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# A NORMATIVE EU POLICY TOWARDS CHINA

## MISSION IMPOSSIBLE?



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## **Abstract**

A vigorous debate is raging on the EU's normative roles in the global context. The EU actively promotes its political values outside of the Union, especially with regard to prospective accession countries. Yet, a normative foreign policy approach encounters considerable challenges when confronted with major powers, such as China and Russia that do not always share the political values promoted by the EU. Attempts at pursuing a normative policy towards these countries often come across as unserious or half-hearted. This paper discusses EU normative policy towards China, identifying loss of the moral high ground, conflicting interests of EU members and lack of leverage towards China as the three main factors hampering it. The paper argues that instead of a half-hearted offensive normative approach towards China, the EU may be better off with a more determined policy of defensive normativity. More broadly, the EU faces a stark choice between its desire to be a Normative Power and its wish to be a Great Power.

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### **Introduction**

In recent years, the EU has actively and self-confidently promoted its political values outside of the EU. Normativeness is a key component of the Union's self-identity (Manners 2006: 81–82). However, Brussels has a hard time upholding a consistent normative policy towards major countries like China and Russia without appearing inconsistent or hypocritical. One would be hard-pressed to argue that the current normative approach to China is working well. In the first European Commission policy paper on China, drafted in 1995 (COM [1995] 279 final), the Commission stated that the EU has a broad strategic interest in China's emergence, identified as assisting China in becoming an integrated part of global affairs, in other words, a stakeholder (Mattlin 2009). In quantitative terms, China's integration into global multilateral structures and participation in world organisations has indeed been remarkable over the past two decades (Johnston 2003). But has this changed how China thinks of the world and acts? Is the Chinese government today more ready to accept the political values espoused in the EU than it was in 1995?

This paper surveys the EU's normative China policy with a view to identifying the main impediments to pursuing a more effective normative EU policy towards China. The trajectory of the EU's normative approach towards China often appears to support the realist view that when significant

conflicting material state interests are involved, EU member states still easily revert to pursuing state-centred foreign policy objectives, regardless of common proclamations (Hyde-Price 2006, 2008; Zimmermann 2007). The EU's *empirical* 'China policy' (as opposed to that described in policy documents) is largely compatible with a realist perspective, despite the self-avowed normative stances of individual EU foreign policy leaders (Manners 2008: 79–80). As China's relative strength – in economic, military and political terms – has increased, both the EU collectively and individual member states have grown increasingly reluctant and timid in pursuing China's acceptance of preferred political values, while China has also grown progressively more insistent in its rejection of such uncalled-for 'assistance'. In sum, traditional state sovereignty considerations are alive and well both on the side of the EU and that of China. For better or worse, relative power considerations, state sovereignty and concrete material interests still dominate EU-China relations.

With regard to China and similar states such as Russia, the EU's foreign policy has yet to prove that it is more than a paper tiger. We may ask whether the EU's current normative approach to China does not do more harm than good, both to EU-China relations and to the EU's general normative policy. Is there a way to square the circle, namely to pursue a more consistent and effective normative policy despite the self-interested and realist nature of EU policy-making towards other major powers? I argue that a half-hearted 'offensive' (in both senses of the word) normative approach does not work in the case of China. The EU's normative power may well work better if given a subtle realist tweak (cf. Laidi 2008), and pursued as a more determined 'defensive' normative approach. Defensive normativity goes hand in hand with the thought that the EU should put its own house in order first before criticising others. Too often, criticism of democracy deficits, human rights failings or the use of the law for questionable purposes within the EU itself are dismissed by European leaders without much reflection, while they continue to expound the virtues of European values. It is such action, perhaps more than anything else, that undermines the EU's normative impact, as well as its credibility. 'Normative Europe' is at its best when the EU acts as a paragon, not as an adjudicator.

## **Exporting 'EU values' and the Great Power dilemma**

Given the increasing interest among EU scholars and within EU institutions in playing a normative role in world politics, scholars have endeavoured to identify certain core values or norms that define the EU. Since Duchêne coined the term 'civilian power' to distinguish the EEC from the two Cold

War superpowers (Duchêne 1973), a whole academic industry has developed around the idea that the EU is a unique animal: far more than just an international organization, but not quite a nation-state, pursuing objectives that are not motivated only by traditional self-interested *raison d'état*. The most influential effort to determine EU norms has been made by Ian Manners. He identified five 'core norms' of the EU based on the Union's *acquis communautaire*<sup>1</sup> and *acquis politique*: peace, liberty, democracy, the rule of law and human rights (Manners 2002: 242). Manners later expanded his framework to include additional norms, such as equality, social solidarity, sustainable development and good governance (Manners 2006: 70–73), and refined the concept.

