

CHAPTER 4

Taiwan's democratization and the European Union's relations with China and Taiwan – the arms embargo debate between 2003 and 2005¹

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Introduction

The Taiwanese transition from a single party rule of Kuomintang (KMT) to a democracy with a multiparty system and an elected president has an impact not only on the cross-strait relations and regional security, but also on the island's global actorness.² While the Taiwanese democratization had been

¹ The first draft of this study was presented at the Fifth APISA Congress, *Regional Integration in Asia and Europe in the 21st Century*, organized by the Asian Political and International Studies Association (APISA) in cooperation with the Department of International Trade, Overseas Chinese University (OCU), the European Center in Taiwan (EUTW) at the Overseas Chinese University, Taichung, Taiwan, 24th – 25th November 2011.

² There are several ways of describing the relations between the mainland China and Taiwan. The terms 'China-Taiwan relations' and 'PRC-ROC relations' are non-neutral, contrary to the politically neutral term chosen in this work – 'cross-strait relations,' describing the relations between the two actors across the Taiwan Strait. The term is used with the small letter for 'cross-' and capital for 'Strait.' This is the most common way to write this term in the literature on this topic, see for example: Karen M. Sutter, "Business Dynamism Across the Taiwan Strait: The Implications for Cross-Strait Relations," *Asian Survey* 42, No. 3/2002, pp. 522-540; Gunter Schubert, "Becoming Engaged? The European Union and Cross-Strait Relations," *ASIEN*, 89, October 2003, pp. 5-25; Alan D. Romberg, "Cross-Strait Relations: Setting the Stage for 2012," *China Leadership Monitor*, Hoover Institution, Stanford University, No. 34, Febru-

widely examined in the context of the relations within the triangle among Taiwan, China, and the United States, this study draws attention to the link (or its lack) between the political developments in Taiwan and China on the one hand, and the European Union's (EU) policies towards the both Asian partners on the other.³

The question whether such link exists is worth considering for two main reasons. First, even though the declarations that the EU and the U.S. share the same values are upheld by both sides, we cannot assume that the role of values in the EU's relations with China and Taiwan is the same as in the case of the U.S.⁴ On the contrary, the EU's views frequently differ from the American perspective. The fact that the transatlantic partners had to establish a strategic dialog on East Asia in order to avoid antagonistic actions and to coordinate their efforts may serve as substantial proof.⁵

Second, this question is particularly interesting in the context of the controversies around the EU's claims that its external policies are guided by a set of values, including democracy and human rights.⁶ This legitimization of foreign actions with respect to the People's Republic of China (PRC) and the Re-

ary 22, 2011, <http://www.hoover.org/publications/china-leadership-monitor/article/67971> (March 22, 2011).

³ Just to give a few examples where the Taiwanese democratization is examined in the context of the relations among the U.S., China, and Taiwan, starting from R. K. Betts, who in 1993 already inquired about the consequences of the continued democratization in Taipei for security in the region, and about the possible American response, in the following work: Richard K. Betts, "East Asia and the United States after the Cold War," *International Security*, Vol. 18, No. 3, Winter, 1993-94, pp. 34-77; Ching-fen Hu explains how the political choices of the U.S. were consequential for the Taiwanese decision to liberalize, in: Ching-fen Hu, "Taiwan's Geopolitics and Chiang Ching-Kuo's Decision to Democratize Taiwan," *Stanford Journal of East Asian Affairs*, Vol. 5, No. 1, Winter 2005; Shirley A. Kan writes that Taiwan "is a success story for U.S. interests in the promotion of universal freedoms and democracy," in: Shirley A. Kan, "Democratic Reforms in Taiwan: Issues for Congress," CRS Report for Congress, 26th May 2010, Washington DC: Congressional Research Service, Library of Congress.

⁴ European Commission, *The European Union and the United States: Global partners, global responsibilities*, 2006, Brussels: Publications Office, <http://www.eurunion.org/partner/eu-us-relations/EUUSGlobParts.pdf> (August 18, 2012).

⁵ *Ibidem*.

⁶ One of the ways in which the EU seeks to legitimize its international policies is a reference to democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, etc. (The Lisbon Treaty, Art. 21).

public of China (ROC) is commonly compared to the 'empty rhetoric.'⁷ China is one of the major EU's trading and political partners.⁸ Moreover, in 2003, due to the widening and deepening of relations, and a growing number of issues of common interest, the EU decided to forge a 'comprehensive strategic partnership' with China. At the same time, Beijing is accused of severe and consistent breaches of democracy and human rights. These developments led the observers to comment on the EU's efforts to further increase relations with China as being dictated by economic interests at the expense of values. Taiwan, in turn, although it is perceived as a model for democratization in Asia, still does not get the EU's recognition. Brussels follows the principle of 'One China,' and has established diplomatic relations with Beijing, but not with Taipei. Commentators underscore that Brussels, in relations with China and Taiwan, gives preference to economic interests over human rights and democracy, even though the European Union presents itself as an actor whose foreign policies are conducted with respect of those values.⁹ Therefore, the EU's self-representation with respect to Beijing and Taipei is described as having nothing to do with reality, since economic and security interests guide the EU.

