been relatively unstable at times. One can hardly speak of EU-China relationship of an equals due to differences in ideology and social system which remains major obstacles and yet to improved. Even though the EU have a common interest in global governance with China and are real partners of the world biggest market, the world's largest population and fastest developing economy, but they do not share a common concept and makes it challenging to achieve their common goals.

David Shambaugh argued that Sino-European relationship as an emerging "axis" in world affairs based on three pillars such as engaging China through multilateral institutions that increase its participation in international affairs, strengthening bilateral Sino-European links and improving China's "domestic capacity" to govern (Griffin and Pantucci 2007: 3). In all the pillars it shows this is pretty an ambitious agenda for such a young partnership. Cooperation should start on a small scale and be focused on rather specific or technical issues that are both feasible and mutually beneficial. China's traditional policy of non-interference in the domestic affairs of other countries further limits the potential for cooperation. There is even lack of mutual trust between the two sides. Because both the EU and China could not meet their interest for instance EU was not able to meet the Chinese demand of lifting the arms embargo from China and from China side, EU's access to China is limited and also human rights situation in China has not been improved rather it has been deteriorating since 2008 Beijing Olympic (Chin 2008: 23).

The EU-China relationship has established during the period of transformation and economic growth in China, which will impact their external relations. Wang Xiaochu, Vice Chairman of the Foreign Affairs Committee of the National People's Congress of China, said:

"Chinese Dream is an ongoing historical process, whose current focus is on prosperity and happiness. China has set two goals," he said: "to double its GDP and per capital income between 2010 and 2020; and "to

build China into a modernized socialist country which is prosperous, strong, democratic and harmonious” (Global Europe 2013a).

However, Chinese dream remains to be doubling its GDP and modernising China. There is very less chances to enhance EU-China relation beyond the economic interest even though China expresses their interest in other areas as well. It will take time to exercise their interest into practice. “The backdrop to evolving EU-China relations is a shift in the way that international business is conducted” (Global Europe 2013b).

The EU and Chinese economies are win-win for both the parties, as China provides low-cost labour and cheap manufacturing whereas, EU could lead in technology. Economic relationship between them is viewed clearly complementary. But recently with the improvement in Chinese skills and the abilities, an intellectual gap between them is reducing fast. Hence, it results into more competition and trade disputes between them.

The European Parliament has been critical of China over trade, often arguing its unfair trading practices, poor enforcement of intellectual property rights and environmental standards and weaknesses in the political system and human rights. Since trade agreement and legislation has be pass through the European Parliament after Lisbon Treaty came into effect in 2009. Moreover the two way investment is low as “EU investment in China represents 2 percent of the EU investment in the world. Chinese investment in EU is 2 percent or 2.5 percent of the total investment the EU receives”.² Thus EU-China investment agreement negotiation took place on 21-23 January 2014. European companies could benefit if a future EU-China investment agreement gives them more access to the Chinese consumer market. Many of the old European production companies in China still make very low revenues. Machado said “if we reinforce our investment relations, it will have a tremendous impact in bringing our overall relations with China closer”.³

None of this happens with China because the investment flows are so low,” said Moreira. “So our trade flow with China is very traditional. We need to

²Friends of Europe, ‘EU-China: The Next Ten Years’, 5 February 2014.

³Ibid

modernise it, and that's why investment should be at the basis of our trade relations with China. Modern trade should be based on investment (Friends of Europe 2014).

However, it has been more than a decade after establishment of EU-China strategic partnership but the cooperation on international security issues remains unfledged and both sides have poor record on global governance such as anti-piracy operations in the Gulf of Aden or peacekeeping mission in Africa, failure of diplomatic forces failed to tackle the ongoing conflict in Syria or the Iranian nuclear issue (Casarini 2007: 10).

Chinese Premier Li Keqiang sent a special message to the third Europe-China Forum,

“China and EU must build on the growth of their relationship over the past decade by promoting greater two-way investment as well as cooperation in areas such as finance, technology and urbanisation”. He underlined in the coming decade, China and the EU will strengthen strategic mutual trust and embrace another decade of even more impressive growth” (Global Europe 2013).

However, principally, EU's foreign policy was set out to maintain its own norms and values in engaging with global actors in international politics because it has been clearly demonstrated in recent years as a “normative power”. In such context, EU has been using its normative framework to force China to grant full access to Chinese market and it also pressurise China to share greater “international responsibility in accordance with EU values” (Li 2009: 237). It has been clear that with EU is regarded as a normative power and EU attempts to spread its norms in international political system, especially it pressurise China to follow international values and rule of law. But China is always over protective about its nationalism and sovereignty arguing that its internal matter of China. However, difference in their believe system is likely to increase the complications in the prospect of China-EU strategic partnership. For instance, the EU's growing pressure on China's human rights possibly manifests political frustration in China (Li 2009: 237). The decades long EU's engagement of human rights dialogue with China has

not shown any tangible progress in China. It should be noted that the human rights situation in China has been deteriorating since 2008 Olympic in Beijing, since then 131 Tibetans self-immolated against the repressive Chinese policy towards Tibetans. Instead China has made its internal security more militarised and increased their internal security budget which is higher than external military spending.

It is also very difficult to identify what the Chinese government really wants beyond more voices in global governance. Chinese goals seem more domestic. It is keen to preserve its sovereignty and autonomy but do not support democratic government and internal problems to be solved by the democratic means. The same goes also to other emerging international human rights norms, such as the Responsibility to Protect (R2P) initiative where China has actively sought to restrict its applicability by insisting on a UN Security Council authorization as a precondition for any intervention by using the veto power vote being a permanent member in the council (Chin and Thakur 2010:129).

Another major hindrance in the EU-China relations is that big Member States still follow their own foreign policy agenda and directly interact with respective strategic partners. So, it is crucial for EU to speak with one voice by at least sharing more information between the states and the EU in order to avoid the potential conflict around potential competing interests (Biscop and Renard 2009: 8). Bendiek and Kramer also highlight the partnerships inherit inefficiency caused by the EU's institutional complexity in the form of conflicts of interest, conflict of influence and inter-institutional tensions. Also the national interest is over taking the norms and values of EU's foreign policy even though EU increases its act as a tool to secure European interests and values not only in its own neighbourhood but also in the larger world (Barysch 2005: 75). For instance, the promotion of multilateralism is what EU wants to achieve by building strategic partnership with China. As per official recordings, "EU and China share common approaches towards global governance and international co-operation favouring and pursuing so-called effective multilateralism" (Zaborowski 2006: 31). In Helsinki 2003, the EU

and China declared their commitments to “jointly pursue effective multilateralism”. But in reality there are very less signs that Brussels and Beijing share common approaches towards multilateralism (ECOM 2003).

These developments, make it evident that the honeymoon period is over and the relationship is in danger of turning sour (Brodsgaard and Lim 2009; Pan 2010; Men 2011). On the other hand, it has become increasingly clear to both sides that there is a need to re-establish the relationship on a more mature basis and work on what has inscribed in to the policy papers (Shambaugh 2010: 100).

The diversities in such concepts lie in the fact that the EU itself is an institution formed on the basis of multilateral approach towards international relations, accepting its political will to share and remove sovereignty. There is no sign that Beijing has adopted multilateralism as a core political agenda rather China protects its sovereignty from the rest of the world. China struggles to construct a multipolar world where it wishes to be one of the poles of global power. The EU has also opposed to support China’s vision of a so-called multipolar world. Moreover, Chinese sovereignty is seen as an absolute right to be independent externally and reign supreme internally (Pan 2010; Paltiel 2002).

Yet, the strategic partnerships with other countries illustrate that norms are not definitive when it comes to the choice of partners. When it comes to Russia and India the ESS regard them as “commoninterests”. When it comes to EU-China strategic partnership, EU documents suggested EU relationship with China should be “balanced, reciprocal and mutually beneficial”. Van Rompuy has mentioned that significance of the mutual interest lies in the choice of partners. For him,

“the EU’s strategic partnerships have to be based on a balance of mutual advantages and commitments”. In his view, the “benefits from the network of globalisation must be accompanied by a sense of responsible ownership and investment into their functioning” (Schmidt 2010:5).

So the definition of term ‘strategic partnership’ is complex and diverse to understand. Even though EU outlined their meaning of strategic partnership in the paper policy based on long term cooperation on economic, trade, counter terrorism and including political issues based on mutual interest and mutual benefits. But China’s policy towards EU is based on the economic nature. The stability of relations remains mixed as one can hardly speak of the EU-China strategic partnership of equal goals which remain major obstacles in their long partnership. Both EU and China share diverse polities. The EU is a multi-state and developed democratic state while China is a unitary sovereign state and a developing economy with a strong autocratic regime. Given the diverse political systems and norms, EU and China would develop different way of engaging with each other as a strategic partnership. EU wishes to seek “common ground on issues of mutual interest, support each other’s political agenda and take joint political action at regional and global level” (Oliver 2006).

It has been more than three decades since their bilateral relations developed and more than a decade since comprehensive strategic partnership has been declared which however lacks practice in reality. The EU needs to redefine its interest and sharpen the definition of the strategic partnership in order to maintain their policies and to be a strategic actor in international relations.

The EU’s Strategic Behaviour towards China

The EU-China formal relations was developed in 1975 but legally based on the Trade and Cooperation Agreement that was signed in 1978. Their first bilateral ties were explicitly economic and initially the Trade and Economy Cooperation Agreement were signed in 1985 to increase economic and technical cooperation in mutual interest (Smith and Xie 2010: 436). Its main original purpose was to restore a trade imbalance in which the EC ran a surplus with China (Smith and Xie 2010: 436). In addition, “European policy makers increasingly shaped their approach in the understanding that China’s

emerging role in the global community should be shaped by coordinated commitment from governments worldwide” (Gracia 2010: 497) and China’s assimilation into the international community was a key aspect of EU position.

On the first China-EU summit in 1998, the European Commission gave a proposal for building “a comprehensive partnership with China”, which was based on “a long-term, stable and constructive partnership”. The partnership was successful in declaring “a comprehensive partnership” in 2001 and establishment of “a comprehensive strategic partnership” in 2003. During this period many observers labelled the turn of the period as a “honeymoon” period for EU and China because of the unparalleled speed and level of commitment between them (Odgaard and Biscop 2006: 5; Pan 2012: 2).

Moreover, EU-China relationship has been extended from economic and trade to political relations and it continues to expand its relations mainly through summits and dialogues. “Up to date, EU and China have engaged in roughly 25 sectoral dialogues covering an extensive range of areas such as intellectual property rights, environment, information society, energy & scientific co-operation, the peaceful use of nuclear energy, maritime safety, space co-operation, WTO issues and others” (Synder 2009: 310).

The deepening and widening of these dialogues between EU and Chinese governments serves three important purposes:

“firstly, from official perspective, these exchanges support the claim of both sides working in a strategic partnership, not only on bilateral, but also on regional, inter-regional, multilateral and global issues. Secondly, regular meetings connecting like-minded experts create a better space for understanding and the development of policy communities and such networks would lead to similar policies through a convergence of ideas, policies and instruments. Finally, long lists of policy areas can be used as a public defence to prevent criticism by allowing to transfer sensitive issues out of the traditional policy-making (Sausmikat and Fritsche 2010: 17).

Although, the dialogues are taking place at various level from ministerial to business level covering wide range of sectoral dialogues which are signs of

success but it needs to be questioned whether these dialogues are enough to strengthen their relationship without the prospect of achieving concrete results.

Even though, EU-China is comprehensive strategic partnership that cover various ranges of issues such as economic trade, political, climate change, human rights and others. Yet there are dissimilarities in values, tensions in economic relations that weaken the development of their strategic interest. These differing interests are also “complicated by the integral institutional weakness of the EU, the division among EU member states and the fact that the EU does not have sufficient leverages in dealing with a rising China” (Li 2009: 220).

There was a decline in EU-China comprehensive strategic partnership when EU responds to the instability in Tibet in March 2008. The EU passed parliamentary resolutions criticising China’s actions and attempted to boycott the Beijing Olympic Games. French President Sarkozy even welcomed His Holiness the Dalai Lama in the face of Chinese disagreement in order to show solidarity for Tibetans (Pan 2011:2). In response to EU’s reaction, Chinese boycotted the Carrefour supermarket chain in China and most importantly China hadcancelled 11th EU-China Summit in France in December 2008. China even excluded France from Chinese Premier Wen Jiabao’s tour of several European states in January 8th and 9th (Pan 2012:2). The main causes of such divergence between the partners could mainly be their differences in values and interests. It clearly shows that both the EU and China are not yet ready to acknowledge their interest and concerns that dampens their strategic relationship.

In the EU 2001 official document, the EU set concrete short and medium term goals in its relations with China. In this document, the EU underlined

“the importance of engaging China in strengthening global governance. It also guaranteed to support China in developing a more open society and to assist further integration of the Chinese economy in the world economic system” Li 2009: 229).

In the 2002 Country Strategy Paper on China, the EU singled out three areas for engagement with China.

“First, it emphasised the EU’s willingness to help China strengthen its commercial legislation, capacity building, human resources and technology transfer to sustain China’s economic and social reforms. Second, the EU agreed to assist China in environmental protection for sustainable development. Lastly, EU encouraged China to further progress in the rule of law, respect for human rights and political freedom” (Li 2009: 230).

The EU 2003 Policy Paper further recognised China as one of the EU’s strategic partners (European Commission 2003). The paper states that both the partners needed to “build a strategic partnership against terrorism, weapons proliferation, the threat of SARS, the global economic crisis and trends in protectionism and regionalism” (Li 2009). In China’s first Policy Paper on the EU has published in the same year, China announced that “Sino-European relations were at their best in history, declaring to further strengthen cooperation and engagement with European countries” (EU Paper Policy 2003).

China and the EU share similar views on several international issues, in particular, since 9/11 (Halvani 2008: 16). Both of them visualise multilateral international system instead of a unipolar structure. EU tries to encourage multilateralism as an approach to solve global challenges. Through this system EU adopts a soft power such as diplomatic and peaceful means to solve regional and international conflicts and support the UN system. EU pursues to take part in international affairs more effectively (Li 2009: 234).

The trade and economic interest has been a founding pillar of European relationship with China since from the ancient Silk Road epoch. It also strengthens China’s relationship with individual member states of EU. With the growing importance of China in international relations, EU has constantly tries to build a closer relationship with China. They have exhibited series of policy paper on China to promote strategic importance in their relationship.

The EU's 1995 China Policy Paper stated that "it seeks to project a long run course for EU-China relations in the 21st century because the growth of China is incomparable amongst national experiences since the Second World War, and China enjoys worldwide as well as regional, economic and political influence"(European Commission 1995).

Even the individual member states of EU extended its economic relations with China such as France, Germany, Britain and Italy to signify its comprehensive strategic dimension with China (Cabestan 2006: 327). Such approaches causes friction between the EU member states and hampers the growth of EU-China relationship. Moreover, EU was deeply divided among themselves during the arms embargo debate. They were divided on the basis of value driven interest and economic interest, for instance, Germany is more concerned about China's protection of IPR and Britain is more interested in opening China's market to financial and service areas. The three big EU members, Britain, France and Germany, see themselves as rivals with respect to commercial interests with China. Hence their approach tends to base on their respective bilateral interest rather promoting common collective EU policy towards China. (Li 2009: 249). EU institutions are divided regarding such issues; Commission is normally responsible for conducting negotiation with China on cooperation agreements while Council is responsible for managing political issues including arms embargo and human rights. Even the member states have different concerns and interest in dealing with China. The strange part is that China is well aware of their strategic importance to the Europeans and use member states and sometimes EU as a whole to bargain their interest.

The EU headquarters also gets manipulated by the Chinese threats as a result EU's stands on the issues relating human rights, Taiwan and Tibet keeps changing regarding their convenience (Frank 2008).

On 6 May 2004, Chinese Premier Wen Jiabao during his lecture in Brussels,⁴ expressed that “the relationship should be free from constraints caused by differences in ideology and social systems and should be immune to the impact of individual events that occur from time to time” (China Mission 32014).

Mingjiang Li argued that

“using Jiabao’s criteria as the benchmark for a China-EU strategic partnership, we can be reasonably sceptical that such a partnership could be in shape in the near future. Both China and EU have the political desire to maintain a long-term cooperative relationship, but ideology and differences in some specific issues are increasingly straining bilateral relations” (Li 2009: 252)

However, due to their difference in value system, it becomes difficult to achieve common goals. At times EU adopted harsh approach towards China when EU does not receive desirable response from China over many issues.

The rise of the China as a new economic power seems to be both an opportunity and a challenge for the EU. The complications involved in EU-China relations because EU’s institutions are absence of uniformity in defining EU’s bilateral relations with China (Dai 2006: 6). For Biscop and Renard, the crucial point must be to speak with one voice at least by sharing more information between the member states and the EU in order to reduce the conflict potential around the potential competing interest (Biscop and Renard 2010:7). Bendiak and Kramer also highlighted the partnerships inherent inefficiency caused by the EU’s institutional complexity in the form of conflicts in interest, conflicts of influence and inter-institutional tensions that was not even helped by the adjustment of changing policy between the EU and its strategic partners (Bendiak and Kramer 2010:39). Due to the mismatch between the EU’s normative power experience and internal capabilities made

⁴Wen Jiabao, Speech on Vigorously Comprehensive Strategic Partnership between China and the European Union, at the China-EU Investment and Trade Forum, [Online: Web] Accessed on 3rd February 2014, URL: <http://www.chinamission.be/eng/zt/t101949.htm>.

the EU unattractive to external partners and diminished role expectations abroad.

By analysing the standards set by both the partners, the EU-China strategic partnerships is indeed a long-term and are indispensably interdependent to each other on trade and economy. While economic ties have proven resilient, political ties have been rather fragile at times. One can hardly speak of the EU-China relationship as one of equals because of the differences in ideology and social system which remain major obstacles and have not yet been transcend.

However, the 2006 EU Policy Paper on China titled 'The EU-China: Closer Partners and Growing Responsibilities', started to focus on calls for China to share greater responsibility in the partnership (Callahan 2007: 5).

The EU-China partnership should fulfil both sides' interests and they require working together as undertake more responsibility in international system, supporting and adopting more effective and challenging multilateral roles. However, in June 2007, EU launched its national "Climate Change Action Plan" and their main goal was to check rise in global temperatures but China rejected the proposal and argued it was absence of "a scientific basis" (Halvani 2008: 14). Later again in 1990, EU pledged to reduce the level of carbon emissions by one fifth by 2020. European leaders indicated that they would put more pressure on China and other large greenhouse gas emitters in order to achieve this goal (Li 2009: 251; ECOM 2006: 10).

Following the logic of Grevi, it was stated before that the strategic partnership was formed to 'pursue European objectives and interests (Grevi 2008: 109). It is very obvious that economic growth is one of the most vital interests for both partners. But the strategic objectives cannot pursue along with the disrespect of rights of the other side. However, they should pursue their mutual interest while reciprocating each other's interests (Sajdak 2013: 67). Despite of diverse views of contemporary scholars and the discussions about the nature of this relationship, it is purely geostrategic approach, aiming

at growing economic exchange, the EU-China bilateral relations have developed in a complex web of interdependencies.

But both of them perceive themselves as natural partners in changing nature (Sajdak 2013: 65). Their long term commitment has contended by the issue of human rights protection and arms embargo because of Tiananmen accident. The EU-China strategic partnership seems to be stable and durable because of the coming multiplying mechanisms into the context. However, the strategic partnership is wide-ranging concept and it weakened the outcomes from their dialogues. The lack of common objective is a clear sign that the partnership is far away from being termed strategic (Sajdak 2013: 73; Matthias and Falk 2011:24).

Strategic partnership has no treaty commitments. It only attempts to initiate a series of strategic sectoral dialogues which was vital importance to both the sides on bilateral, regional and global issues. For Europeans, strategic partnership implies a global political and economic relationship with other parties who share global responsibility and common interest to meet the global challenges. (Manesh 2006: 53). The difference in the proportion of the theory and practice of current EU-China strategic partnership lies mainly in the lack of definition given by the EU and China differs in their interpretation.

The debate on definition of strategic partnership, who is a strategic partner and who is not is quite challenging and unclear as attributions to such issue are quite inconsistent. As a result, both the strategic quality and nature of partnership between the states are often questioned. The concept itself is new discourse in international relations and definitions are not clear as Thomas Renard argued that strategic partnership sometimes lack meaning, ‘ with no clear list, no real substance and no purpose, strategic partnership appear like an uncertain fleet of empty vessels sailing in the troubled water of multi-polarity with no course to follow’ (Renard, 2012).

In short, the concept of Strategic Partnership can be interpreted in two different paradigms. First it can be defined, “strategic partnership” is one that is based on a unity of values of the partners concerned. The EU-China relationship

would not qualify as a strategic partnership as per the liberal frame. Second, it can be interpreted as there is no need of unity of values for a relationship to qualify as a Strategic Partnership. Hence the actors concerned may share diametrically opposite views with regard to many vital issues and concepts. However, as long as they can establish a coordinated, working relationship with each other towards common goals of strategic importance, the relationship is a Strategic Partnership. By this paradigm EU and China share such a partnership.

So the definition of term strategic partnership is complex and diverse to understand. Even though EU outlined their meaning of strategic partnership in the paper policy based on long term cooperation on economic, trade, counter terrorism and including political issues based on mutual interest and mutual benefits. But China's policy towards EU is based on the economic nature. The stability of relations remains mixed as one can hardly speak of the EU-China strategic partnership of equal goals which remain major obstacles in their long partnership. Due to diverse political systems and norms, EU and China would develop different way of engaging with each other as a strategic partnership. EU wishes "to seek common ground on issues of mutual interest, support each other's political agenda and take joint political action at regional and global level"(EUCOM 2006). But when it comes to the rising power of China, EU holds an anachronistic belief that China would transform its political and human rights situation with EU's increasing economic interdependence with China. While China has paid little attention to European values and even today regularly breaches and even undermines them. Moreover China wants EU to refrain from the domestic internal problems.

