



Rising to the Challenge: Europe's Security Policy in East Asia amid US-China Rivalry

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ABSTRACT

China's growing power and assertiveness towards its smaller and weaker neighbours has been a wakeup call for the European Union and its member states which, as a result, have stepped up their involvement in East Asia. EU security policy in the region shows many elements of alignment with the United States, but also differences. In North East Asia, the EU has adopted harsh sanctions against North Korea but, contrary to the Trump administration which continues to seek regime change, has left the door open for dialogue. Moreover, the EU supports the process of trilateral cooperation among China, Japan and South Korea, while Washington has traditionally been lukewarm towards a process that excludes the US and risks being dominated by Beijing. The transatlantic allies also show differing approaches with regard to maritime disputes in the South China Sea. While EU security policy in East Asia is largely complementary to that of Washington, in some cases Europe tends – albeit inadvertently – to favour Beijing.

KEYWORDS

China; United States;
European Union; East Asia;
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The growing power and assertiveness of the People's Republic of China (PRC) towards its smaller and weaker neighbours has led the United States (US) to step up its military involvement in East Asia in the last decade (Yahuda 2013; Chen *et al.* 2014; Lao 2016). US President Barack Obama announced a policy of re-balancing towards the region – the so-called 'pivot' – during his visit to Asia in November 2011 (Campbell 2016; Clinton 2011). This stance was subsequently backed by the US Defense Strategic Guidance issued in January 2012, which included plans to realign US forces and set up a new US Marine Corps base in Darwin, Australia, responsible for the South China Sea and the Indian Ocean, with the aim of keeping China's claims in the area in check (US Department of Defense 2012).

US President Donald Trump's Indo-Pacific strategy, enshrined in the National Security Strategy (NSS) published in December 2017, builds on Obama's re-engagement to Asia, toughening, however, the US position against China. It considers the Indo-Pacific region the most strategically important geographical area, but one where China challenges US leadership and the international rules-based order (The White House 2017a). In June 2019, the US Department of Defense brought out the Indo-Pacific Strategy Report, targeting an increasingly powerful China as the most ominous

threat to US security interests in the region (US Department of Defense 2019). Both the NSS and the Indo-Pacific Strategy Report set the tone for the Trump administration's muscular approach vis-à-vis China on a wide range of issues.

A large body of scholarship has examined US foreign and security policy towards China, as well as the various dimensions of Sino-American security competition and growing rivalry in East Asia (Allison 2017; Chan 2012; Friedberg 2011; Steinberg and O'Hanlon 2014). This includes the question of Taiwan, which remains a thorny issue in US-China relations (Tucker 2011), as well as North Korea's nuclear threat and maritime disputes in the South China Sea – two security flashpoints that have the potential to bring Beijing and Washington to a military confrontation (Feng and He 2018; Bleiker 2013).

The response by East Asian countries to China's growing capabilities and expanding ambitions has also been studied (Goh 2016; Li and Kemburi 2015). However, the role of the European Union (EU) in East Asia's security affairs has received much less attention (Christiansen *et al.* 2013; Cottey 2019; Pejsova 2018), even though Europe is an important trading power in the region. Economically speaking, the EU is as important as the US in East Asia.

The EU is unable to play power politics in the Far East, also due to its shrinking capabilities and deepening fragmentation (Krotz and Maher 2017; Rosamond 2016). Indeed, it is mainly perceived as a civilian actor endowed with a formidable set of soft power capabilities. However, Beijing's increasingly assertive behaviour towards its smaller and weaker neighbours since the early 2010s has led it to re-evaluate China, no longer seen by EU policymakers as solely an economic opportunity, but also – and increasingly – as a security challenge. In fact, Beijing's assertiveness impacts on the EU's strategic interests in a region which has become very important for Europe's prosperity and well-being.

EU strategic interests in East Asia are not limited to economic matters, but embrace issues such as freedom of navigation and overflight, as well as stability in – and between – the region's major powers. Thus Europe's strategic interests in the area include peace and security, currently under threat from Beijing's increasing assertiveness, mounting nationalism in the countries of the area, as well as growing US-China rivalry.

