

# **UACES 43<sup>rd</sup> Annual Conference**

**Leeds, 2-4 September 2013**

Conference papers are works-in-progress - they should not be cited without the author's permission. The views and opinions expressed in this paper are those of the author(s).

**[www.uaces.org](http://www.uaces.org)**

# **The Political Dialogue of EU-China Relations**

Emil J. Kirchner  
University of Essex  
and  
Thomas Christiansen  
University of Maastricht

Please do not quote without the permission from the authors

Paper to be presented at the UACES Conference in Leeds, 2-4 September 2013.

## **Introduction**

Ever since the start of EU-China relations in the 1970s, the economic factor has dominated the relationship and is likely to do so for the immediate future. Political aspects only started to develop as a distinct profile in EU-China relations in the mid-to-late 1990s. They have progressed rapidly since, especially after the establishment of the strategic partnership in 2003. It is the aim of this paper to explore the effectiveness of the EU in its political relations with China, e.g., the compliance by China with EU values and norms. To put it differently, to what extent are EU-China relations converging in the area of political relations? While, in practice, it is not easy to separate the political from the security aspect, for analytical reasons a distinction will be made, as far as possible, in this chapter along those lines. In other words, the emphasis in this chapter will be on the political dimension of EU-China relations. Among the political aspects covered will be EU concerns over Chinese barriers to freedom of expression, adherence to the rule of law, respect for human rights, the extensive use of the death penalty, the use of torture and democratisation. To illustrate these aspects further, specific attention will be paid to issues of human rights in Tibet and to self-determination in Taiwan. Furthermore, the stress will be on bilateral political EU-China relations rather than on the stand both take with regard to global governance. Particular emphasis will be given to the 2003 EU-China strategic partnership and developments thereof, as these represent the main epoch of EU-China political relations, together with a review of the role of the High Level Political Dialogue and the negotiations on the Partnership and Cooperation Agreement (PCA). The main references of the paper will be drawn from key official documents and statements.

In the following, attention will first turn to the nature of the EU-China partnership. The chapter proceeds with a treatment of the political dialogue between the EU and China, reviewing the content, history and drivers of that dialogue, and subsequently examines human rights disputes, dealing with the different perspectives and values/norms of the two partners on this subject. In the latter part of the chapter key issues surrounding human rights in Tibet and self-determination in Taiwan will be examined, followed by a summary of the main findings of the paper.

## I. Nature of Strategic Partnership

EU-China diplomatic relations have existed for nearly forty years, over which period there have been both setbacks, such as the 1989 Tiananmen Square incident, and high points such as the 2003 strategic partnership. As the latter partnership marks the zenith in EU-China political relations and the adoption of far reaching aims, it is important to assess the nature of what that partnership entails, both in its own right and by comparison with other similar EU partnerships. A number of key elements embody the nature of EU strategic partnerships, such as motives, objectives, commitment and content. This also holds true for the strategic partnership between the EU and China. A brief look at those characteristics will help to clarify its significant features and implications and how it compares with similar EU partnerships. Some of those characteristics will be more fully developed in subsequent sections of this chapter.

The agreement to upgrade the existing partnership between the EU and China in 2003 to a strategic one was **motivated**, if not fostered, by a “similar understanding of the post-Cold War international system and of both partners’ place within it” (Casarini, 2012:23). Among the important issues which facilitated this understanding were similar outlooks about the forces of globalisation, the fallout of 9/11, especially with regard to transnational terrorist threats, the growing economic interdependence between the two partners and the desire by each partner to play a more active role in global affairs according to their specific interests and value orientation, as well as on the basis of mutual respect and mutual benefits. However, it is one thing to find common cause on regional and global issues, but quite another for the two partners to match their specific interests or to overcome tensions between specific (economic) interests and values. The strategic partnership between the EU and China is of course not a unique occurrence, as the EU has nine similar arrangements with other states, and China has around thirty, including with a number of EU member states. But the partnership marked “the first time that the EU had attempted to act strategically with regard to China and tried to go beyond its traditional role as a junior partner of the US” (Casarini, 2012:24).

A declared common **objective** of the EU-China partnership is to conduct relations in a spirit of equality, reciprocity and mutual benefit. However, a certain amount of caution is required in taking the declared common objective at face value. Both partners start from different histories, economic and political development, geopolitical positions, and interests. China’s

5,000 year history has no parallel in Europe. Europe's economic, and political development based on capitalism and democracy has no direct counterpart in China. Both Europe and China find themselves surrounded by different geographic and security challenges. In part, these contextual differences have implications for the commitment both the EU and China bring to the partnership.

Common objectives, to the extent to which they prevail in the EU-China partnership, do not necessarily coincide with common commitment. There are a host of factors which influence the **commitment** of the EU-China partnership. Some of these relate to different value orientations. For example, relations between the EU and China have often encountered disagreements over human rights, religious freedom, security or environmental protection. Equally, both partners also have diverging attitudes to issues such as international law, territorial integrity and non-interference in domestic affairs. The EU, by its very nature, has a more flexible understanding of the principle of sovereignty and is widely seen as a normative or 'civilian' power whereas, for China, sovereignty and the pursuit of national interest remain an absolutist concept.

Other factors which impede commitment on the EU side involve the maintenance of national preferences in foreign policy. This affects coordination between the EU and the Member States and the extent to which the EU can speak with a single voice in its relations with China and/or is able to leverage the Chinese partner for greater commitment to the partnership (Fox and Godement, 2009:2). The leverage is further undermined by the fact that China has individual partnerships with a number of EU countries. As a consequence some observers see the EU as suffering from internal divisions, being less in political terms than the sum of its parts and lacking strategic vision; all of which limit its global weight (Song, 2013:476; Renard, 2011:32; Grevi, 2010:8; Stumbaum, 2007). A further factor that affects the commitment of EU-China partnership is EU-US relations, on the one hand, and Sino-US relations, on the other.