From EU's side, the big member states still followed their own foreign policy agenda and directly interact with respective strategic partners. Due to this, it is crucial for EU to speak with one voice by atleast sharing more information between the states and the EU in order to avoid the potential conflict around potential competing interests as argued by Biscop and Renard. Bendiak and Kramer also highlight the partnerships inherit inefficiency caused by the EU's institutional complexity in the form of conflicts of interest, conflict of influence and inter-institutional tensions. Also the national interest is over taking the

norms and values of EU's foreign policy even though EU increases its "act as a vehicle to defend European interests and values not only in its own vicinity but also in the wider world" (Barysch 2008: 8).

This study proposes to identify and test there is more divergence than convergence in the EU-China strategic partnership.

Based on such theoretical structure of strategic partnership, this dissertation seeks to examine the effectiveness and nature of the EU and China strategic partnership in international relations. In order to arrive at such an analysis, it attempts to answer some research questions such as: What is the concept of strategic partnership in international relations? What are the EU and Chinese perceptions of a strategic partnership? What are the motives of the EU to develop a strategic partnership with China? What is the nature of the EU's decade-long strategic partnership with China? What is the convergence and divergence in EU-China strategic partnership? What are the challenges and future prospects of the EU-China strategic partnership?

This research would be based on deductive reasoning drawing inferences from the whole range of literature. Focusing on both primary and secondary sources the various dimensions of research questions will be explored and examine the issue. The primary sources include policy papers and official documents released by European Commission, European Council, European Parliament, European Union External Action Service, Ministry of Foreign Affairs of China and United Nations. Secondary sources will include published works in form of books, academic journals, articles, newspapers, publication of think tanks and internet sources.

Base on the above structure of research, it outlines the chapters that would cover whole range of issues and research questions.

Chapter 2: Evolution of EU-China Strategic Partnership

This chapter would sketch from the historical evolution of EU and China bilateral relationship to a comprehensive strategic partnership. It would look in

to the different policies of both participants and nature of development of the relationship so far.

Chapter 3: Arms Embargo

This chapter would mainly focus on the issue of sanctions that were placed on the People's Republic of China on the incident of Tiananmen square in June 4, 1989 where economic and other sanctions were uplifted by European Union but Arms Embargo persist even today. It would further discuss the debate on the lifting of arms embargo as requested by the China which has resulted EU's weak performance regarding the issue and how US has approached on this issue.

Chapter 4: Human Rights

This chapter would highlight the human rights as one of most important norms and values of EU. It would also analyse whether EU could stand up to their own expectations regarding promotion of human rights and effectiveness of policy of dialogue on human rights with China.

Chapter 5: Conclusion

This chapter would analyse the nature of EU-China strategic partnership and their success of the relations which has become most important in the international arena in terms of trade and economic. It would also examine the challenges of EU-China relations in terms of global governance, arms embargo, Market Economy Status, EU's normative power in human rights and climate change. Further it would sum up the future prospect of the EU-China strategic partnership.

Chapter 2

Evolution of the EU-China Strategic Partnership

Overview

Over the past few decades both the EU and China have become important global actors with increasing influence on the world stage. Their relationship has achieved a great deal of success with the transformation of their bilateral relationship to a new form of relationship called “strategic partnership”. Strategic Partnership is a long term commitment from each other in order to benefit both sides interest and achieve goal at the international level. EU considers China as a potential strategic partner and recognizes its growing importance in several policy areas such as trade, energy, climate change and global governance (Crossick 2005:6). However, trade and economy still remains the key area in the EU-China strategic partnership. The issue of conflict and discontentment exists between them, despite of political willingness and economic interdependences, mainly due to their difference in believe system. The Objective of this chapter is to put the EU-China relationship into a historical perspective and to analyse the development of the EU-China comprehensive strategic partnership. It would further study and also look into the matters as to why EU cannot afford to ignore China as a strategic partner in 21st century?

Historical Background

Looking at the history of European-China relations, there have been times of agreement and cooperation as well as disagreement and tension. Both the European Union and China have gained important positions in international relations over the last decades, especially in economic terms (Algieri 2002: 64). Their economic growth was seen as both attractive and forward looking in international system.

The EU-China relationship has based on Trade and Economic Cooperation Agreement 1985 has matured and transformed from Comprehensive Partnership to a Comprehensive Strategic Partnership (Li 2009: 229). They acknowledged each other as 'strategic partners' in October 2003 and celebrated the 10th anniversary of their strategic partnership in 2013. The geographical, political-military and financial scale of their relationship has thus been turned into an essential strategic partnership to deal with international affairs, tackle global challenges and even to overcome domestic threats. Now China has become one of the most important strategic partners of the EU among the Asian states. In 2004 China was the EU's second largest European trading partner behind the United States, in exports as well as imports (Algieri 2002:65). While the EU is China's largest trading partner, ahead of U.S as well as Japan. It was an unexpected yet significant relationship which Shambaugh puts it as "one of the most important yet least appreciated development in the world affairs in recent years" (Scott 2007: 217; Shambaugh 2004: 243).

Establishment of Diplomatic Relations to Constructive Engagement: 1975-1995

China had initiated trade relations with individual member states even before European Community established its own diplomatic relationship with China. The formal diplomatic relations between the People's Republic of China (PRC) and the European Community (EC) was established in 1975 only after the

European Commissioner Christopher Soames visited China in 1973.⁵In November 1974 the European Commission forwarded a memorandum to China; including a draft for a possible EC trade agreement (Algieri 2002: 164).

In 1975 when the PRC and the EC established diplomatic relations, both sides could not make much influence on the international balance of powers, rather recognised each other's future international potential (Moeller 2002: 11). Initially China hoped that the EU would adopt a higher political and even military outline so as to play a more active role in containing Soviet hegemony while at the same time promoting PRC's own economic and technological modernisation (Moeller 2002: 11). While Europeans dream of opening up the greatest consumer market of China to the west came true when Chinese Prime Minister Zhou Enlai's "Four Modernisations" project was launched in 1975. In the same year, Christopher Soames, the European Commissioner declared PRC as a legitimate Chinese government⁶ and formal diplomatic relations were established between them. This first intergovernmental agreement created long-term and non-preferential trade with equal benefits and obligations for both the parties. Initially their trade were mainly confined to textile and agriculture (European Communities 1978).

In 1979 the second oil crisis which affected whole world and faced three year recession encouraged the desire for further progress in community building and for the opening up of overseas markets (Moller 2002: 16). The French President Valerie Giscard d'Estaing and German Chancellor Helmut Schmidt formulated the European Monetary System (EMS) as a first step towards Monetary Union in 1979 (Moller 2002: 16). Subsequently, European Commission launched a single market in 1992 that inspired new confidence in the European economy.

Such events further led to a number of significant events in the late 1970s including the signing of first Trade Agreement between the European

⁵Soames, C. (1975), the European Community and its place in the world, 8 May 1975.

⁶European Community, 1975, Speech by Christopher Soames at dinner given by him in honour of his Chinese Host in Peking and there on diplomatic relations established.

Community and China in 1978⁷ and the visit of the President of the European Commission (Roy Jenkins) and European Parliament (Emilio Colombo) to China. At the same time, Deng Xiaoping reformed Chinese economy and opened up the Chinese economy to the west (Sautenet 2007: 700; Dai, Xiudian 2006:5). Subsequently, the European Economic Community (EEC) and China established regular contacts and broadened their relations by signing an Agreement on Trade and Economic Co-operation in 1985 (Dai 2006: 12). The agreement covers large range of areas such as scientific programs, development and trade, academic and cultural exchanges (EEC-China 1978). One of the most significant developments during this period was the opening of the delegation of the European Commission in Beijing in 1988 and the grant of Most-Favoured Nation (MFN) to themselves followed by maintaining the balance in trade, supervision and recommendations in trade relations (Barysch et al 2005:9). Therefore, the EC-China Trade and Economic Cooperation Agreement 1985 established a legal framework for the bilateral relationship and it helped confirm that trade was the top priority for both parties (Smith and Xie 2011: 6).

However, after a period of smooth relations between the EU and PRC, their bilateral relations were frozen due to the Chinese crackdown on students' peaceful demonstration at Tiananmen Square on 4 June 1989.⁸ A number of sanctions were imposed on China by European Council, including arms embargo, which persists until today. Meanwhile, the EU has to resume their bilateral relationship with China because of the growing importance of the Chinese market in the world. It was recognised as a favoured destination for Foreign Direct Investment (FDI) and the growth of global competition in trade and economy has made EU move in different directions (Xiudian 2006: 6). Just three years after the Tiananmen massacre EU-China relations were normalised, with political and cultural links quickly restored by the summer of 1990. Military contacts were resumed in 1994 and official political dialogues were

⁷ Official Journal of the European Communities, *Trade Agreement between the European Community and the PRC*, Document no. L123, 3 April, 1978.

⁸ European Council, Declaration on China: Madrid, 26-27 June 1989

hence initiated, although the European arms embargo remains in force till now (EU Commission 2007).

The rise of China represents enormous opportunities and challenges to the international system. China is not only a nuclear power and a permanent member of the UN Security Council but also a member of IMF and World Bank. China is one of the world's biggest arms producers and exporters. The mere size of China, in terms of land and population makes it the biggest consumer market. China's role in the world security is of immense concern to global as well as the regional security.⁹ The EU completed its single market in 1992 and has strengthened its economic cooperation and trade relations with the other parts of the world.

In this context, EU has redefined their relationship with China in the spirit of the "New Asia Strategy" endorsed by European Council in 1994 (COM (1995) 279/Final). Europe wanted to develop a long-term relationship with China which they could influence globally in regional, economic and political as well. EU has initiated a Policy Papers toward China since from 1995 in order to integrate China in the international community.

Policy Papers

A long Term Policy 1995-1998

With the growing China's economic and political influence at regional and global level, China has got huge attention from Europe. The European Commission presented its first concept paper on China in 1995, entitled 'A Long Term Policy' for Europe-China relations. Europeans considered it necessary to develop a long-term relationship with China that reflects China's worldwide, regional, economic and political influence (COM 1995). It remarked:

⁹ECOM, (1995), Communication of the Commission, 'A Long Term Policy for China-Europe Relations, [Online: Web] Accessed on 3rd march, 2014, URL: http://eeas.europa.eu/china/docs/com95_279_en.pdf

“The rise of China is unmatched amongst national experiences since the Second World War. Japan has made its mark as an economic power, the Soviet Union survived essentially as a military power. China is increasingly strong in both the military-political and economic and social change at home. China is becoming part of the world security and economic system at a time of greater economic interdependence and when global problems, from protection of the environment to nuclear non-proliferation, require coordinated commitment from government worldwide”(Men 2007: 3; COM1995).

It mainly focused on trade which was the main operator of the EU-China cooperation at that time but the European Commission has found some other common interests such as non-proliferation of nuclear weapons, protection of environment, global economy stability, and integration of China into international community. The Long Term Policy Paper also stressed on the relevance of China as a security actor in the Asia-Pacific region and expressed that the EU-China relations would be “a cornerstone in Europe’s external relations and its relations with China as part of its long term policy (ECOM 1995). Sautenet has argued that 1995 paper policy indicated the return to political dialogue after the events in Tiananmen Square which had led to suspension of bilateral contacts (Sautenet 2008:10) and took into the account the growth of China as an influential economic power.

According to the Communication of European Commission in 1995 the new framework for bilateral political dialogue was set up to promote common objective and encourage full Chinese participation in international affairs. It is in the interest of Europe and of the international community as a whole to engage China in a political dialogue on disarmament and arms control issues. A regular meeting between the EU Troika and China continues at ministerial level, as well as high level political consultations between the Commission and China (COM 1995: 6). The regular meeting takes place between the senior officials who are responsible for a range of policy areas. The dialogue should develop to cover all issues of common interest and global affairs.

The EU as a normative power with their commitment to human rights and fundamental freedom is one of the key EU’s concerns worldwide. EU believes

that the acceptance of international standards of human rights and acknowledging of political liberalisation is important for long term social and political stability. Therefore, EU raised the issue of human rights through bilateral dialogue with China in order to promote democracy and human rights in China. However, human rights situation in China remains to be unchanged, human rights violations by Chinese authority at every level continues with severe restrictions on the citizen's fundamental rights, freedom of expression and religion, as well as freedom of association and fair trial. The EU-China dialogue was centred on biannual meeting between the EU Troika and the Chinese government, in order to improve the flow of information and to provide opportunity for in depth debate and discussion resulting into a concrete action (COM 1995: 7). Even then the improvement in the relations between the Europe and China was seen mostly in the areas of the economy and trade with very little change in diplomatic and political relations at a practical level.

With the growing economic power of China, EU has seen greater opportunities to develop a long term relationship with China in order to influence international relations economically and politically. The EU encourages the economic and social reforms of China and to build long-term bilateral relationship in order to secure shared goals, such as the mutual interest in a smooth transition for Hong Kong and Macau (COM 1995: 8). And to work together to make a progress towards Chinese "full integration in the global market system, strengthening of civil society, poverty alleviation, environment protection, human resource development, scientific and technological development, the information society, trade and investment cooperation" (ECOM 1995: 19). After four years, European Community released its second Policy Paper, called 'Constructive Engagement' focused on China's engagement with international community, transition to market economy and human rights.

Development of the Constructive Engagement to the Strategic Partnership 1998-2003

A turning point came in 1998 between the EU-China relations when EU published its second Policy Paper on China called “Development of the Constructive Engagement to the Strategic Partnership”. This policy paper was designed to broaden their relationship with China to the level of a comprehensive partnership (European Commission 1998).

“Since the mid-1990s, the policy of constructive engagement has aimed at promoting the fullest possible Chinese involvement in the international arena, whether in the economic, social, political, security or military dimensions”(Laursen 2011: 21).

The objective of developing new EC’s policy called ‘Constructive Engagement’ was based on the idea to make China more liberal and open to global community in order to approach its growing market and make mutual profit from it. This communication paper has three main objectives as follows below:

1. Its support for China’s social and economic reform process such as accession to the WTO and increase in social security and training of human resource.
2. To enhance its cooperation in global climate change and environmental issues and sustainable development.
3. To support China for developing democratic governance and rule of law (COM 1995: 10).

Other objectives were non-proliferations of nuclear weapons and protection of human rights in China (Casarini 2006:21). The improvement of EU-China relationship in economic, political and other fields has encouraged of updating their relationship to next level. The European Union for the first time used the term “Partnership” for China in its China Policy Paper of 1998 (Men 2007: 6).

Furthermore, first annual summits between the EU-China were launched in 1998 and it has been held every year since then. Their annual summits had been complemented by the high profile visits. Annual meetings provided a

place for discussions on the joint future strategy including all issues such as political, economic and strategic outlines. Joint statements were given for acknowledging common position of both parties and establish agreed policy on an extensive issue at that covers bilateral, regional and global issues. The EU-China summit has thus become a common framework to base any sectoral dialogues and common actions.

The human rights issue has been very sensitive to China and in order to improve Chinese human rights situation EU has initiated EU-China Dialogue on Human Rights in 1995. Since then officials from both sides assemble twice a year and discuss whole range of issues such as death penalty, human rights, rule of law, re-education through labour or ethnic minority rights and etc (ECOM 2001). The main purpose of the human rights dialogue was to support and encourage China to bring change in its political system to an open society centred on the rule of law and the respect of human rights. Such system of society would be more supportive for a stable economic engagement and to establish China as a more reliable global actor.

After the first meeting, Commission released new communication called Building a Comprehensive Partnership with China. This implies that the EU has been adjusting its behaviour that could lead China to regulate their strategic vision (Scott 2007: 229). Symbolically, the EU's relationship with China has been promoted to the same status that US, Russia and Japan usually have with EU. Such development helped China in its accession in the World Trade Organisation (WTO). As a result, the EU-China bilateral agreement on Chinese accession in WTO was signed on 19th May 2000 and accessed in WTO in December 2001. Such events deepened their relationship further. From the Chinese side too they started to recognise European intellectual standards and environmental values in the development of future economic cooperation. Most of the scholars argue that accession of China in WTO was a result of effective market democratisation, opening up to the global economic society and also their long term commitment to the development of international order. It has also caused a structural change of China's engagement with EU. As most of the trade misunderstanding between the partners were managed by the WTO

Disputes Settlement Body, joint committee were made to openly tackle important issues such as protection of property rights, simplification of commercial law or removal of barriers to trade (Sajdak 2013: 11).

However, most of the constructive engagement policies such as respect of human rights, China's engagement with international community and economic evolution have not changed. The most contentious issues such as trade disputes, market economic status, arms embargo and human rights still exist.

The EU-China Comprehensive Strategic Partnership (2003-2014)

The EU has been looking forward to upgrade their relation with China to be more strategic. In 2002, the document called 'EU Strategy towards China' and again in 2003 'A Maturing Partnership - Shared Interest and Challenges in EU-China Relations' were forwarded for the future strategy. However, these documents have repeated the objectives of previous documents and included two other important changes in the 2003 document. First, EU has stated that China should 'share responsibilities in promoting global governance' (European Commission 2003) since EU perceives China as an important actor at international level. Second, the Commission has assured that "the EU and China have even greater interest to work together as strategic partners to safeguard and promote sustainable development, peace and stability" (European Commission 2003).

In 2003, European Security Strategy (ESS) called for more strong external policy and EU has expressed its desire to develop a 'Strategic Partnership' with China. In the same year China expressed the importance of EU-China relations by publishing the first 'EU Policy Paper' in 2003.¹⁰ Both the EU and China recognised themselves as strategic partners to further expand their relations. The establishment of EU-China strategic partnership brought themselves into a 'honeymoon period' between 2003 and 2004 (Men 2008: 4). As a consequence exchanges of top leader visits from both sides become more

¹⁰ See Joint Press statement of the fifth Summit, Brussels, 2003.

regular. For example, EU officials paid 206 visits to China in 2004, on average four visits per week. Chinese Premier, Wen Jiabao, was the first foreign leader to pay an official visit to the EU after its important eastward enlargement in May 2004 (Men 2008: 4). In May 2004, Former President of European Commission, Romano Prodi gave comments during EU-China business forum on its verge of success relationship with China; he said that “if it is not a marriage, it is at least a very serious engagement” (Men 2007: 5).

China has also released its policy paper on EU for the first time in history. Its first policy paper on the EU was called “China-EU Comprehensive Strategic Partnership” released in October 2003. It has focused on the three pillars of EU-China relationship as follows:

1. Developing of relations between China and EU,
2. Deepening of China-EU economic cooperation and trade and
3. Strengthening of China-EU cultural and people-to-people exchanges (China’s EU Policy Paper, 2003).

Two major events took place in the EU-China relations that led to develop China’s strategic interest in EU; first the participation of PRC in the Galileo program and European tentative pledges to lift the arms embargo (Scott 2007: 14). China’s Policy Paper further mentions that,

“China and the EU have developed an ever closer consultation and fruitful cooperation in the political, economic, trade, scientific and cultural and educational fields, China-EU relations now are better than any time in history”(Xinhua News Agency 2003).

Since October 2003, the EU and China have acknowledged each other as ‘strategic partners’. The main importance of the strategic partnership between the EU and China was that they achieved momentum and established a new strategic significance. The economic, political and financial scale of the EU-China relationship turned into an essential strategic partnership to deal with international affairs and to tackle global challenges (Casarini 2006: 23).

The strategic partnership was further expanded to a three pillar structure of dialogue in order to work on comprehensive in their relationship: political, economic and sectoral, and people-to-people (ECOM 2006). The High-Level Economic and Trade Dialogue were developed in 2008, followed by the High-Level Strategic Dialogue in 2010 and the High-Level People-to-People Dialogue (P2P) in 2012. Under these pillars, more than 50 different sectoral dialogues present to enable mutual understanding (Ewert, Lambert et.al. 2013: 23).

Pillar 1: Political Dialogue

The annual High Level Strategic Dialogue which is the highest policy tool under the first pillar of the relationship's dialogue structure was inaugurated in 2010. It was built on the previous regular political dialogues of 1994, 1998 and 2002. Under first pillar it will analyse the political dialogue on two coresubject of strategic importance that is arms embargo issue and human rights issues in China. Both these issue have been undertaken by Chinese government as significantly important and covered in China's EU Policy Paper since from 2003.¹¹Moreover, the question of human rights has continued to be a core reason and fundamental for imposing and persistence of EU arms embargo on China. Therefore, lifting the arms embargo from China is closely related to human rights record in China.

There are two important factorsfor contemplating such issues as a strategic importance. First, EU is known as normative power in international relations and human rights has become a value of honour for EU. It provided anidea of creation of China as a safe place for EU's future investment which has been the topmost priority in the EU's agenda towards China. Successful democratization and opening up of Chinese market to the world has been another most important objective of EU (Sajdak 2013: 24).

¹¹China's EU Policy Paper, October 2003, Beijing, [Online: Web], URL: <http://www.china.org.cn/e-white/20050817/>

There are several reasons for EU's commitment in strengthening its political dialogue with China. European Union believes that China can influence a wide range of global concerns, Europe also recognises China as a UN Security Council member and a growing economic and political power flexing its muscles in the international community. In the globalized interdependent world, EU's cooperation with China is crucial to achieve progress on many significant issues. Regarding human rights and arms embargo which are oftwo most strategic importance of the first pillar will be discussed more in detail in the next chapters. A broad framework of these issues will be discussed in this section.

