

The Failure of Lifting the EU Arms Embargo against China

The Analysis among Interests, Values and Symbolism

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Abbreviation

CFSP: Common Foreign and Security Policy

EADS: European Aeronautic Defense and Space Company N.V., major European aerospace and defense contractor

EC: European Community

EEC: European Economic Community

EPC: European Political Cooperation

ESS: European Security Strategy

EU: European Union

QMV: Qualitative Majority Voting

SNECMA: Nationale d'Étude et de Construction de Moteurs d'Aviation (in English: National Company for the Design and Construction of Aviation Engines), major French defense contractor

UN: United Nations

WTO: World Trade Organization

Introduction

The 1989 EU¹ arms embargo against China remains as the primary political obstacle to the Sino-EU relations. The debate about lifting such arms embargo from 2004 has finally caused the diplomatic crisis that the drastic bargaining was occurred among different actors including the EU member states, the EU institutions and the US. Nevertheless, the EU arms embargo is entirely based on the 1989 Madrid European Council Declaration, which is not legally binding for EU member states, the new member states in particular. Moreover, this European Council Declaration is neither the principle nor the only policy towards the EU arms export control concerning China. Even so, why do some actors demand to remove the arms embargo intensively, while others insist to keep it desperately?

This thesis raises two hypotheses to answer the research question. The first hypothesis is that, under the existing decision making procedure and requirements, the internal diversity on national preferences towards foreign policy issues tend to be intensified. The second hypothesis is that the unexpected and negative interpretation of the symbolic gesture between the EU and China—lifting the EU arms embargo on China—promotes actors to take the perception of being threatened.

Adopting the classical international relations theories, this thesis argues that the internal diversity on preferences is primarily caused by different approaches on national interests. As shown in their various public statements and addresses, some actors in the EU were pursuing the commercial interests as primary preference, while other actors in the EU took the moral targets as first priority. In addition, the current CFSP decision making mechanism makes these approaches even more competitive that further preventing the existing policy to be revised.

Under the theoretic framework raised by Barry O'Neill about the symbolism in the international relations, this thesis stresses the difference between symbolic message and focal message. Initially, the EU would like to send a symbolic message to China exclusively. However, the message carrier as the lifting the arms embargo has generated an unexpected focal message. It was misinterpreted by other unintended audiences that the EU would export arms to China, though the EU had no intention to create such focal message and did not predict this misinterpretation foremost. Reactions from these unintended audiences based on their own interpretations have constituted external barrier for the EU to revise the existing arms embargo.

In order to test these theoretical hypotheses, the empirical test have conducted based on various empirical evidences including public statements, official documents and credited reports. Based on result of the empirical test, this thesis argues that the combination of internal divergence on preference with existing institutional setups and external barrier from unintended audiences has constituted the failure of lifting the EU arms embargo on China by stopping the policy review procedure.

Theoretical Framework

Before the discussion of lifting the EU arms embargo on China, several related theories about inter-state bargaining and state behavior would be introduced first. Certain classical international relation theories including the realism, the liberalism and the social constructivism provide structured explanation of specific actor's position and behavior in the context of lifting the EU arms embargo on China. The symbolism on international politics further explains the creation and the implication of wrong interpretation concerning EU's attempt to lift the ban on China.

International Relations

Grand theory—formulating specific characteristic world view of subject—plays the fundamental role in the field of international relations as the scientific subject. During the development of this field, different theories are emerged, developed and matured. In the context of the EU arms embargo on China, a number of these grand theories have connections with the issue that describe and explain the phenomenon and actors' behaviors.

The realism has dominated the international relations theory at least since the post World War period, though it has been challenged by other grand theories (Grieco, 1988). It has the pessimistic argument about inter-state relations and world orders. According to its argument, the existed anarchy system in the international community prevents the cooperation among different states, while the international institutions cannot neutralize the constraint of this anarchy system (Grieco, 1988).

In detail, the realism in international relations suggests that states are primary actors in international affairs (Morgenthau, Thompson, & Clinton, 2005). Meanwhile, states are acting rationally that their vital interests are the first priority to be protected (Waltz, 1986). In order to explain the state behavior, the realism argues that the anarchy is the fundamental force to influence the states' behaviors (Waltz, 1959). Furthermore, states are intended to compete or even have conflicts with others for the power and security (Aron, 1973). In contrast, international institutions cannot prevent the competitions and conflicts among states since only marginal power and influences are held by these institutions (Morgenthau, Thompson, & Clinton, 2005).

The realism could be the darkest and most pessimistic theory in the international

relations. According to this, states on one hand could compete for own interests with each other even if they shared same values. However, states, on the other hand, could cooperate for protecting or gaining own vital interests with others having different values and ideologies. Reviewing the post World War period and the Cold War period particularly, the realism could describe and explain the major world affairs and states' behaviors (Grieco, 1988). The states remained as the autonomous foreign policy actors. The competitions and conflicts between the West and the East were main theme in the Cold War period. Although there was no direct conflict between the United States and formal Soviet Union, the world has viewed the use of force in many regions including Africa, Central America and Middle East.

Besides the conflicts, the international cooperation was still existed in the post World War period. A series of international institutions and programs have been created as the result of cooperation. Hence, the liberalist in international relations raises its arguments, which is distinct from the classical realistic school of view. The primary controversial arguments are the definition of national interests, the possibility of international cooperation and the influence of international institutions.

Comparing with realism, the liberalists accept the arguments that states are primary actors with rational behaviors and that the anarchy system is existed in international community (Grieco, 1988). However, the traditional liberalism argues that the economic interest has become the first concern for states because of the external and internal changes. The introduction of nuclear weapon has made the war extremely costly (Mitrany, 1966). The domestic development also shifts the attention to economic growth, full employment, and social welfare buildings (Mitrany, 1966). Since the interdependency among states, the international institutions, as argued by neo-liberalism, could help states cooperate with each other in the better way (Grieco, 1988). Thus, under neo-liberalism the prospects for interstates cooperation—for

economic interests as an example—is better than the one under realism (Grieco, 1988). By adopting game theory, the neo-liberalism further argues that states tend to cooperate mutually rather than to defeat “in the absence of a centralized authority or some other countervailing force to bind states to their promises” (Grieco, 1988). Moreover, the neo-liberalism contends that the international institutions could reduce the costs of cooperation, regulate the cooperation and prevent the cheating (Keohane, 1984).

In the post World War period, certain international affairs and states behavior were consistent with the liberal school of thoughts. The international cooperation has become regular in trading, energy and other industries. The emergence of free trade zone in West Europe and North America reflects the liberal argument of economic interests. Furthermore, the international institutions, such as WTO, have been created to monitor the execution of international conventions.

Besides the realism and liberalism, social constructivism is also widely adopted to describe and explain the world affairs and states’ behaviors. The social constructivism defines the political term institutions broadly by including informal rules, regulations and customs. It contends that institutions define the behaviors of actors and shape their preferences. Today, it is still very difficult to give a clear definition of social constructivism (Risse, 2004). However, the social constructivists generally accept the followings:

- I Human beings are connected via shared ideas, norms and values, but not the material force;
- I These shared ideas, norms and values constitute identities and interests of actors with intended purpose;
- I These identities and interests are not to be born in the nature; (Wendt, 1999)

In addition, the preference of the actor is changing since the social constructivism

rather adopts the logic of appropriateness than the logic of consequentiality (March & Olsen, 1989). The intention of the actor is not acquiring maximum material interests. Instead, the actor would consider its role issued by the society and related social rules, and further seek the best behavior fitting its role.

The social constructivism has raised certain challenges on the classical theories in international relations. It stresses the significance of ideas, norms and values, but not the material forces. Nevertheless, it may not be inconsistent with the realism and the liberalism on some perspectives. All these schools of thought are presenting a way of scientific view on the world affairs from different approaches. In the context of EU arms embargo against China, different classical theories on international relations are recalled to explain the actor's position and behavior in the bargaining process. Besides, these theories provide complementing explanation in the case of lifting the EU ban.

Symbolism in International Politics

Since the EU arms embargo on China is an issue with the involvement of numerous actors on the international stage, it is critical to stress the importance of inter-state communication in this case. Barry O'Neill's has provided his argument on the symbolic perspective of international politics, the communication among different actors in particular (O'Neill, 2001). The academic scholars have recognized the symbolic perspective of the international politics (Elder & Cobb, 1983; Press, 2005). Inspired by the game theory, Barry O'Neill gives his argument on the assessment of symbols with the perception, the calculation and the interaction in the strategic paradigm (O'Neill, 2001). O'Neill contends that the actors without "emotion or rhetoric or psychological associations" would still "engage in symbolic behavior even if they were fully aware of their situation and were focused on the consequences of their actions (O'Neill, 2001).