The EU and its member states have stepped up their security engagement in and with East Asia, both in cooperation with the US and by adopting a number of distinctive positions and initiatives. The EU has taken a tougher approach to China in line with that of Washington, in particular on trade and investment issues. However, unlike the US which does not shy away from head-on confrontation with China, the EU and its member states have sought to avoid antagonising Beijing openly for fear of commercial reprisals.

So what are the main features of Europe's security policy in East Asia? What policies and initiatives have the EU and its member states adopted vis-à-vis the region's two major security flashpoints: North Korea's nuclear threat and maritime disputes in the South China Sea? Is the EU's security policy in East Asia aligned with that of the US or does it show differences – and to what extent? Finally, does Europe's security engagement in and with East Asia have a bearing on the growing US-China rivalry?

This article begins by examining the evolution of Europe's thinking on East Asia's security. It places the analysis in the context of Europe's growing economic interests in the region, shedding light on the main features of the EU's security policy in East Asia. It subsequently investigates Europe's approach to North Korea and the South China Sea – currently two of East Asia's major security flashpoints. The concluding section brings

together all the various threads to discuss whether – and to what extent – Europe’s security engagement in and with East Asia has a bearing on the growing rivalry in US-China relations.

The evolution of Europe’s strategic thinking on East Asia’s security

Back in 1993, the German government had put forward a new strategy towards Asia, advancing the idea that Europe’s global competitiveness and economic security would increasingly depend on European companies’ capacity to enter the thriving Asian markets (Government of the Federal Republic of Germany 1993).

Yet, only in the early 2000s did a distinctive EU position on East Asia’s security affairs begin to emerge, following recognition that Asian markets were becoming increasingly important for the Union’s global competitiveness and socio-economic well-being, as was clearly stated by the European Commission in its 2001 Communication on Asia (European Commission 2001). Throughout the 1990s, there was a dramatic surge of trade and investment relations between the EU and East Asia. By the end of the millennium, the EU had become East Asia’s second most important economic partner – behind China, but ahead of the US and Japan. Given the importance of Asian markets, EU policymakers increasingly voiced their concerns regarding peace and stability in East Asia. The 2001 European Commission’s Communication on Asia argued that the prosperity of Europe could be jeopardised not only by economic turbulence in the Asian region, as during the financial crisis of 1997-98, but also by political instability (Casarini 2013). Among the events in Asia that could have a bearing on the EU are disturbances in the economic and political climates of China and Japan, tensions in the area that may threaten the sea lines on which European trade with the region depends and any instability in the Korean Peninsula and in cross-strait relations (between China and Taiwan).

European concerns for Asia’s stability were included in the European Security Strategy (ESS) adopted by the European Council in Brussels on 12 December 2003. The ESS stated that “problems such as those in [...] the Korean Peninsula impact on European interests directly and indirectly [...]. Nuclear activities in North Korea, nuclear risks in South Asia [...] are all of concern to Europe” (European Council 2003, 31, 34). In a speech in July 2005, Benita Ferrero-Waldner, then EU Commissioner for External Relations, stated that “security in the Far East is a topic of direct concern to European interests. It is part of the overall global responsibility for security and stability that lies at the heart of the EU’s role in foreign policy” (Ferrero-Waldner 2005, 1).

In December 2007, the EU Council adopted the Guidelines on the EU’s Foreign and Security Policy in East Asia. The document focused on North East Asia, and in particular North Korea’s nuclear programme and Taiwan as issues of concern to the EU and areas where Europe was committed to play a more active role (Council of the EU 2007). The 2007 Guidelines made no reference to the South China Sea disputes and said little about South East Asia, beyond the EU’s desire to deepen its engagement with the Association of Southeast Asian Nations (ASEAN) grouping. The document did underline, however, the dangers of “competitive nationalism in the region” (2) and specifically argued that the EU should “promote Confidence Building Measures and encourage peaceful and cooperative solutions to [...] disputes over territory and resources” (5).