Alternative conceptualisations and terms, such as 'civilian force' (Mauil 2005) and 'ethical power' (Aggestam 2006) have proliferated in recent years, a development that may have obscured rather than clarified the debate, as it has not always been clear whether normative refers to identity, interests, behaviour, means of influence or achievements (Forsberg 2009). Yet the idea that the EU is somehow different and has something unique to offer also to countries outside of it – in essence a kind of *mission civilisatrice* in a post-colonial context – is still very much present in the speeches of more normatively oriented Brusselites (cf. Kagan 2002). In Manners' words, the core of the EU's normative power lies in its ability to shape conceptions of what is 'normal' in international relations, by changing the norms, standards and prescriptions of world politics (Manners 2002: 239; Manners 2008: 65). Often forgotten is the fact that such action is ultimately strategic by its very nature: we have a vision of the world and we want you to change accordingly (because it is in our best interests).

As much as EU documents and political leaders insist that the values promoted by the EU are universal and enshrined in the UN system (Manners 2008: 66, 68), it is patently clear from the EU's track record that in foreign policy practice different standards and measures are applied to different countries. The EU seldom uses its formal foreign-policy tools (joint actions and common positions) towards more important countries, and practically never towards the United States, Russia, China or India. A cursory examination of the EU's track record shows that the Union mainly uses joint actions in crisis management and rebuilding operations in conflict zones and common positions with regard to failed states or international 'pariahs'. With the exception of a handful of times that these tools have been used in relation to medium-sized countries, the Council of Ministers has abstained from specifically targeting its formal foreign-policy instruments against major countries.<sup>2</sup> While all sovereign states may have been created equal, clearly

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<sup>1</sup> *Acquis communautaire* refers to the total body of accumulated EU law, *acquis politique* to the accumulated EU political practice.

<sup>2</sup> The author used the Eur-Lex database on January 30, 2009 to search for common positions and joint actions where the target country was mentioned in the title.

some are 'more equal' than others. The EU's normative roles also take different forms with regard to different states. Broadly speaking, we can identify four groups:

- 1) prospective future accession countries
- 2) other small/weak countries
- 3) other countries that broadly share the same political values and norms
- 4) other major countries that do not share the same political values and norms

With regard to the first group of countries, the EU's leverage is the greatest. As the target country is more or less eager to join the Union, it has to adhere to the full set of member state expectations regarding democracy, human rights, the rule of law, and so forth. Target countries commonly comply in a more or less docile fashion as too much intransigence could lead to membership rejection (cf. Barbé and Johansson-Nogués 2008).

The second group of countries is large and includes, for example, most of Africa. Towards these countries, membership cannot be used as an incentive. However, the EU toolbox is still vast. On the side of positive incentives, the EU actively uses trade and aid promises. With regard to negative incentives, the EU sometimes resorts to economic or political sanctions against these countries. Hyde-Price has pointed out that whatever 'transformative power' the EU has wielded has been based on its economic clout: other countries' fear of exclusion from EU markets or the promise of future membership, that is, very much hard power, rather than the now so popular 'soft power' (Hyde-Price 2006).

The third group is relatively uncomplicated. Countries such as Canada, Japan and Australia share most of the EU's political values, so the normative side of the EU seldom takes centre-stage in relations, apart from reaffirming mutual adherence to these values or acting in concert on global challenges.

The last group of countries is the most interesting from the point of view of understanding the limitations of the EU's normative policy. This group would include China and Russia, and to a lesser extent also Pakistan, Iran and Algeria, for instance. The countries in this group do not wholly share the European Union's political values, but the EU does not have much leverage over them. It is here that the EU's normative commitment faces its biggest test, and unsurprisingly often fails. Forsberg and Herd have, for example, argued that in the case of Chechnyan human rights abuses and EU-Russian relations, the EU has consistently favoured promoting a strategic partnership with Russia rather than advancing human rights (Forsberg and Herd 2005).

To what extent should the EU pursue an active normative foreign policy towards other major states? Sjørusen has made a useful distinction between a rights-based and a value-based approach. The latter mainly intends to ensure



and protect the sustainability of the community's own identity, whereas the former promotes these same values also on the international stage (Sjursen 2006: 86). The concepts can be re-conceptualised as an 'offensive' (rights) versus a 'defensive' (values) normative approach. An offensive approach actively tries to change the way others operate, their conceptions of what is normal. A defensive approach, on the other hand, is more concerned with ensuring that we among ourselves share a certain normative basis; a sense of common identity and destiny.

Sjursen argues that a rights-based foreign policy comes about through processes of communicatively rational argumentation, where the strength and validity of the norms themselves are decisive (ibid: 89–92). However, a rights-based foreign policy may also simply result from the shared interest of EU elites to promote a particular world vision that is compatible with perceived EU interests. For example, as European companies face strict work and labour standards at home, it puts them at a competitive disadvantage when competing with enterprises that do not need to adhere to similar standards. Higher global labour standards can then be pursued also out of an interest-based calculation.