A symbol in the politics is often an object or an event used to provide the certain meaning which is not necessarily rooted in the object or the event itself (Elder & Cobb, 1983). Thus, the symbolic effect could not be access solely from the object or the event itself. According to Barry O'Neill, the symbolism is based on the ground of others' beliefs—the actor asks himself what other actor may think (O'Neill, 2001). Barry O'Neill argues that two types of symbols—message symbol and focal symbol—are important in international politics (O'Neill, 2001). He contends that the message symbol is based on the methods of prototype, metaphor and metonym to create the content for communication (O'Neill, 2001). Because of the intention, the actor's action has become a message to the intended receiver. Such intention could be further broken down into three components with order—the initial action, the chain of reactions and the consequence. The actor hopes that its initial action—the attempt to lift the ban against China in this case—would cause a chain of causal reactions leading to its expected result (O'Neill, 2001). Barry O'Neill suggests that “the sender must hold the intention and that, on account of recognizing that intention, the receiver will believe something or do something”.

Concerning the focal message, it is an event which leads the observers to the common understanding of the initial action they envision (O'Neill, 2001). The focal message does not have the intended receiver but the unintended receivers as the observers. The focal symbol, “establishes a focal point in a game through an analogy or a prototype”, is very important in the bargaining process in international politics.

Research Methodology

The analysis focuses on the reactions and the political attitudes of the related actors towards the attempt of lifting the arms embargo against China. All related actors would be categorized into two groups——internal actors and external actors. The internal actors include the EU member states, the EU institutions and other related stakeholders, which have participated in the EU internal debate about the arms ban. The external actors are mainly focused on the US and its allies in Asia Pacific region, such as Japan and Taiwan authority.

For the internal debate, the actors' attitudes towards the lift of the arms embargo and reasons to support such attitudes would be determined from various ways including public statements, testimonies, policy papers, media interviews and so on. The driving forces which support actors' attitudes would be analyze through a two-dimensional grid consisting of two axes——the value oriented axis and the interest oriented axis. The position of the specific actor in the grid reflects the weights of interest and value in that actor's decision making process. Generally, each actor has to consider which factor, namely the interest or the value, has more priority in this case. The interest and the value may not be the same to each actor. However, the national interest is obviously associated with specific actor that the interest to one actor could be threat to others. The value, in the context of the EU and the arms embargo against China, refers to the democracy, human rights and the Sino-EU Relations.

The analysis for internal actors is intended to reveal the situation as a political dilemma——the EU cannot pursue both the interest and the value at the same time. For the difficult issues, such as the arms embargo against China, it is highly likely to have divided opinions among all member states. Since the CFSP pillar is based on unanimous consensus, the current institutional setup is expected to be the multiplier

for such divergence. The analysis would show how non-decision makers influence the decision making of EU foreign and security policy.

For the external actors, the US in particular, the focus is why EU's attempt to lift the embargo has faced such strong resistances. First of all, the real concern of the US would be examined—for human rights and regional security, or for something else. After that, the author is intended to find out what the US understanding of the EU attempt to lift the ban by adopting Barry O'Neill's theory on symbolism. At last, the information that the US would like to express through its strong opposition would be restructured.

EU Foreign Policy: from EPC to the CFSP

The expansion of European foreign and security policy cooperation since 1970s has involved a complex fusion of several institutional forms. The EU arms embargo against China spans over the decades covering EPC and the CFSP, the two major European foreign policy making frameworks. From EPC to the CFSP, the governance mode of the European foreign policy has changed significantly that the new barriers for left the ban were created. In this section, the fundamental characteristics of the EU foreign policy, which are related to the EU arms embargo against China, would be examined as the background information.

EPC: Intergovernmental Basis

The common foreign policy of the EU¹ started in the early 1970s when EPC was introduced (Hill & Smith, 2000). EPC was the informal coordination mechanism for

the limited fields of the foreign policy based on the intergovernmental charter and the principle of consensus (Allen & Smith, 1990; Hill & Smith, 2000). It was articulated through the European Council, the Council of Foreign Ministers and the Presidency of the European Community briefly.

Because of its intergovernmental nature, the member states would have to reach the consensus on international issues. The general outcome of the consensus would be the high-profile diplomatic statements as the Declarations and adoption of the common stances with very brief contents, such as the decision of arms embargo against China in 1989. However, two points about EPC must be noted. First, the Declaration did not have binding force since it was not defined in the treaties (Bonvicini, 1988). It was rather the common political line than the common foreign policy decision, though the member states might be pledged to such statement. Second, the member states of EPC were far less than the member states of the EU. Strictly, the Declaration did not have legal authority over those EU member states which did not participate in EPC, the Central and Eastern European states in particular (Kreutz, 2004).

The CFSP: Multi-level Governance

In response to the numerous challenges after the Cold War, the CFSP becomes the successor of EPC that constitutes the second pillar of the EU. Comparing with EPC, one of the major changes is that the CFSP is an official mechanism for EU common foreign policy with complex governance structure.

The political term governance could be loosely defined as “the authority to make, implement, and enforce rules in a specified policy domain” (Smith M. , 2004). Thus, the multi-level governance indicates that various actors across certain institutionalized hierarchical structure share this authority, with varying degrees of commitment, value,

power and cohesion. Concerning the multi-level governance in the CFSP, a few points have to be emphasized. First of all, the decision making process of the CFSP is highly decentralized that the member states are the primary actors. Potential influence from the member states is increasing (Smith M. , 2004). Second, the CFSP involves higher policy coherence and rationalization comparing with EPC. Although the CFSP is still suffering many problems and criticisms, it is one of the EU formal policy domains, unlike EPC as the informal mechanism. Third, the CFSP as stated by the treaties has binding power on the EU member states. Last but not the least, the decision making rules are mainly based on unanimous consent, though the QMV mode is applied in the limited policy fields. The supranational decision making procedure is still rejected in most of the policy fields.

Stages of the decision making	Primary Actors
Agenda setting	The European Council, Member State Government
Decision making concerning specific policy field	Council of the European Union, supported by its lower configurations
Implementing the CFSP policy	The Presidency of the EU, the European Commission, the High Representative of the CFSP
Finance of the CFSP	The European Commission, The European Parliament
Policy evaluation	Council of the European Union, the European Commission
Policy legitimacy (highly limited)	The European Parliament

Table 1: Stages of the CFSP decision making process and their primary actors, since the TEU

By closely looking at the CFSP, many policy making actors are involved at different

stages in the decision making. At the top level, the European Council is the strategic leader which works rather like the source of impulsion than the decision making institution (Cloos, Reinesch, Vignes, & Weyland, 1993). The Council of the European Union acts as the primary decision making institute that it represents the member states of the EU. Since policy competences have increased significantly, the Council of the European Union faces an incredibly overloaded agenda setting (Gomez & Peterson, 2001). Thus, most of the decisions makings are transferred to the lower level configurations. Besides, the European Commission could influence the CFSP by using its competences at the EC pillar concerning the implementation of the action. The budgetary function also increases its capacity of influencing the CFSP. However, the European Commission normally focuses its competences and independence in the EC pillar (Nuttall, 2000). Another hidden actor is the EP. Through the inter-institute agreement, the EP has gets slightly more important position in foreign policy making (Maurer, Kietz, & Volkel, 2005). Nevertheless, it is excluded from the foreign policy making at the maximum level (Diedrichs, 2004).

The policy outcome of the CFSP, after the unanimous consent in the Council, often adopted as the Common Position if the policy target is the third country, such as China². The Common Position is different from the Declaration in the era of EPC. As a formal instrument granted by the TEU, the Common Position is intend to make the more systematic and coordinated cooperation among the member states with regular revises (The European Union, 2006). All EU member states have to comply with the requirements states at the Common Position and further defend such positions.

The European Security Strategy

In the 2003 Brussels European Council, the ESS was approved as the primary guide for EU's foreign and security policy. ESS has two major focuses: the security of the

EU and the promoting of norms and values including human rights and democracy (Brussels European Council, 2003). It also states that the EU “should look to develop strategic partnerships, with Japan, China, Canada and India as well as with all those who share our goals and values” (Brussels European Council, 2003).

Obviously, the ESS contains two emphases which are contradicted. The contradiction is caused by the integration of both the territorial security and value oriented goals. The seeking of territorial security is the ultimate goal of the realist approach no matter what the consequence is (Grieco, 1988). Establishing the strategic partnership with other actors, which may not accept the norms and values, is the typical behavior of this traditional security approach in response to the common threat. Meanwhile, the EU holds strong commitment towards the value oriented goals including promoting the human rights, democracy and good governance (Smith K. , 2003; Sedelmeier, 2004). Unfortunately but also obviously, it is impossible to always pursue the maximum security while maintaining the normative standards. The choice has to be made that one of these two objects has to be the supreme priority. Clearly, the ESS does not clarify its stance on this issue. Moreover, the ESS has adopted many views based on the social-constructivism which argues the norms and the values are the core base (Boekle, Rittberger, & Wagner, 2001). Thus, it might undermine the necessity and the importance of the strategic partnership.

The ESS has reflected the typical “double-win” belief among the EU member states. However, when the member states face to the case of the EU arms embargo against China—the confrontation between the interests and the values—the common and coherent European foreign policy would be formulated unlikely.

Legal Framework for Arms Embargo

Arms embargo is a special type of action which targets at a specific category of the goods for the military purposes. It does not impose economic or financial pain on the targeted actor, but just denies the access to certain goods and technologies. Moreover, the arms embargo also has the political component that it is connected to the national security. With these unique advantages, the arms embargo becomes one of the optimal foreign policy instruments that the sender could prevent the negative consequence of the normal economic sanctions while send political signal to the receiver. Within the EU context, the arms embargo is often adopted to back up the EU's political position.