One of the instances when most of the media and scholars were in unison about the prevalence of the interests over common values in the EU's foreign policies was their assessment of the EU's proposal to lift the arms embargo on China. The European Community imposed the embargo on China following the 1989 Tiananmen Square events. In 2003, the international debate whether to lift the ban divided the EU's institutions, governments, and the public in Europe. It was discontinued in 2005 after the introduction of the anti-secession law by the Chinese authorities.

The commentators of the debate focused on the interests of Germany and France as the leaders of these member states – the French President Jacques Chirac and German Chancellor Gerhard Schroeder – introduced and strongly advocated the idea of lifting the ban. In the explanations of the motives stand-

⁷ "China: EU Rights Talks Sliding Toward Irrelevance," *Human Rights Watch*, 2012, <http://www.hrw.org/news/2012/05/25/china-eu-rights-talks-sliding-toward-irrelevance> (August 16, 2012).

⁸ In 2004, the EU became China's main trading partner with the total trade of about 160 billion euro. Between 2000 and 2006, the trade between the two partners grew by 150% (data concerning EU 27), see Joint Statement of the 10th China – EU Summit, http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071202CHINA.htm (February 29, 2008).

⁹ For example: "'One China' policy can still accommodate EU relation with Taiwan, says Patten." *EuropeanVoice.com*, 23 January 2003, <http://www.europeanvoice.com/article/imported/-one-china-policy-can-still-accommodate-eu-relation-with-taiwan-says-patten/46528.aspx> (August 18, 2012).

ing behind the proposal, the academia and media claimed that Berlin and Paris endorsed the ending of the ban in order to further national economic and trade relations with Beijing. If the commentators mentioned the EU's values such as human rights and democracy at all, it was only in order to point out the bifurcation between the EU's self-representation as a promoter of these values around the world, and the 'reality' where the member states sacrificed the normative goals for economic and strategic gains. As a result, the EU's self-representation with reference to values was discredited as meaningless rhetoric.

This article claims the contrary, that the values of human rights and democracy are important for the EU's relations with Taiwan and China. It demonstrates that values, as the element constitutive to the EU's self-representation, set the framework for the argumentation for the EU's institutional actors within the debate whether to lift the EU's embargo on arms sales to China, which took place between 2003 and 2005.

One may point out that an analysis of the debate on arms embargo, which was imposed on China, would be instructive for any study interested in the link between the situation of human rights and democracy in China and the EU's policies, but useless while considering the relation between Taiwan's democratization and the EU's policies. On the contrary, Taiwanese democratization becomes politically meaningful for the island's external relations mainly in comparison with the political developments in Beijing. The EU – Taiwan relations can only be understood within the context of the EU's relations with China. Therefore, this study approaches the question about the link between the Taiwanese democratization and the policies of the EU towards Taiwan, within the framework of a broader analysis of the link between the developments in China and the policies of the EU towards China and Taiwan.

The analysis of the functioning of values

The starting point of this article is that the commentators of the arms embargo debate, who demonstrate that values did not play a role, show only a part of the picture. While they consider the causal relationship between the European normative foreign policy goals (e.g. promotion of human rights and democracy) on one hand, and political actions of the EU on the international stage on the other, or rather the lack of this relationship, they tend to forget about the other function of values. Values, besides 'causing' or 'not causing' actions, as Friedrich Kratochwil elucidates, serve to "make demands, rally support, justify action, ascribe responsibility, and assess the praiseworthy or blameworthy

character of an action."¹⁰ As long as this legitimizing function of values manifests itself in communication, the analysis of what politicians do is not sufficient to understand the functioning of values. Therefore, this study redirects our focus to what they say.

In order to analyze people's talk, a discourse analysis will be applied. The inquiry into the explanations and justifications presented by politicians should demonstrate not if and to what extent, but how the values 'work' and what particular values 'work' in the case of the EU's relations with China and Taiwan. Thus, the main question of this article is whether the values constitutive to the EU's self-representation vis-à-vis China and Taiwan, such as human rights and democracy, were perceived by the EU's institutions as valid justifications in the debate on the arms embargo and as such legitimized some actions and revoked others, or whether a different set of ideas performed this function. It is believed that this approach should enable us to shed the light on the functioning of values in the complicated processes of communication, which lead the EU's leaders to common decisions with respect to China and Taiwan.

The validity of values within the debate on the arms embargo was negotiated by all the institutions within the EU as well as the third international actors. However, due to the limitation of space, this study focuses on discursive activities only of the two discussants: the Council of Ministers (later referred to as the Council) and the European Parliament (EP). The first – the Council – was selected for the reason that when a debate on the arms embargo takes place, it represents the main decision maker in the area of the Common Foreign and Security Policy (CFSP), thus, it is later also referred to as the 'decision-maker' or 'CFSP decision-maker.' In contrast, the EP's prerogatives in the area of external relations, during the same period, are limited to consultation and advising, and the EP is perceived as the weakest institution and therefore a marginal player in this area of policy.¹¹ Moreover, the Council is usually described as a representative of the interests of the member states, while the European Parliament's main responsibility is to protect and promote the 'European values' in the EU's external relations with the main role of defending human rights.¹² While the EP is called the 'moral tribune,' 'moral conscience' or the 'norm entrepreneur,' Flavia Zanon suggests that the logic of the economics

¹⁰ Friedrich Kratochwil, "The Force of Prescriptions," *International Organization*, 38, 4, Autumn 1984, p. 686.