Proponents of an offensive normative approach eventually end up arguing why it is uncontradictory to pursue soft objectives with hard means towards reluctant target countries. This possibility was raised by Tony Blair in 1999 and epitomised in the phrase 'force for good' (Matlary 2006: 106), later enshrined in the European Security Strategy of 2003 (ESS 2003). In the scholarly discussion, the concept 'ethical power' parallels this (Aggestam 2006). Even Manners himself takes issue with the idea of an 'ethical' foreign policy, which is not to be conflated with a normative foreign policy (Manners 2008: 46). Ulrich Beck has criticised what he calls 'the religion of human rights' as leading to a form of military humanism; namely condoning militarism in the name of humane objectives (Beck 2005).<sup>3</sup> Or, as Neil Young famously put it in a song: 'We got a kinder, gentler, machine gun hand'.<sup>4</sup> As the saying goes, the road to ruin is paved with good intentions. Below, I examine the Chinese case in more detail to show the inherent problems in pursuing an 'offensive' normative approach towards countries in the fourth group. I identify three main reasons for a poorly working EU normative approach: loss of moral high ground, conflicting EU interests and lack of leverage.

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<sup>3</sup> Bailes (2008: 129–130) has argued that the EU's evolving into a 'real' collective defence community would make it more thoroughly militarised than anything imaginable today and would make it run the risk of acquiring more overt enemies.

<sup>4</sup> Excerpt from Neil Young's song *Rockin' in the free world*.

## **Taking empirical stock of the EU's commitment to its values**

Between the EU and China, many key political values are not shared, apart from the very abstract level. Neither is there on Beijing's side much will to develop common political values, despite the talk of a strategic partnership with the EU and the current negotiations on a Partnership and Cooperation Agreement (PCA) that would greatly raise the importance of the political component of cooperation.

Nevertheless, the EU has been in a uniquely good position to influence China's emergence on the global stage, given that Chinese conceptions of Europe at the start of more serious EU-China relations in the mid-1990s were favourable and largely devoid of the Great Power suspicions that have plagued US-China relations since the Cold War. China was eager to learn and adopt a plethora of European good practices. A recent article by an astute Chinese observer of EU-China relations argues that there is considerable appreciation for various European social models in China, although their emulation will not be admitted by Chinese leaders (Song 2010: 775).

While China's rise is commonly cast in a national security framework by Americans, in Europe the country has been regarded more as a monumental development challenge – a large country undergoing multiple social and economic transitions – than as a security threat (Shambaugh 2004: 14–15). This section examines the EU's commitment to its often professed values of democracy, human rights and the rule of law by looking at how these values have fared in EU-China relations.

### **Democracy: A non-issue in EU-China relations**

Democracy is a peculiar concept in Chinese discourse. In key speeches, Chinese leaders often dwell lengthily on what they call socialist democracy and even commit the country to working hard to achieve democracy. However, what is meant by this 'democracy' is not always identifiable to Europeans, and the discourse tends to be confined to top leaders, with little practical relevance. The Chinese government remains staunchly opposed to anything that even hints at multiparty democracy or genuine elections that would diminish the power of the CCP.

It would be fair to say that in EU-China relations, democracy is largely a non-issue. The EU has been timid to the point of extreme in pushing anything in China that smacks of political democracy (Youngs 2001). Analysis of the European Commission's policy papers bears out this point: the word 'democracy' and related words (democratisation, democratic) are hardly ever mentioned in these policy papers. For example, in the latest

policy paper and a separate paper on economic relations, democracy was mentioned only once in passing (Mattlin 2009: 102).

The rationale has been that as China rejects anything that it perceives as Western democracy, no particular purpose is served by aggressively pushing the country to adopt or accept European political values. In other words, despite the EU's talk of its political values being universal, in practice it has accepted the Chinese view that political democracy is a 'Western' value. China's habitual rejection of Western political democracy was again on display in March 2009 in the annual address by the chair of the National People's Congress (China's equivalent of a parliament), Wu Bangguo, who referred to 'Western democracy' as many as nine times in a speech that thoroughly rebutted aspirations that China would ever adopt multi-party elections or separation of powers.<sup>5</sup> Of course, this rejection is very much elite-driven. The social transformations that China is undergoing may very well subtly be changing its citizens' social values and identities.

The EU has justified its approach by arguing that the 'positive engagement' (or 'constructive engagement') approach it chose to pursue in the mid-1990s with China will, in the long-term, also further the aims of making the country more susceptible to political liberalisation (Youngs 2001: 170–179). In a report by the European Council on Foreign Relations, the EU's China policy was described as one of 'unconditional engagement' (Fox and Godement 2009). EU leaders have, in effect, often operated under an assumption of political spillover, believing that supporting China's economic reforms and economic liberalisation is the best way to promote political reforms or political liberalisation, without much evidence to support the empirical validity of this assumption. Positive engagement is convenient for EU leaders – making a virtue out of necessity – as there is little appetite within the EU to press China too hard on political values.