Since the establishment of the EEC, arms embargo has been mentioned in the treaties. The Article 296 (ex-Article 223) of the TEU states that the member states in order to protect its own interests could take measures, "which are connected with the production of or trade in arms, munitions and war material" (The European Union, 2006). Obviously, the power to impose the arms embargo remains to the member states. During the period of EPC, the consensus was reached that the arms embargo should be "part of a common approach to foreign policy" (Grimmett, 2005). As the result, all arms embargos imposed by the UN would be transferred into the "European" arms embargo automatically. After the adoption of the CFSP, the Council decision has become binding that it is based on the Common Position rather than the Declaration (The European Union, 2006). Nevertheless, the member states still possess the power to impose or lift the arms embargo unilaterally.

Besides the arms embargo granted by the treaty provisions, the EU has its 1998 Code of Conduct on Arms Exports (Code of Conduct hereafter), which affects the possible Sino-EU arms trading (Council of the European Union, 1998). It lists 8 criteria which should be taken into consideration for the potential arms deals. The criteria includes

the respect for international commitments (especially for the sanctions imposed by the UN), human rights, internal stability, regional stability, member states' national security, proper behavior to the international community (especially for anti-terrorism), arms re-export and domestic social economic development.

The EU's Arms Embargo against China

1989 Arms Embargo against China

In response to the 1989 Tiananmen Incident, Madrid European Council on June 27th 1989 condemned China for violation of human rights that it would impose a wide range of diplomatic and economic sanctions including arms embargo against China (Madrid European Council, 1989). Today's arms embargo against China is solely based on this declaration, which is very unique in the history of EU's foreign policy. Unlike other arms embargos, it is not a response to an UN-imposed sanction but an autonomous decision with other nations, such as the US and Australia. After the creation of the CFSP, all sanctions except the arms embargo against China have transferred to the Council Common Positions (Stockholm International Peace Research Institute, 2007). Up till now, the declaration in 1989, which has no binding power, is still the ground for China's case. The declaration has even no direct connection with the new member states, which did not issue the statement in 1989. Last but not the least, the US and the EU are only two international bodies maintaining the embargos while other states have left the ban in early 1990s already (Kapisthalam, 2006).

The content of the declaration is quite ambiguous. After urging the Chinese

government to stop the repression and to respect for human rights, it lists several measures as the sanctions including the suspension of high-level contacts, reduction of cooperation in various areas and the arms embargo. The specific wording for arms embargo is “interruption by the member states of the community of military cooperation and an embargo on trade in arms with China” (Madrid European Council, 1989). However, the declaration does not explicitly clarify the definition of the term “military cooperation” nor specify the list of arms which falls into the scope of the term “trade in arms”. In other arms embargos raised by the EU, the lists of goods and activities falling in the scope of the ban are clearly addressed. For example, in 1996 the EU imposed the arms embargo against Burma, which has the same reasons as the violation of democracy and human rights and similar target as Asian developing state. In the Common Position 96/635/CFSP—the policy document of implementing the ban—it addresses that “[the] embargo covers weapons designed to kill and their ammunition, weapon platforms, non-weapon platforms and ancillary equipment [... and ...] also covers spare parts, repairs, maintenance and transfer of military technology” (Council of the European Union, 1996). Later, in the Council Regulation (EC) No 1081/2000, the detailed list of goods falling in the scope of the ban is provided as Annex 1 (Council of the European Union, 2000). Furthermore, no exception or review clause is included in the declaration. Unlike the arms embargo against China, other EU imposed embargos are more elaborate and specific in the scope and further transferred into the more binding form—Common Position (Kreutz, 2004).

Target state	Entry	Lifted	Policy Document³
Afghanistan	1996	2001	96/746/CFSP
Afghanistan (Taliban)	2001	2002	UNSCR 1333, 2001/154/CFSP
Afghanistan (terrorists)	2002		2002/402/CFSP
Bosnia and Herzegovina	1991	2006	UNSCR 713, 96/184/CFSP
China	1989		The Declaration in 1989
Cote d'Ivoire	2004		UNSCR 1572/1643, 2004/852/CFSP, 2006/30/CFSP
Croatia	1991	2000	UNSCR 713, 96/184/CFSP
DRC (former Zaire)	1993		UNSCR 1493/1596, 2002/829/CFSP, 2003/680/CFSP, 2005/440/CFSP
Eritrea	1999	2001	UNSCR 1298, 1999/206/CFSP, 2001/215/CFSP
Ethiopia	1999	2001	UNSCR 1298, 1999/206/CFSP, 2001/215/CFSP
Indonesia	1999	2000	1999/624/CFSP
Iran	2007		2007/140/CFSP, 2007/246/CFSP
Iraq	1990	2004	UNSCR 660/661/687, 2003/495/CFSP, 2003/735/CFSP, 2004/553/CFSP
Lebanon	2006		UNSCR 1701, 2006/625/CFSP
Liberia	2001		UNSCR 788, 2001/357/CFSP, 2004/137/CFSP ⁴ , 2006/518/CFSP
Libya	1986	2004	UNSCR 748/883, 1999/261/CFSP, 1999/611/CFSP
Myanmar (Burma)	1991		1996/635/CFSP, 2001/757/CFSP ⁵
Nigeria	1995	1999	1995/515/CFSP
North Korea (DPRK)	2006		UNSCR 1695/1718, 2006/795/CFSP
Sierra Leone (rebels)	1998		UNSCR 1132/1171, 1998/409/CFSP
Slovenia	1991	1996	UNSCR 713, 96/184/CFSP
Somalia	2002		UNSCR 733/751, 2002/960/CFSP
Sudan	1994		1994/165/CFSP, 2004/31/CFSP, 2004/510/CFSP, 2005/411/CFSP
Uzbekistan	2005		2005/792/CFSP, 2006/787/CFSP
Yugoslavia (FRY)	1991	2001	UNSCR 713, 96/184/CFSP
Zimbabwe	2002		2002/145/CFSP, 2004/161/CFSP, 2005/146/CFSP, 2006/51/CFSP

Table 2: EU arms embargo (Stockholm International Peace Research Institute, 2009)

The consequence of no binding policy and vague wording is the different interpretations of the embargo among different member states (Grimmett, 2005). For economic reasons, the member states tend to drive the existing arms trade out of the scope of the embargo that formulates the *de factor* continuation of existing arms sales (Kreutz, 2004). After the adoption of the declaration, the new arms trade with China was highly restricted but not completely forbidden. Although there is no detailed document about the arms deal between the member states and China after 1989, the Council fourth to tenth annual reports on arms exports show that many EU member states have exported the arms in almost all categories defined by the EU to China between 2001 and 2007 (Council of the European Union, 2002; Council of the European Union, 2003; Council of the European Union, 2004; Council of the European Union, 2005; Council of the European Union, 2006; Council of the European Union, 2007; Council of the European Union, 2008). The CRS Report for US Congress further points out that the European arms sells to China has reached 416 million EUR in 2003 (Archick, Grimmett, & Kan, 2005). Thus, there never has an EU coherent action on arms embargo against China.

	Austria	Czech Republic		France	
2001	1 license			8 113 408 €	
2002	3 licenses, 2 025 925 €			73 licenses, 105 431 246 €	
2003		9 licenses, 3 710 819 €		96 licenses, 171 530 641 €	
2004	1 license, 33 430 €	7 licenses, 21 940 000 €		123 licenses, 237 000 766 €	
2005		5 licenses, 5 332 000 €		100 licenses, 259 984 222 €	
2006	1 license, 198 000 €	1 166 000 €		135 licenses, 381 675 696 €	
2007	20 licenses, 536 031 €	1 license, 39 000 €		136 licenses, 283 916 421 €	
	Germany	Italy	Latvia	Slovenia	
2001	7 licenses, 96 411 €	8 147 454 €			
2002	1 license	7 licenses, 63 370 707 €			
2003	11 licenses, 1 096 201 €	3 licenses, 128 769 587 €			
2004	24 licenses, 882 890 €	6 licenses, 3 811 254 €	2 licenses		
2005	28 licenses, 46 320 €	2 licenses, 1 721 531 €			
2006	25 licenses, 2 563 722 €	5 licenses, 3 239 280 €		1 license, 10 396 €	
2007	32 licenses, 4 064 774 €	2 licenses, 817 997 €	1 license		
	Slovakia	Netherlands	Finland	The United Kingdom	
2001				124 licenses	
2002				203 licenses, 79 531 800 €	
2003				40 licenses, 112 455 000 €	
2004	1 license, 2 236 842 €			38 licenses, 147 600 000 €	
2005	1 license, 80 214 €	22 000 €		44 licenses, 88 056 606 €	
2006	4 licenses, 6 403 844 €			348 licenses, 30 898 654 €	
2007			2 licenses	130 licenses, 11 269 596 €	

Table 3: Incomplete statistic of arms trade among the major EU member states and China from 2001 to 2007 (Council of the European Union, 2002; Council of the European Union, 2003; Council of the European Union, 2004; Council of the European Union, 2005; Council of the European Union, 2006; Council of the European Union, 2007; Council of the European Union,

2008)

China's Demand for Lifting the Ban

After the Tiananmen Incident, the contact between China and the Western states was not closed at all. Within a month after the incident, two US high-level diplomats, National Security Advisor Brent Scowcroft and Deputy Secretary of State Lawrence S. Eagleburger, were sent secretly to Beijing for resuming the bilateral relations with their counterparts (Dowd, 1989). The EU member states also opened their diplomatic channels to China.