By the early 2010s, the South China Sea disputes had gained international attention. In this context, in June 2012 the EU adopted a revised version of the Guidelines. Much of the text was the same as the 2007 version; however, the 2012 version included South East Asia, making clear reference to the South China Sea, stating that “the recent increase in tensions in the South China Sea [. . .] could if unchecked have implications for navigation and commerce across the broader region, including for EU trade and investment interests” (Council of the EU 2012, 5).

The updated Guidelines served to prepare the joint EU-US statement on the Asia-Pacific made by the Western allies on the margins of the ASEAN Regional Forum (ARF) meeting in Phnom Penh in July 2012 (Joint EU-US Statement 2012). The Ashton-Clinton statement was the culmination of diplomatic efforts and consultations that had taken place between the transatlantic allies since autumn 2011. The final declaration made mention for the first time of the Asia-Pacific as a region where dialogue and cooperation should be furthered by Washington and Brussels. Both the joint EU-US statement and the revised Guidelines sent a reassuring message to the US about EU intentions in a region where security and public goods are guaranteed by Washington, but the EU is politically absent.

In May 2018, for the first time, the European External Action Service (EEAS) issued a paper devoted entirely to EU security policy in Asia. In the document Enhanced EU Security Cooperation in and with Asia, the EU commits to exploring possibilities to deepen security cooperation with its Asian strategic partners so as to contribute to regional security and supports a rules-based order in Asia (Council of the EU 2018). Behind this initiative were European concerns that the worsening security environment on the Korean peninsula and in the South China Sea could jeopardise Europe’s growing strategic interests in the area.

Assessing Europe’s economic interests in East Asia

Some of Europe’s biggest commercial partners are in East Asia – China, Japan, the ASEAN grouping – as well as countries with which Brussels has signed important Free Trade Agreements (FTAs) – South Korea and Japan. Any turbulence in the region, including in and around the East and South China Seas through which a large part of EU trade with the region passes, would have an immediate impact on Europe’s prosperity and well-being.

China is the EU’s second largest trading partner. In 2018, two-way trade amounted to more than €580 billion. China and the EU currently trade more than €1.5 billion in goods each day. The EU is the third largest trading partner for Japan (after China and the US). In July 2018, Brussels and Tokyo signed an Economic Partnership Agreement (EPA) which is the biggest trade agreement ever negotiated by the EU and Japan. The EU is also the fourth most important export destination for the Republic of Korea (South Korea, ROK). In July 2011, Brussels and Seoul agreed on a FTA which was formally ratified in December 2015. The EU-South Korea FTA went further than any of the EU’s previous agreements in lifting trade barriers, and was the EU’s first trade deal with an Asian country.

ASEAN as a whole represents the EU’s third largest trading partner outside Europe (after the US and China) with almost €240 billion of trade in goods in 2018, while trade in services amounted to almost €80 billion. Negotiations for a region-to-region FTA with ASEAN were launched in 2007 and paused in 2009 to give way to bilateral FTAs

negotiations, seen as building blocks for a future region-to-region agreement.¹ Negotiations were launched with Singapore and Malaysia in 2010, with Vietnam in June 2012, with Thailand in March 2013, with the Philippines in December 2015 and with Indonesia in July 2016. Negotiations for an investment protection agreement are also under way with Myanmar (Burma).

The European Commission concluded negotiations of trade and investment agreements with Singapore in October 2014 and with Vietnam in December 2015. At the regional level, the European Commission and the ASEAN member states have conducted a stocktaking exercise to explore the resumption of region-to-region negotiations. A joint EU-ASEAN Working Group for the development of a framework setting out the parameters of a future ASEAN-EU FTA meets on a regular basis.

East Asia is the destination for almost one-third of EU exports and offers rapidly expanding market opportunities for European firms, which are also among the biggest foreign investors in the region. The share of euros, the common European currency, in the foreign exchange portfolio of East Asia's major central banks has grown dramatically: by the end of 2018, euro-denominated assets accounted, on average, for around 22-24 percent of the holdings of East Asia's major economies, reaching 30 percent or more in China (the world's largest holder). This makes the euro the second most important reserve currency in East Asia – after the US dollar, but ahead of the Japanese yen. Consequently, peace and stability in East Asia are of crucial importance for the EU and its member states.