Perhaps the most cynical display of EU countries' disregard for democracy in the Chinese context was witnessed in 2004, when France conducted a joint naval exercise with China close to Qingdao, just days before Taiwan held its presidential election and first referendum. EU presidency countries and the High Representative, Javier Solana, also issued several statements critical of Taiwan's referenda in particular and political direction in general in the time-period 2004–07, seeing them as unnecessary political provocations in the delicate Cross-Strait balance (for example, Council declarations 6885/1/06 and 7328/1/08; Solana statements S083/06 and S307/07 and the 10<sup>th</sup> EU-China summit joint statement 2007). While this may well have been the case, EU leaders have been timid in criticising Beijing for similar actions that could also be deemed provocative, such as the anti-secession law, a steady build-up of missiles targeting Taiwan, or intermittent rhetorical war threats.

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<sup>5</sup> Bodeen, Christopher, China will never be a democracy. *The Herald* 10 March 2009.

Since 1995, the European Union has usually demanded the inclusion of a human rights and democracy clause in bilateral trade agreements and association and trade agreements with third countries.<sup>6</sup> However, as the basic formal framework for EU-China relations still remains a trade agreement from 1985, the EU has not demanded that China would subscribe to this clause. It is as yet unclear whether the PCA currently negotiated between the EU and China will contain such a clause. Given that the Chinese side has shown some reluctance towards giving too high a profile to political cooperation in the PCA, it is unlikely that such a clause would be contained, unless China was able to wring significant concessions on other issues, such as market economy status or Taiwan. Democracy, for better or worse, has been a non-issue in EU-China relations over the past decade.

### Human rights: The perennial nuisance

In the aftermath of the Cold War and the events in Tiananmen in 1989, it was easy for Europeans to take the view that China had a lot to learn politically from Europe. Consequently, the EC and in particular individual member states adopted a relatively tough stance on China in 1989–91, freezing economic cooperation for a while, imposing an arms embargo and supporting a tough stance against China in the UN Human Rights Council. In the first European Commission policy paper on China (1995), human rights were still placed at the centre of EU policy (see COM [1995] 279 final: 6). The Commission assumed the universality of political values cherished in the EU, and set out to ‘assist’ China in developing its society in a similar direction.

However, not long after 1995, EU countries began to shift their approach towards China. China’s emergence was seen as so important for global stability and the global economy that a more pragmatic approach was called for. Member states that had earlier taken a tough position began shifting, one by one, towards a more accommodating stance. In 1997, Denmark, the UK and the Netherlands still co-sponsored a UNHRC resolution on China, tabled by Denmark and the US. Ten out of fifteen EU countries voted in favour. However, after China retaliated economically against Denmark and Sweden – perceived as being the EU countries most insistent on using the UNHRC to criticise China – by freezing them out of economic contracts, even these two countries were forced to change their positions. Since then, the EU has abstained from formally criticising China’s human rights record in the UN. As compensation, the Nordic countries insisted that a human rights dialogue should be initiated with China, a demand that China acquiesced to (Youngs 2001: 170, 174).

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<sup>6</sup> European Parliament, The EU’s external relations. Available at: [www.europarl.europa.eu/parliament/expert/displayFtu.do?id=74&ftuId=FTU\\_6.1.2.html&language=en](http://www.europarl.europa.eu/parliament/expert/displayFtu.do?id=74&ftuId=FTU_6.1.2.html&language=en). Accessed 11 March 2009.

The arms embargo imposed on China after Tiananmen has provided one of the biggest tests of the EU's ability to maintain a coherent normative policy towards the country. The Chinese side has long been pushing for the embargo to be lifted. The issue began gathering political momentum in 2003–04 after some EU leaders started lobbying for lifting the embargo, lured by Chinese economic contracts (Sparaco and Wall 2004). French and German political leaders have often brought home massive commercial deals following state visits to China. Other EU governments were also sympathetic. In late 2004, the General Affairs Council was ready to send a positive signal to China on the embargo issue, although it was still indicated that human rights concerns remained an issue and that the EU's Code of Conduct on arms exports, introduced in 1998, needed strengthening (Council meeting 2622: 13). It was expected that the decision would be announced in conjunction with the June 2005 European Council meeting.

Although the momentum was growing for some kind of change to the EU's arms embargo, there were still doubts in some EU countries, chiefly in the UK and certain smaller EU countries. However, the most significant pressure came from Washington. American concerns were both military and political (Archik et al. 2005: 18, 26–28). The American government took an unexpectedly hard line on the issue, even suggesting implications for US-EU security cooperation if the EU forged ahead with its plan (Berkofsky 2006: 110). The arms embargo episode shows graphically that, at the end of the day, pragmatic realist considerations tend to prevail on all sides. France, Germany and Italy were predisposed to lifting the arms embargo, not because of a marked change in the original circumstances that gave rise to its imposition (China's human rights situation), but rather due to strong commercial pressures, and a wish to further enhance relations with China. The UK was torn between pressures from the UK defence sector and its 'special relationship' with the USA. In the end, American opposition and threats of repercussions on US-EU security cooperation tipped the balance.