In 1990s, China has experienced massive economic and social development. For the EU member states, China was a comprehensive image of poor human rights records and the booming economy. All EU sanctions except the arms embargo have been removed in early 1990s so as to remove the barriers for further development of the Sino-EU relations. Meanwhile, the EU also showed its clear and strong commitment to the human rights as its core policy (The European Commission, 1995). In response, China agreed to conduct the EU-China Human Rights Dialogue twice a year starting from 1995. Furthermore, in 2004 China amended its Constitutional Law that the respect and the protection of human rights became the official pledge. Nevertheless, such efforts did not recognized by the EU. Although the Sino-EU relations were mentioned as "A Maturing Relationship", the European Commission policy paper in 2003 states that China has significant gap between the actual human rights situation and the internationally accepted standards (The European Commission, 2003).

Because of the existing strategic partnership, China announces that it is not proper to maintain the arms embargo. As the situation no matter in China or in the EU has changed significantly, the arms embargo now is outdated, a legacy of the Cold War,

and a kind of political discrimination (Zhu, 2006). Furthermore, the bilateral relations would be certainly affected by such arms embargo.

Facing the strong lobby, several EU member states have given their initial feedbacks about the ban. Related policy documents were also prepared. The French Defense Minister Michèle Alliot-Marie during her 2003 visit in Beijing publicly announced that France would ask the EU to lift the arms embargo (Tkacik, 2003). Initially, her statement was not noticed widely and was interpreted as a symbolic gesture to acquire more contracts from China. Later, some French companies including the defense contractor SNECMA and EADS joined in the lobby force. Philippe Camus, CEO of EADS, further stated that the EU's arms embargo as a remnant of the Cold War had disturbed the Sino-France aerospace cooperation (North, 2004). Meanwhile, the Swedish Foreign Minister Laila Freiwalds in front of the Swedish Parliament claimed that China intended to lift the ban as the symbolic gesture (Sveriges Riksdag, 2003). She also indicated 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 a decision. So, this issue should be addressed through continued EU internal discussions and preparations."⁶ (Sveriges Riksdag, 2003). In the 6th China-EU Summit—the highest level political talks between the two—the two parties acknowledged the issue but did not mention it in the official conclusion. At the end of 2003, the German Chancellor Gerhard Schröder implicitly indicated that the arms embargo could be removed during his visit in China (China Daily, 2005). His statement was criticized by the parliamentary opposition because of China's human rights records. In return, the German Government argued that the EU Code of Conduct on arms export would prevent the arms sales to the states with poor human rights records (Deutsche Welle, 2003). In December 2003, the European Commission issued a policy document named "EU Commitment to Promoting Human Rights and Democracy" that China is one of the focus state for EU's human rights program (The

European Commission, 2003). Together with the ESS, China was and still is the only state which has strategic partnership with the EU and being the focus state for poor human rights records.

The European Council: the Rough Path

In December 2003, the European Council was held in Brussels under the Italian presidency. Two important issues have been discussed in this Council meeting. One is the ESS as mentioned; the other is reviewing the EU's sanction policy. As the result, Council of the European Union adopted the policy document named Guidelines on Implementation and Evaluation of Restrictive Measures (Sanctions) in the Framework of the EU Common Foreign and Security Policy (Council of the European Union, 2003). Furthermore, the participants agreed that the arms embargo against China should be reevaluated, but no clear procedure was mentioned.

At the Council meeting on external affairs in January 2004, the issue of arms embargo against China was discussed; and was sent to the lower configurations, the COREPER and the PSC, for detailed analysis (Council of the European Union, 2004). Reportedly, the issue was on the agenda setting of the Council meeting in March. Later, it was discussed in April that the review procedure would continue. However, Ireland as the presidency of the first half of 2004 did not want to push for the review procedure. The Netherlands as the presidency of the second half of 2004 were also supposed to be against the left of arms embargo against China (Berkofsky, 2004). Moreover, after the EU's 2004 East Enlargement, the review procedure would unlikely be continued since the Central and Eastern European states would tend to follow the US foreign policy. Thus, in the draft conclusion of the Council meeting, the review of the arms embargo was not mentioned (Council of the European Union, 2004). Quite surprisingly, in the Presidency Conclusion of the European Council meeting, the issue of reviewing the

arms embargo against China was brought back on the table (Council of the European Union, 2004). It would be possible that the review of arms embargo against China was not on the agenda, but some member states or the High Representative for the CFSP addressed this issue during the meeting.

Reactions from the EU Member States

France

As one of the steady supporters, France continued to argue for lifting the embargo. In January 2004, the French President Jacques Chirac addressed French position to the Chinese President Hu Jintao that France supported the lifting of the outdated embargo (Wolfe, 2004). Nevertheless, the French political opposition did not share the same position that almost half of the French National Assembly members refused to attend the official speech by the Chinese President for human rights issue (Gupta, 2004). On January 26th, at the Council of Foreign Ministers, France suggested that the embargo should be lifted at the next Council Meeting in March (Deutsche Welle, 2004). Although there was no decision on lifting the ban, France continued to push for the lifting of the ban. Later in March 2004, the French navy and the Chinese counterpart held a joint naval search and rescue exercise in East China Sea. Since the election in Taiwan was at the near future and the location of the exercise was so sensitive, France was heavily criticized by the US for this joint naval exercise (BBC, 2004).

Germany

During his visit to China, the German Chancellor Gerhard Schröder claimed that China should be considered as a responsible partner in international affairs. He actively engaged in conducting the bilateral trading deals, including selling a nuclear

power plant to China (People's Daily, 2003). However, he was criticized by not only the political oppositions, but also its coalition party Die Grünen, which stressed the poor human rights in China. Die Grünen further claimed that the national arms export control and the EU Code of Conduct would prevent the arms sells to China (Deutsche Welle, 2003). In return, German government argued that the lifting of the embargo is purely symbolic and no arms sell would pass through the Code of Conduct. Moreover, the German Foreign Minister Joschka Fischer stated that China's human rights condition and the Cross-Strait issue should be addressed in the context of lifting the ban. Yet, he agreed that the review procedure should take place if the Code of Conduct is updated (China Daily, 2004). Later this year, the deal of nuclear power plant was cancelled due to the heavy domestic pressure (Berkofsky, 2004).

The United Kingdom

The UK played a low profile role in the debate, though it shared the same approach as Germany—the review procedure should continue if the Code of Conduct is enough to prevent the arms sells (People's Daily, 2005). It seemed that the UK preferred to update the embargo rather than actually lift it. However, the possible reaction from the US has caught the UK's attention (Gupta, 2004). In 2004 European Council, the UK has shown its conditional support for lifting the ban that it suggested the decision should be made after the 2004 US presidential election (Tkacik & Gardiner, 2004).

Sweden

The Scandinavian countries and the Netherlands are traditionally anti-China and pro-human rights (Kreutz, 2004). Not surprisingly, the Swedish political opposition strongly acted against the review procedure. The Swedish government was criticized

for not stopping the review procedure in the Council meeting. All political parties, except the minority government party Socialdemokraterna, were against the decision on the review procedure in the Council. The Swedish Foreign Minister Laila Freiwalds was reprimanded for not using veto power in the Council meeting to stop the review procedure (Sveriges Riksdag, 2004).

Denmark

During his visit to China in February 2004, the Danish Prime Minister Anders Fogh Rasmussen reportedly claimed that the Denmark would not oppose the lifting of the ban. Later in front of the Parliamentary Foreign Affairs Committee, he was asked to explain his statement, which was criticized by the political opposition. Anders Fogh Rasmussen has confirmed his previous statement but with the condition on China's human rights improvement. The political opposition welcomed his explanation and the Parliamentary Foreign Affairs Committee stated that it would support the lifting of the embargo if the human rights situation in China is significantly improved (Ching, 2004). However, the political opposition claimed that the lifting of the arms embargo was unlikely to happen since the human rights situation in China was far less than optimistic.

The Netherlands

The Dutch Prime Minister Jan Peter Balkenende announced that the Netherlands was not against the review procedure though majority of the parliament members were against this. He referred to the political pressure that the Netherlands could not be the only country refusing the procedure and further jeopardizing the trading relations with China. Later, a Dutch diplomat said to the press that "we are willing to debate an end

to the arms embargo, but for us this is not the right moment to lift it” (Taipei Times, 2004). As the political compromise, the Dutch parliament passed its resolution which urged China to improve its human rights situation in exchange for Dutch support for the lifting of the embargo (Berkofsky, 2004). Facing the lobby from the civil society organization like UNPO, 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).