The EU is currently engaged in a number of human rights dialogues with third countries. Human rights dialogues are considered as an important instrument of EU's external policy in promoting sustainable development, peace and stability.¹² EU has taken up the case of China's human rights situation after Tiananmen Square Massacre in 1989. After this incident, international community strongly criticised Chinese authority with EU imposing arms embargo sanction on China. But the condemnatory measures has moved from public to more diplomatic and closed door solution (Human Rights Forum 2010). In 1995, EU has initiated 'the EU-China Dialogue on Human Rights' which provided a new channel of communication between them. The EU-China human rights dialogue held twice a year and it discusses all the necessary issues such as civil, political freedoms, ethnic minorities' rights, death penalty and fair-trial, etc. Beijing did not accept universality of human rights norms, it insists strongly on the validity of Chinese Confucian tradition (Haukkala 2012:17). At the same time China pressurise EU not to build contact with Taiwan and expects EU to accept its one-China principle. Hong Kong and Macao's cooperation with EU is also a problem for China. China considers EU's understanding and involvement in the issue of Tibet and human rights are their internal problems. In this regard, EU's stance towards the China's violation of human rights in Tibet and other part of China are weak

¹²European Council, European Union Guidelines of Human Rights Dialogues, 25 June 2001, Brussels.

and sceptical. Even though EU and China meet twice a year to discuss the situation of human rights but there's very less likely to improve human rights condition in China. More than 32 dialogues were held between them so far yet international reports on the human rights situation in China are negative. On the other hand, China seems to be happy for continuing the custom of dialogue because dialogues are just to pay superficial lip service to human rights norms in order to save their strong economic ties.

Moreover EU does not have common human rights policy towards China and largesection of cooperation takes place between the China and individual members (Xinning2013). The EU and China agreed to hold a regular dialogue on defence and security policy and to strengthen cooperation in anti-piracy naval escorts. Cooperation on anti-piracy was seen in the Gulf of Aden. They even pledged closer cooperation during the EU-China summit in September 2012on the Iranian and North Korean nuclear issues and the situation in Syria.

A safeguard of human rights in China is closely linked to the EU arms embargo on China. The issue of arms embargo has been a big challenge to their relations and this has posed some important questions on thefuture cooperation between EU and China (Vennesson2011:419). Even though China is EU's comprehensive strategic partner, their mutual cooperation is largely supported by the economic exchanges and growing markets.

In 2003 EU member states considered lifting the arms embargo with the Chinese pressure. This led to divisions among EU member states (Huang 2011:55). Nordic countries such as Denmark, Finland, and Sweden werewilling to impose the instrument for managing the arms sales to China, andstates with sound economic relations with Chinese state such as Germany, France, Italy and Spain aiming tocompletely lift the arms embargo from China. It is clear that arms embargo is a hindrance forEU's bilateral economic exchange with Chinawhich undermines other significant areas of cooperation. However with the US interference in the debate of lifting of arms embargo and divergence in the EU's decision making failed to fulfil China's demand.

Pillar II: Trade and Economy

It has been more than three decades since the EU and China diplomatic relations were established. But their trade relations have been based on the EU-China Trade and Economic Agreement 1985. The strengthened economic and trade relations are the founding instrument of the maturing partnership between the EU and China. The EU-China relations so far has been the rapid development of trade relations between the two. The trade volume has reached more than euro 1 billion a day and both partners are the biggest source of imports for each other.

The EU has also become leading source of advanced technologies to China in the forms of direct investment, equipment supplies, and high-tech transfers. In the midst of the ongoing Eurozone crisis, EU exports to China soared by 48% in the first quarter of 2010, whilst EU imports from China grew by 9.8% (Chan 2010: 133). EU-China cooperation and interdependence is constantly increasing. Economy and trade continue to be the key areas in EU-China relations today.

China is currently considered as the biggest trading partner of European Union. In 2012, goods imported from China constituted 16.2% (Euro289.9 billion) of EU's global import, which makes China the first import partner. However, European export to China represented only 8.5% (Euro143.8 billion) of overall EU's export, placing China in the second place, far away from US (17.3%). In 2012, EU's trade with China represented 12.5% of EU's global trade. And their bilateral trade in goods reached 428.1 billion Euros in 2013 (Facts and figures on EU-China Trade 2014: 1). The majority of EU exports to China are of high value-added and high technology goods, while EU imports from China are of low value-added and low technology goods.

However, trade in service remains restricted and only amounted to 10% of the total trade in goods in 2011 which led to trade deficit on the EU side. European companies often criticised difficulties in the China's trade policy which restrict them from the further access to Chinese market (Algieri, 2006:

72; Margot, 1996: 70). It is mainly because the two-way trade was recorded poor due to the market access barriers in China (Facts and figures on EU-China Trade 2014: 1). Two way investments is very low between the two and Chinese Foreign Direct Investment (FDI) accounts only for 1.4 percent of FDI into the EU even though it has increased manifold and reached euro 7.4 billion in 2011 (European Commission 2013). While the total share of EU flows of FDI into China remains at stable 20 percent of all inward FDI, that makes EU's 28 Member States all together makes top 5 FDI providers to China along with Taiwan, Hong Kong, USA and Japan (Facts and figures on EU-China Trade 2014: 1). More details have shown in the below Table 1, 2 and 3.

The EU insists China to relax its trade flows by eradicating blockades to imports, including price controls, and discriminatory registration requirements (Men 2007: 16). At the 15th EU-China Summit in September 2012, both sides agreed to launch negotiations on a bilateral investment treaty and were signed in 2013 summit. It would open up market access liberalisation (Wenhua 2012).

The differences in value of trading goods and investment generate tension between the EU and China. On the one side, Chinese have been pressuring Europe to open its market for low value-added products and also restraining European protectionist measures, while on the other side, European have been urging China to lower its barriers to access Chinese market for European industries and respecting the Intellectual Property Rights in China. However, the high level Economic and Trade Dialogue was not met since its fourth meeting in 2010, which remains in suspense. Tension in trade has increased over the years involving the protection of Intellectual Property Rights (IPR), public procurement, anti-dumping, liberalisation of trade in service, China's Market Economy Status (MES) and the possible establishment of Free Trade Agreement (FTA) between the EU and China.

In November 2007, the High Level economic and trade dialogues was established during the 10th annual EU-China summit. It has hence enhanced the dialogue between the European Commission and the State Council of China at the level of Vice-Premier. Currently there are 60 sectoral dialogues of strategic

importance are held between EU and China (Sajdak 2013: 15). Such high level dialogue discusses “strategies in EU-China trade, investment and economic cooperation and coordinate bilateral projects, studies and develop plans in priority sectors” (Council of European Union 2007). Additionally “it will cover issues affecting the trade imbalance, including inter alia effective market access, intellectual property rights, environment, high technology and energy in order to find concrete means to increase trade in a balanced way” (Council of EU 2007). Such procedure brings both partners to the table to discuss trade-related issues and to reach agreement on the solution.

China and the European Union has also declared a grand plan for cooperation until 2020 on 22nd November 2013 with meetings on an investment protocol and planning out the blue print for the key relationship in coming years. They also promised to examine the possibility of a free trade agreement and agreed the target for “bilateral trade volume in 2020 at \$1 trillion”, nearly expanding the \$546 billion recorded in 2012 (China Daily 2013). The main areas discussed during those meetings were strategic bilateral trade, two-way investment, innovation, IPR, technology and multilateral global trading system and EU-China economic cooperation. Some of the mutual problems related to trade such as IPR, Galileo Satellite system and trade facilitation are discussed below

Table 1: EU-China Trade in Goods 2010-2013, Euro Billions

Year	EU Imports	EU Exports	Balance
2010	282.5	113.3	-169.3
2011	293.8	136.4	-157.4
2012	289.9	143.8	-146
2013	280.1	148.3	-131.8

Source: (European Commission 2014), URL: <http://ec.europa.eu/trade/policy/countries-and-regions/countries/china/>

Table 2: Foreign Direct Investment 2012, Euro Billions

Year	Inward Stocks	Outward Stocks	Balance
2012	26.1	118.1	91.3

Source: (European Commission 2014), URL: <http://ec.europa.eu/trade/policy/countries-and-regions/countries/china/>

Table 3: EU-China Trade in Services 2010-2012, Euro Billions

Year	EU Imports	EU Exports	Balance
2010	17.2	23.7	6.6
2011	18.2	26.1	7.9
2012	20.0	29.9	9.8

Source:(European Commission 2014)<http://ec.europa.eu/trade/policy/countries-and-regions/countries/china/>

Intellectual Property Rights Protection

Strategic partners are those who agree to produce something jointly to realise common goals and which is win-win or delivers benefits for the both parties. In the case of EU-China trade relations, counterfeit and pirated products have become a source of conflict and main challenge for European enterprises. Chinese products are retained at the European border every year because of containing such products (European Commission 2013).¹³ Consequently, Intellectual Property Rights violation becomes one of the main problems in the EU-China relations.

According to World Trade Organisation (WTO), IPR was described as, “the rights given to person over the creations of their minds. They usually give

¹³Facts and figures on EU-China trade, [URL:<http://trade.ec.europa.eu>, April 2013]

the creator an exclusive right over the use of his/her creation for a certain period of time” (World Trade Organisation 2014). It has two main areas: Copyright and rights related to copyrights and industrial property. Both type of Copyright seems to be violated by China and EU has been pressuring China to respect IPR but did not take concrete action to protect European industry. Such cases resulted into “the agreement to adopt an Action Plan at the next EU-China summit enhancing custom cooperation on seizures of counterfeit goods and concrete measures to reduce counterfeit sales” (European Commission 2008). The “EU-China Action Plan” was signed on January 2009. But the third EU-China High Level Economic and Trade Dialogue which was supposed to be held in 2010 has been extended until the end of 2012.

The fact that China agreed on signing such agreement has permitted the inclusion of the China in EU Customs Action Plan to improve custom cooperation on confiscation of counterfeit products and take up concrete measures to reduce counterfeit sales for the year of 2013-2017. This will allow EU to cooperate more effectively with member states in defining “the actions and to be deployed within an agreed timeframe, taking into account the financial and human resources implications” (Council of European Union 2013). The target dateline for this action was spring of 2013.

Disputes over the IPR has continued to strain their relations as European companies have been complaining about lack of protection of their IPR in China, whereas China on the other hand criticises the EU’s unwillingness to share more technology and grant MES to China. Another issue is of granting China MES, where china has indicated that granting of MES would help gain public support in China for bailing out Europe or assisting in solving Eurozone crisis. However, IPR has excluded China from the second round of the Galileo project in 2008 (Casrini 2012).

Galileo Project

When the development phase of the Galileo Global Navigation Satellite System (GNSS) developed in March 2002, it was observed as a big move

towards stronger and more independent EU. According to Giovanni and Gustav:

“GNSS estimates the location of fixed and moving objects on the ground, in the atmosphere and in space using precise timing and geometric triangulation. A GNSS satellite provides three accurate dimensional positioning to anyone with the appropriate radio reception and processing equipment”(Sajdak 2013: 45; Giovanni and Gustav 2003: 6).

The project of EU and European Space Agency has launched GNSS in 2011 and is designed to substitute the “US Global Positioning System (GPS), Russian GLONASS and Chinese BeiDou Navigation Satellite System. In theory, it should provide EU with economic and strategic independency from US GPS” (Sajdak 2013: 45). The EU’s objectives are clearly stated as political, strategic and eventual military autonomy.

In September 2003, China has officially joined the Galileo project. During the 6th EU-China summit, both the parties approved on full guarantee to the advancement of this system for constructing it worldwide success. Chinese participation has been driven by the development of its own military navigation system. However, in 2010 European Commission announced that “Galileo will continue as a purely civilian purpose and the transfer of space technology to China will be more protected by security and technology-independence policy”. In this regard China was uninvited to join the project. In return China asked to refund its money totalling 230 million Euros (ECOM 2012).

The European Commission’s satellite navigation program manager, Paul Verhoef, presented a good comparison of EU-China relation in Galileo project:

“China’s ambitions also had changed. China originally said it was designing its own smaller, regional system for military use. Then China moved to a global civil system. It is one thing to work together in one context. It is quite another in another context. But our two systems can still cooperate”(Sajdak 2013: 46).

China remains a key factor in space technology and preventing. China country from formation of global navigation system will certainly involve larger additional costs and it might create the process longer. The European

Commission has released its first EU Space Strategy on 4 April 2011 to improve its cooperation with China. EU even stated that the new space dialogue with clear goals and objectives will be included in suitable bilateral arrangements (COM 2011).

Pillar III: People-to-People Dialogue

In order to develop an effective strategic partnership, EU and China need to work from bottom up and not from top down. With this reference, new areas of cooperation have been initiated for the concerns of people, such as training, education and exchange of people. Initial step towards institutionalisation of EU-China relations in the field of culture was taken in December 2003. Sectoral dialogues were initiated during the meeting of Commissioner Reding and Minister Sun. However, the dialogues were organised in informal ways without offering any concrete results.

Reinforcement of education cooperation between the EU-China was declared in EU-China summit Joint Statement of September 2006, this step was regarded as the social and cultural base for the development of the EU-China comprehensive strategic partnership. In October 2007, a step towards implementation of education cooperation has been undertaken during the visit of European Commissioner for Education, Training, Cultural and Youth, Mr. Jan Figel and Minister for Education Mr. Zhou Ji in Beijing (Sajdak 2013: 49). They have signed a joint declaration on education, training and cultural, which can be regarded as a historic development of societal aspect of Sino-European Cooperation. Signing a Joint declaration on multilingualism on January 2009 has also improved their cooperation in the areas of education and culture. Furthermore, senior officials from both sides are engaged in assessment and discussions of their wide range of common interest such as such as linguistic diversity, intercultural dialogue, role of translation and interpretation or business in the framework of sectoral dialogue.

In 2010 EU-China summit in Nanjing, Premier Wen Jiabao and President Jose Manuel Barroso agreed on the importance of conducting EU-China forum

on culture and establishment the EU-China High Level Forum in October 2010. This project has included a wide range of important issues such as focusing on cultural exchanges and cooperation between cultural institutions, practitioners and industries to the bilateral agenda.

A year 2011 was celebrated as “Europe-China Year of Youth” which became a perfect occasion for building a stronger relationship with another declaration. There is an active involvement from both sides of the youth in promotion of society and development of creativity and increasing youth employment and entrepreneurship (European Commission 2011b).

Societal and cultural issues have become more important in the globalised world. The development of stable and strong partnership with China is necessitated by social and cultural issues alongside with economy and political aspects. This has generated a signing of numerous joint declarations and creation of distinctive political dialogues between the EU and China to improve people to people contacts.

In this regard, EU and China agreed to create a new pillar called “EU-China High Level People-to-People Dialogue” (HPPD) at the 14th EU-China summit in Beijing, February 2012. This agreement intensified a major improvement and commitment in deepening of cultural ties between both sides.

There have been major achievements in the field of education and training. For instance, “three schools jointly run by the EU and China, China-EU School of Law, China-Europe International Business School and China-Europe Institute for Clean and Renewable Energy (ICARE)” (GHK 2011: 60). Such impressive achievement of cooperation in the field of education, culture and training is a positive sign for the future engagement. They even established mechanisms of communication in the third pillar which is an indication of progress in their bilateral relationship.

On 2 April 2014 China issued a second policy paper on the EU, “Deepen the China-EU Comprehensive Strategic Partnership for Mutual Benefit and Win-Win cooperation” (China Daily 2014). The second China Policy Paper defines its EU agendas in a new era and provided a blueprint for China-EU

relations in the next five to ten years and enables larger achievement in their relations. That is founded in the context of regional and global developments and achievements of their partnership so far.

Some of the points that were discussed in China's policy paper were as follows:

1. Seize the Opportunity to deepen the China-EU Comprehensive Strategic Partnership for Mutual Benefit and Win-win Cooperation. China is pursuing a greater opening up and peaceful development. It works to build up open world economy and a new type of international relations featuring equality, mutual trust, inclusiveness, mutual learning and win-win cooperation, with a view to contributing more to world peace and common development. The reason being that both the China and EU remains an important global player in the international relations (Ministry of Foreign Affairs, PRC 2014).

Both EU and China continue to play strategic importance despite China's being a developing country with problems of imbalance, coordination and sustainability in their development and EU with sovereign debt crisis and structural issues. The combined economic aggregate of China and the EU accounts for one third of the world economy, making them two major markets for common development. Deepening their comprehensive strategic relations for mutual benefits and win-win cooperation will provide impetus for the development of China and the EU and contribute to peace and prosperity of the world.

2. China's EU policy in the New Era- "the EU is China's important strategic partner to pursue peaceful development and multi-polarity of the world and a key party that China can work with to achieve industrialisation, urbanisation and IT application and agricultural modernisation as well as its two centenary goals". In this regard, "Chinese government places importance on the status and role of the EU and committed to working with the EU and its member states to fully implement the China-EU 2020 Strategic Agenda for cooperation in the course of comprehensive deepening of reform in China and economic recovery in Europe" (Ministry of Foreign Affairs, PRC 2014).
3. Another important area was discussed in the policy paper. Cooperation in the political field and they covered wide range of issues such as deepening high-

level exchanges and political dialogue, strengthening coordination and cooperation in international affairs, “enhancing cooperation and exchange between legislative bodies and political parties”, expanding defence and security cooperation, abiding by the One-China principle and under this China’s major concern was regarding the Taiwan question, to oppose “Taiwan independence” in any form and to handle Taiwan- related issue with caution. It also provided the clause on “encouraging Hong Kong and Macao’s cooperation with the EU” in respect of “one country, two systems”. Another issue China had talked about was the “position of the EU and its member states of recognising Tibet a part of China’s territory and not to support Tibet independence” (Ministry of Foreign Affairs, PRC 2014).

China’s second policy paper released on April 2014 covers whole range of issues which are not new but old issues which have been disagreed by both EU and China in their past decades of relationship. EU’s journey of development its strategic partnership with China has been a complicated one. Even though, they built their bilateral relationship after the end of Cold War, they were differences and disagreement present in their bilateral relationship. They succeed in growing their relationship from just partnership to comprehensive strategic partnership but they lack practical and not free from conflicts. China believes that their “differences in history, cultural tradition, political system and their pace of economic development” and their conflicts should be “handled through dialogue in the spirit of equality and mutual respect and encourages EU to move in the same direction”. This could be a little difficult for both the partners since issue of disagreement and conflict on the values such as “human rights, economic and trade issues” have been dealt through dialogue and no positive results have achieved so far. Both parties are balancing their own interest despite the extensive length of policy papers.

China’s human rights problems is known world-wide but still China is not ready to accept their internal ethnic problems and human rights issues. Rather China declared continuing with its human rights dialogue which sounded hypocritical. The EU-China strategic partnership has been built on the

“experience of more than three decades of successful” yet mainly dominated by the economic cooperation. It failed to expand beyond their area of concern such as “global political and security issues and a deeper dialogue on human rights and the rule of law” (Hofmeister et.al. 2014: 9). Their relation lack mutual understanding and thus hampers their ‘strategic partnership’. The trust deficit remains an enormous constraint between them. Frictions exist between the two partners; the cancellation of EU-China summits in 2008 and 2011, human rights issues, repeated trade disputes, the arms embargo, and China’s Market Economy Status are some of the issues that have strained relations in the past and continue to effect the bilateral relations between the two partners even today. It is also due to differences in their historical conceptions, values and political system that makes their relationship impractical.

Chapter Three

The European Union, China and Human Rights

Overview

One of the most difficult and delicate areas in the EU-China relations is the difference in the understanding of human rights concept. Ever since the Communist Party accomplished its power in China and founded the People's Republic of China (PRC) in 1949, authoritarian regime has been the model of Chinese government. China argues that a country can only implement human rights when its level of development is high enough. Chinese places economic, social, cultural and solidarity rights over and above its political and social rights. The Chinese authority continues to exercise its full domination over political and human rights, and tries to remove domestic conflicts "through excessive use of force and authority in order to the build stability in the country"(Amnesty International). On the other hand, "human rights, democracy and the rule of law are core values of the European Union" (Montenegro 2012: 35). The European Union believes that democracy and human rights are universal values that should be promoted around the world. The EU believes that China under their influence will liberalise Chinese economy, improve rule of law and democratise its politics. This chapter would first provide a definition of Universalist human rights and would then look into the concept of china's human rights and the current situation of human rights in China taking the case study of Tibet. Secondly, it would deal with an analysis of EU's engagement with China over human rights issues. Thirdly, it would analyse the ways in which the EU human rights policy towards China has been formulated and how it has changed over time. Lastly it intends to understand to what extent economic and strategic interests have undermined the EU's promotion of human rights in its dealing with China.

Definition of Human Rights

Human Rights hold a very powerful institutional position in the international arena. This position is because of the evolution of human rights as one of the central arms in the machinery of the United Nations (UN) (Heyns and Viljoen 2001: 485). Human rights are the rights of human in society (Pagden, Anthony 2003). The respect for human rights and democracy and their implementation as practical political programs have increased their reach around the globe over the course of the last century. Human rights became an object of national foreign policy. The term has been consensually defined in terms of 'United Nations Bill of Human Rights' (Dittmer 2001: 424). The United Nations adopted the Universal Declaration of Human Rights (UDHR) in 1948 as a statement of central values and normative objective of the organisation (Langlois 2003: 995).

The universally accepted definition of the 'Human Rights' is enshrined in the United Nations Declaration of Human Rights (UNUDHR) 1948. UDHR was central to the "development of international human rights law and to the creation of an international milieu in which human rights are granted international recognition" (Jonsson 2007: 111; Forsythe 1991). The recognition of international human rights are inscribed and identified systematically in its articles. It consists of the Universal Declaration of Human Rights and the subsequent covenants and conventions specifically the meaning of Declaration (Office of Public Information 1963; Asbjorn 1993). UDHR emphasised the rights of individual essential for "civic, political, social, and economic conditions as well as their equality in such protections, expressing avoidance of contributing to the power of groups" (Twiss 2004: 42).