Besides the aspects of motivation, objectives and commitment, the **content** (scope, scale and institutional base) is another important attribute of the strategic partnership. The agreed 2003 strategic partnership represents the central plank in the EU-China political relationship and is distinctive in at least two ways. First, it is the most mature of the new-generation 'strategic partnerships' (Smith and Xie, 2010:4). Second, it has one of the most extensive institutional bases of EU strategic partnerships, and includes the bilateral level, the inter-regional contexts,

including around fifty sectoral dialogues (see Table 1), and the level of global multilateral organisations such as the UN and the WTO. Apart from that with the US, the EU-China strategic partnership has had the longest and most extensive history of institutionalisation. In addition, the partnership has been expanded (at least on the EU side) to encompass ‘third party’ issues such as the mutual engagement of the EU and China in Africa, and to explore the possibilities of cooperation and/or dialogue at the local or regional level in that continent (Smith and Xie, 2010:16). The various elements and forms of interaction of the EU political dialogues will be further examined in the following section.

Table 1 about here {This will be taken from T. Renard’s table, which he is presently updating}

## **II. Political Dialogues**

### a) Content

Political cooperation between the EU and China covers such topics as illegal immigration, human rights, Asian affairs, non-proliferation and conventional arms exports and consists of an elaborate arrangement of dialogues and meetings (see Table 2). Emphasis in this chapter will be given primarily to issues of human rights, minority rights and self-determination, while illegal immigration, non-proliferation and conventional arms export will be dealt with in chapter eight of this book. Among the regular gatherings within the framework of the EU-China political dialogue are: annual summits, composed of the PRC Prime Minister, the President of the European Council and the President of the European Commission and assisted by the HR; annual meetings between the Commission President, accompanied by members of the European Commission, and the Chinese Premier, accompanied by members of the State Council (so-called "executive-to-executive" meetings); and an annual High Level Strategic Dialogue between the EU’s HR and the Chinese State Councillor responsible for foreign affairs. Official gatherings at a lower level are annual meetings of EU and Chinese Political Directors; annual meetings between the EU Director for Asia Pacific Affairs and his or her Chinese counterpart on Asian and Pacific issues; meetings between the EU’s HR and the Chinese Foreign Affairs Minister; the bi-annual EU-China Human Rights Dialogue, the Crisis Management Consultation; and annual meetings between EU and Chinese experts on, for example, Asian Affairs.

Given its intense and widespread engagement, does this signify that the EU-China partnership is either strategic or becoming more strategic? As Renard suggests: “strategic partnerships do not deliver strategic results – so far” (Renard, April 2011:35). The gap between dialogues or declarations and actions, or the difficulty of translating formal institutional commitments into action, exposes once again the different interests, values, perceptions and commitments the two sides have about the partnership. The EU and China have different understandings of concepts such as democratisation. For example, when the Chinese talk about democratisation, their focus is on responsibility, responsiveness and accountability of government authorities; for Europeans it is all about empowering civil society, the rule of law and respect for human rights (Geeraerts, 2013:498). Yet despite these differences, political cooperation between the EU and China has steadily increased. It is to these historical developments in EU-China relations and, to some extent, to the underlying motivations that we will turn next.

#### b) History

Although diplomatic relations between the EU and China began in 1975, they were “explicitly economic, though implicitly (especially for China) strategic” (Scott 2007:222). This changed slightly with the EU-China Trade and Cooperation Agreement of 1985, which provides the fundamental legal agreement between the sides to date (Shen, 2013:167) and also established an EU-China Joint Committee to manage the relationship. Further efforts were made in 1994 with the establishment of a new bilateral political dialogue and greater recognition of political aspects found their way into the 1995 Long Term Policy for China-Europe Relations, which sought to identify the EU’s relationship with China with the spirit of the “new Asia strategy” (European Commission, 1995:3) and stressed shared global and regional security interests between the EU and China. This document reflected the development of the EU’s broader foreign and security policy structures during the early and mid-1990s, together with the EU’s aim to seek a greater international role. However, as Smith and Xie point out, this policy document contained a number of actual or potential contradictions, especially since the EU was more generally concerned to position itself as a ‘normative power’ with a particular emphasis on human rights and connected issues – issues that were less comfortably dealt with in the EU-China context (Smith and Xie, 2010:10).

This positioning as a ‘normative power’ was partially strengthened by the introduction respectively of the bilateral political dialogue in 1994, and the EU-China human rights dialogue in 1995. Yet, Chinese pressures for a policy change, as well as improvements on its human rights record, and internal dissensions within the EU, led by Germany and France, quickly resulted in a change in the way the EU dealt with Chinese human rights violations. Whereas, up until 1994, the EU’s political relations with China were based on the practice of EU countries tabling or sponsoring resolutions critical of China at the annual meetings of the United Nations Human Rights Council (UNHRC) (Baker, 2002), By 1994/95, China had become increasingly annoyed with this method of snub and retaliated by issuing an embargo against Denmark, which had sponsored such a resolution (the EU as a whole is not a member of the UNHRC). Without Denmark receiving sufficient support from other member states, China was able effectively to split the EU. As Balducci argues, “some member states’ justification of their strategic and economic interests towards China through the use of an argumentative logic ... rather than just [a] negative approach to the promotion of human rights in China won over those member states with marginal economic and strategic interests towards China” (Balducci, 2008:14). In return for its action on Denmark, China agreed to the establishment of a bi-annual EU human rights dialogue, which it had previously refused because of the European denouncement in the UNHRC.

In line with these developments, in March 1998, the European Commission proposed a ‘renewed’ and ‘upgraded’ political approach, entitled *Building a Comprehensive Partnership with China* (European Commission 1998:5). This Communication included aspects of human rights and the rule of law, and sought to strengthen the contacts at the bilateral, regional and multilateral level. To complement and in part to implement the 1998 Communication, the European Commission introduced a Communication on EU Strategy towards China in 2001 (European Commission 2001:3). Of particular note in the evolution of EU-China relations is the 2003 agreement on *A Maturing Partnership – Shared Interests and Challenges in EU-China Relations* in 2003. This European Commission Communication is not only notable for an upgrading of the bilateral EU-China relationship to a ‘strategic partnership’ and for extending the range of issues covered by it, but also for enhancing the ‘European’ focus. As Fox and Godement argue, it represented an effort to “mark a shift from traditional state-to-state relations up to the European level” (Fox and Godement 2009:33). The 2003 Communication was later paralleled (but not mirrored) by China’s only formal ‘communication’ on this subject, the 2003 EU Policy Paper (Chinese Government, 2003),

which echoed the perception of the partnership as strategic in nature (Smith and Xie, 2010:13). A further European Commission Communication was issued in 2006, entitled *EU China: Closer Partners, Growing Responsibilities*, containing specific references to human rights and democracy promotion (European Commission 2006:4).