Europe's security policy in East Asia

The EU is mainly a civilian power in East Asia. It does not have troops or binding military alliances in the region, though some EU member states have maintained a certain degree of military involvement. For instance, France has an operational military presence in the Indian Ocean and the South Pacific, with troops that can be deployed in East Asia on relatively short notice. Some EU member states collaborate with Japan and South Korea via the NATO framework – while France, the United Kingdom, Germany, Italy and Spain have each set up a 'strategic dialogue' with Beijing, complemented by the training of Chinese military officers and exchanges of high-level visits. In October 2018, for the first time, EU military forces completed a combined exercise with the People's Liberation Army Navy (PLAN) in the Gulf of Aden. Interestingly, some of the naval vessels used by EU member states in the exercise with the PLAN would later be sent to the international waters of the South China Sea in the context of EU member states' naval operations to enforce the rules-based order – an order currently under threat from Chinese growing assertiveness towards its smaller neighbours in South-East Asia.

Following the creation of the EEAS, the EU set up security dialogues with East Asian nations. For example, since 2010 an EU-China High Level Strategic Dialogue has been in place between the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the Chinese State Councilor responsible for foreign affairs. Since 2011, there has also been a yearly meeting between the EU's HR and the Chinese Defence Minister, coupled with a dialogue on military affairs between the Chair of the EU Military Committee and his/her counterpart in the People's Liberation Army (PLA).

¹<https://ec.europa.eu/trade/policy/countries-and-regions/regions/asean/>.

In July 2018, the EU and Japan signed a Strategic Partnership Agreement (SPA), which upgrades political and security-related relations between the two, laying the basis for joint actions on issues of common interest, including on regional and global challenges. An EU-Korea High-Level Political Dialogue has been in place between the EEAS Deputy Secretary General and South Korea's Vice Foreign Minister since 2011. South Korea is the first Asian nation to have signed a Framework Participation Agreement in 2014 (ratified by Seoul in 2016) aimed at facilitating Seoul's participation in EU Common Security and Defense Policy (CSDP) missions and operations.

Since the establishment of diplomatic relations with the Democratic People's Republic of Korea (DPRK) in May 2001, the EU has entertained an annual political dialogue with Pyongyang – though this is currently suspended as a result of the recent wave of sanctions. Nevertheless, some EU member states continue to have official ties with North Korea, also as a part of their long-standing commitment to provide aid to the Hermit Kingdom. Since the mid-1990s, almost 400 million euros in aid have been given in the form of food supplies; medical, water and sanitation assistance; and agricultural support.

The EU has also deepened security relations with the Association of Southeast Asian Nations. After establishing a High Level Dialogue on Maritime Security some years ago, the two groupings decided in January 2019 to upgrade their relationship to a Strategic Partnership. EU-ASEAN cooperation currently includes exchanges on anti-piracy techniques, maritime surveillance, port security, disaster relief and capacity building. The EU is also training members of the ASEAN Regional Forum on preventive diplomacy and mediation.

Following the publication of the 2016 EU Global Strategy with its stated objectives to contribute to global security and support a rules-based international order, Brussels has been scaling up its security engagement in East Asia (European Union 2016). In its Conclusions on Enhanced EU security cooperation in and with Asia, in May 2018 the EU committed to deepening security cooperation with its Asian strategic partners in areas such as maritime security, cyber security, counter-terrorism, hybrid threats, conflict prevention and the development of regional cooperative orders (Council of the EU 2018). Following up on this, the EEAS and the European Commission launched a pilot project in December of the same year to support tailor-made security cooperation with an initial set of five countries: India, Indonesia, Japan, ROK and Vietnam, with a particular focus in four areas: maritime, counter-terrorism, crisis management (peacekeeping/CSDP) and cybersecurity (Council of the EU-General Secretariat 2018).

In her speech at the Shangri-La Dialogue in Singapore on 1 June 2019, Federica Mogherini, then the Union's HR, identified two priorities for EU security policy in East Asia: Korea and the South China Sea (Mogherini 2019).

