

Wrangling Over Arms Sales to China

By Rachel Stohl | December 4, 2006

On June 4, 1989, the world watched in horror as the Chinese government's crackdown on student protestors took a deadly turn. As Chinese soldiers fired their weapons indiscriminately and Chinese tanks rolled through Tiananmen Square, an unknown number of students and soldiers were killed. The Chinese military continued its campaign of terror throughout the summer of 1989, drawing strong international condemnation.

Following the Tiananmen Square Massacre, the European Union and the United States each imposed arms embargoes on China. The United States acted on June 7, in accordance with the Arms Export Control Act—which gives the president the authority to control U.S. arms exports and imports consistent with U.S. foreign policy objectives—and the International Traffic in Arms Regulations—which prohibit arms sales that “would not otherwise be in furtherance of world peace and the security and foreign policy of the United States.” The EU followed suit on June 27. Both embargoes remain in place.

Yet although no one has been brought to justice for the events in Tiananmen Square and human rights abuses continue in China, the EU has repeatedly tried to lift its embargo, most recently in April 2005. However, the removal of the embargo has failed, in large part due to continued opposition from the United States. What frustrates the Europeans is that the U.S. position on this issue directly contradicts its own practices with regards to arms sales for the “war on terror.” This article will examine this dispute in the context of current events and export control policies.

The European Position

Why would the European Union want to lift its arms embargo on China, given China's continued poor human rights record and the tension its pursuit to re-engage with China is causing with the United States? According to the Joint Statement of the Ninth EU-China Summit from September 9, 2006, the European Union remains committed to lifting the arms embargo. To date, France and Germany have taken the lead in these efforts. In

September 2006, Italy said it was leaning toward lifting the embargo, in order to increase its overall trade with China. Two primary rationales dominate the European position. First, some EU countries claim that the situation in China has changed immensely in the last 17 years and, therefore, it does not make sense to maintain the embargo based on human rights considerations. Many European governments are trying to improve existing relationships and develop new ties, including trade, with China and see the embargo as a punitive measure which does not help foster trust and cooperation. While the EU touts these diplomatic reasons as the basis of its argument for lifting the embargo, the Europeans' second (and, some might argue, primary) motivation is economics. The EU stands to benefit from opening the Chinese arms market and giving their defense industries a chance to expand and compete with Russia for primary access to the Chinese arms market.

The EU embargo on China has not stopped arms transfers from taking place throughout the past 17 years. The UK and France have stated publicly that their interpretation of the arms embargo extends only to “lethal items and major weapons platforms.”¹ According to the Stockholm International Peace Research Institute (SIPRI), the UK and France have permitted the sale to China of non-lethal items with “potential military applications”—the United Kingdom has exported Searchwater radar and the French have provided AS-365n Dauphin-2 helicopters—since the embargo was implemented.² According to the U.S. State Department, EU data reveals that the total value of export licenses for military goods to China in 2003 was nearly double the 2002 value, with 159 export licenses approved.³ For example, an October 2006 report,



“Arms without Borders,” highlights the role European firms played in supplying parts to China’s Z-10 attack helicopters.⁴

Further, SIPRI found that, between 1989 and 2004, France alone was responsible for 73.2% of total EU arms sales to China, surpassing other EU member states in ignoring the embargo.⁵ France is eager to maintain a military trading relationship with China. In fact, in return for France’s continued opposition to the embargo, China and France signed approximately 20 business deals worth almost \$4 billion, which include the purchase of Airbus A-380 jets and potential sales of nuclear power and railway equipment, in April 2005, after the most recent failed attempt to lift the embargo.⁶

The United States is concerned that lifting the embargo will result in a flood of European weapons exports to China, which could end up anywhere in the world. The Europeans counter that, even if the arms embargo to China is lifted, arms transfers will still be governed by the EU Code of Conduct, a politically binding set of standards for states to consider when making arms export decisions, and that other, significant safeguards against irresponsible transfers remain in place. However, the United States argues that too many loopholes exist within the entire European export control system to ensure that weapons exported to China will not be used to commit human rights violations, contribute to regional instability, or be diverted to the black market. Although an important instrument, the European Code of Conduct has not been effective in preventing questionable, and at times worrisome, arms sales, and is not sufficient to ensure that weapons will not get into the hands of abusive regimes.

The U.S. View

Several arguments motivate the United States’ strict opposition to European efforts to lift the embargo. First and foremost, the United States claims China’s human rights situation is still of great concern. In the 2006 State Department Human Rights Report, the United States describes China as an authoritarian state with a poor human rights record and notes continued serious abuses by the Chinese government. The report goes on to list 22 categories of human rights abuses that have been observed within China, and documents in great detail a worrisome

trend toward “increased harassment, detention, and imprisonment by government and security authorities of those perceived as threatening to government authority,” among other troubling government actions.⁷ The United States views the embargoes as sending a strong message that the United States and Europe remain committed to seeing improvements in the human rights situation in China, and lifting the European embargo weakens that message substantially.