Accompanying the various European Commission Communications on China are a number of meetings such as the EU-China Human Rights Dialogue, the EU-China Dialogue on Regional Cooperation, and the EU-Strategic Dialogue. Moreover, after Lisbon, China has decided, with EU prompting, to upgrade the EU-China strategic dialogue to the same level as that of the China-US strategic dialogue. Despite these strengthened relations, the long-running talks between Beijing and Brussels over a new partnership and co-operation agreement have stalled, partly because of China's reluctance to open its markets (Grant, 2013), partly because of the EU's reluctance to comply with Chinese wishes to link the issues of market economy status with a lifting of the arms embargo (Weske 2007:4), and partly because of China's reluctance to comply with EU stipulations for greater democratic and human rights reforms. In any case, as pointed out by several authors (Balme, 2008; Crossick and Reuter, 2007; Fox and Godement, 2009; Grant and Barysch, 2008; Kerr and Liu Fei, 2007; Zaborowski, 2006) there have been fluctuations in the evolution of the EU-China strategic partnership, mainly due to growing misconceptions and differences on issues such as trade, technology and human rights (Casarini, 2012:23). However, despite fluctuations in EU-China relations, if not deep-seated differences over such values as human rights principles, there are driving forces which have cultivated and will continue to further develop the partnership. It is to these forces that we will turn next.

### c) Drivers

While the main drivers of EU China relations have undoubtedly been of an economic kind, meaning primarily concerns with trade, investment, monetary and intellectual property issues, the political dimension of the relationship has steadily increased since the mid-1990s. The reasons for this can be found in three interrelated factors. First, as trade and investment has risen in volume between the EU and China<sup>1</sup> due to the end of the Cold War and the forces of

---

<sup>1</sup> The importance of trade in EU-China relations can be demonstrated in the following figures.

Bilateral trade in goods has gone from €4 billion in 1978 to €429 billion in 2011 (Grant, 2013). While three decades ago, China and the EU traded almost nothing, now they form the second-largest

globalisation, new political and security challenges have arrived, such as transnational terrorism, nuclear proliferation, environmental degradation and organised crime, which need to be met in the form of political cooperative measures both at bilateral and multilateral level in order to protect the immense benefits of EU-China trade and investment. As one observer states “both China and the EU will likely continue to respond to each other according to the needs and demands of their respective populations, and to the external expectations placed on them as important players in global politics, diplomacy, economics, trade, finance and security” (Wong, 2013:1).

Second, as China grapples with domestic political developments (internal democratisation developments and China’s two-state one-nation policy (with regard to Taiwan), and as it seeks to play a supportive role in efforts of international peace and stability, China has found it opportune to engage with the EU in a political dialogue. In part this desire stems from admiration for the EU because of its success in overcoming strife and in integrating a huge number of countries peacefully, but also for the contribution the EU makes to peace and stability in the world. The EU is also not seen as a military threat but rather as a respected and reliable political partner. The EU, especially since the mid-1990s, has pursued a broad foreign and security policy, especially espoused in the European Security Strategy (ESS) of 2003, which stresses the pursuance of an effective multilateralism and the development of strategic partnerships with Japan, China, Canada and India.

Third, the EU has had a long-standing desire, going back to its initial engagement with China in the mid-1970s, to extend its values of peaceful existence in the form of democratic norms and values to China. As suggested by Barisch, Grant and Leonard, “Europeans hope that a China with open markets and a firm rule of law will be more likely to respect human rights and allow democratic freedom” (Barisch, Grant and Leonard, 2005:1). Whether and how that ‘hope’ has been translated into actual deeds is the subject of the subsequent section, which deals with issues of human rights.

---

economic cooperation in the world. In a relatively short time, the Chinese and EU economies have become highly interdependent. Especially from 2002 on trade relations have increased very rapidly, the trade in goods between the EU and China increasing 400 per cent from €101 billion to €429 billion in 2011. China is now the EU's second trading partner behind the United States and the EU's biggest source of imports. The EU is also China's prime trading partner (Geeraerts, 2013: 499).

### **III. Human Rights Disputes**

#### a) Perspectives

The EU has put considerable emphasis on its normative agenda in relations with China, portraying itself as a ‘force for good’, whereas China has insisted on every country's own development path and sovereign decisions. Whether the EU will be successful in extending human rights values to China and whether China will be receptive to that will depend largely on the weight both put on the economic factor. The growing economic and financial ties between the EU and China might, on the one hand, dilute EU human rights aims in dealing with China, and on the other, motivate the Chinese increasingly to adopt EU or universal human rights principles. A further factor will be whether the EU will be able to speak sufficiently with one voice, or is marred by internal inconsistencies and different member state strategies on human rights issues. In the following, brief treatment will be given to how the EU and China have approached the subject of human rights in their relations, and whether the two sides have narrowed their differences in dealing with this issue.

Until the early 1990s, the EU had lacked a distinct human rights approach in its external relations; human rights issues were almost entirely handled by individual member states in their relations with China. It is only with the establishment of the Treaty on European Union in 1992 that the EU has begun to pay particular attention to human rights as a policy focus (Shen, 2013:167). A further factor which affected the way in which the EU approached the subject of human rights in its relations with China was the occurrence of the 1989 Tiananmen Square incident, which provoked severe criticism from both the member states and the EU for what was perceived as the “brutal repression of the people of Beijing” (Bulletin EC, 1989: point 2.4.1.) and resulted in the arms embargo sanctions against China, which the EU and the US jointly introduced and which is still in force today. In human rights terms, the EU used the Tiananmen Square incident to harden its tough stance on China’s human rights record by annually criticising it at the United Nations Commission on Human Rights (UNCHR in Geneva. Hence, during 1989-1997, the EU’s human rights policy towards China was characterised by a strategy of pressure and criticism in multilateral fora such as the UN, with limited but growing bilateral exchange and cooperation (Shen, 2013:168).