¹¹ The prerogatives of the EP in the CFSP as well as their perception changed with the Lisbon Treaty. However, this article covers the period between 2003 and 2005, thus before the Lisbon Treaty.

¹² European Parliament, "European Parliament as a champion of European values," Office for Official Publications of the European Communities: Luxembourg, 2008.

stands behind the Council's decisions.¹³ Since both institutions attach importance to different types of values or are perceived as such, i.e. economic and political vs. moral, we may expect that values may constitute one of the main points in their discussion and their assessment by other participants in the discussion

If the analysis demonstrates that the EP has significantly contributed to the debate, it would mean that the distribution of power in the form of decision-making prerogatives among the EU institutions constituted only a part of a wider set of conditions for argumentation during the debate. And if the actors involved have referred to the values of human rights and democracy in order to be successful in their argumentation, it would attest to the significance of these values.

The article approaches the discursive practices of the Council and the EP through Parliamentary Questions tabled between December 2003 and December 2005, and the Council's Responses to these questions (for a detailed list of the analyzed documents, see Table 4.1 and Table 4.2). In order to observe how the subjects of the debate, including the EU, China, Taiwan, the Council, and the EP, are referred to linguistically, and what characteristics are attributed to them, we will mainly look at the predications, i.e. verbs, adverbs, and adjectives that are attached to nouns.¹⁴ This method was selected because it is particularly useful in the analysis of the system of signification for the various actors in the international relations.¹⁵ We will also be interested in the argumentative strategies applied by the Council and the MEPs to endow their

¹³ 'Moral conscience' and 'moral tribunal,' in: Stelios Stavridis, "The European Parliament and the Cyprus Problem: A Preliminary - and Critical - Assessment," Institute of International Economic Relations Working Paper, No. 24, Athens, July 16, 2006, <http://www.idec.gr/iier/new/workingPaperIDOSjuly2006.doc>, pp. 1, 5 (August 16, 2012); 'norm entrepreneur' in: Karen E. Smith, *The European Parliament and human rights: norm entrepreneur or ineffective talking shop?* Parlamento Europeo en la Política Exterior, PE 11/2004, Institut Universitari d'Estudis Europeus, Barcelona, Spain, <http://iuee.eu/pdf-dossier/19/jPGzMke8lRsBPmVPjzf8.PDF> (16 August 2012); Flavia Zanon, "The European Parliament: an autonomous foreign policy identity?," in: *The Role of Parliaments in European Foreign Policy*, Esther Barbé and Anna Herranz (eds.), Barcelona: Office of the European Parliament in Barcelona, 2005, Chapter 6, <http://www.iuee.eu/publicacions-iuee.asp?parent=1&ap=49&pub=3&id=20> (August 16, 2012).

¹⁴ On predicative analysis, see Jennifer Milliken, "Discourse Study: Bringing Rigor to Critical Theory," in: *Constructing International Relations: The Next Generation*, Karin M. Fierke and Knud Erik Jørgensen (ed.), New York: M.E. Sharpe, 2001, p. 141.

¹⁵ *Ibid.*

claims with authority and evidentiality (i.e. how they communicate the sources of knowledge and degree of certainty).

For the matter of clarity, the main text covers only the findings of the analysis. Additionally, the selection of texts for the analysis and choices for their interpretation are explicit and clearly documented in order to present the reader with the possibility of questioning and discussing the decisions concerning the methodological steps as well as the interpretation of the texts. The analyzed texts are listed below in Table 4.1 and 4.2. The fragments of documents that led to the findings in the main body of the text are cited in the footnotes.

Table 4.1. Parliamentary Questions on arms embargo from December 2003 to December 2005

Date *	Question type/number/author/party group if stated in the document ¹⁶	Subject
2003		
4 December	Oral Question O-0079/03 by Daniel Cohn-Bendit (France, Greens/EFA)	Lifting the EU Arms Embargo on China
2004		
2 February	Oral Question H-0077/04 by Patricia McKenna for Question Time at the part-session in March 2004 (Ireland, Greens/EFA)	The non-lifting of the EU arms embargo on China
4 February	Written Question P-0321/04 by Daniel Cohn-Bendit	EU embargo on arms sales to China
11 February	Written Question E-0333/04 by Erik Meijer (Netherlands, GUE/NGL)	The unchanged human rights and democracy situation in China and Hong Kong, the threat to Taiwan and the need for the arms embargo
28 September	Oral Question O-0052/04 with Debate by Graham Watson (UK, ALDE)	Lifting China arms embargo

¹⁶ The period of this study covers two legislative periods: the 5th electoral period from 1999 to 2004, and the 6th electoral period from 2004 till 2009. The party groups after 1999 and 2004 elections were as follows (starting from the largest): European People's Party and European Democrats (EPP-ED), Socialist Group (PES), Group of the Alliance of Liberals and Democrats for Europe (ALDE), Group of the Greens/European Free Alliance (Greens/EFA also frequently applied French abbreviation: Verts/ALE), Confederal Group of the European Left/Nordic Green Left (GUE/NGL), Group for a Europe of Democracies and Diversities (EDD), Independence and Democracy Group (IND/DEM), Union for Europe of the Nations Group (UEN), Non-attached Members (NI), Technical Group of Independent Members – mixed group (TGI).