Beyond human rights concerns, the United States maintains that lifting the embargo is “counter to EU strategic interests,” as the EU has no way of preventing China from transferring European technology to unauthorized third-party users or using European weapons in acts of aggression domestically, or against Taiwan, which could threaten regional stability.⁸ The United States also believes that lifting the arms embargo could threaten U.S. personnel and allies. On April 14, 2005, Peter W. Rodman, assistant secretary of defense for international security affairs, testified before the House International Relations Committee that lifting the EU embargo “raises the prospect of European Advanced Technology aiding the military modernization drive of the People’s Republic of China—with direct implications for the safety of U.S. personnel whose mission it is to carry out the commitments the United States has made to its allies and friends.” This perspective gained credibility when the Chinese passed their anti-secession law—which legislates the use of force if Taiwan attempts to achieve independence—in the heat of embargo discussions in 2005. Chinese actions emphasized the U.S. argument that “equipped with improved EU-provided defense technologies, [China] could use those technologies to threaten Taiwan and U.S. forces in Asia.”⁹ Moreover, the U.S. position is likely motivated by self-interest, as the United States views China as a future competitor in the global military balance of power. The United States military is currently far superior to the Chinese, and experts believe that the United States dominance is ensured for at least the next 25 years.¹⁰ However, the United States wants to ensure that it maintains its supremacy and undertakes policy positions to support that goal.¹¹

The United States is unwavering in its opposition to lifting the embargo and has used all tools necessary to deliver that message to the Europeans. U.S. officials at the

highest levels have conveyed U.S. concerns to European capitals, Congress has passed legislation urging the EU to maintain the embargo, and the United States has even threatened to cut off defense cooperation—such as the F-35 Joint Strike Fighter program—if the embargo is lifted. Repeatedly, the United States has stated that lifting the EU embargo could endanger the transatlantic alliance and “potentially have a negative impact on U.S. defense cooperation with EU members.”¹²

The Political Irony of the China Embargoes

Ironically, the positions of some EU member states and the United States on the China embargo actually contradict their respective positions in regards to broader efforts to control global arms exports. Many of the same EU countries supporting a relaxation of export controls toward China are, at the same time, in favor of increasing regulations for all international arms transfers. European countries are taking the lead on developing the Arms Trade Treaty (ATT)—an international agreement that would establish legally-binding restrictions on arms sales to human rights and humanitarian law violators.

The United States, on the other hand, has vigorously opposed the EU’s efforts to eliminate the arms embargo, insisting that human rights violations are crucial factors when considering arms transfers. Yet, the United States is lukewarm toward the ATT. Moreover, although U.S. Assistant Secretary of Defense Rodman testified that “good relations [with China] do not depend on arms sales,” the United States, has, since 2001, supplied enormous amounts of weaponry and military assistance and training to allies in the “war on terror,” seemingly disregarding long-standing arms export criteria enunciated in the Arms Export Control Act, and removing some countries from sanctions lists. Indeed, in an analysis of 25 countries that have been identified as having a specific role in the “war on terror,” nearly 70% of the countries have received more U.S. military assistance in the five years since Sept. 11, than in the previous 12 years combined. Since 9-11 countries such as Nepal, Uzbekistan, and Yemen have emerged as significant recipients of U.S. weapons, despite the fact that their poor human rights records have not changed. The United States’ overall post-9-11 record on arms sales hardly gives it the moral high ground to promote a continued embargo on China.

Conclusion

U.S. concerns about lifting the arms embargo are well-founded. China consistently maintains a poor human rights record within the country, and continues to sell arms to gross and persistent human rights violators abroad. Amnesty International (AI), which conducted an in-depth study of China’s own arms exports found that, since 1998, China has regularly provided the brutal ruling junta of Myanmar with “military equipment, including tanks, armored personal carriers, and artillery pieces such as howitzers, anti-tank guns, and anti-aircraft guns,” and was Myanmar’s largest military trading partner during the 1990s.¹³ In addition, China has been a regular supplier of arms to Sudan, selling aircraft and helicopters to the country during the 1990s, and has continued exporting defense articles even as Sudan has experienced increased violence and conflict. According to AI, “In August 2005 a UN panel, which was investigating violations of the international arms embargo on Sudan, saw a shipment of green Dong Feng military trucks in the Port of Sudan.” AI also reported that the Sudanese air force possessed Chinese military trucks in October 2005.¹⁴

European weapons exports intended for China’s national procurement could also be used against internal opposition, to upset the balance of power with Taiwan, or be retransferred illicitly to states of concern, such as Iran. China also remains outside of multi-lateral arms export regimes, such as the Wassenaar Arrangement, a transparency and control regime of 40 arms exporting countries, and is opposed to developing standardized international controls over the deadly small arms and light weapons trade. China’s history of irresponsible arms transfers, coupled with its human rights record and shunning of international accountability mechanisms, raises numerous red flags about how China would handle and safeguard new weapons and technology received from European sources.

The debate over lifting the EU arms embargo on China is far from over. Although a proposal to end it was most recently defeated in the European Parliament in April 2005, Germany and France have stated their continued commitment to reexamining the issue in the future. Conversely, the United States has stated that it will adamantly oppose ending the embargo at any time in the

near future. A change in government in the United States, or in the relevant European countries, will do little to change the terms of this debate as in all cases, the arguments are more nationally-oriented than party-oriented. Thus, the arms embargo will continue to be an issue of tension in the U.S.-EU alliance and to affect the transatlantic strategic relationship for a long time to come.

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END NOTES

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