Such rights have been outlined in the charter of UDHR:

- Article 1: All human beings are born free and equal in dignity and rights.
- Article 3: Everyone has the right to life, liberty and the security of person.
- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law.
- Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- Article 18: Everyone has the right to freedom of opinion and expression.
- Article 20 (1): Everyone has the right to freedom of peaceful assembly and association (The Human Rights Reader: 198-200; Human Rights Today 1962: 36-38).

Although it constitutes a statement of principles which generally defines human rights in the international arena and can be applied to all the states but the declaration of human rights does not bear signatures of all the member of the United Nations. Republic of China participated in the drafting of the declaration but the government of the People's Republic of China never signed the human rights declaration even-though China has succeeded to its seat. The declaration serves as a common standard of achievement for all peoples and all nations (The Human Rights Reader: 198). The contents of the articles include human rights which are considered universal, inalienable, and enjoyed by all the citizens of the world.

The Concept of Human Rights in China

In the early post-Maoist era (after 1977) many Chinese scholars rejected the view that human rights discourse was only an instrument of the bourgeoisie, and instead could be used as a weapon against the bourgeoisie, particularly in the prosecution of Cultural Revolution criminals for example, the Gang of Four. The government of PRC rejects the internationalist UN position on human rights which they called 'instrument of imperialism, seeing it as a potentially authorising imperialist intervention into and against their socialist society (Adams 1998: 78). A further, Chinese official discards the assumption of individualism and universalism in human rights discourse, rather China acknowledges only collective rights for its citizens. A person whose behaviour is considered politically threat by the state and violates 'social good' can be

identified as enemies of state. Therefore fundamental rights are not entitled to its citizens. Actions such as forced fertility control, intermarriage, and bans on politically oppositional speech are treated as constructive for society and state security and exhibited as protection of citizen rights, rather than violations of them.

Ching has noted that there is a translation problem in the traditional Chinese language. For instances

“The Chinese language does not have an exact equivalent for the word "rights". This term is usually rendered as "power" (quan), a reminder that "might makes right"--in the East and the West. On the other hand, the term "human" in "human rights" is sometimes translated as "people" (ming) or "citizens" (gosngming), rather than as individuals. This happens especially in the language of Chinese constitutions and politics” (Ching 1995: 10).

“Literally, "human rights" is translated as renquan, "human power," one reason why the struggle for human rights has been understood by the Communist state as a fight for political power, and therefore, a threat to the establishment. A less ambiguous term is the Chinese translation for "democracy" that is minzhu (literally, the people as masters)” (Ching 1995: 10).

In the Western concept of human rights, it is believe that human rights are the reflection of the growth of individualism in both the theory and practice of society. Chinese view person in the framework of a social system rather than as an individual. Therefore, Socialist have condemned such concept and asked explicitly for political and social rights. The government of PRC has recently declared “itself in a favour of human rights, in the White Paper of 1991” (Ching 1995: 12). The communist China was influenced by the model of the Soviet Union and of the Republic of 1991 in the drafting of its constitution. The Chinese government has provided articles relating to the rights of its citizens in the 1982 constitution in the following articles:

Article 35: Citizens of the People’s Republic of China have the freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Article 37: The freedom of the citizens of the People's Republic of China is inviolable... Unlawful deprivation or restriction of citizen's freedom of person by detention or other means is prohibited (Ching 1995; 1982 Constitution: 168).

While citizens' rights are enshrined in the constitution, officially it is not allowed to discuss or demand from the government as it is considered as a taboo area for discussion in China (Ching 1995). China believes that human right is not a Chinese concept but a western import. Introduction of concept of human rights into China is viewed as an unwanted cultural intervention into a system which is quite self-contained in its own pursuit of humane values and social harmony (James 1985: 3-17).

Development of the EU Human Rights Concepts

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

-- Article 2 – The Treaty on European Union

After end of the Cold War in late 1980s and subsequent disorder in Europe, European Union was conceptualised as an international actor. Following the end of world power bloc that controlled world politics for nearly fifty years where Europe was positioned at centre was unexpectedly confront with multiplicity of global challenges that need to be addressed in the global system in order to be recognised as a potential player. Following the collapse of Soviet Union led to numerous Eastern European states struggling for their national sovereignty in the subsequent events of “Civil War in Yugoslavia”, “the US entered the Gulf War”, the event of “reunification of West and East Germany”. During such phase of international system, EU signed a Treaty of European Union in 1992 which was a positive signal for more coherent policy of EU CFSP, it guaranteed its member

states' common policies over the issue covering "humanitarian aid and peacekeeping", including other issues such as "trade and cooperation agreements, conflict prevention and economic sanctions", which symbolised true supranational power of EU (Smith 2005: 171).

The European Community, the precursor of the EU, did not mention human rights in its founding treaty which was originally formed as a 'Common Market' (Smith 2008: 113). But the "growth of a human rights perspective within a changing and evolving European Union has come in response to both internal developments and global events" (EIAS 2013). Human rights concerns were integrated into contemporary EU policies, because EU being the promoter of international norms and human rights in the developing countries.

"The main mechanisms of this integration have been the EU's political strategies, its ideological activism and the framework of Community Law. This process entailed the deliberate construction of a new political identity; encompassing human rights a part of a shared sense of European-ness and entailing a duty to promote global human rights" (Wiessala 2004: 3).

The self-perception of its responsibility to promote global human rights led to the growth of EU's engagement with international organisations and other states. On this basis, the European Convention of Human Rights drafted in 1950 by the Council of Europe, became the first legally binding international treaty on human rights (Therborne 2002: 410). The European Court has acknowledged its responsibility to accept and safeguard "the fundamental human rights enshrined in the general principles of Community Law" in 1969 in *Stauder v City of Ulm*.¹⁴ The European Community explicitly recognised respect for human rights as one of its central norms in the 1973 Copenhagen Declaration on European Identity (Manners 2002: 241). The EU developed a "complex set of priorities and agendas regarding human rights promotion. The main objective of the process was the desire to enhance capacity, presence and profile of the Union in foreign policy matters" (Wiessala 2004: 3).

¹⁴ EULawblog (2011), [Online: Web], URL: <http://eulawblog.wordpress.com/2011/03/16/development-of-eu-human-rights-law-from-the-founding-of-the-ec-to-the-present-day/>

The European Convention on Human Rights

Under the Article 6 of European treaty, the European Convention of Human Rights (ECHR) was ratified in 1953 and it became first the EU's legal framework to protect human rights (EU Law Blog 2011). The ECHR was mainly based on the UN's Universal Declaration of Human Rights 1948 which covers mainly civil and political rights. All the EU member states are parties to the ECHR and Court has addressed this on numerous occasions. The European Commission, in 1979, presented a report declaring that the EU formally binds to the ECHR. In 1990, this proposal was re-examined and European Council seeks advice and suggestions of the European Court regarding the question of its legality. However, the court has suggested that legality of ECHR was impossible without amending the Treaties. The first proposal of amendment was put forward to be made by the Treaty of Lisbon in 2007. Under this amendment, Article 6(2) of Treaty of European Union "provides that the EU will accede to the ECHR". So, the Union has to apply for ECHR in order to become a Party to it. Article 6(3) further states that "the fundamental rights as guaranteed by the ECHR and constitutional traditions of the Member States constitute general principles of the EU law" (EU lawblog 2011). However, EU's accession to the ECHR is vital and shows symbolic importance to the protection of fundamental rights of people.

Meanwhile, in 1997, with an amendment of the Maastricht Treaty, the Amsterdam Treaty proclaimed that "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" (Alston et al. 1996: 6). The EU declared that "both internally and externally, respect for human rights as proclaimed in the Universal Declaration is one of the essential components of the activities of the Union" (Smith 2008: 121). Meanwhile, the European Parliament has stated that "the promotion of human rights must be both the basic value and a core objective of the Union's foreign policy" (European Parliament 2010). While China believes that human rights is not a Chinese concept but a western import.

A “Joint Declaration of the European Parliament, the Council and the Commission was submitted” in 1997, confirming their “commitment to fundamental rights” enshrined in the EU Charter. In 1989, the European Parliament adopted its own Declaration of Fundamental Rights and Freedom and list out the rights which should be protected by the Parliament (EU Law blog 2011).

In June 1999, the European Union has drafted the Charter of Fundamental Rights of the European Union with supported of 62 representatives from EU member states. The EU’s main goals of drafting charter was to address fundamental rights of its citizens, including those rights inscribed by the ECHR and the European Social Charter which are two treaties of the Council of Europe. However, not all the member states are bind to the Charter unless they are acting under the Union law (EU Law Blog 2011).

The treaty of Maastricht in 1992 brought significant turning point in institutionalising a formal commitment to human rights (Haydon 2011: 9). The Treaty on European Union 1993 established “democracy and the rule of the law, and respect for human rights and fundamental freedoms” as an objective of the EU’s Common Foreign and Security Policy (CFSP) (Glen and Murgo 2007: 334).

“The Council reiterates its strong support to the mandate of the UN Human Rights Council (HRC), which was established in the context of the broader UN reform and began its work this year. The EU remains committed to working for an efficient body able to timely address the full range of human rights issues, including urgent human rights issues and situations.. In this regard, the EU reaffirms the essential role of the Special Procedures of the Human Rights Council. The EU looks forward to the HRC's work to strengthen international human rights law and its implementation. The Council underlines the need for constructive cooperation between states in order to secure a meaningful dialogue and practical and effective results and reiterates its commitment to work towards this” (OMCT-Europe Weekly 2006: 16; Council of European Union 2006: 5).

The European Commission tries to promote democratic system in their partner's government through three instruments:

First “through political dialogue in order to encourage partner governments to integrate democracy and human rights into their development plans and identify opportunities for EC assistance to contribute to those objectives”;

Secondly, “mainstreaming democratic values in all EC development instruments such as political participation, representation, accountability, transparency and equality are integrated in the planning, design, implementation, and monitoring of policies and programmes. Moreover, in the formulation of other policies, any negative effect on democratisation must always be avoided”;

Finally, “specific financial and technical assistance programmes, focusing on four key areas such as promoting fair, free and transparent electoral processes; strengthening the institutional and organisational capacities of parliaments”; promoting an independent and professional media; and encouraging pluralistic political systems (European Commission 2012).

European Instrument for Democracy and Human Rights (EIDHR)

European Instrument for Democracy and Human Rights (EIDHR) was launched in 2006 and it replaced and built upon the European Initiatives (2000-2006). EIDHR helps to promote EU's principles such as democracy and human rights in non-EU countries (Canada International Model UN 2013” 6).

The main objectives of the EIDHR are:

- Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk.
- Strengthening the role of civil society in promoting human rights and democratic reform, in supporting the peaceful conciliation of group interest and in consolidating political participation and representation.
- Supporting actions in areas covered by EU guidelines such as dialogue on human rights, human rights defenders, the death penalty, torture, children and armed conflicts and violence against women.
- Supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and promotion of democracy
- Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through monitoring electoral process(European Commission 2012).

The EU-China Country Strategic Paper 2007-2013

The EU executive described its strategic paper and why they are interest in China's development. It was stated that

“with 1.3 billion inhabitants, China is the world's most populous country and has in recent years undergone economic growth at constantly high level. This growth has delivered higher incomes, has had a dramatic impact on the reduction of poverty, and is contributing significantly towards the attainment of global MDG targets. At the same time, however, it has led to considerable income and regional disparities, has resulted in a high degree of environmental degradation, and has created vulnerable groups of the populations” (Council of Foreign Relations 2010).

However, China has not progress much on civil and political rights if we compare its progress with economic. Therefore, EU takes account of the political and social developments in China. European Commission's budgets for spending aids in China are only for “human rights”. However, no exact budget were allocated to promote such programmes and moreover, EU just recently prioritised the project of human rights and access to freedom of expression in its latest “ Mutiannual Indicative Programme” (Index censorship 2014).

The EU-China Human Rights Dialogue

The Council reaffirms the importance it attaches to dialogue as a key tool in promoting human rights worldwide. Apart from the specific human rights dialogues and consultations, the various agreement-based, ad hoc and local human rights dialogues that the EU has with third countries are an important channel to promote the EU's objectives in the area of human rights, rule of law and democracy. The Council welcomes the efforts made to include all relevant human rights issues on the agendas of the Article 8 dialogue meetings. The Council, however, underlines that bilateral human rights dialogues do not exclude other action in the field of human rights such as raising human rights concerns through public declarations or in multilateral forums. (OMCT 2006; Council of European Union 2006)

The European Union believes that the “promotion and protection of human rights around the world is a legitimate concern of the international community” (UN Guidelines for Minorities, 1). The EU is founded on the principles of

fundamental freedoms, the rule of law, liberty, democracy, and respect for “human rights including civil, political, economic, social and cultural rights as reaffirmed by the 1993 World Conference on Human Rights in Vienna”, is the central principle guiding its actions. The EU’s policy believes that human rights and democracy are universal values and responsibility (UN Guideline for Minorities: 1). The Treaty of European Union in its Article 21 has reiterated its to promotion of human rights and democracy through all its external actions (Council of European Union Press Release 2012: 2). In Council of European Union has outlined the main guidelines for its human rights dialogue. It follows:

1. It identifies the “role played by the instrument in the global framework of the CFSP and EU’s policy on human rights.
2. It strengthens the “coherence and consistency of the EU’s approach towards human rights dialogues.
3. It facilitates “use of that instrument by defining the conditions in which it is to be applied and made effective.
4. It notifies such approach to third parties such as INGOs, NGOs, the academic world, the European Parliament, third countries (EU Guidelines on Human Rights Dialogue: 3).

The European Union undertakes the basic principles such as human rights, democracy to be discussed and conduct meetings and debates with third countries at all levels of discussions (EU guidelines for Human Rights Dialogue: 3). The EU institutions are jointly working towards promotion and protection of human rights and democracy which are core values of EU. The European Commission takes part in the Human Rights Dialogue as a member of the EU Troika in promotion of human rights through cooperation programs. For example, the European Commission encourages and provides common platform for the European and Chinese experts to share their views and experiences by organising “Human Rights Seminars”.¹⁵

The human rights issue has been one of the most divisive and sensitive issues in EU-China relations. It has been difficult to solve the issue even though they are largest trading partners. The EU pressurizes China to improve its human

¹⁵ European Union Delegation to China, http://eeas.europa.eu/delegations/china/eu_china/political_relations/humain_rights_dialogue/index_en.htm

rights situation through different means such as series of dialogues which focus on specific human rights issues, joint declarations and demarches that highlights abuses and call upon governments to respect human rights (Murgo 2007: 334). However, EU has not implemented a common foreign human rights policy towards China. But EU shows its interest to engage on human rights only through negotiations and dialogues. However, EU should take serious and consider human rights dialogue as strategic importance of the global governance. The EU has included human rights and democracy in country strategy paper. In 1995, EU presented its first policy paper on China, and in this paper EU has emphasised its concern on the issues of human rights in China at three levels, “bilaterally and multilaterally in various international organisations” (Li 2009: 236). It took two decades for the Commission to declare its first policy paper titled “A long Term Policy for EU China Relations”. Subsequently in 1994, EU has formulated its informal human right dialogue with China. The human rights dialogue was further strengthened by the Treaty of Amsterdam 1997, under this treaty, EU member states could be sanctioned for a violation of human rights.

The EU’s second Commission Paper “Building a Comprehensive Partnership with China” was presented in the 1998 and declared that “the EU believes in the merits of dialogue, in all appropriate fora, over confrontation” (European Commission 1998: 9). This demonstrates the shift in position from using the annual UN Commission on Human Rights (UNCHR) as a way to criticise China over human rights to one of relying solely on political dialogue and cooperation (Haydon 2011: 11). A statement by the council in 2000 reaffirmed this position, noting that “effective dialogue is the best way of securing improvement of the human rights observance in China” (Council of European Union 2003: 3). The Human Rights Dialogue, a bi-annual meeting between high-level Chinese and European member-states ministers, became the endorsed approach for pressuring China over human rights. This emphasis on dialogue and cooperation has continued over the years and it has been the main instrument of Union to improve human rights condition in china (EEAS 2011). It permits EU to conduct discussions and debate on several important issues of concern such as “penalty,

re-education through labour, ethnic minorities' rights, civil and political freedoms" in a forum where China is bound to respond (Laursen 2011: 17).

The Treaty of Nice 2001 EU's policy of commitment to promote human rights has extended into the spheres of economic, financial and technical. The human rights dialogue has been regarded as important section of political dialogue with China, in this manner, EU has been improving and extending its way of engagement (Sautenet 2007: 711).

The issue of human rights has been promoting through three levels. First "it supports potential efforts in China to open up and liberalise all section of society and different parts of the economy. These trends inevitably reinforce moves towards the development of a civil society based on the rule of law. Second, it systematically and regularly continues to raise human rights issues in bilateral dialogue with China. Thirdly, it engages the international community in dialogue through multilateral fora such as the United Nations" (COM 1995). This framework of engaging China on the issue of human rights has been accept by China as well and initiated "the Programme of Action of the World Conference on Human Rights of Vienna in June 1993" (Murgo 2007: 335).

Despite bi-annual meeting concerning the human rights in China, the human rights situation has worsened and concerns have been raised about the lack of progress by both NGOs and the European Parliament (Cameron 2007: 58). In response to such concerns, the European Commission's 2001 China Strategy aimed to outline more concrete actions that could strengthen the human rights dialogue, stating that dialogue was "an acceptable option only if progress achieved on the ground" and therefore it needed to be more 'result-oriented' (European Commission 2001: 11). The dialogues were strengthened both in 2003 and 2006 European Commission Papers, in order to make dialogues more result oriented (European Commission 2006: 4). Yet, no alternative policies on human rights were suggested despite negative report on China's human rights. In fact, mention of the term human rights declined from fifty in the 2003 European Commission Paper to just nine in 2006 (Mattlin 2005: 102).

The EU-China relationship has been inconsistent in terms of human rights. The EU's major condemnation of China's human rights situation occurred following the Tiananmen Square massacre in 1989. Leaders of the Member-States released following statement:

“Continuing repressive actions, in violation of universally recognised human rights principles, will greatly prejudice China's international standing and compromise the reform and open door policies which the European Community and its Member-states have actively supported”(Baker 2002: 50).

This statement was accompanied by sanctions, a freezing of diplomatic contacts, and a commitment to promote human rights in the “appropriate international for a” (Baker 2002: 50). This assertive position was normalised in 1995 when the European Commission published its first strategy paper on China ‘A Long term Policy for China Europe relations’. The EU developed its first Human Rights Dialogue with China, which emphasised the importance of international engagement, stating that:

“The EU puts particular stress on the involvement of the international community through the UN Commission on Human Rights. The level of international support attracted for the resolution criticising the situation on China in February 1995 suggests that this approach is bearing fruit” (European Commission 1995: 6).

Covenant on Civil and Political Rights

After formalising human rights dialogue with China, EU prioritised Chinese ratification of the “International Covenant on Civil and Political Rights (ICCPR)” along with the “Covenant of 1996 on Economic Social and Cultural Rights (ICESCR)” and the “Universal Declaration of Human Rights” as a part of solution for their relationship (Sautenet 2007: 711). The Chinese ratification of the ICCPR was considered as an important issue to be discussed in the EU-China dialogue (Murgo 2007: 335). Chinese government has been declining to ratify the covenant despite continuous pressure on them. The Chinese government give more importance on economic and social rights rather on political and civil rights (Lee 2007: 449). Therefore, China decided to ratify the International

Covenant on Economic, Social and Cultural Rights (ICESCR). China has signed and ratified Convention against Torture (CAT) as its one of an important human rights instrument.

The irony is that in spite of ratification of the CAT over 16 years ago, “amendments in legislation, and growing public awareness of the issue, torture remains a major problem for China” (Lee 2007: 451). Torture and execution of its people still continues take place behind the bar. China requires improving their value and behaviour substantially in terms of both the law and practice.

Usually China do not encourage foreign media and press in its soil and on a number of occasions Special Rapporteur on Torture was not allowed to use standard methodology and sometimes rapporteurs were declined to issue visas or make their timing inconvenient. For instance, Special Rapporteur Theo van Boven was to visit China in June but his trip was postponed at the last minute for administrative reasons (Lee 2007:452).

The Chinese government has never encouraged a critical report which has relied on materials from overseas source. This has been evident from the statement made by the Adviser Liu Zhongxin on 30th March 2004:

“Regrettably however, the Rapporteur did not present a true picture of what she had seen and heard during her visit. On the contrary, she made groundless comments and accusation on the efforts made by the Chinese government in ensuring and realizing the right to education. And further he said we are dissatisfied with such degrading criticism of developing countries by a rapporteur” (Lee 2007: 452; Zhongzin 2004).¹⁶

Moreover, State Councillor Tang Jiaxuan at a seminar on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region during the UN HR Commissioner’s visit to Beijing, August 2005 stated thus:

¹⁶ Statement by Adviser Zhongxin, (2004), Chinese Delegation, on the Report of Special Rapporteur on the Right to Education at the 60th Session of the Commission on Human Rights at Geneva 30 March 2004, Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and other International Organisations in Switzerland. Online [Web] Accessed on 3rd June 2014, URL: <http://www.china-un.ch/eng/rq/thsm/t85173.htm>

Poverty is the main barrier to the progress of human rights in the region. Thus we have no choice but to consider development such as improving economic, social and cultural conditions as it is our most important task. In the short we must use development to push forward the progress of human rights (Ministry of Foreign Affairs 2005).

The Chinese government engages in the repression, torture and arbitrary imprisonment of its citizens, particularly those who criticise the state and call for democratic reform (Ching 2008; Massingdale 2009). However, the Chinese government has repeatedly emphasised the importance of social and economic rights, and has thus claimed that it is improving China's human rights situation through economic development (Angle 2002: 246).

