

# The High Representative and China : assessing Ashton's style

Antoine Feron



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Direction : Tanguy de Wilde et Tanguy Struye de Swielande.

Conception et mise en page du présent numéro : Géraldine Frébutte.

Pour nous contacter :

Site Internet : <http://www.uclouvain.be/265598.html>

Email : [Tanguy.Struye@uclouvain.be](mailto:Tanguy.Struye@uclouvain.be)

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Titulaire d'un master en études européennes, Antoine Feron est doctorant et chercheur à la Chaire Inbev-Baillet-Latour à l'Université Catholique de Louvain. Ses recherches portent sur la politique étrangère de l'Union européenne depuis le traité de Lisbonne et particulièrement sur la fonction de Haut Représentant de l'Union pour les Affaires étrangères et la Politique de sécurité.

**Sommaire**

- 1. Introduction..... 3
- 2. Theoretical framework ..... 3
  - 3.1. China at the HR’s agenda ..... 5
- 4. The Summit diplomacy..... 8
  - 4.1. The high level Strategic Dialogue ..... 8
  - 4.2. Visiting the Chinese leadership and vice-versa ..... 10
  - 4.3. In the shadow of the Commission..... 11
- 5. The declaratory diplomacy ..... 12
- 6. Summary of the HR-China relationship..... 18
- 7. Conclusion: assessment of the HR’s style ..... 20
- 8. References of Statements ..... 21
- 9. Bibliography..... 23

## 1. Introduction

Since the entry into force of the Lisbon Treaty, the EU adopted a new function in its system: the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission (HR), of which the first incumbent is Ashton. This new function bridging three former jobs - the High Representative for CFSP, the Relex Commissioner and the presidency of the Foreign Affairs Council (FAC) - follows a dual objective of coherence and continuity. Coherence, on the one hand because the HR bridges the Council and the Commission. Continuity, on the other hand because, at the internal level the HR chairs the Foreign Affairs Council and at the external level she represents the EU on the international stage for foreign Affairs.

Being the voice and the face of the EU for CFSP, Ashton is in charge of the political dialogue with third parties. As the first trading partner of the EU and as re-emerging power, China has caught our attention. Although the relation between the EU and China seems to be driven by a trading agenda, this paper aims at investigating the political relation between China and the HR. In this regard, the aim of this research is to assess Ashton's style towards China by applying an approach from the Foreign Policy Analysis (FPA).

In regard to our main objective, this contribution is structured as follow. First, the theoretical approach from FPA is presented. Second, the relation between the HR and China is developed in three sections: China in the HR's agenda concerning the strategic partnerships of the EU, the HR's summit diplomacy with China and then the HR's declaratory diplomacy towards China. Third, a summary of the relation highlights the mains tendencies. Fourth and final, an assessment of the policy making style of Ashton towards China is completed.

Our research relates only to the bilateral relation between the HR and China between January 2010 and January 2014. Consequently, the relation in multilateral frameworks such as the UN, the E3 + 3 talks with Iran, the G8, etc are not covered.

## 2. Theoretical framework

In order to evaluate the HR-China relation, we decide to use an approach from the decision-making in the Foreign Policy Analysis. This approach aims to explain the outcome of the foreign policy process.

Although combining FPA and the EU might seem troublesome, due mainly to the state centricity of FPA, Brian White had demonstrated the adaptability of FPA to the European Foreign Policy (White 2001) and some scholars followed his call (Larsen 2009, Jørgensen 2013). Moreover, following the entry into force of the Lisbon Treaty, a step further can be made. A FPA decision-making study can be applied to the EU. Although this analysis is mainly applied in the study of the US presidents, the Lisbon Treaty provides now the EU with presidential functions such as the HR. Indeed, the HR is the voice and the face of the European Foreign Policy, owns the right of initiative and is backed by a diplomatic service. Nevertheless, this adaptability is not fully suitable because of the particular status of the European Foreign Policy and its still fragmented nature.