Reactions from the EU Actors

High Representative for CFSP

As the High Representative for CFSP, Javier Solana actively participated in the meetings with China which led to the decision of review procedure. Meanwhile, the ESS was also issued in his term of office. At first, Javier Solana was focusing on the ESS and did not give his statement on the issue of arms embargo. In the meeting with the Head of Chinese Mission to the EU in February 2004, he officially claimed that the lifting of the arms embargo would not cause big problem, but the exact date was not set yet (Xinhua News Agency, 2004). Moreover, Solana was intended to develop even closer Sino-EU relations.

The European Commission

Towards the lifting of the embargo, the President of the Commission Romano Prodi and the Commissioner for External Relations Christopher Patten had different ideas. After the 6th EU-China Summit, Romano Prodi claimed that the lifting of the ban had a great chance of success (Ching, 2004). Later, he has officially shown his support to the review procedure (Agence France-Presse, 2003). On the other side, Christopher

Patten urged China to improve the human rights condition in order to get the chance of lifting the ban (Asia News, 2003). In early 2004, he seemed to change his mind by arguing that the Code of Conduct was a better way to regulate the arms deals. Soon, he stated that the chance of lifting the ban was increasing due to the attitudes of several member states (China Daily, 2004). In the middle of 2004, Chinese Premier Wen Jiabao once again declared that the trade should not be linked with human rights during his visit in Brussels. In return, Romano Prodi stated that he could not influence the review procedure but China was gradually being recognized as the full market economy by the EU (EU Observer, 2004; Black, 2004).

The European Parliament

The EP traditionally focuses on human rights condition. Requested by the Greens and supported by the Tibet Intergroup, the EP has conducted a parliamentary vote on its positions towards the lifting of the embargo. On December 18th 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 the sensitive Cross-Strait relations (Umbach, 2004; Asia News, 2003).

Reactions from Other Stakeholders

The United States

The US government showed its opposite position right after there was some debates about the lifting of the ban. Such diffusion has caused the intension among the US and some European states within the NATO framework. After the decision of reviewing, the US immediately started its lobbying to the EU member states that the lifting of the ban was inappropriate (Spiegel, 2004). Moreover, the US also sent formal protests to

the EU concerning this matter since the EU arms embargo, from the US perspective, was the complementary one to the US arms embargo against China for the same reason (People's Daily, 2004; Ching, 2004). The US House of Representatives even threateningly passed a bill which would restrict the US arms deals and technology transfer with those EU member states selling arms to China (Alden, 2004).

Non-Governmental Organizations

Amnesty International issued a brief paper named “EU-China and Human Rights since Tiananmen”, which criticizes the poor human rights condition in China (Amnesty International, 2004). It urged the EU not lifting the arms embargo against China due to the human rights violations. The UNPO also actively lobbied at the Ministry of Foreign Affairs of all EU member states that the lifting the ban is an inappropriate action (UNPO, 2004).

The Failure of Lifting the EU Arms Embargo against China

Although the debate over the attempt to lift the EU arms embargo against China was intense from 2003 to 2005, the review procedure in Council of the European Union was *de factor* stopped, especially after the German and French national elections in 2005 and 2007. Recently, the issue has been mentioned several times in the bilateral talks at different levels. Nevertheless, no substantive action has been taken yet.

By reviewing the whole process, two major factors have caused the failure of lifting

the EU arms embargo against China. Inside the EU, different actors have different considerations on this issue, particularly between the interest oriented one and the value oriented one. Besides this, the institutional setups also create certain barriers on this issue. Outside the EU, stakeholders especially the US have pushed great pressures to the EU on this issue. Clearly, the US views the attempt to lift the ban as a potential threat to the US interests. Such external pressure, at least partly, drives the EU to stop the review procedure on lifting the arms embargo against China.

Internal Struggle: The Clash between National Interests and Common Values

Inside the EU, many actors have joined in this heated debate with certain arguments to support its own positions and disqualify the positions of opponents. These positions have different emphases, notably the national interests and the accepted values. In this part, the positions of various actors would be examined and categorized into four groups. After that, the diffusion on positions would be discussed with the context of the EU institutional setups.

More EU Interests with Less Accepted EU Values

The actors falling in this category generally take the lifting of the arms embargo as a non-symbolic action and support such action.

For Europeans, the rationale behind the lifting the ban is pursuing the commercial interests in both defense and non-defense fields. The European actors try to change the trading deficit via the lifting of the ban. They believe that the lifting of the ban would bring more contracts from China in various fields, such as civilian aircraft,

railway system and automobiles (Archick, Grimmett, & Kan, 2005). At last, the contracts in civilian fields would bring more trading revenue than the defense contracts.

Concerning the human rights, the Europeans contend that the actual situation has changed since 1989, though the improvement may be limited. Nevertheless, such changes could not be contributed to the arms embargo, which does not have *de factor* impact on China's domestic human rights.

At last, the Europeans falling in this category do not believe the arms sells would change the military balance in Asia. For example, the French President Chirac clearly expresses that he has no fear of military imbalance in Asia after the lifting of the ban (Palais de l'Elysée, 2004). Moreover, the Europeans also stresses that the legal basis for the arms embargo is outdated and has no binding power, especially for the new EU member states. From the material point of view, the arms embargo against China is not efficient and effective.

Form Chinese perspective, the material expectations are rarely mentioned from the official channel. However, some benefits for China are quite obvious if the ban could be lifted. In a report submitted to the US Congress, the defense experts argue that China's intention is beyond purchasing the arms from Europe, but also attempt to acquire technology transferring, cooperation on development and production (Archick, Grimmett, & Kan, 2005). At the same time, China would have more bargaining power with other arms suppliers (Umbach, 2004). Moreover, mainland China would like to take arms deals in exchange for persuading the Europeans not selling arms to Taiwan (Lam, 2004). At last but not least, China could use the lifting of the ban as the political pressure to ask the US to lift its arms embargo as well (Lam, 2004).

Less EU Interests with Less Accepted EU Values

The actors in this category, such as the US, often argue that the lifting of the ban would break the military balance in Asia, Taiwan Strait in particular, since China could enjoy the military benefits from the EU. The US seems to concern two possible threats. First, the EU may sell dual-use technologies to China with the label of civilian use. Second, the EU may leak the sensitive information of the US defense technology to China because of the closed cooperation between the US and the EU (Archick, Grimmett, & Kan, 2005). On March 21st 2005, the US Secretary of State Condoleeza Rice in a press interview in China explicitly contends that the EU lifting of the ban would jeopardize the military balance “in a place where the United States, in particular, has very strong security interests” (The US Department of State, 2005).

Japan also shares this point of argument that the Japanese Foreign Minister Nobutaka Machimura on February 8th 2005 has quoted the same argument to the EU High Representative for the CFSP Javier Solana for showing Japan’s opposition towards the lifting of the ban (Archick, Grimmett, & Kan, 2005). However, Japan has never quoted any reasons concerning the human rights situation but frequently refers to its security condition. Japan argues that the possible EU arms sells would enhance China’s naval operation capability, which would impose the threat to Japan due to the territorial disputes between the two in the East China Sea. Moreover, the increasing military strength would provoke mainland China to solve the Taiwan issue by force (Jiang, 2005). Another concern is China’s arms export control could be ineffective for the arms re-export (Umbach, 2004). Furthermore, the possible EU arms sells to China would force other arms dealers, such as Russia, to provide more advanced arms to China (Archick, Grimmett, & Kan, 2005).

Although the US strongly emphasizes the possible military imbalance after the lifting

of the ban, some European experts criticize the US arguments as being misleading and lack of common ground. Since the arms export to China, not necessarily from the EU member states but also including Russia, Ukraine and Israel, is never stopped, the arms sales have not triggered the military imbalance in the region. Thus, the US argument of military imbalance caused by selling arms to China seems to be a flimsy one without any convincing proofs. As pointed out, the real concern of the US is its economic concerns in the Chinese market. In many fields, the EU has already become a strong competitor to the US. The US is afraid that China would conduct more contracts in return to the lifting of the embargo (Archick, Grimmett, & Kan, 2005).

Ironically, the US position towards the lifting of the arms embargo on China in fact contradicts its position in the global arms exports. In 2006, the UN General Assembly passed the Resolution 61/89 which starts to draft the Arms Trade Treaty—a legally binding international agreement with specific restrictions on arms exports to the region with poor human rights record (United Nations General Assembly, 2006). In the UN General Assembly voting, the US was the only state opposing this resolution (Rizvi, 2006). Moreover, the US since 2001 has provided enormous arms and defense assistance to its allies in the War on Terrorism, “seemingly disregarding long-standing arms export criteria enunciated in the Arms Export Control Act, and removing some countries from sanctions lists” (Stohl, 2006). Considering its position towards the China case, it seems that the US lacks the long standing position towards the arms export control. Such irony also appears when the US raises its concern of China’s human rights record. Since 911 Incident many states including Nepal, Uzbekistan and Yemen have become the essential recipients of the US arms and military assistance, “despite the fact that their poor human rights records have not changed” (Stohl, 2006). The overall US position on arms export after 911 Incident rarely grants it the moral high ground for keeping the arms embargo against China.