The President of the European Commission Barroso has responded that he and other EU leaders "fully agree with the definition of a strategic relationship presented by Premier Wen, it means that we put the big picture in front of minor problems" (Casarini 2006: 27). Meanwhile, following the 2005 China-EU summit, the Council released a joint statement declaring that "the strengthening of the relationship has been of great value to the long-term interest of China and the EU" (Council of the European Union 2005). Effectively, disagreement over human rights record of China had gone from being a central issue in EU rhetoric to becoming side-lined as a minor problem, replaced by the economic cooperation that could bring more benefits. The European Commission also published an accompanying policy paper to its 2006 report, entitled "Competition and Partnership" which focused solely on trade issues (European Commission 2006: 2). It is a symbol of the EU's shift in its attitude toward the issue of human rights in China.

One of the greatest failures in EU human right policy is lack of unity among member states in the matter of human rights policy. EU member states are divided among themselves and compete for their own national interest. For instance, France and some of member states began to push the EU to stop table resolutions to condemn "China's human rights record at the annual meeting of the UN Commission for Human Rights". It was solely motivated by their increase in the commercial interest in China (Casarini 2006: 19; Balducci 2010:

42). Meanwhile, Nordic countries such as Denmark and the Netherlands were under significant pressure from public opinion to link foreign policy to human rights and had no significant economic links to China. Nordic countries were against the France led group in this regard and wanted to continue tabling the critical resolutions (Balducci 2010: 42). This led to a division between EU member-states, culminating in the 1997 UNHCR meeting when a critical resolution towards China co-sponsored by Denmark, UK and the Netherland was voted against by France and four other member-states (Casarini 2006: 19). After this discussion, it was agreed that no more critical resolutions would be tabled at following UNHCR meetings (Baker 2002: 56). Therefore, EU members have failed to promote human rights instead pursuing their own commercial interest. Unlike US, EU has been causal in dealing with China in terms of human rights issues in China. As consequences, China appreciates the EU's human rights behaviour towards them.

Haydon has argued that the EU has gone from seeing human rights as a central concern in its relations with China, to forging a relationship based on strategic partnership and political dialogue. Yet several scholars have noted that since this strategy has been adopted China's human rights record has actually deteriorated (Panebianco 2006: 142; Baker 2002: 47).

Meanwhile Baker comments that "it is hard not to regard the dialogue as a replacement for a real human rights policy on China" (Baker 2002: 59). The European Parliament has also criticised the EU over its failure to properly address concerns over human rights, and passed a resolution in 2006 criticising the lack of progress in the human rights dialogue (European Parliament 2006). Furthermore, European Parliament has stated that "once again the Council and Commission have failed to raise in firm manner human rights issues," while asking the "EU to ensure that an improved trading relationship with China is contingent upon human rights reforms" (European Parliament 2007). The concerns over human rights have been voiced by the European Parliament; but it has gradually become subordinate to emerging economic and strategic issues.

The European Council on Foreign Relations published an assessment report on April 17 2009, on the status of the EU-China relations, and Council has expressed that “EU should no longer exercise any restraint on China's human rights and citizenship issues”. Additionally, the report stated that “EU should combine issues such as protecting freedom of religion and promoting so-called political reconciliation with the Chinese central government to reinforce, and not weaken the EU's stance on the so-called issue of human rights in China”. It was stated further that “European leaders and its parliament should issue a statement refusing to accept Beijing's "imposition of restrictions" on their meetings with some political and religious figures, including the Dalai Lama”(Zugui 2009).

The EU-China human rights dialogue has been held for 16 years since its inception in 1996, most dialogues are of “an ad hoc nature, each dialogue is governed by its own rules and procedures, and the parties involved determine issues to be discussed on a case-by-case basis” (Murgo 2007: 335).

The EU and China on Human Rights: A case study of Tibet

Using the Universalist definition of human rights, there has been many incidents that indicate the violation of fundamental human rights of its citizens by the Chinese government. For instance, Amnesty International claims that death penalty trials continue to be held behind closed doors, with at least 470 executions in 2008, while in the same year an estimated 500,000 people were sentenced to detention without trial (Amnesty International 2008). Furthermore, following a visit in 2005, a UN Special Rapporteur concluded that the use of torture in China remains widespread (UN 2005). Overall there is a broad consensus stemming from the findings of NGOs and UN investigators that China's human rights situation has deteriorated in recent years (Euractiv 2011; Chinese Human Rights Defender 2010; UN 2010).

According to Teng Biao, a Chinese human rights lawyer speaking to Chinese Human Rights Defenders,

“2013 saw the harshest suppression of civil society in over a decade...with human rights and rule of law basically going backwards. Still, the drive in Chinese civil society to keep fighting under difficult and dangerous conditions is the most important asset for promoting human rights and democratization in the country”(Chinese Human Rights Defenders annual 2014).

While the importance of China’s growth continues to rise in international relations, yet it is a fascinating fact that China remains politically unusual and complex, with its people denied fundamental human rights. China is one of the concerns of EU’s 28 member states countries as reported in the latest annual FCO Human Rights Report (Foreign and Commonwealth Office 2014).

Amnesty International had recognised extensive human rights breaches in China. According to them, an estimated 500,000 people are presently continuing punitive detention without charge of free and fair trial, and millions of Chinese people are not able to “access the legal system to seek redress for their grievances. Moreover, harassment, surveillance, house arrest and imprisonment of human rights defenders are on the rise, and censorship of the internet and other media has grown” over the year instead of improving. “Repression and disrespecting the rights of minority groups including Tibetans, Uighurs and Mongolians continues. While the recent restoration of Supreme People’s Court review of death Penalty cases may result in lower numbers of executions, however China remains the leading executioner in the world”(Amnesty International 2014).

However, China prioritised its economic, social and cultural right and solidarity rights over their civil and political right which becomes the main concern of international community. China argues that a country can only implement human rights when its level of development is high enough. This economic and social rights approach limits the relevance and impact of rights, and question of universal standards of compliance. For China, human rights are viewed as aspirational, rather than legally binding rights. And according to them universal standard shifts according to a state’s level of development. China thus downplays civil and political rights issues (Gear 2013).

It was assumed that Xi Jinping, China's new leadership would end the decade long repressive political policy of Hu Jintao and Wen Jiabao. The Chinese leadership under Hu Jintao and Wen Jiabao was seen as successful in bringing forth sustained economic growth, urbanisation, yet China's rise as a global power in the world was seen with a very little progress on human rights. Despite Chinese extensive growth of economic power and growth modernisation, the Chinese authority maintains one party communist system that restricts and curbs fundamental principle of its citizen on "freedom of expression, association, religion, prohibits independent labour unions and human rights organisations and party control over all judicial institutions" remains unchanged (Onwuka 2014). Furthermore, it continues to censor the media and political and highly sensitive news from internet and publications. The case is more severe in Tibet because of Chinese claim over its independence and Tibet being one of its core areas of interest.

The more details were provided by the Human Rights Watch's World Report 2013. The report has stated that:

"the government rolled back protections on the administration of justice, presided over a significant rise in social unrest, including the largest inter-ethnic incidents in decades in Tibet and Xinjiang and expanded the power of the security apparatus" (Human Rights Watch 2013).

Human Rights Condition in Tibet

Chinese People's Liberation Army invaded and occupied Tibet forcefully in 1950, since then Tibetans has been protesting against the Chinese aggression and fighting for its independence. While China claims Tibet has been a part of China since Yuan dynasty of the 13th century (Sautman Barry). Tibetans face the violation of human rights in the form of suppression of religion and political rights, denial of self-determination, denial of freedom of expression, torture and executions without trail, restrictions in media, press and information, destruction of environment and discrimination in employment. Under the repressive Chinese control, more than 1.2 Million Tibetans lost their lives (International Commission

of Jurist, 1997). It led to the National Uprising in 1959 and His Holiness Dalai Lama and many Tibetan's exile to India. So the question of human rights in Tibet becomes the international concern despite of Tibet's legal status. However, the question of legal status of Tibet was discussed and debate by the U.N General Assembly between 1959 and 1965. UN General Assembly passed three resolutions on Tibet so far to condemn Chinese repressive rule and violations of human rights in Tibet (International Campaign for Tibet). However, with the growth of Chinese influence in international relations made UN and other international organisations less critical on Chinese behaviour.

Human rights advocate argued that political situation in Tibet makes it a different case as that from the rest of China. The implementation of Chinese authoritarian policies in Tibet has led to cultural and physical genocide in contrast to the administration of its policies in the rest of China. At the same time human rights advocate believes that if universal human rights standards were applied and implement in Chinese political system, and particularly in Tibet, Tibetans would not experience harsh treatment from the hand of Chinese authority, its rich culture and religion could be protected, and they would attain political independence from the PRC (Adams 1998: 77).

A Chinese official emphasizes the discourse on the preservation of ethnic nationalist by making sure local government are comprised of local representatives of the national territories in form of self-administration. But in case of Tibet, China's official have mentioned that the question of self-determination is applicable only under the conditions of foreign slavery and colonial rule which China rejects the reality of its rule over Tibet. The discussion of a right to national identity and self-determination is articulated as anti-Chinese government activists (Adams 1998: 79).

The Human Rights Watch, World Report 2014 has provided human rights report in Tibet which read as follows:

“The Chinese government systematically suppresses political, cultural, religious and socio-economic rights in Tibet in the name of combating what it sees as separatist sentiment. Arbitrary arrest and imprisonment

remains common, and torture and ill-treatment in detention is endemic. Fair trials are precluded by a politicised judiciary overly tasked with suppressing separatism”.

“Police systematically suppress any unauthorised gathering. On July 6, police opened fire in Nyitso, Dawu prefecture on a crowd that had gathered in the countryside to celebrate the Dalai Lama’s birthday. Several people were injured. The government censored news of the event” (World Report 2014).

In January 2006, according to Human Rights Watch’s World report 2007, there were nine imprisoned cases in four to five months. Gendun, a Tibetan monk was imprisoned for four years by simply sharing his opinions during his lectures on Tibetan history and culture. Again it was reported that, in June 2006, five Tibetans, were arrested for publishing and circulating independence leaflets. In July a monk named Namkha Gyaltzen was detained and received an eight years of sentence for involving in political activities. Again in August, Khenpo Jinpa was detained by armed police for same act. In September, Lobsang Palden, another monk, was charged with initiating activities related to Tibet which was separatist activities according to the Chinese officials. On September 30, Chinese People Armed Police shot at a group of approximately 40 Tibetans who were crossing the border into Nepal, killed a 17 year old nun, Kelsang Namtso and possibly others. This footage was captured in a film shot by some foreigners (Human Rights Watch 2007).

In particular, the government crackdowns in Tibet during 2008 and Xinjiang in 2009, as well as high profile arrest of dissident Lui Xiaobo and artist and activist Ai Weiwei, have raised concerns about the Chinese government’s commitment to the central issue of human rights.

If Chinese leadership are able to solve the domestic or internal problems of China, it is “conceivable that China will begin to adopt a less defensive attitude towards human rights both at home and abroad” (William 2014: 24). But due to China’s increasingly complex global economic and strategic interest, their stance on the conceptions of state sovereignty and non-interference cannot be compromised at any level.

EU's Resolutions on Tibet

In response to the China's violation of human rights in Tibet and its repressive rule in Tibet, the European Union has passed some statements as well as resolutions on the question of Tibet.

One of the first steps that the European Community took on Tibet issue was on the 14th of October 1989 when a resolution was passed "urging the Chinese Government to respect the rights of the Tibetan people and pursue China to grant religious and cultural freedom, and suggesting that the Dalai Lama's Five-Point Peace Plan could provide the basis for a settlement of the Tibetan issue" (Freetibet 2014). However, the PRC had disagreed to the Five Point Peace Plan of the Dalai Lama.

With the uprisings in March 1989 in Lhasa, to respond to this incident

"European Parliament passed a resolution criticising the loss of life, condemning the subsequent violent repression, and calling for the lifting of martial law. The European Parliament urged the Chinese Government to hold discussions with the Dalai Lama on the future of Tibet, and called on Beijing to respect the autonomous status of Tibet as defined within the framework of the Chinese Constitution".¹⁷

On April 1990,

"The Sub-Committee for Human Rights of the Political Affairs Committee of the European Parliament held a hearing on Tibet which was addressed by the Dalai Lama. At a meeting following the hearing, the decision was made to appoint a Special Rapporteur, which was condemned by the Chinese as gross interference in its domestic affairs" (Tibet Fact: 27).¹⁸

In July 1991, a resolution was passed by the Political Affairs Committee to condemn "human rights violation in Tibet and called for the release of political prisoners, and end to torture, executions and cessation of environmental degradation and an end to discrimination against Tibetans in health, education,

¹⁷ Ibid. -<http://www.freetibet.org/about/european-union-tibet>

¹⁸ <http://tibet.dharmakara.net/TIBETFAC.PDF>

constructive dialogue between the Dalai Lama and the Chinese government” (Tibet Fact: 27).

In February 1992 and 16th November 1992, European Parliament passed a resolution

“Calling for the release of those people detained for practicing religion or peacefully advocating the establishment of democratic rights and expressing concern at prison conditions. The Chinese government was urged to allow the Red Cross to visit prisons and communicate with prisoners”(Tibet Fact: 27).

Again in 1993, there resolutions were passed by the European Parliament, 24th June, 16thSeptember and 28th October, reiterate the same issue was raised and the “European Parliament declared its support for the courageous activities of Gendun Rinchen and suggested Olympic Games should not be held in Beijing in the year 2000 unless progress were made in ensuring respect for human rights” (Tibet Fact 14: 27).

European Commission and Council also requested Chinese government to respect human rights in Tibet.

The EU institutions have passed a several resolutions on Tibet regarding the human rights situation in Tibet. But EU’s deep concern for Tibet cause and human rights issues were present only during the 1990s. After 1993 resolutions, no resolution or any concrete official criticisms were seen in the picture. With the growing importance of China in international system, in order to deepen EU’s economic relationship with China, it decided to maintain silence during the most critical period of deteriorating human rights. The change in policy has occurred with the growth of Chinese economy power and with increasing significance of the relationship between EU and China. EU has become softer on China unlike EU’s pressure on China after the Tiananmen Square incident (Foot 2000: 192).

One also needs to see how the Tibet factor has been used by various powers to gain concessions from China. The growing support for the Tibetan cause and the immense Popularity of the Dalai Lama is a challenge to Chinese diplomatic

practices. China should improve its human rights policy if it wishes for a lasting solution to the Tibetan issue.

The European Union challenges to get access to Chinese market because China controls over its economy and trade policies as well. In this regard, a Chinese authority tries to obtain political concession to remain silence in the case of its sensitive issues such as Tibet, Xinjiang and Taiwan. Usually China argues issues such cases are domestic affairs and contains international intervention. As a result, bigger European states that are more associated with economic interest in China tend to be more diplomatic in nature in raising sensitive issues of China. It causes a conflict between the member states, where Scandinavian countries and EU Parliament criticise bigger states for their way of conducting relationship with China. Their approach was even criticised by the US for adopting uncritical attitude towards China in the light of critical human rights situation in China (Casarini 2006: 19).

For China Tibet is one of its “Core Interests”, hence it allows absolutely no compromises. This leads to measures and practices of coercive diplomacy while China continuously proclaims Tibet issue as their internal problem. China has been using the economic big stick to prevent any “imperialist” designs of breaking up China under the garb of human rights and democracy. Both US and EU adhere to the One China Policy but want some accountability with regard to the violations of human rights of Tibetan people as well as genuine internal autonomy and non-interference in religious and internal administrative matters.

The EU-US held a summit in June 2008 and released joint statement expressing their concerns over Tibet issues and condemned China for worsening of human rights situation. The EU’s human rights approach have been changing in recent years, European are responding to the critical situation of human rights in China, especially after the crackdown against the human rights protestor during the Olympic games in 2008.

For instances, German Chancellor Angela Merkel, visited China in the summer of 2007 and raised the subject of human rights and cited it as one of her main concern in dealing with China. Later she welcomed HH Dalai Lama in the

Chancellery. Moreover, in October 2008 before the ASEM summit in Beijing, the European Parliament conferred its highest human rights award “the Sakharov Prize” to Hu Jia, a social and political activist in China. In December 2008, French President Sarkozy decided a meeting with Dalai Lama.

The EU policy on Tibet was revived on the 11th EU-China Summit at Brussels, 18th May 2009. Four guidelines were provided for a revived European policy on Tibet:

1. “Coordinate national positions and adopt a clear EU policy on Tibet”.
2. Adopt a common position that is the right of all EU Member States to welcome and meet with the Dalai Lama in whatever manner they deem appropriate, with the full support of all EU Members and without interference or threats from the Government of the People’s Republic of China,
3. Actively and concretely promote Sino-Tibetan negotiations
4. Utilize all appropriate UN forums to press the government of China on the situation in Tibet and increase international coordination and cooperation” (International Campaign for Tibet 2009: 2).

Furthermore, after a decade the European Parliament has passed two resolutions on human rights violations in China, first on the case of Liu Xiaobo at the EU-China Summit on 13th December 2007 and second on the minority rights and the application of the death penalty at the EU-China Human Rights Dialogue on 26 November 2009.

Catherine Ashton, High Representative of the European Parliament gave a speech regarding situation in Tibet on 12 June 2012 at Strasbourg. Where she said the EU closely follows “

“the human rights situation in Tibet and considers its human rights dialogue with China as essential part of the EU-China relationship. In this context, she said EU is committed to engage with China to improve

the situation on the ground” (International Network of Parliamentarians of on Tibet 2009).

Moreover, she expressed

“how EU is concerned by the deterioration of the situation in Tibet, as it was illustrated by the wave of self-immolations and clashes between the police and the local population since the beginning of the 2008” (International Network of Parliamentarians of on Tibet 2009).

During the Chinese Party Secretary and President Xi Jinping’s first visit to Europe on 22nd March, Vincent Metten, EU Director for the International Campaign for Tibet, said “European unity in taking a strong approach on China and addressing human rights and resolution of the crisis in Tibet will not only reflect the sympathy and support for the HH 14th Dalai Lama and Tibetans in Europe, but also help to strengthen EU leverage. Allowing Chinese leaders to dominate and frame the agenda ignores Europe’s strategic interest as China asserts itself” and he further said that “the EU and China will become real strategic partners only when genuine and concrete improvements on human rights will take place in Tibet and China” (Mitten 2004).

The European Economic and Social Committee’s President, Henri Malosse, gave a speech during the 55th anniversary of Tibet uprising at the Central Tibetan Administration (CTA)¹⁹ in Dharamsala, he committed to “support the CTA’s Middle Way Approach”. He further added “the Tibet question is universal”; “it is a question of liberty, democracy, solidarity, which are the values at the foundation of the European Union”.²⁰ Later he brought out the issue of human rights condition in China during Xi Jinping’s visit to Belgium on 31st March 2014.²¹

¹⁹ Central Tibetan Administration (CTA) was established by the 14th HH Dalai Lama in 1959 shortly after his exile from Tibet. It is an organisation based in India with the stated goals of ‘rehabilitating Tibetan refugees and restoring freedom and happiness in Tibet.

²⁰ Senior EU leader expresses strong support for Tibet’s cause, The Tibet Post International, 10 March 2014, Online [Web] Accessed on 10 May 2014, URL: <http://www.thetibetpost.com/news/international/3925-senior-eu-leader-expresses-strong-support-for-tibets-cause>

²¹ Top EU officials calls for China-Tibet talks, Central Tibetan Administration, Online [Web] Accessed on 10 May 2014, URL: <http://tibet.net/2014/04/01/top-eu-official-calls-for-china-tibet-talks/>

However, China's criticism for such EU's action was not absent. Chinese Foreign Ministry spokesman Qin Gang retorted by saying that "Tibetan issues and human rights are purely China's domestic affairs, and China would not allow any outside interference" (Qin Gang 2008). EU's diplomatic relationship with Dalai Lama was retaliated furiously, cancelled a few high level meetings and refused to attend "dialogues on environmental issues and human rights" (Li 2009: 236). Moreover, China cancelled EU-China summit for Sarkozy meeting with Dalai Lama. In the subsequent months, China has been demanding France to support China's position on the Tibet matter. Chinese Premier Wen Jiabao deliberately did not visit France during his official tour to EU in 2009 (Li 2009: 237). Chinese have responded with furore at the French failure to protect the Olympic torch in 2008 by boycotting the France's supermarket Carrefour.

In the last months of 2008, Chinese common people were not happy with the Europeans attitude towards them and boycotted tourism to France. Chinese students have also boycotted the London Metropolitan University, due to Europeans offered honorary degree to HH the Dalai Lama.

There has been also report of mass arrest and imprisonment of Tibetans who were suspect of involvement in political activities in regions where self-immolations are taking place, foreign journalist and tourist were banned to visit (European Union 2012).

However, EU's position on human rights issue was not constant, changes on the basis of their convenience and interest. However, in recognition of EU's role in promotion of peace and human rights, conflict prevention and conflict management, Noble Peace Prize was awarded in 2012. China has responded by arguing that "the reason why EU insists on its own values and institutions in dealing with other actors in international politics is because of EU's effort to become a normative power". And they believes that "EU is more likely to focus on the human rights, democracy and rule of law in relations with China" (Li 2009).

Meanwhile, China views EU as a weak in dealing with them, believes that EU is not prepared to see them growing strong yet support their engagement in the global system. EU's position on Tibet cause is considered an intrusion into domestic affairs and opposed as an unfavourable act.

Such issues have left deep scars on both sides. According to a poll conducted by Global Attitudes project after the Tibet unrest, Chinese image in many EU countries have slipped. In France only 28% of respondents expressed a favourable opinion of China as compared to 47% in 2007. Likewise, in China, ordinary people are quite upset with Europe's political and moral support for the Tibetan government in exile. In the last months of 2008, many people in China have called for a boycott of tourism to France. Young Chinese also oppose and boycott the London Metropolitan University, which extended an honorary degree to HH the Dalai Lama.