29 September	Written Question E-2390/04 by Raúl Romeva a Rueda (Spain, Greens/EFA)	Continuation of EU arms embargo on China
19 October	Oral Question O-0059/04 by Graham Watson and Marielle De Sarnes on behalf of ALDE/ADLE (UK, ALDE/France, EPP-ED)	EU-China Summit
25 November	Written Question E-3221/04 by Frank Vanhecke (Belgium, NI)	Arms embargo on China
2005		
20 January	Written Question E-0270/05 by Frank Vanhecke	EU arms embargo on China
23 February	Written Question E-0849/05 by Philip Claey's (Belgium, NI)	Arms embargo against China, repercussions for cooperation with the United States
23 February	Written Question E-0850/05 by Philip Claey's	Arms embargo against China - conditions
23 March	Oral Question H-0244/05 by Gay Mitchell for Question Time at the part-session in April 2005 (Ireland, EPP-ED)	China arms embargo
25 April	Oral Question H-0330/05 by Alexander Lambsdorff for part-session in May 2005 (Germany, ALDE)	Future EU relations with China and Japan

* The date on which the question was submitted within the Parliament by the MEP.

Table 4.2. The Replies to the Parliamentary Questions of the Council of the European Union from December 2003 to December 2005¹⁷

Date (reply)	Title	Subject
2004		
8 March	Preliminary Draft Reply to Written Question P-0321/04 put by Daniel Cohn-Bendit on 2004 February 4	EU embargo on arms sales to China.
9 March	Draft Reply* to Oral Question N° H-0077/04 (put by Patricia McKenna (Verts/ALE-Irl) to the Council for Question Time at the part-session in March (I) 2004	The non-lifting of the EU arms embargo on China
21 April	Preliminary Draft Reply to Written Question E-0333/04 put by Erik Meijer on 11.02.04 - Document Partially Accessible to the Public (draft reply deleted)	The unchanged human rights and democracy situation in China and Hong Kong, the threat to Taiwan and the need for the arms embargo

¹⁷ The replies to the Parliamentary Questions were retrieved through the search on the official website of the Council with the key words: 'China and embargo.'

23 November	Preliminary Draft Reply to Written Question E-2390/04 put by Raúl Romeva a Rueda on 15.10.04 (amended by the German delegation)	Continuation of EU arms embargo on China
2005		
17 January	Preliminary Draft Reply to Written Question E-3221/04 put by Frank Vanhecke on 14.12.04	Arms embargo on China
15 February	Draft Reply * to Written Question E-2390/04 put by Raúl Romeva a Rueda on 15.10.2004	Continuation of EU arms embargo on China
16 March	Preliminary Draft Reply to Written Question E-0270/05 put by Frank Vanhecke on 11.02.2005	EU arms embargo on China
14 April	Draft Reply to Oral Question N°H-0244/05 put by Gay Mitchell to the Council for Question Time at the part-session in April 2005	China arms embargo
25 April	Preliminary Draft Reply to Written Question E-0849/05 put by Philip Claeys on 8 March 2005 (amended by the Dutch delegation)	Arms embargo against China, repercussions for cooperation with the United States
26 April	Preliminary Draft Reply to Written Question E-0850/05 put by Philip Claeys on 8 March 2005	Arms embargo against China - conditions

Note: There are fewer Replies to the Parliamentary Questions than the Questions analyzed in the proceedings paragraphs as not all Parliamentary Questions were answered. Questions O-0052/04 and 059/04 have not been answered. According to the EP Rules of Procedure "questions not placed on Parliament's agenda within three months of being submitted shall lapse." The information obtained via the European Parliament's Public Register. Oral Question H-330/05 was considered during the Question Time of 11 May 2005 but it lapsed, as its author was absent. In: Official Journal of the European Union, C92E/116, Document B6-0236/2005, p. 116, question 17.

The Parliamentary Questions

On the basis of the nationality of the authors who inquire about the arms embargo in the period of the debate and their membership in the political group, it is difficult to discern dominant national or ideological patterns. The authors of the questions come from the five biggest party groups within the Parliament, except for the Socialist Group (PES), as well as from the non-attached members.¹⁸ They are of different nationalities, including two MEPs from

¹⁸ The authors of the analyzed questions on the arms embargo came from the following groups: Greens/EFA - 3, ALDE - 3, EPP-ED - 2, NI - 2, GUE/NGL - 1 (if the same MEP wrote two questions, the party he/she belonged to was counted only once).

France, Ireland, Belgium, and one MEP from the Netherlands, UK, Spain, Belgium, Ireland, and Germany.