Europe and Korean security

The latest developments of the DPRK nuclear and ballistic missile programmes constitute a new type of threat for Europe. Even considering the less generous estimates – there are doubts about the actual ability of the North Korean army to control the missile re-entry phase – they would potentially still be able to hit the entire territory of the US and large parts of the European soil.

The EU and its member states have adopted harsher sanctions against Pyongyang to increase pressure on the regime, hoping that this will convince Kim Jong-un to return to

the negotiating table and discuss the denuclearisation of the Korean peninsula. For the EU – and the rest of the international community – the short-term objective is to contain and deter North Korea, while in the long term the ultimate goal is the denuclearisation of the Korean Peninsula and the creation of a peaceful regional environment. Concurrently, the EU has come to support diplomatic initiatives aimed at promoting regional cooperation, multilateralism and trust building, in stark contrast to the Trump administration, which shows contempt for multilateralism and institutions, preferring bilateral bargaining and power relations instead.

North Korea's nuclear threat

North Korea's military achievements in the last five years have refuted all predictions made thus far about the pace of progression and actual stage of its nuclear and missile program, forcing US intelligence agencies to admit to have dangerously underestimated the regime's efficiency and boldness (Sanger and Broad 2018).

In September 2017, North Korea conducted its sixth nuclear test, the largest so far, declaring it had tested a thermonuclear weapon. Even if the scientific community expressed doubts over the claim – suggesting possible use of hydrogen and tritium isotopes to 'boost' the detonation – this technological display realised the regime's long-term objective of demonstrating the advanced status of the transition from a primitive nuclear program to a nuclear deterrent that will help safeguard the country's national security and thus the survival of the Kim dynasty (Eaves 2017).

Since the beginning of Trump's presidency, a harsh confrontation between Pyongyang and Washington has monopolised the debate over North Korea's nuclear ambition. Along with the numerous provocations coming from Kim's regime, the White House has repeatedly threatened to use pre-emptive strikes or bloody nose attacks against North Korea's military installations. Europe, instead, has put pressure on the DPRK regime through economic sanctions and dialogue.

The EU and its member states adopted sanctions against Pyongyang following the country's 2003 decision to withdraw from the nuclear Non-Proliferation Treaty (NPT) and the nuclear tests in 2006 and 2009 without, however, closing the door to dialogue. Since 2016, due to North Korea's increased provocations and the escalation of tensions in North East Asia, the Union has given priority to economic sanctions over dialogue. The EU has put into force two provisions: the first one is the Council Decision (CFSP) 2016/849 of 27 May 2016; the second is the Council Regulation (EU) 2017/1509 – both amended in the last years.

At the end of 2017, the Council of the EU adopted new autonomous measures, which complement and reinforce the UN Security Council sanctions, to put further pressure on Pyongyang to comply with its obligations. The new measures include: i) a total ban on EU investment in the DPRK, in all sectors; ii) a total ban on the sale of refined petroleum products and crude oil to the DPRK; iii) a lowering of the ceiling on the amount of personal remittances that can be transferred to the DPRK, from €15,000 to €5,000 per person (Council of the EU 2017).

Moreover, all EU member states agreed not to renew work authorisations for DPRK nationals present on their territory, except for refugees and other persons benefiting from

international protection. The EU also expanded the lists of those subject to an asset freeze and travel restrictions.

In addition to adopting harsher sanctions against the North Korean regime, the EU has supported South Korean efforts at dialogue and reconciliation with the North. The engagement policy with the DPRK of the President of the ROK, Moon Jae-in, has been openly opposed by the Trump administration for fear that it could weaken the policy of ‘maximum pressure’ imposed on Pyongyang by the international community. Nonetheless, the Moon administration continues to promote inter-Korean dialogue and reconciliation, backed in this effort by the EU, which also supports regional initiatives such as the Trilateral Summit, North East Asia’s most important – and so far only – dialogue forum that aims to advance regional cooperation and trust building.