The China's behaviour towards engagement with Europe poses a dilemma. Chinese government considers EU as a vital global actor and pleased work with EU but contents in the matter political involvement in Chinese system. It makes unclear to EU and rest of the world, since they are strategic partnership which is supposed to be built on common values and interest and long term goal (Barysch et.al 2005: 56).

One of the most difficult and sensitive areas in EU-China relations is the difference in the interpretation of human rights. In an interview in November 2004, Prime Minister Wen Jiabao stated that

“China should develop democracy to safeguard people's rights and to respect and protect their human rights. He acknowledged the need to improve China's legal system through better legislation, better administration and greater judicial reform. He also stressed the importance of the rule of law and developing democracy to ensure that the government is placed under the supervision of the people” (Jiabao 2004).

Although, EU made it clear to China about the ratification and implementation of the International Covenant on Civil and Political Rights (ICCPR), China did not ratify it even though China has signed the ICCPR.

The major problem is that China does not accept the Universalist defined concept of human rights and China claims Tibet as their sole internal problems. Moreover, all the EU member states conduct bilateral human rights dialogues with the Chinese are:

“facing the same difficulties to some degree, the lack of high-level participation from the Chinese side, the often overly rigid format of the sessions, where much time is spent reading it even though China has signed ICCPR. out prepared statement; China’s evasiveness when answering queries about concrete cases; a lack of follow-up action; and last but not least the inability to link any progress on the ground to what has been said in the dialogue”(Barysch 2003: 58).

However, the EU-China human right dialogue is insignificant in generating concrete tangible results. Moreover, it lacks resources to negotiate and take action when in violation of fundamental rights. EU has been using dialogue as an instrument to engage with China in human rights matters which is ineffective and plays subordinate role. Despite the EU’s strategy of ‘constructive engagement’ based on cooperation and dialogue over human rights issues in China, China’s human rights record has worsened rather than improved (Panbianco 2006: 141). The series of mass protest since 2008 and 130 Tibetans had self-immolated to show dissatisfaction with the Chinese political regime in Tibet, where there is no religious freedom, political freedom. The result was not concrete on the ground. Human Right Watch has stated that:

“the EU-China human rights dialogue has become largely a rhetorical shell, lacking in accountability, transparency, and clear publicity expressed benchmarks for progress” (Human Rights Watch 2003).

Meanwhile, the People’s Republic of China has always brought forward the notion of non-interference in its domestic affairs, views it more as a Western ploy to irritate China and try seeking some diplomatic bargains, especially to gain Economic concessions from China. Moreover, the Western pressure was in any case thwarted by pointing to the double standards in Western Policy as well as stressing the cultural and ideological differences in the concept of human rights. China also uses its influence and economic might to bargain with the

European powers, thus creating inner contradictions within them preventing a united approach on China.

Both the EU and China believe in "human dignity, equality and the rule of law". Meanwhile, there is a big difference in the interpretation of the rule of law, human rights, liberty and democracy". Both the EU and China has different political system where EU is democratic nation states and the China is one party rule. If the EU really wants to develop true strategic partnership with China, EU needs to persuade and promote democratisation process and should take robust intervention during the crisis instead being brainwashed by the Chinese tricks.

Conclusion

Human rights violations continued in China even under the Xi Jinping's leadership. In June 2012, the EU adopted a new human-rights strategy which seeks to streamline the EU's approach to human rights in China. EU was more vocal on human rights in China. For instance, EU gave a statement on the wave of detentions and arrest in China;

"We are deeply concerned by the recent arrests and detentions of a large number of peaceful human rights defenders, lawyers and intellectuals including Pu Zhijiang, a lawyer, Hu Shigen a lecturer at Beijing University, Xu Youyu, a researcher at the Chinese Academy of Social Sciences, Liu Di, a writer and Hao Jian, a professor at the Beijing Film Academy".

"We reiterate the EU's calls on the Chinese authorities to abide by the Universal Declaration of Human Rights, to respect the freedoms of conscience, expression and association recognised by the Chinese Constitution, and to release all those imprisoned for the peaceful expression of their views" (European Union External Action 2014).

Despite EU's statements and appeals for China to improve its human rights situation, human rights violations continues to occur. Just recently, on 17th July 2014, twelve Chinese protestors attempt mass suicide to seek justice that they have suffered under the hands of communist regime of China. According to the Telegraph, Qin Zeying, wife of a protestor, Cai Fuxi, said

We had no other option but to resort to this to make ourselves heard. We have lost our house. We have lost everything. We have been driven to homelessness. We have been driven into a corner; the government gave us no way out (Phillips 2014).

Other incident was that British Prime Minister David Cameron was criticised by China for prioritising trade over democracy after Deputy Prime Minister Nick Clegg met pro-democracy activists in Hong Kong campaigning against Chinese authority rule. Chinese Foreign Ministry Spokesperson, Hong Lei said “China was firmly opposed to any foreign interference in its internal affairs on any pretext” (Reuter 2014).

China-EU 2020 Strategic Agenda for cooperation released on 21st November 2013 at 16th China-EU summit at Beijing. Both sides jointly agreed to adopt this agenda for

“Cooperation, a comprehensive document setting out China and the EU's shared aims to promote cooperation in the areas of peace and security, prosperity, sustainable development and people-to-people exchanges, to take forward the China-EU Comprehensive Strategic Partnership over the coming years” (European Union External Action 2013)

Though EU had developed different instruments, provided EU guidelines on human rights, human rights dialogue and human rights policies, however there is still serious lack of implementation of all these instruments and of a clear methods to regular assessment supported by clear benchmark. “It is certainly the case that the member states place different levels of importance on human rights in their bilateral relationship with China” (Harris 2013: 10).

It has been more than three decades, strategic partnership have been developed between EU and China where “political dialogue on human rights and freedom of media” are included in their partnership (Harris 2013: 12). And 32 sessions on the EU-China human rights dialogue has been held for 16 years, yet no tangible results to be seen. EU's take on the China's human rights situation has been confined to their human rights dialogue between low-level diplomats, behind the closed doors.

EU should speak with one voice, requires greater coherence and need more practical in order to build effective human rights strategic.

Chapter Four

The European Union's Arms Embargo on China

Overview

The EU arms embargo against China in 1989 after the Tiananmen massacre has been the main challenge in the EU-China relations and continues to be main political hindrance. The EU did not uplift the arms embargo from China even though other sanctions were removed due to the bad human rights report in China. Therefore, China has been repeatedly demanding to uplift the arms embargo from them. This has caused an intense debate and discussion about the removing of arms embargo from China among the EU member states, EU institutions and the even the US was involved in the discussion. Due to vast involvement of actors in the debate not only resulted into an internal divergence among them but caused a diplomatic crisis. However, with the failure of negotiation and weak human rights situation in China, arms embargo remained in place. In this chapter, first it would discuss the background of 1989 EU arms embargo against China. In the second section, it would analyse why the proposal to lift came about and why China sought to have embargo lifted. In third section, it would give an overview of the arms embargo debate within Europe and between the EU and the U.S. and the grounds for the US's intense objection to the move. Finally, it would analyse the failure of lifting of EU arms embargo against China.

Background

An arms embargo falls within the “sanctions or restrictive measures imposed by the European Union against third countries” (Grimmett 2005: 1). In broadly, arms embargo is a “special type of action” which can be used to coerce state and non-government actors to improve their behaviour in the interest of international peace and security. The EU embargoes are either “adopted to implement UN Security Council resolutions acting under Chapter VII, or are autonomous” (Grimmett 2005: 6). However, EU has legally established embargoes in a particular provision of the treaties founded by the EU. It confines EU member states to have highest authority to decide on impose restrictions on arms trade.²²From 1970 to 1992, EU’s resolutions on sanctions were prepared from an “informal political process called European Political Cooperation” (EPC). In some cases, the European Council has accepted the declarations to force sanctions on embargoes. Within such context, the EU imposed a number of sanctions on China after Beijing operated its military force to suppress a peaceful demonstration led by students in Tiananmen Square on the fourth of June, 1989. The military crackdown has resulted into killing numerous protesters involved in the Tiananmen Square incident and elsewhere in China. It triggered not only EU but outraged international community that led many countries to enforced sanctions against China, including an arms embargo which persists till today (Wietz 2012).

The Maastricht Treaty introduced the adoption of Common Foreign and Security Policy (CFSP), which came into action in November 1993, and it changed the technical basis for arms embargo. A judgement to enforce an embargo requires unanimity agreement among EU member states, but such procedure is now centred on Common Positions (Grimmett 2005: 1). Meanwhile, the EU has adopted Code of Conduct²³ in 1998 to control arm exports (European Council 1998). The Code of Conduct lays down eight criteria

²²Article 296 of the Treaty Establishing the European Community. Online [Web], Accessed on 20th May 2014, URL: <http://europa.eu.int/eur-lex/lex/en/treaties/index.htm>

²³Inside the EU, the Code of Conduct makes the rules and conditions that all the EU member states should follow and based on which they may sell their weapons to other countries.

(see Annex II) that provide as a procedural method to issue an application to conduct trade military equipment to China. It includes:

“the respect for international commitments especially for the sanctions imposed by the UN, human rights, internal stability, member states’ national security, proper behaviour to the international community especially for anti-terrorism, arms re-exported and domestic social economic development” (Ching 1995).

The Code of conduct also implies to “dual-use goods if the end-user is police or military force of the recipient country”. In addition, exports of such items are regulated by the EU and they established certain procedures and obligations to be accepted for the application of export license for “dual-use goods” (EU Law Blog 2011; Archick 2005: 25). In June 2003, EU also founded “common rules to control arms brokering to prevent circumvention of UN, EU or OSCE embargoes on exports and the criteria established in the EU code” (EU Law Blog 2011). Despite extensive implications outlined for arms export controls on EU member states, member states are not legally binding to the EU code of conduct on arms exports (Moller 2002: 27). However, Individual member states are conducting on their own arms trade license that makes EU arms embargo ineffective.

The Arms Embargo against China (1989)

EU arms embargo on China originated from a political declaration declared in 1989 by the European Community in reaction to the Tiananmen massacre in June 1989 (Friends of Europe 2013; Huang 2012: 10). The arms embargo is a political decision where EU impose restrictions on its relations with China (see Annex I). On June 27, 1989, The European Council summoned in Madrid regarding the incident and gave a collective statement in response to the incident by restricting EU’s relation with China.

It was stated that”

“In the present circumstances, the European Council thinks it necessary to adopt the following measure...interruption by the Member States of the Community of military co-operation and an embargo on trade in arms with China” (Gov.UK 2012).

EU strongly criticises the Chinese suppression taking place inside China and appealed the Chinese authorities to end death sentences and repressive actions taken against those who legitimately assert their democratic and human rights (European Council 1989). These imposed sanctions intended to signal disapproval of Chinese actions. The existence of EU arms embargo has been viewed as “more of a symbolic act” of an objection against the disrespect of human rights. The arms embargo persists until today even though all other European sanctions were lifted in the early 1990s. The purpose of imposing arms embargo at the beginning was prosecution of pro-democracy protestors of Tiananmen Square, but later this aim was shifted to focus more on improving human right situations in China. The Chinese repressive action against its citizen still exists in spite of EU efforts to improve China’s human rights condition. Throughout the year, Human Rights Watch and Amnesty International reviews their report and findings about the human rights condition in China. According to Human Rights Watch, up to perhaps 10,000 people are estimated to be executed every year by the Chinese authority; most of them are political prisoners (World Report 2007). The lack of transparency in the Chinese bureaucracy and restrictions on the media and information are some of major obstacles to the European Union in its assessment of how far China’s human rights policies have improved since 1989.

However, there’s “no universal understanding of what the ‘embargo’ entails in practice” (Grevi 2012: 12). The member states do not have any regulations for management of their arms sales to China since the “1989 Madrid Declaration” is not legally binding. It does not explain the scope of arms embargo and it also has not provided a “list of weapons that conforms to trade in arms” (Tang 2005: 318). There is absence of common EU Position on the items that were included under the policy of arms embargo. Consequently, each

member states translate the arms embargo in their own terms. According to UK, the scope of the China embargo as outlined in its own national law:

- “Lethal weapons, such as machine guns, large calibre weapons, bombs, torpedoes, rockets and missiles”
- “Specially designed components of the above and ammunition”
- “Military aircraft and helicopters, vessels of war, armoured fighting vehicles and other such weapons platforms”
- “Any equipment which might be used for internal repression” (Gov.UK 2012).

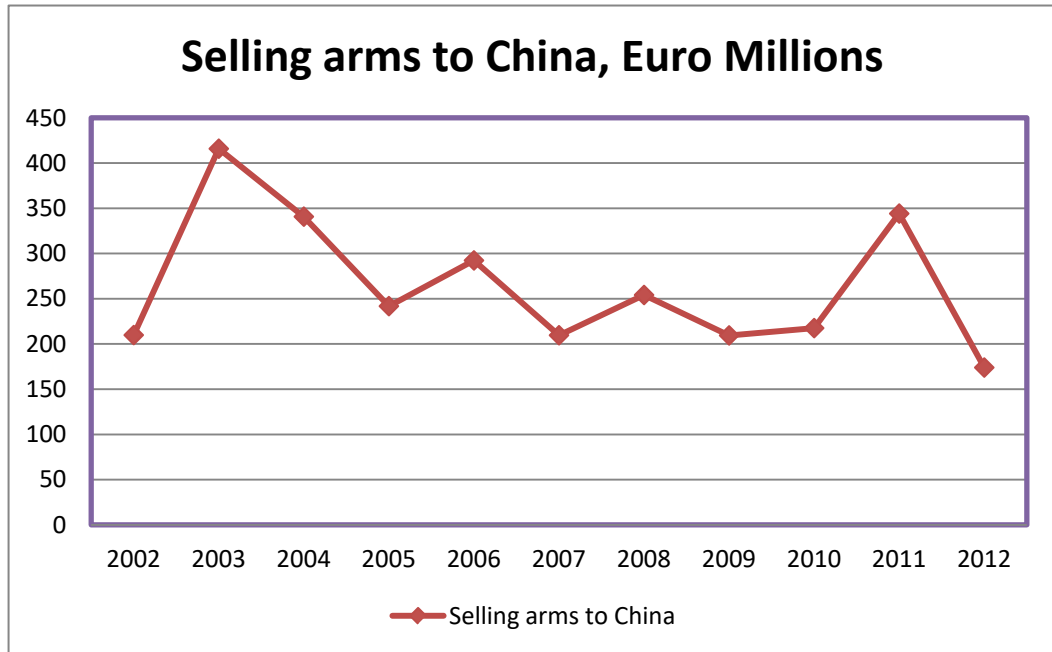
Moreover, declaration have no legal weightage as it does not provide any legal authority to the Central and Eastern European states and those who were not member of European Political Community (Kreutz 2004).

Henceforth, the arms trade between the EU and China still takes place under the 1989 Madrid Declaration. Article 223 of Treaty of Rome grants the jurisdiction of the arms trade and embargo to the member states (The Treaty of Rome 1957: 75). Moreover, after declaration of 1989 arms embargo sanction, it has not provided a complete document which covers arms deal between the member states. According to the EC reports on arms sales to China has been exposed that “many EU member states have exported the arms in almost all categories outlined by the EU towards China between 2001 and 2007” (Li 2009: 33).

The EU arms makers have been granted licence to export weapons worth almost 3 billion euros (\$4.1 billion) to China in the decade to 2012 (See Table 1). “The most recent arms exports worth 173 million euros were permitted in 2012, with France issuing more than 80 percent of them by value” (Agence France Presse 2014). A French parliamentary report said “their country exported arms worth 104 million euros to China” (Hancock 2014). Most of the Beijing military imports come from France, Britain, and Germany (Tang 2005: 318).

Europeans policy of arms sales to China remained in place even it was not concern to be monitored. In the late 2003, China’s urged EU to lift the EU’s embargo resulted into an intense debate about the lifting of the EU arms embargo against China.

Table 4: EU arms export licenses approved to China, Euro Million



Source: Hancock (2014), “European Companies are Supplying China with Billions in Weapons and Military Technology”

China’s Demand for Lifting the Arms Embargo

In the last few decades, China has undergone substantial economic and social development. The EU perceives China as booming economy state with lack of political reforms. The EU has removed all other EU sanctions against China except the arms embargo so as to eradicate the blockades for the future development of the Sino-EU relations. Meanwhile, the EU did not remove only arms embargo sanction from China because their human rights record remains to be unsatisfactory. In order to maintain EU’s core policy, arms embargo on China was considered as important method to track China’s human rights record (The European Commission 1995). In this context, EU has proposed human rights dialogue with China in 1995. China accepted the proposal of “the EU-China Human Rights Dialogue” to be held twice a year. In 2004, China’s amendment of “Constitutional Law” has made “respect and protection of human rights as their

official pledge” (Li 2009). Regardless of such endeavour, China has a huge gap “between the actual human rights situation and the universally accepted standard” (The European Commission 2003). Moreover, the condition of human right in China has been deteriorating since 2008.

In 2003, the EU-China relationship has upgraded to the existing strategic partnership. China’s one of main objective to build a strategic partnership with China is to remove the existing arms embargo. China has been consistently arguing that it is not appropriate to retain arms embargo (Ning 2009: 25). The issue of Chinese desire to remove the arms embargo was not at all a new idea. The arms embargo has been a contentious issue in their relationship. China has been pursuing to remove the arms embargo since the time China acknowledged EU as their strategic partner. Moreover, China’s one of major objective of building strategic partnership was to pursue EU to lift the arms embargo from them (Brown 2011: 14; Stumbaum 2009: 171). Further, China’s first Policy Paper on EU in 2003 invoked the debate about the removal of EU’s arms embargo from them (Reuter 2007: 190).

This issue was also raised when both the President Chirac and Chancellor Schroder visited Beijing. The PRC even tried to pressurise EU to lift embargo by arguing that removal of embargo would remove barriers to their relationship. China’s Vice Foreign Minister Zhang Yesui termed the arms embargo as “outdated”, and he told reporters, “if the ban is maintained, bilateral relations will definitely be affected” (Cameron 2012: 3; Crossick and Reuter 2007: 190). China argued that the embargo was a historical leftover object of the Cold War, yet maintaining such is considered as a unfair act (Vennesson 2007: 427). Moreover, Chinese officials stated “that they were not interested in buying weapons from Europe” (Scott 2007: 15; Casarini 2007: 375). However, the EU expects China to meet their demands such as “ratification of the UN Convention of Political and Civil Rights, the release of prisoners imprisoned during and after the Tiananmen massacre as well as improvement of its human rights record”.

The China’s appeal to lift the embargo may have characterised a test to examine EU’s commitment to the strategic partnership even though no any such

matter was announced publically so far. Rather China has reiterating stated that if ban is maintained the development of a strategic partnership becomes inconsistent and its removal was requirement for even closer bilateral relations. In this regard, the issue of demand to remove embargo from China was a test to the EU's faithfulness.

Arms embargo against China became a stumbling block in the growth of an EU-China strategic partnership, and negatively influenced future economic, political, and military cooperation, as well as increased the distrust between the potential partners. China believes that the EU-China relationship will remain a Cold War relationship until the arms embargo is lifted (Huang 2011: 54). However, in order to deepen the EU-China relationship, some major EU countries such as France, Germany wished to lift the arms embargo to remove the obstacles in their relations. The existence of embargo on China is simply a symbolic value and not a practical one, because it is not binding member states legally. Even the Chinese government also believes that the arms embargo against China will only increase the distrust between the EU and China. Chinese Premier Wen Jiabao has stated that "the embargo is a product of the Cold War and is totally outdated" (Vahl 2011; Vennesson 2007: 426). On this issue, China feels that the existence of the embargo against them humiliates their image in the international relations as China was in the same category with Sudan, Zimbabwe and Myanmar. Thus, China calls for Brussels to remove the arms embargo and in return, China promised to strengthen their cooperation with EU on all the levels (Vennesson 2007: 427). Consequently, the EU's arms embargo against China has become the primary obstacle in the development of an EU-China strategic partnership.

Following the "EU-US strategic dialogue on East Asia", China considered their strategic dialogue as an US attempt to compel EU not to remove the embargo. At the same time, China was worried about possibility of US influence on EU's decision regarding the embargo. In this regard, Chinese Premier, Wen Jiabao, assured European Union that Beijing does not intend to make large-scale purchases of European weapons. During the EU-China summit he stated that China seeks to lift embargo to oppose 'political discrimination against them and

not for the sake of buying Europe's advance weaponry (Frank 2005). However, with the pressure from US and disagreement among the member states led to postponement of lifting the embargo indefinitely (Berkofsky 2006: 189). Furthermore, failure of lifting arms embargo led to the adoption of the Anti-Secession Law (ASL)²⁴ by the PRC in March 2005. It warns of "the use of force against perceived efforts at establishing Taiwan's independence" (Anti-Secession Law 2005).²⁵

However, in order to build a true strategic partnership, both the parties should respect their mutual interest and goal rather than blocking their scope of strengthening their relations.

The Internal Debate within the European Union on Lifting the Arms Ban

The European Union has adopted the European Security Strategy in 2003 as a principle to guide for EU's Foreign and Security Policy. The ESS has two main objectives such as "the security of the EU and the promotion of norms and values including human rights and democracy" (Ning 2009; European Council 2003). The ESS stresses on the building of strategic partnership with potential partners who share EU's goal and values (European Council 2003). Obviously, the containment of the ESS is contradictory in nature. One hand, it is seeking territorial security by establishing strategic partnership with other states. EU's believes and commitment towards promotion of human rights, democracy and good governance are very strong (Smith 2003; Sedelmeier 2004: 124). However, it was argued that it is "impossible to always pursue the maximum security while maintaining the normative standards" (Li 2009). The EU can make only one objective as their supreme priority. Since ESS has adopted norms and values as their core base which makes EU a normative power. Thus these values

²⁴On March 14, 2005, China adopted its "Anti-Secession Law," declaring in Article 8 that: If the separatist forces of "Taiwan independence" use any name or any means to cause the fact of Taiwan's separation from China, or a major incident occurs that would lead to Taiwan's separation from China, or the possibilities of peaceful unification are completely exhausted, the country may adopt non-peaceful means and other necessary measures to safeguard national sovereignty and territorial integrity.