As a result of this, we decide to evaluate the policy-making style of the HR concerning China through the approach of Barber. Indeed, we do not study one decision *per se*. The empirics do not provide such a major decision or crisis decision to be studied such as the Cuban missile crisis in 1962 or the free Iraq operation in 2003. We rather focus on the HR's policy towards China. According to Barber, the decision-making, then policy-making, style is defined by two axes: the passive-active one and the positive-negative one (Barber 1978). The first axis analyses the energy that the incumbent put into his job. In our case, as we study specifically the HR-China relationship and not the full mandate of Ashton, we analyze the priority of the case for the incumbent. The second axis analyses the way the incumbent enjoys his work. However, in the absence of data about the psychological profile of Ashton, we decide to evaluate the positive-negative axis according to the originality and the diversity of the incumbent's actions for the selected case.

Therefore, four decision making style towards a policy are available: Passive-Positive, Passive-Negative, Active-Positive and Active-Negative. The latter corresponds to a high engagement towards the policy coupled with new impetus and variety of actions. The Active-Negative style also corresponds to a high engagement of the incumbent, but the engagement is mainly driven by routine. The modality of actions and the suggestions are rather limited. On the contrary, the Passive-Active style is characterized by a low involvement of the incumbent but despite this low priority the input is rather high as the different diplomatic actions. Finally, the Passive-Negative style depicts an incumbent who shows low interests in the studied policy and relies on routine.

In order to facilitate the assessment of the style, we add variables that frame the style of the incumbent. Influenced by Rosenau (Barrea 1978, 38-39), we pick three variables: the role one, the governmental one and the societal one. The first variable affects the position of the incumbent in the decision making. Indeed, the function determines the scope of possibilities of the incumbent. The governmental variable relates to the institutional balance of power and its interactions. The last variable concerns the influence of external groups such as public opinion, medias, lobbies and other interests groups. The determining of these variables highlights the trends leading to the assessment of the decision-making style.

### **3. The HR-China Relationship**

#### **3.1. China at the HR's agenda**

After taking office, Ashton announced three priorities for her mandate: the setting-up of the European External Action Service (EEAS) which was inaugurated in January 2011, the South and East neighbourhood of the EU, particularly the Kosovo and the Iranian cases, and finally the strategic partnerships of the EU (Ashton 2010). By prioritizing the strategic partnerships, Ashton dusts a forgotten concept since the European Security Strategy in 2003 and its revision in 2008. Indeed, the strategic partnership is a conceptual fog (Renard 2010). There is neither official definition nor an official list of them, except the European Security Strategy which mentions the USA, Canada, Japan, India, Russia and China.

In fact, Ashton's decision is a response to H. Van Rompuy's call on the rethinking of the strategic partnerships. Indeed, in January 2010, following a speech prioritizing the strategic partnerships (Van Rompuy 2010), H. Van Rompuy called an extraordinary European Council dedicated on the strategic partnerships for September 2010. This unanticipated call brought about some teeth-grinding among the EU diplomats. Few seemed to be prepared and a loose agenda for the meeting coupled to a very fuzzy topic tuned out to be a perfect recipe for chaotic preparation, as some diplomats complained. In order to solve this lack of preparation, two measures were taken: a Gymnich meeting<sup>i</sup> under Ashton's chairmanship was scheduled to get the thinking ready on one hand and on the other hand the foreign affairs ministers attending the Gymnich would also participate to the European Council (Renard 2011, 14).

During the Gymnich meeting (10-11 September 2010), the agenda was mainly occupied by the strategic partnership with China. Moreover, Ashton

encouraged her colleagues to adopt a comprehensive approach towards this country. In this regard, she invited the European commissioners for Economic and Monetary Affairs O. Rehn, for Trade K. De Gucht and for Climate C. Hedegaard to join the debate. The meeting led to a twofold consensus: the EU may become a strategic actor only if the Member States act in concert and a strategic thinking about the partners of the EU is vital (Renard 2011, 14).