Almost all of the Parliamentary Questions refer to various characteristics of China. Only two questions in which the MEPs ask about the Council's future plans with respect to the arms embargo do not project any picture of the Asian country. The Parliamentarians describe China in an unfavorable manner by referring to two issues. First, five out of thirteen analyzed questions recall the Tiananmen incident. The predicates that accompany the event, such as "tragic events," "tragic events involving the power of the State," "violent suppression of the student protest by the Communist regime," and its association with "killings" and "massacre" point to the negative character of the actions of the Chinese government.¹⁹ Moreover, the MEPs claim that the human rights situation in China "has not improved,"²⁰ and suggest that the China of today is the same as the China of the Tiananmen incident era.²¹

Second, the Parliamentarians draw attention to the security situation in the cross-Strait, and point to the "aggressive stances [of Beijing] against Taiwan."²² By linking the issue of the embargo with the issue of Taiwan, they demonstrate that the Chinese 'aggressive' face is not a matter of the past, but constitutes a continuing threat. Taiwan, on the other hand, is described in

¹⁹ "Tragic events" (McKenna, 2004), "tragic events involving the power of the State" (Meijer, 2004), "violent suppression of the student protest by the Communist regime" (Claeys, 2005). The nominalization "Tiananmen Square killings" (Watson, 2004) or speaking about the "Tiananmen Square massacre" (Vanhecke, 2004) might suggest that both the authors omit the subject to make those responsible for the act less visible. However, careful reading of the questions shows that it is not their goal. For example, in Vanhecke's question, the Tiananmen Square massacre is not described as an action, but as an event, for the reasons that those responsible deny their responsibility, and the author leaves the reader without any doubt that it is the Chinese government, while writing: "There should be some kind of acknowledgement by the Chinese Government about what happened. (...) Does not the Council feel that the Chinese Government must come forward with an official interpretation of the events in question and that an independent inquiry must be carried out into the facts of the matter, after which those responsible for the massacre must be clearly identified?"

²⁰ For example, Cohn-Bendit (2004) claimed that "human rights record of China has not shown any sign of improvement."

²¹ "Given the fact that the human rights and security situation in China has not improved since [the Tiananmen incident] (...)." (Cohn-Bendit, 2004); "There are still people in jail who were arrested at that time" (Claeys, 2005).

²² Cohn-Bendit, 2004.

opposition to China as a democratic actor and a model of democratic transformation for the countries in the region.²³

The MEPs take on issues other than China's poor record of human rights or threatening attitude towards Taiwan only in two instances: when they are interested in the consequences of the European choices with respect to China for the EU's global role, particularly vs. the U.S., and when they simply ask about the Council's future plans with respect to the arms embargo.²⁴ They seem not to acknowledge Beijing's economic success or transformation. The elements of this narrative might be spotted only in two questions. However, in both instances they are mentioned not to compliment the Chinese authorities for their achievements, but rather to criticize them and the EU's member states. In the first of the two questions, the economic developments in China are mentioned, yet, with the main goal to call attention to the fact that they were the only changes, which took place in China, and to underscore that in the other areas, such as democracy and human rights, Beijing's record has not improved.²⁵ In the second instance, we can read about the "vast Chinese market." It is claimed that some member states planned to lift the arms embargo in exchange for the 'access' to this market, although it has never been officially acknowledged.²⁶ Thus, the reference to this narrative involves the criticism of the member states, which, as suggested, are ready to sacrifice the European values for economic gains.

This point brings us to the description of the CFSP's decision makers by the MEPs – the member states and the Council. The MEPs criticize the member states and more particularly those who proposed to lift the ban. They suggest that the member states might exert the pressure on the Council to realize their national interests instead of doing what is appropriate for the EP, i.e. to act according to the European values. Thus, the MEPs juxtapose the interests of the individual member states with the common values of the EU, which, as

²³ According to Meijer, 2004, Taiwan's "population is now opting for lasting independence and neighborly relations with China."

²⁴ The MEPs are interested in the consequences of the European choices with respect to China for the EU's global role, and more particularly vs. the U.S. in two questions: Claeys, 2005 and Lambsdorff, 2005. They ask about the Council's future plans with respect to the arms embargo in three questions: Cohn-Bendit, 2004; McKenna, 2004 and Romeva Rueda, 2004.

²⁵ Although the author states that the "main change for the better in the People's Republic of China since 1989 has been its rapid and often uncontrolled economic growth," the reference to the "main change" will leave the impression that there were no other changes, and this one was the only one.

²⁶ Cohn-Bendit, 2003.

pointed out, are promoted by the Parliament and the Council.²⁷ They create the in-group of 'us,' including the Council and the EP acting in an appropriate manner, and the out-group of the states that are acting according to their self-interests. The self-interest is understood mainly as an improvement of 'trade relations with China' or an 'access to the vast Chinese market.'²⁸ Such categorization of 'us', projects the identity of the normative actor not only for the EP, but also for the Council. It also implies that despite this role, the Council might take an inappropriate decision if it gives in to the pressure exercised by some member states to lift the ban.