Beijing somewhat reluctantly agreed to engage in human rights dialogue with the EU as a political compromise. Nevertheless, on many substantial human rights issues, Beijing is not willing to accommodate EU concerns. Lately, human rights have been downplayed in EU-China relations. The latest Commission policy paper and trade paper (published in 2006) saw a dramatic drop in mentions of human rights-related terms (political rights, religious rights, civil rights etc). This author counted only nine such mentions compared to more than 50 such mentions in the previous policy paper of 2003 (Mattlin 2009: 102).

The human rights dialogue that has become practically the only venue where the EU is still trying to maintain at least a façade of a commitment to human rights, is now commonly seen as at least a partial failure. The EU side perceives Beijing as being less than forthcoming in responding to EU requests for information and transparency (Berkofsky 2006: 107–108). Even

the Commission itself has acknowledged that the EU's expectations in this regard are increasingly not being met by China (COM [2006]: 4–5). It has proved hard to move from a general HR discussion to getting concrete EU-proposed projects moving on the ground (Youngs 2001). The projects that have been launched have often not produced the desired results. Due to political sensitivities, these projects have also tended to be only tangentially related to human rights (Balducci 2010: 47–49). However, not all the blame can be placed on Beijing. There has been poor coordination of member state and EU efforts in this respect, with the Commission often failing to play a coordinating role (ibid: 49–53).

The dialogue mechanism has been convenient for Beijing, as it has enabled a compartmentalisation of the HR nuisance, thus isolating it from interfering with the global state of EU-China relations. It has turned into a talking shop without much effect. The EU-China HR dialogue has also been convenient for many member states, which have thus been able to outsource controversial political issues to the EU and thus out of their bilateral relations with China (Balducci 2010: 51). No member state is any longer willing to forgo economic contracts with China as a price for adhering to a strict normative stance. Vexingly, however, even as the EU has downplayed the HR issue in EU-China relations, Beijing last year published its first comprehensive human rights action plan. No doubt, the reason was at least partly to deflect international criticism. Nevertheless, Beijing's increased willingness to play the HR game may bring about changes over time, as they entail an implicit acceptance of international political community norms (cf. Koskeniemi 2004: 214–215).

### Rule of law: The good governance chimera

With regard to the rule of law, China has taken a much more positive attitude. Early in the decade, exhortations to adhere to the 'rule of law' were for a time even ubiquitous, with street slogans, 'rule of law' quizzes on TV and university lectures packed with interested listeners, who wanted to learn more about the concept. Unsurprisingly, the EU and individual member states have also much more actively promoted the rule of law than democracy or human rights.

As member states since the mid-1990s grew more wary of unnecessarily antagonising China, thereby jeopardising perceived commercial interests, the rule of law and good governance were grasped as offering a way to square the circle, to continue working for gradual political reforms in a way that would be palatable to the Chinese authorities. A number of member states launched judicial cooperation projects with China (including Germany, Sweden and Finland). Unsurprisingly, judicial cooperation has become the area related to politics where Sino-European cooperation has proceeded the

furthest. However, even here the commitment of major EU member states has not always been firm. In some cases such rule of law dialogues have perhaps been more about deflecting domestic criticism and serving protocol functions, rather than actually attempting to actively change China's legal system. Some countries, such as France, have skirted around such bilateral dialogues, referring them to the EU level (Balducci 2010: 49–50).

Good governance is also the issue among political reforms that has concerned European companies by far the most, as an unpredictable judicial environment with arbitrary judicial rulings and unchecked official corruption is inimical also to European corporate interests (Youngs 2001: 175–176). This, then, is an area where there is more of a European self-interest involved. Good governance also spills over into the economic sphere, where the chief concern of European companies for years has been the weak enforcement of intellectual property rights.<sup>7</sup>

Beijing, in principle, takes a relatively positive view towards the rule of law, as it has promoted a gradual shift towards a more rules-based society, something it perceives to be in its long-term interest. However, eventually the rule of law always runs into the hard impediment that the party is to remain above the law forever, in the views of the party elite. A very concrete corollary of this is that party cadres are dealt with first by the party's internal disciplinary organs (before being handed over to the judicial system). There are also other impediments. While China's legal profession is rapidly professionalizing and expanding, it still remains the case that lower level judges are often retired military personnel and the politicisation of the judiciary has by some accounts even increased in recent years. Finally, many parts of the constitution remain a dead letter.

Given these hard constraints, it is rather questionable how much good governance can be achieved through a focus on judicial cooperation only. While the EU has attempted to erect a 'Chinese wall' between democracy promotion and rule of law assistance, the fact is that if the Chinese leadership is fundamentally opposed to placing the law above the party and accepting some measure of separation of powers, as suggested by Wu Bangguo in his address to the NPC,<sup>8</sup> there is scant prospect of achieving genuine rule of law.

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<sup>7</sup> *EUBusiness.com* 7 June 2006, Mandelson talks IPR, as China clamours for 'market economy status'. Accessed 28 January 2009.