During the extraordinary European Council on 16 September 2010, Ashton presented to the heads of State and Government a list of nine strategic partners, namely the USA, Russia, China, India, Japan, Canada, Brazil, South-Africa and Mexico. Then, she proposed to add six new : Egypt, Israel, Indonesia, Pakistan, South-Korea and Ukraine (Rettman 2010a). The talks were mainly focused on the coordination mechanisms between the EU and its Member States but also between the EU institutions in order to increase the coherence of the EU external action and to adopt a comprehensive approach towards the strategic partners (Renard 2011, 15). This debate led to an annex of the Conclusions called “Internal arrangements to improve the European Union’s External Policy”. Acknowledging the importance and the necessity of rethinking the strategic partnerships, the heads of State and Government invited the HR to evaluate relations with the strategic partners and to define the interests of the EU and the available means to pursue these interests (European Council 2010b).

On the basis of this invitation, the HR drew up a report concerning her strategic thinking. After presenting her draft to the FAC on 10 December 2010, she presented it at the European Council of 16-17 December 2010. Her presentation was twofold. First, Ashton introduced some preliminary elements about the strategic thinking which can be summarized as follows : *primo*, the need to follow a differentiated approach vis-à-vis each partner; *secundo*, the necessity to bind the CFSP and the EU sectorial policies; *tertio*, the increasing importance of reinforcing the cooperation with strategic partners in international fora; *quarto*, the need to ensure an optimal division of responsibilities inside the EU in order to have not a single voice but a common message with 27 voices; *quinto*, the requirement to fix strategic priorities at the EU highest level. She also called for creativity, for loosening heavy procedures and for focusing on the objectives of the EU during bilateral summits with the strategic partners (Bulletin Quotidien Europe 2010b).

Second, the HR submitted three working papers concerning the USA, Russia and China. According to Ashton, the EU-China relationship is crucial for the

stability, the security and the economic growth of Europe but is still short of its potential. If the EU wants to transform this relationship into a strategic partnership, it is needed to be done on the basis of mutual interests and benefits. The interests of the EU must be clearly formulated: more trade, more investment, a better cooperation on global issues and security concerns, lowering the greenhouse gas and promoting democratic governance, state of law and human rights. With her report, Ashton clearly adopted a comprehensive approach towards China (Bulletin Quotidien Europe 2010c).

Moreover, she tacked on a pragmatic attitude. Indeed, according to her, the EU must not delude itself on the state of law and human rights in China. In its development, China clearly prioritizes the economic growth. So, it seems obvious that China will not respect the EU norms in the near future. That is why the EU priority must be the enforcement of the UN conventions on human rights, good governance and the state of law (Bulletin Quotidien Europe 2010c).

Besides, the HR also proposed to develop in the 10 to 15 following years a strategic partnership with China, but also a climate of trust and a strategic interdependence in order to overcome the actual *irritations and concerns*. Those concerns are frankly identified by Ashton. On the EU side, it is the access to the Chinese market, the investment, the protection of intellectual property, the human rights and the state of law. On the Chinese side, it is the market economy status, the Taiwan issue, the Tibet one and the arms embargo (Bulletin Quotidien Europe 2010c). In this regard, following the proposed pragmatic approach, the HR suggested in vain to lift the arms embargo setting up in 1989 following the crackdown of Tian an men square (Rettman 2010c). By raising this issue, Ashton tried to cease humiliating China with an embargo more symbolic than effective, but relegating Beijing with pariah states such as Zimbabwe, Burma or Syria. Following her predecessor J. Solana who said “We don’t want to deal with China with sanctions, we want to deal with China as a country in the international community” (Austin 2005, 10), the HR’s initiative acknowledges that being under sanctions is incompatible with integration in the international order. Unfortunately for Ashton her proposition achieved similar results to those during the EU-China honeymoon in 2003-2005 or during the Spanish proposition in January 2010 (Godement 2010). Indeed, the end of this embargo contains a symbolic baggage that goes beyond the practical effect of the actual lifting and the European context (De Wilde d'Estmael 2012, Vennesson 2007). Ashton’s proposal probably irritated the USA and certainly Japan (Willis 2010).