²⁵Anti-Secession Law.(2005), People's Republic of China, March 13, 2005. Online [Web], Accessed on 20th June 2014, URL: http://english.peopledaily.com.cn/200503/14/eng20050314_176746.html

undermine the importance of the strategic partnership. The construction of this normative identity creates expectations from domestic audiences, NGOs for the promotion of human rights as a major component of the EU's foreign policy. So as to be a real strategic partner with third party, EU has to focus on their core objective regardless of any other interest.

Yet, the EU member states' approach was diverged between the interest and values in the case of lifting arms ban against China in 2003.

Reactions of EU Member States

The EU started to consider lifting its arms embargo against China in 2003 and began re-examining the arms embargo at a "PRC-EU summit in The Hague on 7-9 December 2004" (Campaign for Tibet 2014), but no clear procedure was mentioned. The issue of revising the arms embargo on China was addressed for the CFSP, during the Presidency Conclusion of the European Council meeting. Meanwhile Brussels in 2005 announced in official statements "to promise to work towards the lifting of the embargo" (EU-China Summit 2005). There was a division in the decision making of lifting the arms embargo against China, not only among the member states but also between the EU institutions.

It was France and Germany who started calling for lifting the arms embargo at the General Affairs and External Relations Council (GAERC) meeting on December 2003. Others such as Spain and Greece have supported the campaign. Their first main argument was that the declaration on arms embargo is "nothing more than a voluntary proclamation by the EU member state at the time". So, it does not have accurate enforcement mechanism and uneven in its impact, which needs to be removed (Kogan 2005: 10).

In January 2004, The French President Jacques Chirac declared its support in lifting the embargo from China (Wolfe 2004; Vensesson 2007: 427). Even some of its companies such as the "defence contractor SNECMA and EADS" joined the group. Phillipe Camus, CEO of EADS, stated "that the EU's arms embargo is a remnant of the Cold War and disturbs the Sino-France aerospace

cooperation” (Ning 2009: 28). However, French opposition party did not support the President Chirac’s interest in lifting the embargo. French position on the embargo was divided between the economic interest in China and promotion of human rights norms in China.

German Chancellor Gerhard Schroder, during his visit to China, he stated that “China should be considered as a responsible partner in international affairs”. German is one of the largest bilateral trading partners of China and is actively involved in selling its nuclear power plant (People’s Daily 2003). Nevertheless, German Chancellor was criticised by his opposition party as well as by the coalition party on regarding his position on the debate of lifting arms embargo. Just as French opposition party, German stressed the poor human rights situation in China and refused to lift the embargo. The EU Code of Conduct should be strengthened in order to stop flow of weapon sales to China.

However, it was argued that the controls on exports of lethal weapons and defence technologies to China are guided by strict national export regulations of each member state, at the EU level (Shambaugh 2005: 3). An Agence France Presse (AFP) investigation reported that “European countries have approved billions in transfer of weapons and military-ready technology to the China” (Hancock, China Post 2014). Chang said, “China uses the name of civilian purchase to purchase French helicopter engines”, and later “they shift those engines into military helicopter” (Hancock 2014).

France and Germany supports the lifting of the embargo from China, they argued that the existence of embargo complicates their relationship with China and it prevents their efforts to develop a stronger economic relationship as a primary area while covering other various areas. In order to meet such goals, they expressed their satisfaction in the human rights record of China which is still not acceptable (Cabestan 2007: 138). Moreover, China is yet to ratify “UN Covenant on Civil and Political Rights” and human rights situation in Tibet and Xinjiang have been deteriorating since 2008 uprising in Tibet. China continues to execute and torture its prisoners, moreover, Red Cross was not permit to access prisons. Numbers of prisoners are increasing as per human rights record

provided by the Amnesty International and Human Rights Defenders. There have been no tangible improvements on the ground of China's human rights situation.

Germany and France and supporters for the debate were counter attacked by some of its member states. For instance, The UK has initially shown its concern regarding removing of embargo but however, they changed the position when US intervened. Since then they consistently opposed the lifting of embargo against China. Moreover, UK supported the review procedure of the "Code of Conduct" to reduce the arms sells to China (People's Daily 2004).

Eventually, the Scandinavian countries have strongly condemned the position taken by big EU members. Subsequently, some of EU's new member states who were integrated from former Soviet bloc joined the Scandinavian group to oppose human rights condition of China (Weitz 2012). The Swedish Foreign Minister Laila Freiwalds stated that "Sweden is fundamentally positive for the lifting of the arms embargo against China, but it considers that it is currently no consensus among the EU member states for such decisions. So issues should be addressed through continued EU internal discussion and preparations" (Sveriges Riksdag 2003:10). However, its opposition party strongly acted against the review procedure

Denmark Parliamentary Foreign Affairs Committee indicated that "it would support the lifting of the embargo if the human rights situation in China is significantly improved" (Ching 2004). Their opposition party claimed that "the lifting of the arms embargo was unlikely to happen since the human rights situation in China was far less than optimistic". At the same time, the Dutch parliament passed it resolution urging "China to improve its human rights situation in exchange for Dutch support for the lifting of the embargo" (Ning 2009; Berkofsky 2004). The Dutch Ministry of Foreign Affairs claimed that the "human rights situation in China has the full attention of the Dutch government" and the Code of Conduct could prevent the arms sells to China (UNPO 2004; Ning 2009: 30).

Furthermore, the European Institutions were also divided among themselves regarding the debate of arms embargo, like European Parliament is more critical of China and rejected the idea of lifting the arms embargo from China since the very beginning of the debate. On the request of Greens and Tibet Intergroup, the EP has conducted a parliamentary vote on its position towards the lifting of the embargo. On 18 December 2003, due to “an overwhelming majority of 373 to 32 with 29 abstentions”, the EP announced that the arms embargo could not be lifted because of the poor human rights situation and its “threats against Taiwan” (Asia News 2003).²⁶

The European Parliament has passed a several resolutions against the Chinese human rights record and its code of conduct. First, when the Council first suggested an opinion about the lifting the arms embargo, the European Parliament passed a resolution against lifting arms embargo until China’s human rights record improved significantly (European Parliament 2003). Second, when the EU and China established a strategic partnership, the European Parliament adopted a resolution to regulate the EU’s external relations. It emphasised that “strategic partnerships with third countries must be based on the sharing and promotion of common values” (Cameron 2009: 57). Third, in the following years, the European Parliament adopted resolutions critical of China’s human rights record and relationships with Tibet and Taiwan, and also of EU-China’s economic and trade cooperation (Huang 2011: 57). Furthermore, the European Parliament reflects the public opinion of European societies because it is the only institution in EU that has been directly elected by the citizens of the Europe.

The division within the EU regarding the China’s demand to remove the arms embargo was largely based on the difference in the perception of strategic importance in the EU-China relations. The member proponents in favour of lifting the embargo are more interested in the economic and trade relationship with China. They did not consider the human rights, regional stability and cross-

²⁶Asia News (2003), “European Parliament Opposes Lifting Arms Embargo against China”, Online[Web], Accessed 23rd June, 2014, URL: <http://www.asianews.it/index.php?l=en&art=177>

strait as the core issue in their relations. These proponents argued that it is not necessary to continue implementing a meaningless declaration (Huang 2001: 56). Narramore argued that

“the campaign to lift the embargo was seen by its supporters as a concession to China that would, it was hoped, be reciprocated with efforts to expand China’s relations with the EU on all levels, offering European business favourable treatment when investing and doing business in and with China” (Narramore 2008: 89).

These proponents are contending with the human rights situation in China, argued that actual situation in China has changed since 1989, though the improvement may be limited but in reality the situation is opposite in China. Furthermore, they suggested that such changes are not appropriate to connect with the issue of arms embargo. Moreover, it was believed that the lifting of arms embargo would “not change the military balance” in East Asia as argued that the arms embargo is outdated and not effective. In this regard, the French President Jacques Chirac stated that “the lifting arms embargo would normalise the bilateral relations” (Ning 2009: 85).

While othergroup of member states preferred to implement a more practical and restrictive mechanisms to monitor and manage the arms trade with China. They supported not to lift the ban as a result of weak Chinese human rights situation. Whereas US concerns for supporting the ban was the issues of Taiwan’s security and regional stability (Archick et al. 2005: 31). Furthermore, there are many supporters including NGOs, human rights activist, who wants embargo to be in place. According to BBC report 2005, there were more than “500 Chinese human rights activist” who wrote an open letter to the EU requesting not to lift its arms embargo on China (BBC 2005). The Amnesty International also condemned EU member states for accepting lifting of embargo even when human rights record is poor (Parliament UK 2004). At the same time, Taiwan warned EU not to remove ban on China as it would not improve its human rights situation once the ban is removed (Ministry of Foreign of Taiwan Authority 2006).

However, the EU Council failed to meet its promise to lift the ban due to large number of disapproval came from its member states, institutions and international community. Moreover, embargo is remaining legacy of 1989 Tiananmen Square and removal of embargo from China would signify EU's satisfaction with the Chinese human rights record. Moreover, major part of Europe criticised the proponents of repealing the arms embargo. As EU spokeswoman said there were still concerns about the PRC's commitment to human rights. The EU imposed an arms embargo against the China in the wake of the suppression of the pro-democracy movement and it should remain in place until Chinese government improves their human rights condition. Since embargo on China is to end repressive actions against those who seek or fight for their legitimate rights.

The UK based Campaign Against Arms Trade (CAAT), Smith said, "the EU is supposed to be based on the promotion of human rights and democracy, but all too often these values are overridden in the name of short-term profits for arms companies". Emil Kirchner, an EU policy expert at Britain's University of Essex, said "already, cynics claim that if the People's Liberation Army went to war tomorrow, it would employ an arsenal filled with equipment from Germany, France and Britain" (Hancock AFP 2014).

Moreover, the lifting of ban represents the EU's support for China's poor human rights record which goes against the EU's and EU people's ideal of protecting human rights, democracy and freedom.

The U.S. Position: Why the Embargo should be kept in Place?

As the debate rolled on throughout 2004 and into 2005, the U.S. intensified its opposition against the EU's approaching consensus to lift the ban against China. The lifting of ban has become very controversial and impacts on the transatlantic relations as the United States was very critical and opposed to lifting EU's arms embargo against China. Although the U.S condemned EU for lifting arms embargo on the ground of China's human rights report, it was also concern of geopolitical interest(Crossick 2005: 17). Washington argued that

lifting arms embargo could increase tension between the US and China in case of conflict between the China and Taiwan. China would upgrade its military capabilities and build asymmetrical imbalance of power in the Taiwan Strait. Second argument was that, it could be a wrong signal to Beijing and the rest of the world, as if the poor human rights condition has been improved. In this regard, the US is against EU's position to lift the embargo but EU believes that Chinese political system will improve after China's economic modernisation. Hence forth, the U.S and EU both share different strategy towards China, which reflects two schools of thought, where the EU believes that China should be provided with assistance to progress its political system and integrated them into international community, while the US favour in containing China from its growth (Crossick 2005: 17).

In order to prevent the lifting of arms embargo, the US has adopted two kinds of method. Frist method the US diplomats and officials started lobbying with EU member states when Council of EU decided to revisit the issue of arms embargo on China in December 2003. The US government sent its intelligence officials to describe the consequences it would posed in the stability of East Asian region (Stumbaum 2009: 192). The U.S. through its allies in NATO, lobbied heavenly in the EU to keep the embargo in place (Spiegel 2004). The US administration also carried out diplomacy at highest level with European Union. By sending Secretary of State Condoleezza Rice and President Bush to address their strong opposition and making EU to understand their concerns (Huang 2012: 15). Through these series of lobbies, US have expressed their concerns and issues regarding EU's position on the embargo against China.

In second method, the US threatened EU members for imposing sanctions against the members if in case EU lifts the embargo (Huang 2012: 15). The U.S House of Representatives passed a bill that "would restrict military exports and technology-sharing with European countries that sell arms to China" (Alden 2004; Kreutz 2004: 49).In early 2005, the US Congress passed several resolutions to urge the EU not to lift the embargo against China. The US threat to impose sanctions against EU changed their willingness to lift the ban on China. Initially some European defence companies supported lifting of embargo

because of Chinese market for defence technology that they believed lifting the embargo could meet their commercial interest (Stumbaum 2009: 188). European defence companies such as BAE system and EADS changed their stance when US congress made European companies to choose between the US and the Chinese market (Stumbaum 2009: 186). The European Union companies played a crucial role to preventing the EU from ending arms embargo against China. For instance, British government was pressurised by their defence companies and that led to change their position from “decision to non-decision (Stumbaum 2009: 191).

This issue is particularly sensitive in the US because of its commitment to Taiwan and Washington’s fear that the balance of forces between China and Taiwan will be upset if the Chinese acquire sophisticated arms from EU (Crossick 2005: 17). Even the Japanese officials at EU have stated that “an end to the arms embargo would be a mistake; it would destabilise the situation in the region (Zagreb 2013: 13).

In the recent years, the global trade of conventional arms has proliferated and increased in volume, and it has become more sophisticated. Even the market is growing to meet the global demand. China has made serious investments in modernization of its armed forces in the last twenty years. According to the SIPRI, annual defence budget of China has increased fourfold from 30 billion dollars in 2000 and 120 billion in 2010 and China has raised its official budget on defence and it has become the world’s second largest military investor (See Chart 1).

This huge build-up will certainly have an impact on security issues. Modern Chinese military is “capable of successfully destroying satellites, intercepting ballistic missiles, launching supersonic missiles and ballistic missiles, targeting enemy ships and carriers from land, targeting overseas points with strategic MIRV-capable missiles”. (Zagreb 2013: 2; Masako 2009: 37). On February 16, 2005, the Director of Central Intelligence Porter Goss showed that Beijing’s military modernisation and military build-up are changing the balance

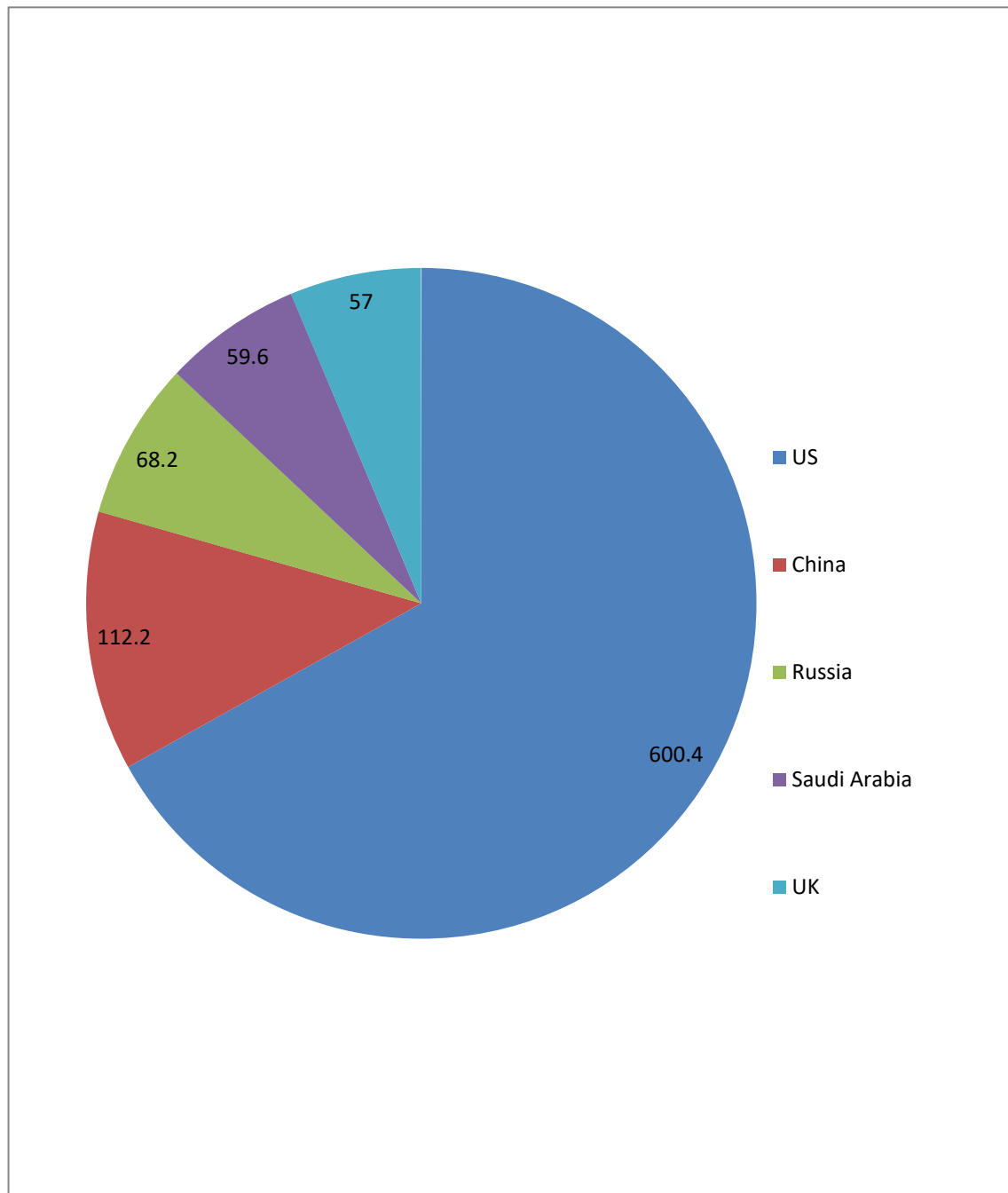
of power in the Taiwan Strait and its improved PLA capabilities threaten the US forces in the region (Central Intelligence Agency 2005).

As Chinese air force relies on French-designed helicopters, so, the submarines and frigates involved in Beijing's physical assertion of its claim on the South China Sea are fuelled by German and French engines as a part of a separate trade in dual use technology to Beijing's armed forces. The U.S. argues that lifting the embargo against China will increase EU's arms sales to China which would result China's military expansion and instability in East Asia (Huang 2011: 57). The EU's Code of Conduct and Export Control should be strengthened argued by Shambaugh (2005: 3). However, EU have been arguing the Code could be strengthened and provide more restrictive regime to control sales after lifting of arms embargo which US is not agreeing.

In response to U.S reaction to EU embargo, Liu, Jianchao, a spokesperson for the Chinese Foreign Affairs Ministry, stated that "the arrangement between the EU and China to lift the embargo is not directed against any third country, or aimed at undermining the interest of any third party. Therefore, to stand in the way is totally unnecessary and unreasonable" (Vennesson 2007: 436).

If EU removed its arms embargo on China, one obvious consequence would be the reduction in EU and US influence and their leverage on China would decrease. As a result, it will be more challenging for EU to deal with Chinese government and human rights condition will deteriorate further in the future instead of improving. While EU believes that with economic development of Chinese government will improve its political system.

Chart 1: Top 15 Defence Budgets 2013, Dollar Billion



Source: (Marcus 2014), "Military Spending: Balance tipping towards China".

Nevertheless, EU did not lift the arms embargo against China as per planned. Even though EU had plan to lift arms embargo on China because of the intense debate between the different actors led to the failure of EU's promise to China. However, with the series of US lobbying with EU regarding the matter,

somehow, result was positive. The EU arms embargo will remain in place as long as US is there to stop EU from lifting it from China. The US security interest has been shifted to Asia, since from 2011 Obama administration began to consider the security of Asia Pacific region as the top priority of his foreign policy and they have declared its policy on the pivot to Asia. The full US involvement in multilateral architecture of East Asia increases Washington's leverage and role in Asia (Huang 2012: 20). In this regard, the US has no reason to support the EU lifting arms embargo on China which would destabilise the security in the region. Thus, arms embargo will remain in the place.

The Failure to Lift the EU Arms Embargo on China

Since the EU arms embargo on China is an issue with the involvement of numerous actors on the international stage, its attempt to lift was not achieved. The review procedure in the European Council was stopped specially after the German and French national elections in 2005 and 2007 respectively. Without German and French support the issue of lifting arms embargo on China is observed as a subsided debate.

First key obstacles was, the European member was internally divided and could not come out with common consensus regarding the debate of lifting the arms embargo on China. The main reason why the consensus could not reach was the clash between the interest oriented and value oriented of EU member states. For France and Germany, they believe that lifting the ban could pursue their commercial interest by bringing more contracts from China in various fields. They argue that human right situation in China has improved comparably as compare to the Tiananmen incident. But Nordic countries counter argued on the basis of weak human right condition in China. While, the UK and some of the East European countries fear that ending the ban would further strain transatlantic relations that led to change UK's position as well.

Second, there was the issue of human rights, raised by the EU against the Chinese poor human rights record. China has still not ratified the UN CCPR and

human right abuses continue in China. Therefore, the debate has taken place. The EU is expected to continue its commitment in improving human rights situation in China and regarding human rights as a condition for lifting the ban. So, the issue of the weak Chinese political system will also remain on the agenda of the EU-China relations. But Chinese leaders are unwilling to release them in any time soon, not even after 25 years of detaining them in prison because they reiterated said that the prisoners are a “threat to Chia’s national security”. This makes the EU difficult to deal with them politically, socially and economically.