Trilateral cooperation and the EU

The EU is the international actor that has most consistently supported the process of trilateral cooperation centred on the yearly Trilateral Summit of the heads of state and government of China, Japan and South Korea. The Trilateral Summit was first proposed by Seoul in 2004, as a meeting outside the framework of the ASEAN + 3 (that is, China, Japan and South Korea) – itself a by-product of the Asia-Europe Meeting (ASEM) – with a separate forum for the three major economies of North East Asia. The first summit was held in Fukuoka (Japan) in December 2008, with the aim of discussing regional cooperation, the global economy and disaster relief. More than 60 trilateral consultative mechanisms have been established since then, including almost 20 ministerial meetings and over 100 cooperative projects. In September 2011, the Trilateral Cooperation Secretariat (TCS) was launched: based in Seoul, the TCS is an international organisation whose mission is to promote peace and prosperity between China, Japan and South Korea. Based on the principle of equal participation, each government contributes one third of the overall operational budget.

From 2012 to 2015, however, no Trilateral Summit was held due to various disputes over historical grievances and maritime territorial claims. Nevertheless, the process continued at the ministerial, business and civil-society levels, a testimony that important sections of the three countries remain committed to regional cooperation and trust building. On 1 November 2015, the sixth Trilateral Summit took place in Seoul, during which Chinese Premier Li Keqiang, Japanese Prime Minister Shinzo Abe and ROK President Park Geun-hye agreed to meet annually in order to work towards deepening trade relations and pursue the Six-party Talks (SPT) over North Korea’s nuclear weapons program (Ministry of Foreign Affairs of Japan 2015). From 2015 to 2018, however, no further summits took place. Relations between China, Japan and South Korea continue to be strained. The 7th Trilateral Summit was finally held in May 2018 in Tokyo between Japanese Prime Minister Shinzo Abe, South Korean President Moon Jae-in and Chinese Premier Li Keqiang, with North Korean nuclear negotiations topping the agenda. Amid attempts at easing tensions between China and Japan and in the context of growing US-China rivalry, Premier Li Keqiang, Prime Minister Shinzo Abe and South Korean President Moon Jae-in met again the following year. Thus the 8th Trilateral Summit took place on 24 December 2019 in Chengdu (Sichuan province, China) between the leaders of China, Japan and South Korea.

The US has traditionally given lukewarm support to the trilateral process, as Washington continues to rely on its military alliances with Japan and South Korea (Cha 2016). Trump, for instance, has made clear his preference for bilateral relations, as well as his distrust of multilateralism and regional cooperation, a stance reiterated during his first meeting with the ROK President on 30 June 2017 (The White House 2017b).

The EU, on the other hand, has become the staunchest international supporter of the trilateral cooperation process, both politically and financially. For instance, the EU Delegation in Seoul regularly invites young students from the three countries to participate in the Young Ambassador Program organised by the Trilateral Cooperation Secretariat. This involves various workshops funded by the EU aimed at promoting mutual understanding and a sense of friendship among future leaders of South Korea, Japan and China.

The objective of trilateral cooperation is to tackle the mounting nationalisms that may put North East Asia's peace and stability at risk. Yet, nationalism is also on the rise in South East Asia, a region beset by territorial and maritime disputes and where the security environment has worsened in recent years.

The worsening security situation in the South China Sea

The security situation in the South China Sea has been deteriorating in recent years, following Beijing's adoption of a more assertive posture with regard to territorial and maritime disputes with its neighbours, including statements from representatives of the PLA that the South China Sea is now a 'core issue', giving the impression that the Sea is being elevated to the same strategic significance as Taiwan or Tibet.

Chinese claims are not only based on economic and security considerations, but also on national identity and the attempt to renew China's past glory. Chinese President Xi Jinping's speech at the 2019 National People's Congress mentioned China's island-building campaign in the South China Sea as one of the key achievements of his Presidency. This implicitly connected his vision of a 'Chinese dream' and the rejuvenation of the country with the idea of restoring the glory of ancient times when China presided over a Sino-centric order in East Asia.

President Xi's vision of the South China Sea goes to the very heart of China's national identity. In geography classes, Chinese school children study maps of China including the entire South China Sea, where the so-called 'nine-dash line' is clearly highlighted.² The 'nine-dash line' represents the border drawn around what China considers to be its sovereign territory in the South China Sea. It includes islands, sand banks and shoals as well as the waters surrounding the Paracel and Spratly Islands, the Scarborough Shoal, the Macclesfield Bank and the Pratas Islands, all the way down to the James Shoal as its southernmost tip – 1,800 miles away from mainland China.