At the end of the European Council, the heads of State and Government saluted the HR's report. They invited her to follow her strategic thinking, accordingly to the conclusions of the September European council, by defining the EU interests and the means of the EU in consultation with the Commission and the FAC(European Council 2010a). However, to our knowledge, the thinking about strategic partnerships has not got any update or such important follow-up. Indeed, the euro-crisis hijacked the agenda of the European Council regarding CFSP.

## **4. The Summit diplomacy**

Representing the EU for foreign Affairs, Ashton is in charge of leading the strategic dialogue with China. In four years, she met nine times the Chinese representatives and went five times in China<sup>ii</sup>. In relation to other strategic partners, the HR went for bilateral or multilateral meeting 19 times in the USA, six times in Russia, three times in India, three times in Japan, once in South-Africa and once in Brazil. These meetings took place within three frameworks: the High Level Strategic Dialogue, the visits to the Chinese leadership and vice-versa in Brussels and finally the meetings in the shadow of the Commission.

### **4.1. The high level Strategic Dialogue**

The main framework of the EU-China political relationship is the High Level Strategic Dialogue. Established in 2005, the Strategic Dialogue brought together the EU rotating presidency and the Chinese vice-minister for foreign Affairs. Following the entry into force of the Lisbon Treaty, both sides decided to upgrade it to the highest level in a meeting between the HR and the Chinese State Councilor. During the studied period, four sessions took place, respectively in September 2010, May 2011, July 2012 and in January 2014.

The first session took place in China. Despite some EU MP's criticisms for not attending a Quartet meeting for the Middle-East Peace Process, Ashton maintained her decision to attend the Strategic Dialogue(Rettman 2010b). She went for one week in China, visiting the Universal Exposition in Shanghai and particularly the EU pavilion, where she met the Spanish rotating presidency of the EU, also visiting China. After sightseeing, the Chinese State Councilor Dai Bingguo met her in Guiyang, the head city of the Guizhou province. During the meeting, both sides tackled the possibility of increasing the bilateral cooperation in issues such as the Iranian nuclear issue, Africa, piracy in the Gulf of Aden and the situation in the Korean peninsula. However, despite this

declaration of principle, neither an agreement nor a joint statement were published. It should be stressed that the decision to hold a meeting in one of the poorest province of China is not benign. Indeed, it can be interpreted as a twofold strategy: on the one hand binding the meeting with the Chinese Go West Policy aiming to develop China's mainland and not only its coastal part and on the other hand fitting into a reassuring move for the international partners. By showing its economic contrasts, China insists on its developing status which political ambitions are not revisionist.

In 2011, Hungary holding the EU presidency and consequently holding some EU meetings in its land, the second session took place in the city of Gödöllő, near Budapest. While no joint statement was made, the HR declared that both she and Dai Bingguo tackled the situation in their respective neighbourhoods. Ashton also presented the position of the EU on Human Rights in China. Besides, they looked at the opportunities of improving the bilateral cooperation between the EU 2020 Strategy and the Chinese 12<sup>th</sup> five-year plan (2011-2015), in areas such a green growth, low carbon economy and sustainable urbanization. They also raised a project for cybersecurity cooperation.