At first glance it might seem that MEPs carefully hedge their claims about China, since they use the form of questions or cite other actors' opinions on the situation in the PRC. The application of the question form, in some circumstances might communicate the invitation of the addressee to take a stance (for example: agreement, disagreement, admittance), and to be involved in the meaning making, in our case, the meaning making about China. However, these questions and references to various opinions of other actors are not applied by the MEPs for this purpose, since the context in which they are articulated (the background knowledge about the 'tragic events' during the Tiananmen incident and the violations of human rights by the Chinese government) brings about an unambiguous interpretation of Beijing. Thus, the Parliamentarians present their views on China with a great certainty, and refuse to discuss them.

The room for maneuver left for the Council to negotiate the meaning is limited by at least two factors. First, it is the 'truth' that 'everyone knows' about China, i.e. that the "human rights record in China has not shown any sign of improvement."²⁹ This narrative is popular in the media and propagated by the MEPs. Second, the EU's own reports on the human rights situation in China limit to a certain degree what the Council may say in this matter. The reports were being issued on the regular basis to assess the political developments in Beijing, and were half-critical, half-appraising of the human rights and democracy situation in China.³⁰ An example of such criticism directed against the Chinese government may be found in the question: "Does the Council agree that the main change for the better in the People's Republic of China since 1989 has been its rapid and often uncontrolled economic growth (...)?" It was not stated with the goal to invite the addressee to take a stance,

²⁷ McKenna, 2004.

²⁸ Claeys, 2005.

²⁹ Meijer, 2004.

³⁰ For the *Report on EU Action in 2011* published in June 2012, see http://eeas.europa.eu/human_rights/docs/2011_hr_report_en.pdf (August 14, 2012).

since the answer was implied in the question, but to express a strong opinion about China.³¹

The MEPs in their questions tend to incorporate words of international non-governmental actors, such as non-governmental organizations (NGOs) or media. For example, Patricia McKenna cites Amnesty International to describe the human rights situation in China. McKenna does not directly quote the organization's words, but evokes them as a part of the unquoted language of the question.³² This discursive move allows her to demonstrate certain solidarity with Amnesty International, which is additionally underscored with the adverbs manifesting the agreement with what the organization says: "soundly" and "rightly so." This solidarity with those who are right, in turn, grants authority to the MEPs own words without the need of stating the author's personal opinion. The references to various non-governmental actors, besides confirming the special 'knowledge' of the Parliament, also invoke the EP's role as the institution acting on behalf of civil society, responsible to make the voices of people heard by the EU's decision makers. The MEPs, thus, project their institution as the one that allows the various voices from Europe to be heard, noticed, and acted upon by the Council. Additionally, references to various international sources, including the American ones, allow them to transcend locality and place themselves on the international level adequate to comment on the EU's proper behavior as an actor with responsibilities towards the international, and not only the European civil society.³³

Overall, the arms embargo issue in the Parliamentary Questions is linked to a) the poor human rights and democracy situation in China, with references to the democratic developments in Hong Kong;³⁴ and b) cross-Strait relations. In both instances, the predication strategies are constructed to create the devalued picture of the PRC. The Taiwanese transformation is often compared to that of the Chinese to disadvantage the latter. This interpretation of the embargo and China allows the MEPs to state certain conditions for lifting the ban: a) the improvement of human rights and democracy situation in China, including the acknowledgement of what happened at Tiananmen by the Chinese government; b) a peaceful solution to the conflict with Taiwan.

We can assume that the Parliamentarians decided to choose the European values as the crucial theme for the debate on the embargo due to the recognition of the EP's right to speak on these topics given by the CFSP decision mak-

³¹ Meijer, 2004.

³² McKenna, 2004.

³³ Claeys, 2005 refers to The Financial Times, while Vanhecke, 2004 to the BBC News.

³⁴ Meijer, 2004.

ers. However, only the analysis of the Council's answers to the Parliamentary questions would demonstrate whether the EP self-representation as seen in the questions was recognized by the Council, and how it was negotiated.

The Council's replies to the Parliamentary Questions

The institutional context, particularly the powers of the Council in comparison with these of the Parliament in the area of CFSP, would suggest that the Council would speak from the position of power of the decision making body. The Parliament, in turn, would only be informed or consulted on the issues of foreign affairs. Indeed, this prevalence of the Council can be observed in several replies to the Parliamentary questions. Foremost, the Council has a large leeway in replies. It is shown by the fact that it does not respond to all the themes referred to in the Parliamentary questions.³⁵

Moreover, in several instances, the Council refers to the European Council as an agent, who legitimized the Council's decisions.³⁶ The statements of the European Council are of the highest authority, since this institution sets the priorities and guidelines in the area of the CFSP. Thus, by pointing to the European Council as an agent, the Council takes the responsibility for certain decisions away from itself. Additionally, the Council neither informs the MEPs on the state of affairs of the work on the issue nor discloses the positions in the debate taken by individual member states, either within the Committee of Permanent Representatives (Coreper) or the Political and Security Committee (PSC).³⁷ Instead, it only generally speaks about the "ongoing analysis of this topic,"³⁸ "the ongoing examination of this topic,"³⁹ "well-advanced work"⁴⁰ or informs that "the Council bodies are working"⁴¹ on this matter without explaining the details. Thus, despite the rule of the 1992 Maastricht Treaty, ac-

³⁵ For example, the Council does not answer Vanhecke's question (2005): "Does the Council agree with Dick Oosting's [the Director of Amnesty International as indicated by the author of the question] statement?"