Balance between EU Interests and Accepted EU Values

In the debate over the lifting of the arms embargo, China holds its constant position that it has no intention to purchase weapons but to end the political discrimination and humiliation (Zhu, 2006). China claims that both the domestic situation and the Sino-EU relations have changed largely. The arms embargo is a sign of outdated Cold War thought, which would not be properly adopted today (Lam, 2004). The remaining embargo has constituted a public humiliation to China (Zhu, 2006). Moreover, China contends that it could not accept the arms embargo imposed by its strategic partner, namely the EU (Zhu, 2006). Generally, mainland China takes itself as the victim and would like to regain national honor and prestige throughout the end of political discrimination and humiliation—the EU arms embargo in this case—which is a symbolic win to Taiwan in international community (O'Neill, 2001). Lifting the ban could be perceived as the normalization of the bilateral and multilateral relations and the equal treatment. The reorganization from the EU would help China to re-rake the losing honor in the world of hierarchy since China obviously does not want to be a member of so-called rogue states or the marginalized states (O'Neill, 2001).

In Europe, some policy makers also take the arms embargo as the barrier to the Sino-EU relations. They argue that the embargo “[is] by now, more than 15 years old [...] and [...] does not correspond at all to the political reality of the contemporary world” (Palais de l'Élysée, 2004). They further contend that Chinese leadership and the domestic situation have changed largely since Tiananmen Incident in 1989. Due to this, the EU should engage in a “mature” relationship with China in which the arms embargo is a disharmony element (Casarini, 2006). The High Representative for the CFSP Javier Solana concludes that “we [the EU] don't want to deal with China with sanctions [...] but... deal with China as a country in the international community” (Austin, 2005).

In the first four months of 2005, senior EU officials, such as Javier Solana, frequently “describe the arms embargo variously as ‘unfair’, ‘anachronistic’ and ‘insignificant’ in terms of positive influence on the policies of the current Chinese leadership” and remain such embargo would transmit negative signal concerning the current Sino-EU relations (Austin, 2005; Archick, Grimmett, & Kan, 2005). Javier Solana further indicates that the lifting of the ban is “not a military decision [...but...] a political decision” (Reuters, 2005). It is simply a stop sign to a political decision made at a specific moment in the history of China, not a sign of changing the regional military balance and increasing the arms exports (Archick, Grimmett, & Kan, 2005). They also contend that “by treating China as a respected interlocutor, they can encourage its peaceful integration into the international community” (Casarini, 2006). Thus, the lifting of the ban “would be mainly a ‘symbolic gesture’” (Casarini, 2006).

In response to the US criticism of exporting arms to China, the EU officials explicitly state that the goal of lifting the ban is not aimed at changing the regional security (Casarini, 2006). The Presidency Conclusions of the 2004 Brussels European Council reaffirms that the member states have “the political will to continue to work towards lifting the arms embargo”, but “the result of any decision should not be an increase of arms exports from EU Member States to China, neither in quantitative nor qualitative terms” (Council of the European Union, 2004). The French President Jacques Chirac also indicates that lifting the embargo does not mean selling weapons; and what the EU wants is to normalize the bilateral relations. He further concludes that the dialogue between the EU and China contributes to the raising our value, the respect for the international law and the world stability——this is the best contribution that the Europeans can make to the security of Asia⁷ (Palais de l'Élysée, 2005).

In sum, the policy makers in this category view the existing arms embargo as purely

symbolic. Thus, lifting such symbolic embargo is not particularly meaningful.

Less EU Interests with More Accepted EU Values

The actors falling in this category view the embargo as symbolic and necessary. The first concern for them is China's human rights situation. The US Department of State, for example, often links the arms embargo with the human rights situation in China, which is the initial reason of the ban. Lifting the ban, as they argue, would send a wrong signal to China that it could still violate the human rights (Archick, Grimmett, & Kan, 2005). Specifically, during a daily press briefing the Spokesman of the US Department of State addressed that "in our view, lifting the ban would not contribute to regional stability and would send the wrong signal to China regarding its continued poor human rights record" (The United States Mission to the European Union, 2004).

Such argument is shared by some NGOs, especially the human rights activists. According to the report from BBC, "more than 500 Chinese human rights activists have sent an open letter to the European Union urging it not to lift its arms embargo on China" (BBC, 2005). The Amnesty International, a NGO for human rights, in a British House of Commons hearing heavily criticizes that the EU would send a wrong signal to China concerning its human rights situation by ignoring the poor human rights record (Parliament UK, 2004).

Meanwhile, Taiwan holds the same argument in this debate by asserting that the lifting of the ban would "fly in the face of the European Union's original intent in implementing the embargo, and send the wrong signal to Beijing" (Ministry of Foreign Affairs of Taiwan authority, 2006). In the same position paper, Taiwan argues that China would take its human rights situation with no weight compared to its economic strength if the ban is removed (Ministry of Foreign Affairs of Taiwan

authority, 2006).

In general, these actors believe that the arms embargo is a part of measures imposed in 1989 against the violation of human rights. Considering today's circumstances it is still necessary to maintain such measures (Austin, 2005).

The second concern for these actors is the EU commitment of the peaceful resolution on the Taiwan issue. The Taiwan Strait is one of the most sensitive regions in today's world. For national integrity, mainland China openly and frequently states that it would use all measures including armed forces to solve the Taiwan Issue. Considering the rapid development of pro-independence movement in Taiwan, the possibility of war across the Taiwan Strait is not a groundless rumor. Moreover, China is criticized for not being transparent enough on its increasing military budget (Mori, 2007). In 2005, the US Secretary of State Condoleeza Rice claims that the US has a strong concern on the situation across the Taiwan Strait (Archick, Grimmett, & Kan, 2005). Particularly, the US has made strong commitment to Taiwan that it legally has to "provide Taiwan with arms of a defensive character" and "maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan" (American Institute in Taiwan, 1979). From the US perspective, throughout the lifting of the embargo the EU would send a different signal to mainland China other than the US one, which is against "any resort to force or other forms of coercion" (American Institute in Taiwan, 1979; Archick, Grimmett, & Kan, 2005). Lifting the ban is also perceived by the US as a symbolic action which is a violation of the EU commitment on peaceful solution over the Taiwan Strait.

Taiwan is afraid that the lifting of the ban would give a wrong impression to mainland China as the EU supporting its possible military measure to solve the issue (Mainland

Affairs Council of Taiwan authority, 2004). The lifting of the ban “represent[s] [the EU] support for China in its attempt to use force to undermine Taiwan’s sovereignty, security, and dignity [... that ...] would run counter to the European Union’s and European people’s ideals of protecting human rights, democracy, and freedom” (Ministry of Foreign Affairs of Taiwan authority, 2006). Furthermore, “injudicious lifting of the sanctions before the establishment of [a platform for cross-strait dialogue on democracy, peace, and stability] would reduce Beijing’s willingness to resume dialogue with Taiwan, thus making cross-strait peace even less likely” (Ministry of Foreign Affairs of Taiwan authority, 2006). Thus, from Taiwan’s perspective the ban has an important but symbolic meaning—the EU does not accept any violent measures to solve the Taiwan issue. Retaining the current arms embargo would ensure such commitment to this belief.

The EU as A Foreign Policy Actor: Double-Headed Eagle

Even as the first case concerning the ESS, the debate over the lifting of the arms embargo against China has revealed certain critical problems for the EU as a foreign policy actor. All these problems are, at least partly, connected with the current CFSP policy making framework.

It is clear that member states have strong willing to shift the discussion and the implementation of the foreign policy at the EU level. Although the legal basis for the embargo against China is quite weak and some member states have strong inducements to act alone, the consensus for common action on this case has been reached at the EU level. Referring to the ESS, the EU obviously has strong ambitions to become an independent foreign policy actor. Since the EU is constituted by 27 states—many of them are developed states, the EU has great potential to influence the international politics if all member states have the consensus on the foreign policy

issues. In the case of lifting the EU arms embargo against China, the EU has made its first step towards the mature foreign policy actor. It could be argued as the positive product for the EU to be a mature foreign policy actor.

Despite the positive side, there are many problems with the implementation of the ESS. As argued by many scholar, the ESS does not point out to which factor—the value or the interests—has more weight in the policy making. Throughout this debate, it shows that different actors within the EU institutional framework have different preferences of these two concerns. The actors having strong trading tie with China tend to be in favor of the lifting of the ban, no matter from symbolic or non-symbolic perspectives. For these actors, the interests are the primary goal. The symbolic concerns—improving the Sino-EU relations, equal international position and treatment and so on—are less important, or even just the by-products. The actors promoting democracy and human rights in tradition, such as the Nordic countries, the Netherlands and NGOs for human rights, have strong determinations to hold their positions by rejecting the review procedure or associating certain additional conditions concerning the EU accepted values. Other stakeholders outside the EU, like the US and Japan, frequently lobby for its own interests in this case which would be discussed later.