In July 2012, the HR went to China while doing a political tour in Asia. She first went in Beijing for the Strategic Dialogue then attended some bilateral meetings in Hong-Kong. During these latter, she met the Chinese minister of Defense with whom she stressed the bilateral cooperation in the fight against piracy. They also agreed on training exchange of military personnel and on the holding of a High Level Seminar on Defense and Security in 2013<sup>iii</sup>. She also met the Chinese foreign minister. Finally, Ashton met her Chinese counterpart for the third session of the Strategic Dialogue. Contrary to the other sessions, they released a joint communiqué. Greeting the positive input of the strategic dialogue on the EU-China trust climate, both sides committed to increase the cooperation, particularly on international issues and on the fight against piracy. Taking into account their interdependence and their common interests in the actual changing world, China reaffirmed its support for European integration, the solving of the debt crisis and the euro zone stability while the HR bore out its care about the pacific development of China, the respect of China's sovereignty and territorial integrity. Finally, they faced up to deal with their differences and mutual concerns in a constructive way. This joint statement highlights mutual concessions. Indeed, contrary to her custom, the HR refrains from mentioning Human Rights which provoked the ire of some NGO's (EUobserver 2012). On the other hand, China did not mention its

twofold regular claims: the lifting of the embargo and its market economy status. According to an EU diplomat, concessions in statements allow more criticism behind closed doors (Rettman 2012a). Indeed, in her own statement, Ashton affirmed proceeding to an exchange of views on issues such as human rights but also urbanization, trade, investment and the E3+3 talks.

The fourth session was held in January 2014 in Brussels between the HR and the new State Councilor Yang Jiechi, who she had already met when he was foreign minister. During the meeting, both sides mostly focused on the implementation of the EU-China 2020 Strategic Agenda for Cooperation. This report adopted during the 16<sup>th</sup> EU-China summit in November 2013, aims to improve the EU-China cooperation by enjoying the synergies allowed by both sides' strategies: on the one hand the EU 2020 Strategy and on the other hand the 12<sup>th</sup> five-year plan coupled with the Chinese two centenary goals. Besides, the topics concerning foreign Affairs, security and Defense represented 14% of the document, which is an improvement in relation to the custom statements of the previous EU-China Summits. Finally, the HR thanked China's support during the E3+3 talks with Iran.

#### **4.2. Visiting the Chinese leadership and vice-versa**

In October 2011, the HR went to Beijing in order to meet the Chinese leadership. Her stay was articulated in three parts. First, Ashton held a meeting with the Minister of Defense. They both worked on the improvement of Defense and in crisis response bilateral cooperation, particularly in the fight against piracy. In this regard, the escort of ships in the Gulf of Aden and off the Somalian Coast has become the paragon of UE-China cooperation. Indeed, they followed a fruitful work since the first international escort mission in 2008. Besides, they also talked about the situation in the South China Sea and the necessity of resolving the territorial disputes through diplomacy. The Minister of Defense also presented the Chinese White Paper on Defense.

Second, the HR was invited by the State Councilor to a meeting where she informed of the latest development in the euro zone and of the preparation of the next G20. Third, she met the Foreign Minister with whom she dealt with international issues such as the crisis in Libya, Egypt, Tunisia, Jordan as well as the situation in Iran and Syria. During all of her stay, the HR emphasized the EU position on human rights.

At the invitation of the new Chinese Foreign Minister, Ashton went to China in order to meet the new Chinese leaders. She firstly met the Chinese Minister

of Defense with whom she talked over anti-piracy fight and training exchange of military personnel. Then, she was received by the new FM who with she took up challenges such as urbanization, rural economic development and green growth. Finally, a meeting was hold with the previous FM, now State Councilor Yang Jiechi. The debate focused on the Chinese support on the E3+3 talks, their common concerns about the situation in North-Korea, the clashes in South Chinese Sea and the situation in the European neighborhood, notably in Syria. According to the HR's communiqué, the human rights seemed not to have been approached.

As Ashton visited China twice to meet the Chinese leadership, her counterpart went also in Brussels at the beginning of his mandate. Indeed, in October 2010 the State Councilor Ma Kai<sup>iv</sup> held an understated meeting with Ashton. As Ashton was at that time planning a rethinking of the strategic partnerships, the talks probably focused on the strategic partnership and on the lifting of the embargo, one of China's custom claim.