Chinese claims are centred on its sovereignty over territorial 'features' (i.e. islands) within the area enclosed by the dashed lines. Hence, overlapping claims, and alternative interpretations, by other countries in the region – in particular Brunei, Malaysia, the Philippines, Taiwan and Vietnam – are not recognised by Chinese authorities. The hard-

²For more information on the nine-dash line see South China Sea (2019); see also Tsirbas (2016).

line approach of the Chinese Communist Party is supported by Chinese public opinion, which has come to consider Beijing's construction of artificial islands as perfectly legitimate, since this happens within Chinese territory. The overwhelming view in China is that these are 'our islands' (Murray and Grigg 2016).

In July 2016, after more than three years of deliberation, the Permanent Court of Arbitration in The Hague ruled on the Arbitration between the Philippines and China, making it clear that China's extensive claims to maritime areas within the so-called 'nine-dash line' are incompatible with the UN Convention on the Law of the Sea (UNCLOS 1982) and therefore illegitimate (Permanent Court of Arbitration 2019). The tribunal also highlighted that none of the land features claimed by China qualify as 'islands' – something that would in turn warrant the claiming of an exclusive economic zone under UNCLOS.

China strongly disputed the ruling, declaring it 'null and void', and questioned the legitimacy of the tribunal itself. This prompted other countries with interests in the South China Sea to reiterate their claims and the US to intensify its freedom of navigation operations – deliberately crossing waters claimed by China without notification to assert that they remain international waters – to deter Beijing from adopting more confrontational policies.

China continues to challenge the rules-based order in the area by building several artificial islands equipped with military facilities and weapons systems, drilling for oil and gas, and chasing its Southeast Asian neighbours' fishing vessels away from waters where they have the right to fish under UNCLOS and pursuant to the Hague Tribunal ruling.

Europe's response to maritime disputes

Europe has responded to Chinese claims and assertive behaviour towards the smaller neighbours in South East Asia in two ways: on the one hand, the EU has issued a number of declarations and made itself available to facilitate ASEAN-China dialogue on devising a code of conduct for the South China Sea. On the other hand, Brussels has lent support to EU member states' naval operations aimed at reaffirming the rule of law.

In March 2016, the EU issued its first statement on the South China Sea arbitration, expressing support for "maintaining a legal order for the seas and oceans based upon the principles of international law". While not explicitly referring to China, the statement noted that the EU was "concerned about the deployment of missiles on islands in the South China Sea" (Council of the EU 2016a).

Following the Hague Tribunal's ruling in favour of the Philippines in July 2016, the EU issued a further statement expressing "the need for the parties to the dispute to resolve it through peaceful means, to clarify their claims and pursue them in respect and in accordance with international law, including the work in the framework of UNCLOS" (Council of the EU 2016b). The July 2016 statement was widely viewed as relatively weak, since it only "acknowledged" the tribunal's decision, rather than calling for China to respect that decision. Indeed, Beijing had attempted to block the statement by putting pressure on some EU member states that are recipient of significant Chinese investments. The declaration's final version was eventually watered down by Greece, Hungary and Croatia (Emmott 2016).

Other EU member states have taken a different – and more principled – approach to the issue. For instance, France, Germany and the United Kingdom issued a statement on 29 August 2019, expressing the three countries’ concern about the situation in the South China Sea and their support for the application of UNCLOS (E3 2019). Besides principled declarations, some EU member states have actively engaged in naval operations in the South China Sea’s international waters.

European powers’ naval diplomacy in and around the South China Sea

Since 2014, French naval vessels have regularly patrolled the South China Sea and made port calls in regional states. At the Shangri-La Dialogue in Singapore in June 2016, then French Minister of Defence Jean-Yves Le Drian stated that the situation in maritime Asia, including the South China Sea, directly affects the EU and its interest in the freedom of maritime navigation. Therefore, Le Drian declared that Paris would encourage the EU to undertake “regular and visible” patrols in the area and called for EU member states’ navies to coordinate their activities in the Indo-Pacific.