³⁶ See, for example, the reply to the Written Question E-2390/04 where the Council wrote: "The Council invites the Honourable Member to refer to paragraph 57 of the European Council conclusions adopted at its meeting in Brussels on 16 and 17 December 2004."

³⁷ See the Reply to the Written Question P-321/04: "The Council has not set any specific date for decisions regarding the arms embargo on China, nor it is in a situation to disclose the views of individual Member States on this issue."

³⁸ Reply to the Written Question P-321/04.

³⁹ Reply to the Oral Question H-0077/04.

⁴⁰ Reply to the Written Question E-3221/04.

⁴¹ Reply to the Written Question E-2390/04.

cording to which the EP should stay informed about the development of the Union's foreign and security policy, in reality, the Parliamentarians receive only very general information via the official channels.⁴²

Still, three types of rules could be discerned that the Council is obliged to follow despite its position of power. First, these are the obligations towards the member states. The Council, for example, stresses that it cannot disclose the views expressed by the individual member states. Second, it has to act according to the various EU's institutional rules. These might include the general rules of procedure or prerogatives of each institution in the area of the CFSP. With reference to the former, the Council underscores that it acted according to the "current rules of transparency" while taking the decision on the arms embargo.⁴³ In the case of the institutional prerogatives, the Council reassures the Parliamentarians that it "has carefully studied the European Parliament's resolution on the arms embargo on China and will consider it"⁴⁴ or that it "has duly taken note of the European Parliament's Resolution on the arms embargo on China and will consider it."⁴⁵ Thus, it follows the rule of the Maastricht Treaty according to which the European Parliament views on external relations should be "duly taken into consideration."⁴⁶

Third, the Council considers various elements of the EU's self-representation with respect to China in its replies. The Council states that it takes concerns for human rights and democracy into account when it makes decisions on China and the embargo.⁴⁷ Moreover, it treats the EU's responsibility for human rights, security, and stability on the international stage and in the region as an unquestionable fact. Thus, the Council acknowledges the importance of the European values.

Fourth, the Council recognizes the narratives about the European Parliament, and it does not question the EU's role as the promoter of certain values. Instead, the ministers take for granted the Parliamentarians' right to question the Council's will and effectiveness in promoting various European values in relations with China. Furthermore, the Council defends its role as a promoter of these values in the EU's relations with China in each case the MEPs question it. To this end, the Council recalls various occasions on which it expressed concerns about the situation of human rights and democracy in China. For instance, in the reply from 23rd November 2004, the Council refers to the Council

⁴² Treaty on European Union (TEU), Title V.

⁴³ Reply to the Oral Question H-0077/04.

⁴⁴ Reply to the Written Question P-321/04.

⁴⁵ Reply to the Oral Question H-0077/04.

⁴⁶ Treaty on European Union (TEU), Title V.

⁴⁷ Reply to the Written Question E-2390/04: "the human rights situation in China continues to be a matter of concern."

Conclusions from the meeting of 11th October 2004,⁴⁸ during which ministers not only "took stock of the state of discussions on the embargo,"⁴⁹ but also adopted the conclusions on the EU-China dialog on human rights. In the reply of 16th March 2005, the Council recalls the EU-China Human Rights Dialogue, which took place in February of the same year.⁵⁰

Therefore, the Council acts not only according to the institutional rules, but also recognizes the significance of values for the EU's policies towards China, the EP's role as the promoter of these values and its own responsibility to promote them. At the same time, it introduces the topics, which are absent from the MEP's argumentation. It underlines that "consideration is given to number of factors." Besides the human rights situation in China, these involve a strategic partnership with China and security concerns. With reference to the strategic partnership – the relatively new discourse on the EU's relations with China, the Council makes an attempt to introduce economic and security concerns to the discussion with the EP as elements legitimizing the decisions on the arms embargo. Additionally, the theme of partnership with China or even more popular 'strategic partnership' with China, invoke identity for Beijing as a powerful international actor that has undergone substantial economic and political transformation, which is not admitted by the Parliamentarians.

Let us now look at the process of asking questions by the EP and giving answers by the Council as a negotiation in which information is exchanged in a dialog. The interlocutors have the right to initiate some topics and the respondents are expected to react to the matters introduced. This approach will allow us to compare the construction of the embargo in the Council's replies with the version presented by the EP in the questions.

Both institutions agree that in relations with China the EU's self-representation with the reference to values is highly relevant. Therefore, the Council's starting point in the debate is similar to the one advanced by the European Parliament where the EU represents a global player, acting according to its core values, and a responsible international actor. We can call this a 'known known' to both actors.