### **4.3. In the shadow of the Commission**

Beside her own meetings with the Chinese leadership, C.Ashton also participated in two wider meetings. In those latter, acting as vice-president of the Commission, she accompanied J. M. Barroso, the president of the European Commission. In her first visit in China as HR, Ashton was a member of the EU delegation headed by J. M. Barroso in April 2010. The aim of this visit was to introduce the new Commission to the Chinese leadership and to prepare an estimated agenda for the bilateral relation in the new framework of the Lisbon Treaty. The delegation first went to Beijing to meet the Chinese executive in a meeting where each commissioner met his counterpart. Then, the delegation went to Shanghai to assist the opening ceremony of the Universal Exposition 2010 and of the EU pavilion. During this trip, Ashton's presence was understated although she seemed to be prepared<sup>v</sup>. The focus was on the president of the Commission and on economic, trade, financial and climatic issues. It ought to be pointed out that the political climate contrasted with the Olympics opening ceremony in 2008 when the EU-China relationship reached its nadir.

In September 2012, contrary to the previous (and following) summits, Ashton attended the EU-China summit<sup>vi</sup>. The custom absence of the HR may be explained by the focus on economic and trade issue. Indeed, as Holslag points out, the EU-China summits between 2002 and 2007 are dominated by those

issues and the summits after Lisbon did not reverse the trend (Holslag 2011, 296). Confirming the HR's exceptional participation, the communiqué pointed out that the HR assisted the president of the Commission who represented, alongside with the European Council president the EU. Ashton's presence seems to increase the share of talks concerning foreign Affairs issues. Among these latter, we find the disarmament, the non-proliferation of WMP, the Iranian and North-Korean cases, Afghanistan, Burma, Sudan and South-Sudan and the situation in the respective neighborhood of China and the EU.

## 5. The declaratory diplomacy

Although the concept of declaratory diplomacy is perceived as negative and in opposition to an operational diplomacy, the impact and the objectives of this diplomacy should not be neglected for several reasons. First, statements and declarations are part of the HR's available tools and fall within the EU diplomacy previous to Lisbon (Voncina 2011). They allow her to be heard on the international stage and to increase the visibility of the EU. Second, as T. de Wilde points out, the declaratory diplomacy is the first visible result of the CFSP Laboratory: a silence, an omission indicates a dead end, even a failure in the consensus building (De Wilde d'Estmael 2011, 62). Third, statements and declarations hold a triple objective: a primary one vis-à-vis the target, a secondary one regarding the EU and a tertiary related to a third party or the international community. Indeed a low or even quasi inexistent impact on the primary objective must not hide the two others.

In order to express her opinion on the international stage, the HR has at her disposal three types of statements: the declarations of the HR in behalf of the EU, the statements of the HR and the statements by the spokesperson of the HR. While the declarations need to be agreed unanimously by the FAC and consequently entails the responsibility of the EU, statements do not need the coordination process and allow the HR to react quickly on her own responsibility. Regarding statements of the spokespersons, they correspond to the HR's one but are issued by a spokesperson either to manage a scheduling conflict or to lower the priority.

Between January 2010 and January 2014, 30 statements and declarations concerning China were issued by the HR. It corresponds to a 2% share of the complete statements. Among these 30 statements, five themes arise: Human Rights, Taiwan, Hong Kong, natural disasters and finally the situation in South China Sea and with Japan.