A significant change in the EU's human rights policy towards China occurred in February 1998, when the EU General Affairs Council decided to abstain from sponsoring a resolution at the UNCHR, and instead opted to present a human rights report each year. These decisions represented a shift from a policy of coercion to a policy of persuasion and argumentation on the EU side. It was brought about by the perennial problem of how to square human rights principles with economic interests, with the latter winning out as the decisive factor. As Shen argues, "given the temptation of China's huge market ... the EU member states were eventually unable to reach an agreement regarding co-sponsoring a draft resolution against China at the UNCHR in 1997" (Shen, 2013:169). The Commission's 1998 Communication lists the aim of establishing a constructive dialogue with China on the issues of human rights and the rule of law. The general intention was to work towards a situation in which China would be a "strong, stable and open partner" (European Commission 1998:11), but not to increase the pressure on Beijing in sensitive areas of domestic policy (Smith and Xie, 2010:12). The exception to this intention has been the European Parliament (EP), which has on many occasions adopted a very critical stance, much to the annoyance of China. Examples include giving the Sakharov Prize to Hu Jia (a proclaimed PCR dissident) and the resolution on Tibet in 2009. On the Chinese side there has been a willingness to accommodate and/or engage on common issues of human rights and to relax its rigid defence of national identity and integrity. In its first ever policy paper on the EU in 2003, China states that it appreciates the EU's persistent position for dialogue and against confrontation and "stands ready to continue dialogue, exchange and cooperation on human rights with the EU on the basis of equality and mutual respect so as to share information, enhance mutual understanding and deepen cooperation in protecting, inter alia, citizens' social and cultural rights and the rights of the disadvantaged" (Chinese Government, 2003:3). Both sides have agreed that the main vehicle for EU-China human rights cooperation should be the so-called EU-China human rights dialogue. The extent to which this dialogue promotes EU-China cooperation on human rights values and norms will be investigated in the next section.

#### b) Values and Norms

To assess whether the EU-China human rights dialogue will have beneficial results requires a closer look at the values and norms which separate the two sides on human rights issues. While the EU puts stress on personal freedom and the rights of individual citizens in a universal (UN) context, China emphasises the notion of equality among citizens (by, for example, signing the UN Covenant on Economic, Social and Cultural Rights (ICESCR), and

signing and ratifying the International Covenant on Civil and Political Rights (ICCPR)<sup>2</sup>) whilst also insisting on the collective interest of society together with the inviolability of state sovereignty. Whereas the EU stresses the rule of law and democracy, China relies on its strong sense of historical identity and the authority of the state. As a consequence, the EU has consistently and persistently advocated the development of civil society based on the rule of law, together with efforts to raise human rights issues, the freedom of expression, the abolishment of the death penalty and the prevention of torture in China and similarly mentioned individual cases.

In contrast to the EU, China does not necessarily favour the exporting of a values-laden approach and reiterates the inviolability of sovereign nations at an international level to safeguard their internal affairs. This emphasis on sovereignty is partly shaped by a domestic insecurity lingering from the ‘100 years’ humiliation’ alongside a view that domestic decision-making is ‘culture-specific’. The concept of ‘individual rights’ in China is wrapped up in one’s ‘collective responsibilities’ to the family unit or society, largely along Confucian lines. This perception of the importance of societal responsibility and the sanctity of sovereignty conflicts with the EU’s ‘universalist’ values-laden approach. It explains why successive Chinese governments have insisted on reuniting territories such as Hong Kong, Macau, Taiwan and Tibet back into the fold and resolving border disputes. The values of the Chinese human rights principles and the extent to which engagement with Western values is possible are expressed in a speech that Premier Li Peng delivered in December 1992:

The concept of human rights involves traditions and moral and philosophical values. These are different in China than in the West. We believe that the Chinese people should have more democratic rights and play a more important role in domestic politics. But they should be done in a way acceptable to the Chinese people. ... We can have discussions and without compromising our principles, we can take flexible measures. But we cannot reach a full agreement with the West. It would shake the basis of our society (Quoted in Kissinger, 2011:464-5).

---

<sup>2</sup> China ratified the ICCPR but with important exceptions, for example regarding the right of assembly and trade union rights.

In line with this embedded view, China has usually resorted to norms such as racial equality and justice (Wan, 2001:68) in its dealings with the EU on human rights, as in the situation of the Sami and Roma minorities or the debate on multiculturalism.

Given these different perceptions on human rights values and norms between the EU and China, what, if any, achievements towards converging views and actions have the EU and China made? The answer to this question requires a closer look at the so-called twice-yearly<sup>3</sup> EU-China human rights dialogue, which was established in 1995. At these meetings, issues such as the death penalty, re-education through labour, ethnic minorities' rights, civil and political freedoms are discussed. The practice in the EU-China HR Dialogue is to exchange views on human rights, with each side preparing a list of complaint cases to which the other side should respond at the next meeting. The EU issues *démarches* when alleged Chinese violations of human rights occur. General *démarches* are being used in cases where the Chinese legal and judicial proceedings are considered closed for public and international scrutiny and the death penalty may have been abused. Specific *démarches* are carried out in individual cases when UN minimum standards are violated, based on the sources provided by EU missions, delegations and international and local NGOs (Council of the EU, 2008:1-2). According to Shen, in the period from 1998 to 2009, China was amongst the top recipients of EU *démarches* every year – both on individual cases as well as on the death penalty (Shen, 2012:13) But, as Shen also points out, *démarches* merely serve as signals of concern rather than a push for Chinese concessions; China is not under any international legal obligation to comment on its death penalty practice, and various EU calls for the publication of statistics on this practice have been to no avail (Shen, 2012:13).

The European Commission complements the EU-China human rights dialogue with meetings of Human Rights Seminars for European and Chinese experts on such subjects as the EU-China Legal and Judicial Co-operation Programme, the EU-China Village Governance Programme, and the Governance for Equitable Development, with the aim of strengthening the rule of law, local democracy structures, and civil society in China. Since 2005 there have also been meetings of the EU-China Civil Society Round Table and in 2012.

---

<sup>3</sup> It was twice yearly before the Lisbon Treaty as it was held under each Presidency. After Lisbon China tried to scale back to once yearly arguing there was now a permanent EU presidency, but the issue has remained contentious.