Third, security issue of Taiwan made US involvement in the debate of EU lifting the arms embargo against China. Since the Chinese had begun to consider an ‘anti-secession law’ authorizing the use of force if Taiwan should move towards independence. The US has been more concern about the security of Asia Pacific.

Finally,EU’s 1989 declaration on the arms embargo is binding legally for the new EU member states, the Central and Eastern states in particular (Kreutz 2004). Moreover, there was the lack of any real proposals for strengthening of the Code of Conduct in a way to stop the arms sales to China. Washington regards China as a strategic rival and remains committed to defending Taiwan in case of attack. It therefore warns the Europeans against selling weapons to China.The Americans increasingly linked the arms embargo issue with questions about the overall reliability of the European as allies (Sandschneider 2006: 41).

However, the lack of transparency in the Chinese bureaucracy and restrictions on the media and information are some of major obstacles to the European Union in its assessment of how far China’s human rights policies have improved since 1989.

The EU Trade Commissioner Peter Mandelson clearly stated that,

“China needs to help the Union to lift the embargo. A modern Europe and a modern China need a modern basis for their relationship-

permitting broad, open and honest debate and negotiations”. He also said “I accept that there has to be give and take on both sides. We in Europe are preparing to move forward to lift the arms embargo. But if and when we do, we shall find the step easier if we can point to clear evidence that China is taking account of our concerns in other areas of policy, which in turn, will allow us in Europe to feel confident about our next move”(Formosa 2006; Crossick 2005: 19).

Because of all these issues made debate more intense and controversial. Much criticism from different section of groups such as internal division of member states, the European Parliament and the US, the EU’s position has shifted from the lifting of the ban to the argument that the Code of Conduct could replace the arms embargo, and finally the European Council decided to take up the issue only after China improves its human rights record significantly.

Nevertheless, the bilateral relations between the EU and China have been preceding rather smoothly, EU and China managed to acknowledge each other as a strategic partnership even after failure of lifting arms embargo. The EU has interest in China as it is one of a rising political and economic power whose policies will have global implications for global challenges. The EU believes that engagement with China on global issues would be mutually beneficial and hopes to further entrench in China in the international system. In this case, some EU member states perceive the arms embargo on China as a hindrance to developing closer EU-China ties. They believe that ending the embargo is the only way to deepen EU-China relations. In January 2005, Javier Solana, the EU’s High Representative for CFSP, stated that “lifting the arms embargo on China will be “more political decision than a military one” and it doesn’t mean increasing arms exports (Solana 2005). While, Scandinavian and other member states who are against the lifting of embargo, has strong commitment towards EU’s value such as promoting the human rights, democracy and good governance. The EU’s approach regarding the lifting of arms embargo was divided between the interest and values. As it is clear, some EU member states are pursuing the commercial interest as primary preferences, while other actors in the EU took norms and values as first priority. Even though many argue that

human right is the main foundation of the ban, but it seems more likely that status of Taiwan will make the real difference in the lifting of embargo.

It has been argued that the failure to reach a common decision on the embargo has resulted in the re-bilateralism of relations between EU member states and China particularly on foreign and security issues although the EU remained the important point of contact on economic matters (Brown 2011: 20). Overall, the conduct of the debate and the failure to reach a firm decision has damaged the perception of the EU as a coherent international actor in the eyes of China. Undoubtedly, it is EU that who perceives importance of the strategic partnership more than it is for China. This is the obvious reason that China does not reciprocate EU's policy of norms and values. Rather, China is more interested on the economic cooperation. On the whole, however, China does not appear to view the EU as important as certain actors in the EU would be inclined to believe. Jonathan Holslag has argued that China's engagement of the EU is essentially "function of its own relationship with the U.S." and as such treats the EU "as an intermediate player", relegating it to secondary importance in China's foreign policy (Holslay 2011: 308-9). The issues such as human rights, arms embargo, EMS had a negative effect on the EU-China relations. China arguably continues to view the EU predominantly as an economic actor, although still displays an interest in enhancing the strategic partnership further.

The paradox of the whole issue lies in the fact that EU cannot reach a unified position on the embargo. This is due to a different model and speed of decision-making in China and EU, which is why China cannot get hold of EU as a while. Instead, it has to deal with member states on various issues without seeing the consensus. For one thing, the EU who first imposed the embargo years ago was a much more compact body than it is now. Embargo issue is in the competence of CFSP which needs the approval of all member states.

Although both EU and China emphasise the "need for multilateral solution to deal with non-traditional security threats", but they don't share same values and rather it concerns own interest. In order to become a real strategic partner, first EU should try to overcome from internal divergences. EU needs to

become stronger with one voice. Stockholm argued that “Europe needs pragmatism, confidence and a common vision to deal with a stronger China, according to experts gathered in Stockholm on 9th June 2010”. Since the EU is composed of 28 member states, accounts for 22 percent of the world’s GDP, however, it lacks confidence, leadership and a vision when dealing with China”, states Dr May-Britt Stumbaum.

The EU-China strategic partnership has encountered serious challenge from both inside the EU and on outside third party. The EU-China strategic partnership was based on the concepts of multilateralism and multi-polarity, trade and economic cooperation. The failure of lifting the ban portrayed EU as a weak international actor. Since both the party shares diverse strategic interest and values, trust factor is lacking in their relations. China, in order to achieve removal of arms embargo, china needs to improve their internal domestic problems and human rights. In order to develop true and full-fledge strategic partnership between EU and China, they need to work practically as it has written on the policy a paper which is based on common interest and long term.

In the light of above debate, it poses a dilemma for the international community as their operational nature of strategic partnership remains relatively unclear and it undermines EU’s norms and principles which are its core objectives to promote in China.

The EU’s long-term objective should be the normalisation of relations with China through the lifting of the embargo, but in ways that do not affect the balance of power in East Asia; that do not alarm the Americans or other interested parties; and that advance European objectives, such as an improvement in China’s human rights situation and in its non-proliferation regime.

Chapter Four

Conclusion

In the past two decades the Chinese economic growth was unprecedented and emerged as a significant international actor. The EU has recognised Chinese potential in the economic sphere and extended its comprehensive strategic partnership with China. In 2003, both EU and China acknowledged themselves as strategic partners in the international relations. Both the partners have achieved great deal of success in terms of their economic and trade relations. Moreover, EU and China has become significant and influential actor on the global stage. For the last nine years, the EU has been China's largest economic partner. Official figure shows that bilateral trade in goods between the EU and China increased four-fold in a decade which has reached 434 billion euros in 2012 (Zhenglimin 2014).

In 2005 the Commissioner for Trade, Peter Mandelson, stated "the majority of people in Europe are convinced that a stronger co-operative relationship with China is not only inevitable but also very much in our own interest" (Wolfgang 2005). In the light of belief system of Europeans, EU established its comprehensive strategic partnership with China in 2003.

However, the question "What really does mean by the strategic partnership" in the EU-China relationship remained unclear.

From the collective view point of scholars, it is defined that "strategic partners" should be similar parties with the presence of "common values, common interest, have mutual understanding" and maximize their national interest and commitment to build a long term relationship. The concept itself is a new discourse in international relations and definitions are not specific and clear as different state tend to define differently with no clear purpose and list to follow. So the definition of term "strategic partnership" is complex and diverse to understand. The debate on definition of strategic partnership, who is a strategic

partner and who is not is quite challenging and unclear as attributions to such issue are quite inconsistent. As a result, both the strategic quality and nature of partnership between the states are often questioned.

In the context of the EU-China strategic partnership, they are two different global actors who share different concept, value system and objectives of strategic partnership. People's Republic of China is one party state preserving its sovereignty in a world and often seen as an antagonistic to its very existence, on the other hand, the EU is well-established democratic group with strong value system. By analysing the standards set by both the partners are indeed a long term and are interdependent to each other on the global challenges.

Due to differences in their value and political system, concept strategic partnership differs fundamentally. The EU's strategic partnership seems to be based on long term cooperation on economic, trade, counter terrorism and including political issues based on mutual interest and mutual benefits. But China's policy towards EU is based on the merely economic nature interest. The stability of relations remains mixed as one can hardly speak of the EU-China strategic partnership of equal goals which remain major obstacles and share believes in different way of engaging with each other as a strategic partnership.

Additionally, their intentions and objectives varies from each other, for instance, EU seeks market access, demand concessions on trade restrictions and importantly EU aims to promote its norms, value system and human rights in China. However, China discarded EU's objectives and pursue to lift the EU arms embargo and grant Market Economy Status.

Even though, the EU-China strategic partnership has been built on the experience of more than three decades of successful bilateral relationship between them, trade and economy still remain the key area in their strategic partnership. The issue of conflict and discontentment exists between them, despite of political willingness and economic interdependences, mainly due to their difference in believe system.

The economic and trade relations are the founding instrument of the maturing partnership between the EU and China. The EU has also become leading source of advanced technologies to China in the forms of direct investment, equipment supplies, and high-tech transfers. In the midst of the ongoing Eurozone crisis, EU exports to China soared by 48% in the first quarter of 2010, whilst EU imports from China grew by 9.8% (Chan 2010: 133). EU-China cooperation and interdependence is constantly increasing. Economy and trade continue to be the key areas in EU-China relations today.

Despite unprecedented growth in their economic and trade relationship, there are certain areas of contention in their strategic partnership such as issues dealing with fair trade, human rights and democracy. China always have area of conflicts with European Union in arms embargo, human rights, trade disputes, Market Economy Status which will remains present in their relations. As for EU, it could not achieve much of its core interest with China due to issues of Intellectual property rights, market access for European companies and respect for human rights. China moreover, did not ratify UN International Covenant on Civil and Political Rights despite EU's persistent lobbying. Moreover, they are differences among EU member states, lack coherent policy towards China. Thus making impossible for EU to accommodate 28 different approaches towards China seeking to formulate and implement one coherent EU strategic policies towards China.

However, differences in value of trading goods and investment generate tension between the EU and China. On the one side, Chinese have been pressuring Europe to open its market for low value-added products and also restraining European protectionist measures, while on the other side, European have been urging China to lower its barriers to access Chinese market for European industries and respecting the Intellectual Property Rights. Europe seems to need Chinese market more than China needs Europe due to the development in technology and intellectual skills of Chinese people. The scope of trading technology with China is decreasing. It has led to growth of trade imbalance as China surplus much higher than the West. Moreover, the value of Yuan is weak and Chinese goods are much cheaper as compare to European

products, it becomes more challenging for European companies to compete with China. In regard to the issue of value of Yuan, Europeans argue by saying that China is deliberately keeping its value low, but China proclaims that their currency is flexible.

Therefore, tension in trade has increased over the years involving the protection of Intellectual Property Rights (IPR), public procurement, anti-dumping, liberalisation of trade in service, China's Market Economy Status (MES) and the possible establishment of Free Trade Agreement (FTA) between the EU and China. The issue of Intellectual Property Rights (IPR) remains another area of divergence in EU-China relations. China failed to implement transparent and efficient intellectual property rights protecting European intellectual property in China. China in this regard argued that it is geographically too large to impose standardized intellectual property rights laws and regulations. Europe continues to urge Beijing to stop selling counterfeit goods and its authorities to implement IPR (Berfosky 2006: 188).

Although China is a WTO member the EU still faces relatively restricted access to parts of the Chinese market. EU records a significant trade deficit with China because of the access barrier in Chinese market. Trade imbalance between China and EU became more frequent with the trade disputes. According to the Chinese statistics, China had a trade surplus with EU by USD 19.1 billion, whereas according to EuroStat, EU had a trade deficit with China by EUR 64.2 billion (Xin 2013: 10). This has a huge gap in trade balance. Meanwhile China's investment in Europe has been increasing year by year. China's export to the EU in 2011 was 356 euro billions, 14 percent growth in their trade with EU (Xin 2012). Therefore, The EU's did not credit China's market economy status which has a solid implication for anti-dumping purposes as well as a symbolic significance as a stamp of approval of China's economic transformation. In order to have a good trading relationship, China needs to open its markets completely so as to allow for fair competition, while the EU needs to accept Chinese competition on the international arena.

The arms embargo issue in EU-China relationship has been one of most challenging issue. EU failed to lift the embargo on China due to the poor human rights condition in China. European seem to have “lost face” to China, when they could not deliver what they have promised, because they were internally divided and externally influenced by the United States regarding the lifting of arms embargo. The EU-China strategic partnership was based on the concepts of multilateralism and multi-polarity, trade and economic cooperation. The failure of lifting the ban portrayed EU as a weak international actor. Since both the party shares diverse strategic interest and values, trust factor is lacking in their relations. China, in order to achieve removal of arms embargo, chine needs to improve their internal domestic problems and human rights. In order to develop true and full-fledge strategic partnership between EU and China, they need to work practically as it has written on the policy a paper which is based on common interest and long term

Human Rights issues are most sensitive issue in EU-China relations. Though EU had developed different instruments, provided EU guidelines on human rights, human rights dialogue and policies, however there is still serious lack of implementation of all these instruments and of a clear methods to regular assessment supported by clear benchmark. The failure in the implementation of human rights policies in China is that member states of EU lack common policy towards China as differences in the member states concerns and priorities.

At the same time China pressurise EU not to build contact with Taiwan and expects EU to accept its one-China principle. Hong Kong and Macau’s cooperation with EU is also a problem for China. China considers EU’s understanding and involvement in the issue of Tibet and human rights are their internal problems. In this regard, EU’s stance towards the China’s violation of human rights in Tibet and other part of China are weak and sceptical. Even though EU and China meet twice a year to discuss the situation of human rights but there’s very less likely to improve human rights condition in China. More than 32 dialogues were held so far between them yet reports on the human rights are negative. On the other hand, China seems to be happy for continuing

the custom of dialogue because dialogues are just to pay superficial lip service to human rights norms in order to save their strong economic ties.

The non-traditional security such as impact of on-going climate change is life-threatening challenges. In 2003, ESS has listed climate changes as Europe's global security concerns and stated "climate change is a treat multiplier" in 2008 ESS report (Stumbaum 2014: 5). Climate change can also lead to disputes over trade routes, maritime zones and resources inaccessible (European Council 2009: 14).

Hence, the EU-China strategic partnership experiences more divergence than convergence even though China is second largest trading partner of EU and EU being the largest trading partner of the China. Differences such as internal divergences, policies coordination problem between the partners, different perception between them will remain in place. Consequently, these factors make the EU-China strategic partnership weak and challenging. However, EU-China can be real strategic partners only when China put effort to improve its internal political situation. Their partnerships are largely based on a deep understanding of values which underlines the foreign policy decision of the other party. The strategic partnership between the EU and China is clearly a pragmatic one, driven by mutual interest in spite of value differences. China is not a democracy and does have little in common with EU and its approaches unlike Asian democracies such as Japan and India, yet Beijing is currently most important leading partner of EU.

This will undoubtedly be an important topic of debate in the future. China's unprecedented economic boom has contributed to its current status as a major global player on the world stage. As Chinese economic power grows, the EU will obtain greater interest in maintaining strong relations with the economic giant despite divergences of their strategic partnership.

However, EU should speak with one voice, requires greater coherence and need more practical in order to build true strategic partnership. China should also co-operate EU in all aspects of their relations. They should build their relationship based on mutual trust and mutual understanding, share common

ground in order to work towards their 2020 plan, where China aims to build a prosperous society by 2020, while the EU works towards its own EU 2020 strategy.

“I am confident that 2014 will surely usher the China-Europe relations into a new period of great vigour and dynamism”. Xi Jinping

Appendix I: 1989 Madrid European Council Declaration on China²⁷

The European Council, recalling the declaration of the twelve of June 6, strongly condemns the brutal repression taking place in China. It expresses its dismay at the pursuit of executions in spite of all the appeals of the international community. It solemnly requests the Chinese authorities to stop the executions and to put an end to the repressive actions against those who legitimately claim their democratic rights.

The European Council requests the Chinese authorities to respect human rights and to take into account the hopes for freedom and democracy deeply felt by the population.

It underlines that this is an essential element for the pursuit of the policy of reforms and openness that has been supported by the European Community and its member states.

The twelve are aware that the recent events have caused great anxiety in Hong Kong.

In the present circumstances the European Council thinks it necessary to adopt the following measures:

- raising the issue of human rights in China in the appropriate international forum, asking for the admittance of independent observers to attend the trials and to visit the prisons, interruption by the member states of the community of military cooperation and an embargo on trade in arms with China,
- suspension of bilateral Ministerial and High Level contacts, postponement by the community and its member states of new cooperation projects,
- reduction of programmes of cultural, scientific and technical cooperation to only those activities that might maintain a meaning in the present circumstances,

²⁷the arms embargo database of Stockholm International Peace Research Institute, Online [Web], Accessed on 25th June 2014, URL: http://www.sipri.org/research/armaments/transfers/researchissues/controlling/arms_embargoes/eu_arms_embargoes/china/declaration

- Prolongation by the member states of visas to Chinese students who wish it.

Taking into account the climate of uncertainty created in the economic field by the present policy of the Chinese authorities, the European Council advocates the postponement of the examination of new requests for credit insurance and the postponement of the examination of new credits of the World Bank.

Appendix II

European Union Code of Conduct on Arms Exports Council of the European Union²⁸

BUILDING on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992,

RECOGNIZING the special responsibility of arms exporting states,

DETERMINED to set high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency,

DETERMINED to prevent the export of equipment which might be used for internal repression or international aggression or contribute to regional instability,

WISHING within the framework of the Common Foreign and Security Policy (CFSP) to reinforce cooperation and to promote convergence in the field of conventional arms exports,

NOTING complementary measures taken against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,

ACKNOWLEDGING the wish of Member States to maintain a defence industry as part of their industrial base as well as their defence effort,

²⁸Council of the European Union (5 June 1998), European Union Code of Conduct on Arms Exports, adopted on 8 June 1998, documents 8675/2/98/ Rev 2, Brussels.

RECOGNIZING that States have a right to transfer the means of self-defence, consistent with the right of self-defence recognized by the UN Charter,

HAS DRAWN UP the following Code of Conduct together with Operative Provisions:

CRITERION ONE

Respect for the international commitments of Member States, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.

An export licence should be refused if approval would be inconsistent with, inter alia:

- (a) The international obligations of Member States and their commitments to enforce UN, OSCE and EU arms embargoes;
- (b) the international obligations of Member States under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- (c) the commitments of Member States in the framework of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- (d) the commitment of Member States not to export any form of anti-personnel landmine.

CRITERION TWO

The respect of human rights in the country of final destination

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States will:

- (a) Not issue an export licence if there is a clear risk that the proposed export might be used for internal repression.

(b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU;

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with paragraph 1 of the Operative Provisions of this Code, the nature of the equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

CRITERION THREE

The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts

Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

CRITERION FOUR

Preservation of regional peace, security and stability

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, Member States will take into account inter alia:

- (a) the existence or likelihood of armed conflict between the recipient and another country;
- (b) a claim against the territory of a neighboring country which the recipient has in the past tried or threatened to pursue by means of force;
- (c) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;
- (d) the need not to affect adversely regional stability in any significant way.

CRITERION FIVE

The national security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries

Member States will take into account:

- (a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other Member States, while recognizing that this factor cannot affect consideration of the criteria on respect for human rights and on regional peace, security and stability;
- (b) the risk of use of the goods concerned against their forces or those of friends, allies or other Member States;
- (c) the risk of reverse engineering or unintended technology transfer.

CRITERION SIX

The behaviour of the buyer country with regards to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.

Member States will take into account inter alia the record of the buyer country with regard to:

- (a) its support or encouragement of terrorism and international organized crime;

- (b) (b)its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts;

CRITERION SEVEN

The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

- (a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;
- (b) the technical capability of the recipient country to use the equipment;
- (c) the capability of the recipient country to exert effective export controls;
- (d) the risk of the arms being re-exported or diverted to terrorist organizations (anti-terrorist equipment would need particularly careful consideration in this context).

CRITERION EIGHT

The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources.

Member States will take into account, in the light of information from relevant sources such as UN, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

OPERATIVE PROVISIONS

1. Each Member State will assess export licence applications for military equipment made to it on a case-by-case basis against the provisions of the Code of Conduct.
2. The Code of Conduct will not infringe on the right of Member States to operate more restrictive national policies.
3. Member States will circulate through diplomatic channels details of licences refused in accordance with the Code of Conduct for military equipment together with an explanation of why the licence has been refused. The details to be notified are set out in the form of a draft pro-forma set out in the Annex hereto. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning. The decision to transfer or deny the transfer of any item of military equipment will remain at the national discretion of each Member State. A denial of a licence is understood to take place when the Member State has refused to authorize the actual sale or physical export of the item of military equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.
4. Member States will keep such denials and consultations confidential and not use them for commercial advantage.
5. Member States will work for the early adoption of a common list of military equipment covered by the Code of Conduct, based on similar national and international lists. Until then, the Code of Conduct will operate on the basis

of national control lists incorporating where appropriate elements from relevant international lists.

6. The criteria in the Code of Conduct and the consultation procedure provided for by paragraph 3 of these Operative Provisions will also apply to dual-use goods as specified in Annex 1 to Council Decision 94/942/CFSP (37), where there are grounds for believing that the end-user of such goods will be the armed forces or internal security forces or similar entities in the recipient country.

7. In order to maximize the efficiency of the Code of Conduct, Member States will work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports.

8. Each Member State will circulate to other Member States in confidence an annual report on its defence exports and on its implementation of the Code of Conduct. These reports will be discussed at an annual meeting held within the framework of the CFSP. The meeting will also review the operation of the Code of Conduct, identify any improvements which need to be made and submit to the Council a consolidated report, based on contributions from Member States.

9. Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from Member States, in the light of the principles and criteria of the Code of Conduct.

10. It is recognized that Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the above criteria.

11. Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of the Code of Conduct.

12. The Code of Conduct and Operative Provisions will replace any previous elaboration of the 1991 and 1992 Common Criteria.

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