	Human Rights	Taiwan	Hong-Kong	Natural disaster	China-Japan and South China Sea	Total
Declaration by the HR on behalf of the EU	3	-	-	-	2	5
Statement by the HR	7	3	1	2	-	13
Statement by the HR's spokesperson	3	4	3	1	1	12
Total	13	7	4	3	3	30

With 16 statements, the Human Rights theme is the major focus of the HR's declaratory diplomacy vis-à-vis China. The human Rights label features three subtopics: the situation of civil rights defenders, death penalty and Tibet. Concerning civil rights defenders, Ashton deeply regretted the arrest or the unexplained demise of militants such as the lawyers Xu Zhiyong, Gao Zhisheng, Ni Yulan, the writer Tan Zuoren, the artist Ai Wei Wei, Chen Wen, Chen Xi and finally the Nobel peace prize laureate Liu Xiaobo. She strongly called on their releases. Concerning this latter, Ashton was caught into a controversy. Some MP's, including Daniel Cohn-Bendit, and NGO's asked the HR to represent the EU during the Nobel ceremony, estimating that the EU should always be represented by the HR in order to stress the importance of peace among the 27 Member States. However, this call was vain. The HR justified her choice by her non-invitation to the ceremony and the fact that the EU was already represented at the ambassador level. Despite her absence, Ashton congratulated the laureate, contrary to the European Council President and 14 of the Member States who did not issue any statements (Bulletin Quotidien Europe 2010a). In response to the HR's statements about human

rights, the Chinese authority recalled the judiciary sovereignty of China and condemned foreign interference (Le Quotidien du peuple en ligne 2011, 2012).

The second subtopic is Tibet. In December 2012, Ashton reacted to the Tibetan self-immolations. While respecting China's territorial integrity, she called upon the Chinese authorities to address the deep-rooted causes of the frustration of the Tibetan people and ensure that their civil, political, economic, social and cultural rights are respected and to open Tibet for diplomats and international journalists. She also called on Tibetans to refrain from resorting to extreme forms of protest and encouraged all parties to resume a meaningful dialogue. This declaration followed a Dalai lama' call to Ashton the day before (Rettman 2012b). Besides, six months earlier, in June 2012, the HR made a speech in front of the European Parliament about the situation in Tibet. By including the key elements of her speech, her declaration can be considered as its culmination. The fight against death penalty is the third subtopic. The HR deeply regrets the execution of inmates. She called on the Chinese government to abolish death penalty, in line with the worldwide trend.

The second theme approached by C. Ashton was Taiwan. This issue was actually subdivided in 4 parts: the Taiwanese participation in international organizations, the China-Taiwan relationship, democracy in Taiwan and death penalty. In line with the One China Policy, the EU recognizes the government of PRC as the only legitimate government of China and so has neither diplomatic nor official political relation with Taiwan. However, the EU recognize Taiwan as a trading and economic entity and supports its participation in international fora when a state status is not needed. To this regard, Ashton congratulated the Taiwanese participation in the 38<sup>th</sup> session of the General Assembly of the International Civil Aviation Organization which encourages dialogue, cooperation and trust climate in the Taiwanese strait. Besides, the HR reiterated her support to the Taiwanese participation in multilateral organization where its presence is important for European and global interests. Concerning the China-Taiwan relations, Ashton welcomed the signature of the Economic Cooperation Framework Agreement by both parties. The HR also congratulated the elections of January 2014 and reiterated the EU support for democratic values. Finally, death penalty is the bone of contention between the EU and Taiwan. On four occasions, she regretted the execution of inmates and called upon the Taiwanese authorities to restore a de facto moratorium on death penalty. However, these calls remained without effect. Indeed, a large majority of Taiwanese is still opposed to the abolition,

especially as the local lobbies are very active. No Taiwanese leaders dare promising the eternal moratorium asked by the EU (Hungdah 2013, 544).