<sup>8</sup> Bodeen, op. cit.

## **A failing normative approach to China?**

A dispassionate review of relations between the EU and China shows that the offensive normative approach towards the country adopted in the early 1990s has been gradually watered down both by the EU collectively and by EU member states. While the EU's normative policy towards China initially showed some modest progress, it is now working increasingly poorly, both due to developments within China, in EU-China relations, as well as due to broader global trends. Analysing the EU's Russia policy, Forsberg and Herd (2005: 473–476) have argued that there are three reasons for the EU's failure to implement its normative policy: its lack of power resources, will and skill. The EU's attempts to pursue normative policy towards China suffer from similar challenges. Below, I will briefly discuss the main reasons why the EU's normative approach is not working well.

### **Loss of the moral high ground**

Western efforts to take the moral high ground on human rights, liberty and democracy have taken a serious beating due to the war on terror and all the infringements on political and civil rights that it has entailed. Western critique of Chinese human rights rings hollow in the face of secret detentions, a gradual dismantling of *habeas corpus* and indirect condoning of torture. It is also hard to criticise China's surveillance state with a straight face when individual EU member states excel in wiretaps, ubiquitous closed circuit video surveillance and mandatory data retention for investigative purposes. The EU has pursued the war on terror just as aggressively as the US, although trying to underline the differences by emphasising legality (De Goede 2008). For example, Privacy International ranks the UK almost on a par with China and Russia when it comes to being a surveillance society, with all of the three placed in the lowest 'endemic surveillance societies' category (Privacy International 2006).

Following Tiananmen there was considerable respect within China, especially among educated people, for the Western political system and political values. However, this respect is all but gone today. Somewhat unexpectedly, especially young, educated urbanites increasingly reject these values. Chinese attitudes towards the EU show an increasing cultural estrangement and widespread feeling that, for Western media, whatever China does is wrong (Lisbonne-de Vergeron 2007: 40). Since the early 1990s, a popular nationalism – as opposed to officially sanctioned nationalism – has developed in China. This form of nationalism is increasingly convinced of the ill intentions of the West towards China (Chen 2005: 50–51), resulting in



occasional displays of nationalism in the street, spearheaded by university students.

This underlying sentiment in Chinese society has greatly strengthened the government's hand, as Beijing now habitually rejects Western criticism of its human rights situation and lack of democracy and instead launches counter-attacks, particularly on the alleged human rights abuses in the USA, but also on the EU's similar failings. Arguably, Europeans have in recent years become quite timid in criticising China's failings, whether in official or unofficial settings. Beijing, on the other hand, is increasingly adept at using the spreading relativisation of values as a political tool, thereby taking the edge off criticism targeted against it. Evidence of this can be seen in the UNHRC, where more and more countries are prone to side with China rather than the EU on human rights issues (Brantner and Gowan 2008).

In addition, EU member states themselves often effectively undermine the EU's global normative stature by being unresponsive to criticism of blatant human rights failings in member states, such as assisting the United States in secret detentions and deportations of terrorism suspects, failure to grant citizenship rights to large Russian minorities or ingrained social racism towards Roma minorities. Frequently, judgments by the European Court of Human Rights criticising member states for judicial flaws or other human rights failings go unheeded.

### Conflicting EU interests

In EU-China relations, the commitment of EU countries and institutions to the core values identified by Manners is, at best, ambivalent. For example, as noted above, the EU has never actively promoted democracy with regard to China. A common view is that when it comes to human rights and China, there are two broad blocks within the EU, with the Nordic countries, the Netherlands and the UK being more 'normative' and the southern European countries plus Germany being more 'pragmatic', although some countries have vacillated considerably due to leadership changes, most notably Germany after Chancellor Angela Merkel succeeded Gerhard Schröder to office. Balducci has argued that the institutional decision-making and interaction between EU institutions and member states coupled with the urge to reach common positions has led to a 'normative trap', whereby the stronger position adopted by some member states on Chinese human rights is sidelined in favour of much more moderate positions that are not necessarily aligned with the EU's normative basis (Balducci 2010: 37–43).

Beijing shrewdly exploits this lack of consensus within the EU, playing EU countries off against each other (Fox and Godement 2009). The *sine qua non* of successful EU foreign policy is the upholding of a united front towards the extra-EU. However, in the case of China (as with Russia) this

has been easier said than done. The root cause of this is that there are often very real conflicts between adhering to shared abstract normative values and pursuing country-specific concrete economic interests. This situation resembles the prisoner's dilemma; EU countries would collectively benefit if all adhered to these values also in practice, but with competing commercial interests, it is in practically every country's interest to defect and let others bear the burden of upholding shared values, meaning that Beijing often ends up with the result it wants.