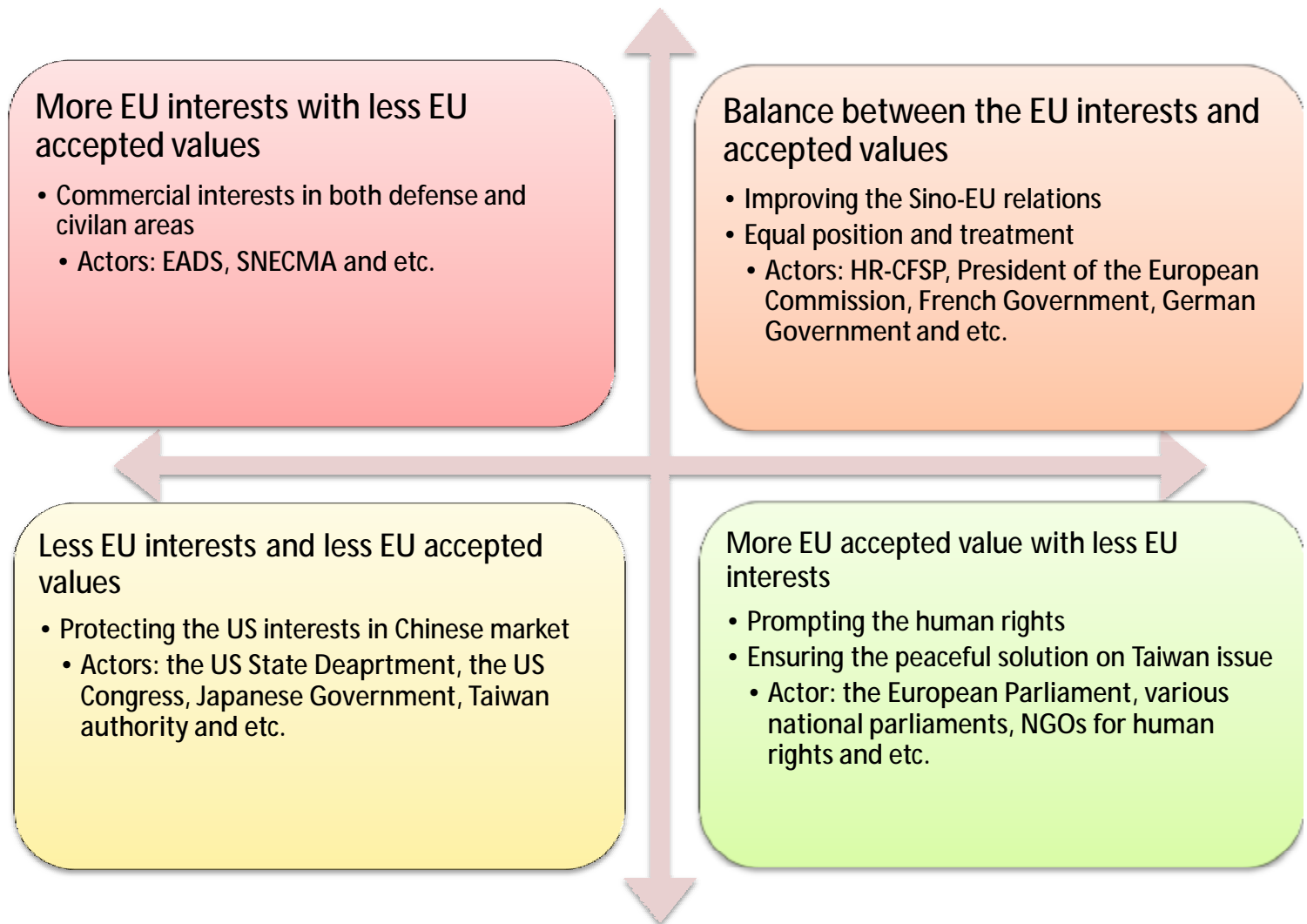


Figure 1: The different arguments in the debate of lifting the EU arms embargo against China

According to Figure 1, the actors in the EU have split into parts on the issue of lifting the arms embargo against China. With the intergovernmental nature of the CFSP, the actual policy outcome would be more uncertain.

The EU Institutional Structure: Multiplier

Considering the decision making process in the second pillar, the requirement for unanimous approval makes the lifting the arms embargo almost impossible. If the QMV would be applied in the foreign policy decision, the chance of passing the bill

could be increased since certain opposition can be by-passed. However, under the unanimous consensus, the supporters for lifting the ban have to spend more time on peer negotiations with the opposition that the decision making procedure would be extreme long and time consuming. From the initial discussion to the unofficial end of the debate, the whole debate has lasted for years. Because of the long time span, the political attitude of the member state may be changed significantly due to the specific event or possible political compromise. The most obvious example is the attitudes of France and Germany. These two member states were the steady supporters for lifting the ban. Nevertheless, after the national elections in 2005 and 2007, Germany and France has changed their attitudes towards the lifting of the ban, which finally lead to the end of this case. Other member states have frequently changed their attitudes during the debate period. All of this suggests that the existing voting mechanism significantly reduces the possibility of pass the bill.

Another problem concerning the ESS is that various actors do not have clear roles in the policy making procedure. Strictly speaking, the foreign policy decision falls into the competence of the EU member states according to the treaties. However, some EU institutions without competence have tried to influence the policy outcomes. For example, the EP quickly issued its position against the reviewing procedure. Although its position has no binding power, it has turned this debate into a public event. Similarly, the European Commission frequently expressed its optimistic predication over the debate to Chinese high level officials. Even though the Commission has strong influence in the policy implementation period, it is too far away to make such conclusion simply because the decision is not made yet. Such over-optimistic predication has hidden the simple truth that the consensus among the member states was difficult to make. Besides, it also shows the false message to others that the arms embargo would be lifted for sure. Those actors not in the policy making stage have expressed seductive voices, which made the case more complicated.

The disordered involvement of several institutions indicates that there is no clear role description of various institutions in the CFSP framework. The policy making in this case has been “hijacked” by certain EU institutions to meet the interests of their own. For instance, in this case the EP was focusing on promoting basic values while the Commission had intention to boost up the external trading with China, though these two institutions have no decision making power. Truly, it could be argued that these institutions would like to expand their influences into the foreign policy making stage, intentionally or unintentionally. However, such attempts have constituted a fogged decision making process concerning the EU foreign policy. In the case of arms embargo against China, the EP and the Commission have attempted to influence the decision. Nevertheless, it is unknown whether these institutions would influence the foreign policy making in the other cases. Without more clearly defined roles, these actors in fact have a backdoor to access and influence the decision making by their own wills.

Finally, the unique political landscape concerning the lifting of the ban is also an interesting point. During the debate, the governments of the EU member state almost had consensus on the lifting of the ban, while all the parliamentary oppositions were against it despite the political parties. It seems that there is a clear boundary between the actors in power and the actors out of power. Such divide has less to do with the stance and the outlook of the political party than being positioned as the opposition in the political system. It suggests that the EU wide public debate over foreign policy, especially the issues concerning the ESS, is almost unlikely.

The national parliament generally holds the national foreign policy in the national state as the traditional foreign policy actor. The ESS represents an ambitious attempt to shift the foreign policy making from the national level to the EU level. However,

the national parliament as the direct representative of the citizens has no direct influence over the EU foreign policy making. The domestic oppositions have lost the common ground to debate the EU foreign policy that may constitute the infamous democratic deficit. As the consequence, there is the EU foreign policy, but there is no EU wide debate about the foreign policy.

Return to the case of lifting the arms embargo against China, the clash between the interests and values is clearly one of the main reasons why the consensus could not be reached. However, the current institutional framework has intensified the divergence. With more clearly structured policy making framework, the possibility of reaching consensus would be increased significantly. The policy outcome would be stable as well.

External Pressures: From the Symbolic Action to the Wrong Interpretation

Despite the internal factors, the strong external pressures, namely the US opposition towards the attempt, have caused the failure of lifting the ban. Although the EU claims that it has no intention to jeopardize the US interests and its national security, the US and its Asian allies frequently argue as being threatened if the ban is removed.

Bilateral Message and Focal Message

According to Barry O'Neil's theory, the symbolic message is constituted in various ways including language (O'Neill, 2001). It has an intended receiver, even though the intended receiver may not be aware of the message at all (O'Neill, 2001). However, the unintended receiver may recognize the message, which is not intended or not intended

for such unintended receiver (O'Neill, 2001). Barry O'Neil also argues that both the message symbol and the focal symbol would cause the common result of mutual understanding (O'Neill, 2001).

In the case of lifting the EU arms embargo against China, the symbol message is intended to constitute the consensus between the EU and China, but not to constitute the divergence among the EU, China, the US and other stakeholders. The EU is intended to send a symbolic message to China. However, the message form that the EU has chosen—the lifting of the arms embargo—has caught the unexpected attentions from unintended receivers, such as the US. The key issue here is not the intention of the EU behind the lifting of the ban, but the expectations of the US and its Asian allies on how the EU and China act (O'Neill, 2001).