So far the various dialogues and meetings, together with pressure from other international partners, have contributed to some concrete results in China (e.g., visits to China by the UN Commissioner for Human Rights, ICCPR, the signing and ratifying of the ICESCR, the release of prisoners, and the setting up of European Commission co-operation projects (Delegation of the EU to China). Despite these progressive developments, serious shortcomings in China's human rights remain, resulting in EU complaints that the EU-China human rights dialogue is not producing tangible results, and that expectations are increasingly not being met (e.g., European Commission, 2006:4-5; Council of the EU, 2009; EU-China Human Rights Dialogue 2011 and 2012). The shortcomings are in such areas as the suppression of freedoms among certain ethnic minorities and political dissidents, the use of enforced labour (the practice of re-education through labour persists), a still under-developed system of rule of law, and the extensive use of the death penalty. Freedom of expression, religion and association are still not guaranteed ... in Tibet and Xinjiang, and whilst NGOs have grown, they still face important hurdles in realising their full potential (European Commission, 2003:12), and repeated EU calls for ratification of the International Covenant on Civil and Political Rights (ICCPR) have not been met. Also at the EU-China Human Rights Dialogue in May 2012, the EU expressed regret that China had not agreed to a second session of the dialogue in 2010 and 2011 (European Union, 2012).

Those inadequacies on the Chinese side lead Fox and Godement to suggest that China has dealt with EU pressure on human rights issues "by accepting formal dialogues", and then "turning them into inconclusive talking shops" (Fox and Godement 2009:8). In response to the lack of achievements, the EU has intended to make the human rights dialogue more effective and results oriented (European Commission, 2006:4). On the other hand, Chinese representatives have criticised the EU for failing to adequately address racism, discrimination, asylum-seekers, and ethnic minority and refugee issues.<sup>4</sup>

Rather than putting all the blame on China, some observers see faults with the EU in its inability to muster an effective single voice in its human rights demands with China (Cameron, 2013:40), and therefore being unable to deal collectively with Chinese retaliations

---

<sup>4</sup> See, for example, respective Press Releases of the Presidency of the European Union 2007 and 2009 [http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/20071017UEChina.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071017UEChina.htm) and [http://www.se2009.eu/en/meeting\\_2009/11/24/eu-china\\_dialogue\\_on\\_human\\_rights](http://www.se2009.eu/en/meeting_2009/11/24/eu-china_dialogue_on_human_rights).

against those member states that receive the Dalai Lama, talk too loudly about human rights or award the Peace Prize to a jailed dissident. As Sandschneider suggests, the “inability to coordinate more closely the EU foreign policy towards China gives Chinese reactions much leeway and renders European countries an easy catch - easy to read, easy to manipulate and difficult to take seriously in the long run” (Sandschneider, 2002:44). Cynically, one might go as far as to say that there is a deliberate attempt by member states to play the “good cop” and assign the “bad cop” role to either the European Commission or the EP. Underlying the problems of EU coordination are the inherent tensions within the EU between human rights principles and economic interests, which, at crucial points in the relationship with China, such as during the WTO negotiations, tend to be dominated by the latter (Balducci, 2008). On the other hand, there are also claims that the EU has effectively insisted on human rights improvements before lifting the arms embargo during 2004-2007 (Laursen, 2011:19). The tensions between economic interests and human rights principles, together with the existing inadequate coordination between the European Commission and member states’ strategies (European Commission, 2006:5), can be further illustrated through an examination of EU policy towards civil and political rights in Tibet and Taiwan.

#### **IV. Other Key Issues**

##### **a) Tibet**

The preservation and promotion of the rights of minorities has been a long-standing concern of EU external relations. As stated in the 1998 European Commission Communication, the EU “attaches great importance to the respect for cultural, linguistic and religious identity of ethnic minorities” on issues relating to Tibet (European Commission, 1998:10). Similar EU concerns have been raised by the EU on the minorities living in the Xinjiang region and the North Korean refugees who live in China (European Commission, 2003:13). At the same time the EU has tried to strike a balance between promoting minority rights and respecting Chinese wishes for national integrity and for Tibet as an autonomous region of China. The EU has also supported rural development, education and health in Tibet through a project partly managed by European NGOs (2000-2005) in Pan Am county which was highly appreciated by the Tibetan population and the authorities. The EU therefore encourages “China and the Dalai Lama to further strengthen ongoing direct contacts with a view to

finding a mutually acceptable solution to the question of Tibet in the context of ensuring a genuine autonomy for this region” (European Commission, 2003:10). The China paper of 2003 puts the question of balance more starkly. It “encourages EU citizens to visit Tibet and welcomes the support of the EU and its members to Tibet’s economic, cultural, educational and societal development and their cooperation with the autonomous region subject to full respect of China’s law and regulations. The Chinese side requests the EU side not to have any contact with the Tibetan government in exile or provide facilities to the separatist activities of the Dalai clique” (China paper of 2003:3). However, there have been times when the issue of balance has come under stress. When the Tibetan protest turned violent on 14 March 2008, the EU issued a statement urging China to show restraint towards demonstrations in Tibet, without, however threatening a boycott of the Beijing Games on human rights grounds (EU Presidency Declaration, 2008). An even stronger resolution was passed by the EP in March 2009, in which the Chinese Government is urged “to consider the Memorandum for Genuine Autonomy for the Tibetan People of November 2008 as a basis for substantive discussion leading to towards positive, meaningful change in Tibet” (EP, 2009) and on the issue of self-immolation in Tibet (EP, 2013). On the Chinese side, the backlash against China’s policy in Tibet generated anti-Western demonstrations in China to boycott the French retailer Carrefour (Shen, 2012:19). With “China firmly insisting upon the principle of non-interference over its domestic affairs with regard to Tibet ... the EU ended-up accommodating the need to cooperate with China to avoid challenging China on its fundamental concern over sovereignty and domestic stability.... therefore, instead of shaping China’s discourse, the EU’s discourse on Tibet ended up being shaped by China’s non-negotiable position...” (Shen, 2012:15).