Yet, clear differences were observed. First, while the MEPs in their questions on the arms embargo frequently refer to the Tiananmen incident, mainly to recall the reasons for which the ban was imposed – breaches of human rights and democracy by the PRC government – the Council does not mention the event. Moreover, although the ministers mention human rights and democracy as issues that need to be considered within the debate, they usually

⁴⁸ Reply to the Written Question E-2390/04.

⁴⁹ General Affairs and External Relations Council (GAERC), 2004.

⁵⁰ Reply to the Written Question E-0270/05.

stress that these values should be considered not in the context of the embargo, but as criteria of the other document – the Code of Conduct. The Code of Conduct is a CFSP document adopted in June 1998 with the aim to promote convergence in the member states' arms sales. The proponents of the lifting of the ban suggested that the embargo did not have any practical meaning, thus, it should be abandoned, and the arms sales to China should be controlled in a more efficient way by the improved and updated Code of Conduct.

Additionally, the Parliamentarians in seven out of thirteen questions mention the problem of the Chinese threat to Taiwan. The Council overlooks these concerns in its answers to the Parliamentary Questions, and does not refer to the tension in the cross-Straits relations. Instead, it stresses that "the result of any decision should not be an increase of arms exports from EU Member States to China," and underlines the importance of "national security of friendly and allied countries," and in other place of the "security concerns of friends and allies." This reply leaves open the question whether the Council points to the U.S. and Japan or to Taiwan. Thus, the Council does not give a clear answer, but speaks about the EU's security concerns in general.

Moreover, the Council avoids references to the devalued descriptions of China, such as the country's poor human rights and democracy record, and aggressive stance towards Taiwan, which are frequent in the EP's questions. Instead, it underscores its own efforts in promoting the European values, and excludes the possibility that its decisions on embargo might lead to the increase of arms sales to China.

This representation of reality is significant for the debate from the Parliamentarians' perspective as it leads to the reinforcement of certain roles for the EP vs. the CFSP decision makers in the framework of relations with China and Taiwan. These representations of reality allow the MEPs to reproduce the Parliament's self-representation as a leader of values, who is to fight against any behavior inconsistent with the 'European ideal,' and which fulfills this function on behalf of the society. This is frequently contrasted with the narratives on the CFSP decision makers. The MEPs tend to suggest that decision makers' actions with respect to China were not 'appropriate' as they were prioritizing the economic or strategic issues over normative concerns. This criticism is supported with the traditional narrative about the role of International Organizations (IOs) as serving the economic and strategic interests of the member states. This in turn, enables criticism of the CFSP decision makers, since this narrative about the role of IOs is in disagreement with the EU's self-representation as an international actor with responsibilities towards the others. Thus, it is not only a set of formal rules, but also the EU's self-representation that constitutes the socio-cultural practice, which to a certain

degree sets patterns in terms of which the EP and the Council talk, think, interact and evaluate each other.

Conclusions

The analysis of the selected Parliamentary Questions and answers of the Council to those questions demonstrates that the Council and the EP differed with respect to their interpretation of China and Taiwan. The Council presented China in a positive light in order to justify the cooperation with Beijing, and to discuss the lifting of the ban. On the other hand, the description of the PRC by the Parliamentarians was negative. They focused on the violations of the various EU's values in China, and on the Chinese threat to Taiwan. The perspective on China presented in the Parliamentary Questions was thus created through the prism of the 'European values' of human rights and democracy, and made the EP input into the debate relevant, despite the lack of the EP's decision making prerogatives with respect to the arms embargoes. At the same time, when the Council and the Parliament presented China and Taiwan in a different light, both described Europe along the lines of the EU's self-representation with reference to the values of human rights and democracy. It brought about considerable consequences for the argumentation of both actors.

The EU's self-representation became significant for what was the 'right' thing to do for all the institutions. Thus, the Council was expected to act not only accordingly to certain institutional rules, but also in agreement with the practices appropriate for the actor that presented its role *vis-à-vis* China and Taiwan with reference to the values of human rights and democracy. Moreover, the Council recognized the EP's authority to speak on the EU-China-Taiwan relations from the position of the 'champion of European values.' It enabled the Parliamentarians to comment on what was appropriate to do in the issue described by them and by the media as value-loaded. And the MEPs presented value judgments of the Council's actions and decisions in the Parliamentary questions to the Council. Thus, when the Parliament suggested that some actions of the Council in relation to China and Taiwan did not keep the standard of the EU's self-representation, the reputation of the Council was at stake. The Council, in turn, defended its own as well as the member states' competency to promote values in contacts with the Asian partners.

To sum up, the examination of the Parliamentary Questions to the Council on the arms embargo and of the replies to these questions demonstrated that not only the set of the formal institutional prerogatives, but also the EU's values, set patterns in terms of which the EP and the Council interact when relations with China are discussed. Moreover, during the debate on the embargo,

which may at first sight seem as related solely to the Mainland, the topic of the Taiwanese democratization loomed large. It was mainly opposed to the breaches of democratic values by Beijing. Since the values of human rights and democracy were crucial for the argumentation of the Council as well as of the EP, one can therefore talk about the political consequences of the EU's strong emphasis on human rights and democracy in its self-representation versus China and Taiwan.

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