The original symbolic message—the lifting of the arms embargo—has become the focal message since it was captured by many unintended receivers like the US and its Asian allies. Thus, the bilateral message has caused the unwanted and unexpected result. Although the EU argues that the EU Code of Conduct could prevent the arms selling to China, it could not compensate the negative consequence of lifting the arms embargo. The EU first discusses the lifting of the ban and later argues the Code of Conduct could replace the arms embargo. It gives a suspicious impression to the US that the mention of Code of Conduct is not the original intention but as the action against its will. The more address of the lifting of the ban and less mention of implementing the Code of Conduct have the same effect as making the issue more suspicious. Moreover, the EU policy makers in favor of the lifting of the ban have miscalculated the perceptions of others. Although Jacques Chirac and Gerhard Schroeder tend to emphasize the European independent position in international stage, the EU does not want the lifting of the ban to be taken as a challenge to the other stakeholders including the US. The EU policy makers have underestimated the

sensitivity of the issue in the context of the Cross Strait relations. The intended message between the EU and China has narrowed the view of the policy makers and further lead them to ignore the interest network and stakeholders, in North East Asia particularly. In 2005 the high level negotiation between the EU and the US, the EU officially admitted that the divergence between the two on the lifting of the ban is unexpected (Dinmore, 2005). Later in the conclusion of meeting with Chinese Foreign Minister, Javier Solana stresses the strong EU commitment on maintaining the peace and security in East Asia and comforts the US as the EU has no intention to challenge its interests in that region (Council of the European Union, 2005). This suggests that the EU is finally aware of the suspicion that the symbolic message to China has created. Similarly, China in 2005 has passed its *Anti-Secession Law*, which authorizes the government of China to adopt non-peaceful measures to stop “Taiwan independence” (People's Daily, 2005). Although China does not imply to adopt non-peaceful ways to solve the Taiwan Issue through this law, it has in fact created the loom image that China will use force across the Taiwan Strait. It also pushes the US to believe that China will become a real threat to the regional military balance if the EU arms embargo would be removed.

In conclusion, the EU has the pure intention to send a symbolic message to China. However, it has chosen a fallacious message form as the lifting of the embargo. Although it is a symbolic and innocuous action from the EU perspective, the US as an unintended receiver picks up the message and interprets it as a potential threat to its interests. So, the symbolic message has turned out to be a focal message that it has directed the unintended receivers into a strategic game (O'Neill, 2001). The form of the message——lifting the arms embargo——has caught more attentions from others so that the true meaning inside the message form is ignored. By over-focusing on the message form, these unintended receivers have misinterpreted the meaning of the message, such as increasing arms sells to China, breaking the military balance, and so

on (O'Neill, 2001).

The US Perspective: Symbolic Message to China

By reviewing the debate, it is clear that the US is constantly against the lifting of the EU arms embargo against China. The direct influence of the lifting of the ban would be the negative impact on the US policy towards the Cross Strait relations.

Three decades ago, the US has shifted its diplomatic reorganization to the mainland China, the People's Republic. However, the US did not cut off its political tie with Taiwan, which was formerly recognized as the representative of China. After the end of Cold War, the US policy towards the mainland China and Taiwan is the dual deterrence (Bush, 2005). Specifically, the US is intended to maintain the status quo across the Taiwan Strait. It opposes any unilateral moves which would change the status quo across the Strait. In today's situation, the US opposes the mainland China to use military force to solve the Taiwan issue, while it also opposes the independence of Taiwan in any forms. The US believes that with the dual deterrence policy the peace across Taiwan Strait would be kept since no side would provoke the other (Bush, 2005).

In the context of lifting the EU arms embargo against China, the US may worry that mainland China may interpret the success of lifting the ban as a decisive diplomatic victory against Taiwan, which may lead the policy makers in mainland China miscalculating the relative strength across the Taiwan Strait. Follow this pattern, the possibility of having conflicts across the Taiwan Strait has increased significantly. Besides, the fierce diplomatic debates over the lifting the ban has made this issue more troublesome. Nevertheless, from another point of view, the EU's attempt to remove the arms embargo also provides a golden opportunity for the US to reiterate

its policy to related actors. In response to the EU, the US shows its strong opposition and even threatens to reprisal some European companies. However, the real intention of the US may not be showing opposition to the EU, but to mainland China and other Asian countries. The US may intend to send a symbolic message by disagreeing the lifting of the ban to China that it opposes any actions aimed to change the security situation in Asia, the Taiwan Strait in particular.

In sum, the US's opposition to the lifting of the ban could be considered as a symbolic message to China that it opposes China to resolve the Taiwan issue by force. This intention has constituted heavy political pressure on the EU. Thus, it could be the primary external factor which leads to the failure of lifting the ban.

Conclusion

The debate over the lifting the EU arms embargo against China has revealed certain problems in developing the successful EU common foreign policy.

First of all, the member states and different EU institutions have different policy goals. In the case of lifting the EU arms embargo on China, some actors prefer to consider the commercial interests as the primary policy goal, while other actors tend to place the common accepted values, such as democracy and human rights, as the first policy priority. The ESS, as the guide for the EU common foreign policy, precisely lacks the directions and explanations on this difficult choice. Without the explicit statement in the policy guide, the EU has presented its inconsistency on this issue in the first major case of foreign policy making after the adoption of the ESS. The EU would face infinite cases on the choice between the interests and values in the future if no policy

goal is explicitly selected.

Moreover, the existing EU decision making procedure and requirements has de factor increased the threshold for revising the policy. After the EU enlargement, increasing number of member states and the unanimous vote mechanism would constitute the institutional barrier for efficient policy making. In the case of lifting the EU arms embargo, the costly bargaining is partly contributed to such institutional barrier. Nevertheless, the roles of various actors are not clear defined and the streamline is not clarified. This has triggered the unexpected interruptions in the decision making process, which has negative impact in the case of lifting the ban against China.

Finally, the EU has picked up a wrong carrier to send its symbolic message to China. The lifting of the ban has been misinterpreted by other actors in various negative ways that further intensify the argument among different actors over this issue. With such wrong perception of the EU's motivation, the external actors like the US take the view that they have been threatened if the EU arms embargo is removed. In response to this fallacious perception, taking action against the EU's attempt to lift the embargo on China becomes a rational and understandable choice. Thus, the failure of lifting the ban can be partly due to the miscalculation and wrong choice of message form.

In developing the EU as a foreign policy actor, the failure of lifting the arms embargo against China is a milestone. It is the first case after the adoption of the ESS. Although there were some deficits inside the EU foreign policy making, it has shown that the EU has strong potential to be a mature foreign policy actor. From the establishment of the CFSP, the EU has gone far to be a foreign policy actor, yet it has far to go.

Appendix A: 1989 Madrid European Council Declaration on China

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:

- I raising the issue of human rights in China in the appropriate international fora: asking for the admittance of independent observers to attend the trials and to visit the prisons,

- I interruption by the member states of the community of military cooperation and an embargo on trade in arms with China,

- I suspension of bilateral Ministerial and High Level contacts,

- I postponement by the community and its member states of new cooperation projects,

- I reduction of programmes of cultural, scientific and technical cooperation to only those activities that might maintain a meaning in the present circumstances,

- I 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.

Source:

please see the arms embargo database of Stockholm International Peace Research Institute at the following address :

http://www.sipri.org/research/armaments/transfers/researchissues/controlling/arms_embargoes/eu_arms_embargoes/china/declaration

Archive of European Integration (AEI) at University of Pittsburgh provides the full text of Conclusion of 1989 Madrid European Council. The Declaration on China is the Annex II of this document. The full text could be seen at the following address :

http://aei.pitt.edu/1453/01/Madrid_june_1989.pdf

Notes

1. The term EU in this thesis incorporates the meanings of the EC and the EEC.
2. Besides the Common Position, the Joint Action and the Common Strategy are other policy instruments in the framework of the CFSP.
3. The arms embargo issued before the establishment of the EU would be announced by the Declaration first. After the creation of CFSP, all arms embargo except the one against China are integrated into the CFSP by the Council Common Position.
4. The EU arms embargo against Liberia established by 2004/137/CFSP has been extended twice in December 2004 and January 2006 by 2004/902/CFSP and 2006/31/CFSP respectively.
5. The EU arms embargo against Myanmar (former Burma) established by 2001/757/CFSP has been extended for several times by 2002/310CFSP, 2002/831/CFSP, 2003/297/CFSP, 2004/423/CFSP, 2005/340/CFSP, and 2006/318/CFSP.
6. The original text is in Swedish: *Sverige är i grunden positivt till ett lyftande av vapenembargot mot Kina men anser att det är för tillfället inte finns någon enighet bland medlemsstaterna för ett sådant beslut. Frågan bör behandlas genom fortsatta EU-interna diskussioner och beredningar.*
7. The original text is in French: *Levée de l'embargo ne veut pas dire vente d'armes. Les Européens n'ont aucune intention de s'engager dans une politique d'exportation d'armements vis-à-vis de la Chine, qui ne le demande pas. Ce que veulent les Européens, c'est normaliser leurs relations avec la Chine. [...] Plus généralement, ma conviction est que le dialogue que l'Europe développe avec la Chine contribue au progrès de nos valeurs, au respect de la règle internationale et à la stabilité du monde. C'est la meilleure contribution que les Européens puissent apporter à la sécurité de l'Asie qui, nous le savons bien, vit dans des conditions très différentes de celles qui existent en Europe.*

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