#### b) Taiwan

Unlike the issue with Tibet, Taiwan involves security considerations and the EU has declared a significant stake in the maintenance of cross-straits peace and stability and to make its views known to both the Chinese and Taiwanese sides (European Commission, 2006:11; European Commission, 2001:9). This is particularly crucial as the PRC law of 2003 does not exclude the use of force should Taiwan declare independence. At the same time EU policy on Taiwan is constrained by China’s insistence on the One-China policy, which represents one of the cornerstones of EU-China relations (Chinese Government Paper, 2003:3). The One-China policy forbids the EU to have visits with Taiwanese political figures, to support

Taiwan's accession to or participation in any international organisation whose membership requires statehood, and to sell to Taiwan any weapon, equipment, goods, materials or technology that can be used for military purposes (Chinese Government Paper, 2003:3). Despite these constraints, the EU has found ways, as the following brief account will show, to establish direct links with Taiwan, albeit mostly of a non-political nature.

As a consequence of the One-China policy, EU relations with Taiwan were conducted in secret. These unofficial relations, which started in the 1980s, dealt mostly with trade issues, but also resulted in a few institutional links. For example, Taiwan established liaison offices in European capitals, and in 1991, the Association of Taiwan's Friends was created in the EP, which later turned into a *de facto* inter-parliamentary delegation of European parliamentarians to Taiwan (Shu, 2013:540). The EU-Taiwan relationship was upgraded between 1987 and 1994 by renaming the Taiwanese missions in European capitals as Taipei Economic and Cultural Offices and by involving more high ranking officials on both sides in the annual conference on trade and investment (Shu, 2013:540). The EU opened a European Economic and Trade Office in Taiwan in 2003, and in 2009 the EU established the European Union Centre in Taiwan. Since 2011, Taiwanese citizens enjoy visa-waiver entry into the Schengen space for 90 days per year. Also in 2011, Taiwan set up representative offices in 18 member states of the EU, while 16 member states and the EU had established representative offices in Taipei (Shu, 2013:542).

Going beyond institutional links, the EU has on occasion taken up the issue of peace in the Taiwan Straits with China. A clear example of this occurred in the spring of 2005 when the EU criticised China for passing the secession law, threatening to attack Taiwan if it declared independence; though in doing so it reiterated its attachment to the One-China policy and to the peaceful resolution of disputes (Council of the European Union, 2005).

While institutional links and EU efforts to ensure stability in the Taiwan Straits have brought certain benefits to Taiwan, they have not altered the PRC obstructions to Taiwanese membership in international organisations that require statehood, and that includes such instances as a seat in the UN Framework Convention on Climate Change (UNFCCC) and the International Civil Aviation Organization (ICAO). In instances not requiring statehood, the EU has supported Taiwan's membership to the WTO in 2003, where a kind of two-China solution was found, partly because the WTO allows for membership of customs territories, and in the case of the Office International des Epizooties (OIE) in 2009, also known as the

World Health Agency. On the occasion of the latter, the Council of the EU also declared that it supports Taiwan's meaningful participation in international organisations (Council of the EU, 2009). Nonetheless, Laursen takes issue with the EU's failure to support Taiwan's claim for membership in UN agencies and concludes that the EU does not want to upset China and puts commercial interests and stability principles over norms of democracy and territorial integrity (Laursen, 2011:17).

Despite these constraints, as Shu suggests, "EU-Taiwan relations are supported by their commercial interests, inter-parliamentary linkages, shared values such as democracy and protection of human rights, and even the *détente* across the Strait" (Shu, 2013:542). However, the EU has continually condemned Taiwan's execution of criminals and works hard with NGOs in Taiwan to promote the abolition of the death penalty (Shu, 2013:544).

## **V. Conclusion**

Over a nearly forty-year period in EU-China political relations, there have been fluctuations but also consolidation. The latter is particularly evident in the signing of the Mature Strategic Relationship in 2003, which was, in part, enhanced by the fall-out of the Iraq invasion. The 2003 partnership demonstrates that both partners were willing to engage in a high degree of political cooperation, resulting in one of the most extensive institutional bases of EU strategic partnerships. All that despite the effects in the partnership of different histories, state traditions, values and norms orientations, as well as different geo-political interests. Growing economic interdependence between the EU and China has been an important cementing factor in EU-China political relations, together with the increasing regional and global challenges both sides face. However, the strength of the economic benefits tends to override concerns with human rights in the EU-China relationship.

But whilst recognising the beneficial factors of economic ties and common outlooks about global problems, it is also important to appreciate the remaining deep-seated differences, which not only affect different value projection but also mutual understanding and trust. One such key difference is on the concept of sovereignty. In Europe the notion of state and sovereignty is undergoing fundamental changes, with some observers characterising it as a post-Westphalian phenomenon (Pentland, 2000; Caporaso, 1996; Kirchner and Sperling, 2007). China, by contrast, is still very much steeped in exclusive state sovereignty traditions,

because of historical and developmental factors. The incorporation of Hong Kong and Macau and sensitivities about Taiwanese independence or foreign intervention in Tibet represent therefore important cornerstones of those state traditions. They also reflect ongoing efforts of state and nation building.

For the EU, Tibet and Taiwan raise important issues with regard to what the EU can do to promote the rights of minorities and support for democracy and the principle of self-determination. Human rights also represent an integral part of EU external policy, promoted in treaty objectives and, after Lisbon, imbued with legal obligations. The question is therefore not only whether the EU will be able to achieve its goal with regard to China but, if it fails, what repercussions will that have on its standing as a normative actor? While some progress has been made since the mid-1990s to move from what can be considered a confrontational stance on EU-China human rights issues to a more cooperative context, EU efforts to promote the rights of the minorities, both in Tibet and Xinjiang, have been limited to such attempts as in 2008, when it urged China to show restraint towards demonstrations of Tibetan protestors. On the whole, the EU has had to accommodate Chinese demands not to challenge its fundamental concern over sovereignty and domestic stability, which has meant that “instead of shaping China’s discourse, the EU’s discourse on Tibet ended up being shaped by China’s non-negotiable position”(Shen, 2012:15). EU policy on Taiwan is constrained by China’s insistence on the One-China policy, which represents one of the cornerstones of EU-China relations. While institutional links with Taiwan and EU efforts to ensure stability in the Taiwan Straits (e.g., in 2005 when the EU criticised China for passing the secession law) have brought certain benefits to Taiwan, they have not altered the PRC obstructions to Taiwanese membership in international organisations which require statehood, Hence EU efforts have been modest, and, as such, reflect more concerns with the stability in the Taiwan Straits and economic interests with the PRC than issues of Taiwanese self-determination.