Due to the divergence of opinions within the EU on how to deal with China, it is not uncommon for the EU to send mixed messages. There have been numerous instances of this dynamic in EU-China relations, where common normative values have been undermined by the Chinese government offering lucrative economic deals to visiting trade delegations in order to break the common EU front. For example, in the late 1990s French commercial interests were snubbed by Beijing in favour of German companies due to France's perceived harder line on human rights compared to Germany. In later years, the roles have been reversed, with France being particularly adroit at seizing the moment to score commercial victories at the expense of fellow EU members' more normative approach (Youngs 2001: 174). Sarkozy's first state visit to China in November 2007 was both hugely successful for France commercially and quite satisfying for Beijing politically. The delegation carried with it a portfolio of deals worth no less than 20 billion euros. In return, Paris not only toed the line on Taiwan and Tibet, but also reiterated its earlier stance that the arms embargo should be lifted.<sup>9</sup> Just two months before, Angela Merkel had angered Beijing by receiving the Dalai Lama in Berlin, which led the Chinese to cancel a number of Sino-German events in protest. *Divide et impera*, Chinese style.

China could be forgiven for believing that the EU commitment to its professed values is not so strong in practice. EU member states continue to show reluctance towards completely pooling their sovereignty in 'high politics'. EU elites recognise that the EU is very constrained in what it can do in this regard *vis-à-vis* China. Former Trade Commissioner Mandelson has publicly acknowledged to the Chinese press that the EU cannot 'dictate' solutions to China on its 'internal issues'.<sup>10</sup> There is an urgent need to strengthen the institutional capacities to act together, as the whole edifice of a common foreign policy may otherwise crumble. Yet, this may be hard to achieve until there is more of a shared identity (community of fate) that Sjursen sees as a prerequisite for a value-based normative approach. In the absence of complete foreign-policy integration, the normative approach too often fails when confronted with other major powers, as common normative interests are weaker than member states' pragmatic interests.

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<sup>9</sup> Bordonaro, Federico, For Paris, there's no China *la rupture*. *AsiaTimes* online 7 December 2007.

<sup>10</sup> *China Daily* 16 April 2008, EU cannot 'dictate' solutions to China's problems.

## No leverage

In the mid-1990s, the EU still had a considerable arsenal of tools with which to make China comply with its wishes. China was starved of capital and technology and badly needed investments and expertise that were plentiful in Europe. Youngs (2001: 185–188) has argued that the best opportunity the EU had to use its leverage to extract concessions from Beijing was in the WTO negotiations. However, while the negotiations were tough, they revolved mainly around issues of market access, intellectual property rights and transition periods. The EU failed to use China's strong desire to join the organisation to demand also more overtly political concessions.

Today, the tables have turned to a greater extent than probably most people would have imagined a decade ago. China is a key member of the WTO, and has capital and currency reserves in abundance, even to the extent that other countries are now looking to it as a saviour in the global economic crisis. China's indigenous technological capabilities have also vastly improved. China today *needs* the EU much less than it used to, while the EU needs China much more than it used to.

As seen above, the EU also basically does not use its formal foreign-policy tools against major countries. Apart from the EU as a market (the EU being China's biggest export market), there are currently mainly two things that Beijing craves that the EU has been reluctant to provide, namely market economy status and the lifting of the arms embargo. Neither one is, however, crucial to Beijing. There is, then, precious little left in the EU's toolbox, short of resorting to outright trade protectionism (which would also hurt its own economy), which gives it any tangible leverage over Beijing.

Having gradually dropped its earlier offensive normative policy towards China without really putting anything in its place, the EU's normative China policy is in disarray. In EU-China relations, lip service is from time to time still paid to the EU's normative ideals, and large member states intermittently resort to normative posturing. However, this does not amount to a consistent normative policy. Several adverse consequences ensue from this. Firstly, EU norm promotion with regard to China often appears hypocritical, as it is pursued in a haphazard and half-hearted manner, and often undermined by member state actions. In these circumstances, one can hardly fault Beijing for interpreting occasional displays of 'conscience' as signs that some EU leaders want to cool off or even sabotage good EU-China relations, given that other EU leaders may just a moment earlier have professed that normative issues should not stand in the way of practical (commercial) cooperation.

The different standards which, in practice, are used to judge China from, say, Serbia or Myanmar, may also undermine the EU's normative role in other parts of the globe, not to mention the conspicuous absence of EU criticism of political allies outside of the Union. In the face of a strengthening Chinese bargaining position, Western leaders have become highly reluctant to challenge China in the normative arena (witness State Secretary Hillary Clinton on the first visit to Beijing in her current capacity). The blunt fact is that in dealing with countries like China and Russia, EU political values are somewhat analogous to corporate values when confronted with tough competition – nice to include in an annual report, but of little consequence when major decisions are made. In the meantime, the normative approach is an increasingly large irritant in EU-China relations. The EU's normative approach is also failing spectacularly with regard to other current and future Great Powers, such as the BRICS (Holslag 2010). This was clearly in evidence in the Copenhagen climate summit, where the EU was completely sidelined.