Following Le Drian’s announcement, in 2016 France deployed a frigate to sail through the South China Sea with personnel from other EU member states on board, including Denmark, Italy and Germany. In 2017 and 2018, the United Kingdom also sent a navy vessel to conduct operations in support of freedom of navigation.

Europe’s naval diplomacy – with several EU member states contributing, including the four major powers: France, the UK, Germany and Italy – has demonstrated its support for core values shared with the US and its East Asian allies, but from an independent position based on distinctive European interests. The Europeans navies have, in fact, refrained from sailing within 12 nautical miles of disputed features in the area. Thereby, EU member states have avoided challenging the Chinese presence in an area full of international legal grey zones to make sure that Europe stays in line with universally recognised international law. This contrasts with the US navy which routinely conducts non-innocent passage within 12 nautical miles of Chinese-occupied features.

The 2017 French operation in support of freedom of navigation in the South and East China Seas involved five French navy vessels, transit through the Strait of Taiwan combined with a port of call in Shanghai. A similar operation in 2018, involving three British and two French naval vessels, omitted the port of call in China. The decision not to visit China reflected growing European dissatisfaction with continued Chinese militarisation in the area. Aboard one of the French vessels that later joined the US and other countries sailing through international waters in the South China Sea was an official from COASI, the EU Council’s Asia-Oceania Working Party.

Europe’s naval operations were geared up in 2019. France deployed the aircraft carrier Charles de Gaulle with a rotating cast of allied ships from the UK, Portugal, Denmark, Italy, Australia and the US. The carrier group sailed from the eastern Mediterranean off the shores of the Middle East via the Suez Canal to Bab-el-Mandeb, the Horn of Africa and Yemen, then across the Indian Ocean and via the Malacca Strait to Singapore. During the deployment, the carrier group participated in maritime exercises with the Egyptian, Indian and Japanese navies. Its operation also included the passage of a French warship, the frigate Vendémiaire, through the Taiwan Strait. As a consequence, France’s

invitation to a naval parade in Qingdao (China) in April 2019 celebrating the 70th anniversary of the founding of China's PLAN was cancelled.

The naval diplomacy of European powers represents concrete efforts to side with the US and its East Asian allies in countering a growing Chinese military presence across the region. At the same time, EU member states continue to sell military equipment in the region. French, German, British and Italian arms manufacturers have developed a strong market presence in South East Asia, especially in sales of naval units (submarines, frigates, corvettes) and jet fighters. Competition still exists among European defence companies, but even more so between EU and US defence manufacturers for shares of Asia's buoyant procurement budgets. European defence companies also benefit from China's defence procurement budget, notwithstanding the continuation of the 1989 arms embargo against Beijing. According to SIPRI, Asia imports almost 20 percent of its armaments from Europe and around 30 percent from the US (SIPRI 2019).

Conclusion

China's growing power and assertiveness towards its smaller and weaker neighbours has been a wake-up call for the EU and its member states which, as a result, have stepped up their involvement in East Asia. EU security policy in the region shows considerable alignment with the US, but also some important differences. In North East Asia, the EU has adopted harsher sanctions against North Korea, but has left the door open for dialogue with Pyongyang, contrary to the Trump administration which continues to seek regime change. Moreover, the EU supports the process of trilateral cooperation between China, Japan and South Korea, while Washington has always been lukewarm to a process that excludes the US and risks being dominated by Beijing.

The transatlantic allies also show different approaches to maritime disputes in the South China Sea. EU member states' naval operations have so far avoided challenging the Chinese presence in an area full of international legal grey zones, in contrast to the US navy which routinely intentionally passes within 12 nautical miles of Chinese-occupied features.

EU security policy in East Asia is largely complementary to that of Washington. However, there is direct competition with the US over military sales to the region. Moreover, Europe's soft power approach in support of 'Asian-only' efforts at regional cooperation and trust building contrasts with Washington's system of alliances in the area and has the potential, in some cases – such as the EU's backing of trilateral cooperation between China, Japan and South Korea – to favour Beijing, albeit inadvertently.

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