Part of the reason why the EU has not been more successful is due to internal coordination problems and an uneasy coexistence between normative concerns and material interests. While the EU-China partnership, agreed in 2003, enhanced the European focus, competing strategies within the EU, particularly between the European Commission/European Parliament, and with/between member states on relations with China have continued. In a sense, a dual approach exists in relations with China: an EU policy (with a strong emphasis on human rights issues) and a number of traditional state-to-state relations, where the focus is

predominantly on economic matters. This affects coordination between the EU and the member states and with it the extent to which the EU can speak with a single voice in its relations with China and/or is able to leverage the Chinese partner for greater commitment to the partnership (Fox and Godement, 2009:2). It also affects the consistency of the EU's policy on China and standing in the field of human rights (Shen, 2013:169; Grant, 2013). Hence, for the EU to be more effective in its political relations with China it needs to “deepen the political cohesion of the Union” (Grevi, 2012:163).

These apparent drawbacks lead to views that the EU-China ‘strategic partnership’ is at best a partial rather than a comprehensive one, understood in different ways at different times among the key stakeholders (Smith and Xie, 2010:6); have exposed the fact that the EU lacks a grand strategy to identify its interests and have given rise to questions as to whether the EU strategic partnerships are only strategic in name (Renard, 2011:35/36; Keukeleire and Bruyninckx, 2011:389).

Looking to the future of EU-China political relations, both partners would benefit from being more open to understand and accept the universal significance of each other's civilisation. China needs more democracy and human rights to get closer to Europe, while the EU needs more political cohesion and transnational identity to get closer to China. The chances of this happening will be further explored in the chapters dealing with EU-China security relations and EU-China relations on global governance

## **BIBLIOGRAPHY**

Balducci, G. (2008) ‘Inside Normative Power Europe: Actors and Processes in the European Promotion of Human Rights in China’, EU Diplomacy Papers, 8/2008, College of Europe.

Balme, R. (2008) ‘A European Strategy Towards China? The Limits of Integration in Foreign Policy Making’, in: Balme, R. and Bridges, B. (eds) *Europe-Asia Relations: Building Multilateralisms* (London: Routledge).

Barysch, K., Grant, C. and Leonard, M. (2005). *Embracing the Dragon: The EU's partnership with China*, Centre for European Reform.

Bulletin of the European Community, 6-1989.

Cameron, F. (2013). The Evolution of EU-Asia Relations: 2001-2011, in The Palgrave Handbook of EU-Asia Relations, T. Christiansen, E. Kirchner and P. Murray eds., Basingstoke: Palgrave

Caporaso, J. (1996). "The European Union and Forms of State: Westphalian, Regulator of Post Modern?" Journal of Common Market Studies, 34(1) 29-52

Casarini, N. (2012). The EU and China: investing in a troubled partnership, in Grevi and T. Renard (eds), Partners in Crisis: EU Strategic Partnerships and the Global Economic Downturn, European Strategic Partnership Observatory, Report 1, November 2012.

Chinese Government (Ministry 13, October 2003. (Access date: 28. 1. 2013): <http://www.fmprc.gov.cn/eng/topics/ceupp/t27708.htm>

Crossick, S. and Reuter, E. (2007) China-EU: A Common Future, Singapore: World Scientific.

Council of the European Union (2008). [EU Guidelines on the Death Penalty](http://www.claiminghumanrights.org/eu_death_penalty.html) : revised and updated version. General Affairs Council of 16 June 2008 [http://www.claiminghumanrights.org/eu\\_death\\_penalty.html](http://www.claiminghumanrights.org/eu_death_penalty.html)

Council of the European Union, (2009) Declaration by the Presidency on behalf of the European Union on the occasion of the participation of Taiwan as an observer in the 62nd session of the World Health Assembly, Reference: PESC/09/50 Event Date: 08/05/2009

Council of the European Union (2012). Guidelines on the EU's Foreign and Security Policy in East Asia, General Secretariat, Brussels 15 June 2012.

Council of the European Union, Press Release, Press: 134, Nr: 9995/09, following the 27<sup>th</sup> round of EU-China Dialogue on Human Rights in Prague on 14 May 2009.

Council of the European Union (2008).

Council of the European Union (2005), CFSP Statement Declaration by the European Union concerning the adoption of the "anti-secession law" by the National People's Congress of the People's Republic of China, 14.3.

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

(accessed 26. 3. 2013).

Council of the European Union: General Secretariat (1998/99). European Union Annual Report on Human Rights.

Delegation of the EU to China, EU-China Human Rights Dialogue. [http://ec.europa.eu/delegations/china/eu\\_china/political\\_relations/human\\_rights\\_dialogue/index\\_en.htm](http://ec.europa.eu/delegations/china/eu_china/political_relations/human_rights_dialogue/index_en.htm) (accessed 24. 3. 2013).

European Commission (2012), Joint Press Communiqué – 15<sup>th</sup> EU-China Summit: Towards a stronger EU-China Comprehensive Strategic Partnership, Press release, Brussels, 20.9.2012.

European Commission (1995) A long-term relationship with China, Communication from the Commission, COM(1995) 279 final.

European Commission (1998) Building a Comprehensive Partnership with China, Communication from the Commission, COM(1998) 181 final.

European Commission (2001) EU Strategy towards China: Implementation of the 1998 Communication and Future Steps for a more Effective EU Policy, Commission of the European Communities, COM(2001) 265 final.

European Commission (2003) A maturing partnership – shared interests and challenges in EU-China relations, Commission Policy Paper for Transmission to the Council and the European Parliament, COM(2003) 533 final.

European Commission (2006) EU-China: Close partners, growing responsibilities, Communication from the Commission to the Council and the European Parliament, COM(2006) 631 final.

European Commission Memo (2012) Joint Press Communiqué – 15<sup>th</sup> EU China Summit: Towards a stronger EU-China Comprehensive Strategic Partnership, Brussels, 20 September 2012.