### **Towards a defensive normative policy?**

This paper has examined the weaknesses and inconsistencies in the EU's normative approach to China. I expressed scepticism vis-à-vis the possibility of pursuing an offensive normative approach towards other Great Powers. The Chinese leadership still adheres to a rather traditional realist world-view. Accordingly, it regards Western efforts to promote their values and social systems with great suspicion. Commonly, it perceives such endeavours to be part of an effort to weaken or divide China,<sup>11</sup> or at least it does not believe that these efforts are sincere. Much the same can be said, for example, of the Russian government. Beijing probably genuinely cannot fathom why 'counter-productive' moves (in terms of good political and economic relations) such as an EU presidency country's leader receiving the Dalai Lama just before an EU-China summit, could be made without ulterior motives. From Beijing's vantage point, it just does not make sense.

If the EU is unable to pursue an active and consistent normative policy towards other Great Powers, would it be better off recognising this inherent limitation and tempering its ambitions? In their insistence on stressing the universality of the EU's political norms, European leaders sometimes fail to appreciate that theirs is but one world vision that contends with other Great Power world visions. Hegemons habitually proclaim that they are acting in

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<sup>11</sup> Cf. 国纪平, 对西藏的错误认知违背发展进步潮流, 人民日报 2 March 2009.

the common interest (Hyde-Price 2008: 33–34; Sjursen 2006: 93). Failing to recognise this basic point can be a dangerous form of self-deception. Echoes of past colonialism ring loud in many parts of the world when other countries are confronted with insensitive EU efforts to push the EU vision of a good world.

The EU's claim to exceptionality never lay in hard-power capabilities. What made the EU so unique (and admirable in some quarters) was precisely the relative absence of hard power. One could even claim that the end of Normative Europe begins with an attempt to back up the EU's normative aims with hard power. The alternative 'defensive' normative approach advocated here would not have the EU engage in the futile effort of trying to change other major powers against their own will, but rather recognises that they are alternative value communities in their own right. However, this approach would also be more insistent in upholding European values within our own community; resisting the growing pressures emanating from Beijing and Moscow to dictate solutions for us. In other words, while we should not impose our version of political democracy on China, neither can China decree, for example, who European leaders meet on their home turf or how we should organize *our* internal affairs. This would be a variation on 'when in Rome, do as the Romans do'. A more realist-tinged normative policy would be far more understandable to Beijing.

The approach proposed here would also counter an emerging tendency in some EU member states to dismiss the normative foreign policy altogether. Let us be clear on one thing: being at its foundation a value-based community, the EU cannot 'drop' its normative nature. Doing so would over time undermine the whole community.

There are, of course, a number of latent problems with a more defensive approach, one of which is that it risks turning the EU into value-fortress-Europe. One could also argue that if Europe drops its insistence on promoting its political norms with regard to China and Russia, this would do harm to people working for such values in said countries. However, given the ambivalent attitude of Europeans, and in particular their leaders, towards pursuing an active normative agenda towards China and Russia, the current approach may be equally detrimental towards local activists, as Brussels (and Washington) sometimes give rise to false hopes that they do not make good on when push comes to shove. Sometimes no friend is better than a fair-weather friend.

In a sense, the approach that I am advocating would entail a return to a key dictum of Manners' original idea of normative Europe – that the EU's international role is shaped more by what it is than what it does or says. The gist of the EU's attraction lies in the quiet example set by it. However, living up to this statement would also necessitate taking seriously the frequent failings within the EU itself to live up to the ideal type of a Normative Power that it wishes to be and the values it promotes (Forsberg 2009; Kagan 2002;

Manners 2008: 76; Maull 2005). Now such criticism is too often instinctively dismissed by ardent Europhiles. This, in turn, makes Normative Europe seem even more hypocritical when viewed from the outside. Arguably, at this stage of its development the EU lacks not the desire to define what is normal in world politics, but rather a strong internal consensus on the EU's normative purpose and a shared identity. Perhaps we should first fix our own leaking roof before we construct barracks in faraway places.

The dilemma is this: most likely the EU cannot be a Normative Power and a Great Power at the same time. The EU's normative attraction stems from its claim to be a different international actor, one that does not go about seeking hegemony in age-old ways. But this attraction will not be appealing to the leaders of other Great Powers. Indeed, the Venutian nature of Europeans will promptly be dismissed, even ridiculed, by the Martians of international politics.<sup>12</sup> Europe is facing a very tough choice: either it goes about building the hard power resources that would earn it respect among Great Power peers (Holslag 2010) in order to pursue a more aggressive and self-interested foreign policy, or it will need to scale back its ambitions and accept its role as a well-to-do regional power that offers an alternative way of doing things for those who are interested. Admittedly, the latter path sounds much like the "beacon on the hill" idea in 19<sup>th</sup> century American self-conception. Yet, it may be the best we can wish for.

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<sup>12</sup> After 9/11, Robert Kagan famously described Americans as being from Mars and Europeans from Venus when it comes to their views on international politics (Kagan 2002).

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