European Parliament resolution of 14 March 2013 on EU-China relations (2012/2137(INI)), <http://www.chinaaid.org/2013/04/european-parliament-resolution-of-14.html> (accessed 30.4.13).

European Parliament (2009) ‘European Parliament resolution of 12 March 2009 on the 50th anniversary of the Tibetan uprising’, <http://www.savetibet.org/policy-center/european-international-actions/european-parliament-resolution-12-march-2009-50th-anniversary-tibetan-upri-0> (accessed DATE)

European Union (2012). EU and China Hold Human Rights Dialogue, Press, Brussels, 30 May.  
[http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/130529.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/130529.pdf)  
(accessed 29. 3. 2013)

European Union (2010) “Statement by the spokesman of HR Catherine Ashton on the signature of the ECFGGA agreement between China and Taiwan”, Brussels, 30 June.  
[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/115548.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/115548.pdf)  
(accessed DATE)

European Union Presidency Declaration, (2008) Presidency statements on behalf of the European Union, 7675/1/08 REV (Press 73) (accessed 27. 3. 2013).

Fox, J. and Godement, F. (2009). A Power Audit of EU-China Relations (London: European Council on Foreign Relations).

Geeraerts, G. (2013). EU-China Relations, in The Palgrave Handbook of EU-Asia Relations, T. Christiansen, E. Kirchner and P. Murray eds., Basingstoke: Palgrave.

Grant, C. and Barysch, K. (2008) Can Europe and China Shape a New World Order? (London: Centre for European Reform).

Grant, C (2013). How can the EU influence China?, Centre for European Reform, 7 January 2013.

Grevi, G. (2012).....

Grevi, G. (2010). Making EU strategic partnerships effective. Working Paper 105. Madrid: FRIDE, p. 8.

EU Factsheet (2010). EU-China Summit. EU Relations with China, Brussels, 6 October 2010. [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/116848.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/116848.pdf)

Kerr, D. and Fei, L. (eds) (2007) *The International Politics of EU-China Relations* (Oxford: Oxford University Press).

Keukeleire, S. and Bruyninckx, H. (2011). “The European Union, the BRICs, and the emerging new world order”, in *International Relations and the European Union*, C. Hill and M. Smith, eds., Oxford: Oxford University Press.

Kirchner, E. and Sperling, J. (2007) *EU Security Governance*, Manchester: Manchester University Press.

Kissinger, H. (2011). *On China*, London: Allen Lane an imprint of Penguin Books.

Laursen, F. (2011). *The EU’s Strategic Partnerships: The Case of EU-China Relations*, Dalhousie EUCE Occasional Paper No. 10, 2011.

Pentland, C. (2000). “Westphalian Europe and the EU’s last enlargement”, *Journal of European Integration*, 22:3.

Presidency of the European Union: Portugal (2007), Press Release of the 24<sup>th</sup> EU-China Human Rights Dialogue [http://www.eu2007.pt/UE/vEN/Noticias\\_Documentos/20071017UEChina.htm](http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071017UEChina.htm) (accessed 28. 3. 2013).

Presidency of the European Union: Sweden (2009), Press Release of the 27<sup>th</sup> EU-China Human Rights Dialogue [http://www.se2009.eu/en/meeting\\_2009/11/24/eu-china\\_dialogue\\_on\\_human\\_rights](http://www.se2009.eu/en/meeting_2009/11/24/eu-china_dialogue_on_human_rights) (accessed 28. 3. 2013).

Renard, T. (2011). *The Treachery of Strategies: A Call for True Strategic Partnerships*, Egmont Papers No. 45, Royal Institute for International Relations, Brussels.

Renner, M. (2012). The EU’ security policy towards China: a liberal-relational approach to hard security issues, *Studia Diplomatica*, LXV-3, pp. 59-75.

Sandschneider, E. (2002). China’s Diplomatic Relations with the States of Europe, *The China Quarterly*, vol. 169, March , 33-44.

Scott, D. (2007) China-EU convergence 1957-2003: towards a “strategic partnership”, *Asia Europe Journal*, 5(2), June, pp. 217-33. (accessed: 24. 2. 28 2013).

Soutenet, A. (2012). The EU's Strategic Partnerships with Emerging Powers: Institutional, Legal, Economic and Political Perspectives, in *The European Union and Emerging Powers in the 21<sup>st</sup> Century*, T. Renard and S. Biscop, eds., Farnham: Ashgate.

Shen, W. (2013). EU-China Relations on Human Rights in Competing Paradigms: continuity and Change, in *The Palgrave Handbook of EU- Asia Relations*, T. Christiansen, E. Kirchner and P. Murray eds., Basingstoke: Palgrave.

Shen, W. (2012). The EU's Promotion of Human Rights in global Information Age: The Case of China. Paper presented at the UACES Annual Conference, Passau, Germany, 3-5 September .

Smith, M. and Xie, H. (2010). 'The EU and China: The Logics of 'Strategic Partnership' Paper presented at the ECPR Standing Group on the EU Conference.

Shu, H. (2013). EU-Taiwan Relationship since 1981, in *The Palgrave Handbook of EU-Asia Relations*, T. Christiansen, E. Kirchner and P. Murray eds., Basingstoke: Palgrave.

Song, X. (2013). Security and the Role of China, in *The Palgrave Handbook of EU- Asia Relations*, T. Christiansen, E. Kirchner and P. Murray eds., Basingstoke: Palgrave.

Stumbaum, M.-B. (2007) 'Opportunities and Limits of EU-China Security Cooperation', *The International Spectator* 42(3), September, pp. 351-370.

Weske, S. (2007) *The Role of France and Germany in EU-China Relations*, CAP Working Paper, August. (accessed: 24 2. 2013): [http://www.cap.lmu.de/download/2007/2007\\_eu-china\\_weske.pdf](http://www.cap.lmu.de/download/2007/2007_eu-china_weske.pdf)

Wong, R. (2013) "Identity in the EU-China relationship", paper presented at the EUSA Conference, Baltimore, May 2013

Zaborowski, M. (ed.) (2006) *Facing China's Rise: Guidelines for an EU Strategy*, Chaillot Paper 94 (Paris: EU Institute for Security).