Hong-Kong appears to be the third theme of the declaratory diplomacy. Although Hong-Kong is part of China, we distinguish the statements for a twofold reason. On the one hand, considering its particular custom status, the EU considers Hong-Kong as a distinctive entity in the framework of the trade policy. On the other hand, Hong-Kong distinguishes itself from China concerning the state of law and democracy. Indeed, three of the four referred statements relate to this latter. The HR supported and congratulated the elections held in Hong-Kong for the legislative Council. Alongside the support for democracy, Ashton expressed the EU condolences to the families of the 38 victims of the shipping accident on 1 October 2012. The gravity of the accident coupled with the ties uniting Hong-Kong and the UK, of which Ashton is citizen, explain this statement.

Expressing condolences after natural disasters such as the mudslides in August 2010 and the earthquakes in April 2013 and July 2013 is the fourth theme. It can be stressed that two of the three statements took place just before HR-China meetings: the first session of the strategic dialogue in August 2010 and the visit to the Chinese leadership in April 2013. Given the absence of statement for other natural disasters in China, it seems that the EU sympathy was driven by trust climate building objective before the meetings.

The fifth and final theme is the situation in South China Sea and the related China-Japan relations. Two declarations of HR on behalf of the EU were issued to call upon the parties to calm down the situation in South China Sea. The first one is related to clashes in September 2012 off the coast of the contested Senkaku-Diaoyu islands between a Taiwanese flotilla and the Japanese coast-guards. Indeed, the archipelago is claimed by China, Japan and Taiwan for economic, strategic and symbolic reasons. Those incompatible territorial rivalries lead to regular clashes which contribute to create a China Sea powder keg. The second one referred to the establishment in November 2012 by China of an East China Sea Air Defense Identification Zone, including i.a. the Senkaku-Diaoyu islands. Reminding that the legitimate use of sea and airspace is a right enshrined in international law and is essential for security, stability and prosperity, the HR called on all sides to exercise caution and restraint. Finally, in December 2013, the HR regretted the Japanese Prime Minister Abe's visit to the Yasukuni shrine<sup>vii</sup>. According to Ashton, the visit was not conducive to lowering tensions in the region or to improving relations

with Japan's neighbours, especially China. However, it seems unlikely that Abe's visit is related to external agenda. According to E. Atanassova-Cornelis, the previous Prime Minister's visits were due to seduce the right wing of their own political party. Nevertheless, the absence of official visit since 2006 and the clashes in South China Sea the previous month may invalidate this theory (Atanassova-Cornelis 2012, 202).

As pointed out, the declaratory diplomacy follows a triple objective. This triple analysis is an adaptation of Barber's model establishing a triple distinction for the international sanction (Barber 1979) and then recomposed and adapted to the European Union by T. de Wilde (de Wilde d'Estmael 2004). Indeed, as sanctions, statements have three objectives. The first objective concerns the target: punish it rhetorically or induce changes. The second one focuses on the sender: the latter want to demonstrate a capacity to express its opinion, at least to say something and to move from silence to the words in order to appease the public opinion or to response to certain internal demands from i.a. the European Parliament. Last but not least the third objective is related to a third party or to the international community. The sender wants to remind *erga omnes* the principles driving the external action of the European Union, its objectives and his coherence but also to support the action of third parties or arouse their supports.

In order to lighten the application of this model, we propose to develop it on a chart regrouping studied statements and declarations in nine topics: Human Rights' militants, death penalty (both in Taiwan and in China), the democratic process (both in Hong-Kong and in Taiwan), natural disasters and accidents. These first four topics regroup similar statements. The final five are analyzed individually: the clashes in the South China Sea, the Chinese identification zone, the Abe's visit to Yasukuni Shrine, the participation of Taiwan in AICAO and finally the agreement between Taiwan and China.

Topics	Primary objective	Secondary objective	Tertiary objective
Human rights militants	Condemning the situation of human rights in China	Answering to the demands from the European Parliament,	Reminding the EU principles on human rights and their universality

	Encouraging the liberation of the jailed militants	NGO's and the public opinion	
Death penalty	Marking disagreement concerning the death penalty  Urging for abolition	Answering the demands from the European Parliament, NGO's and the public opinion	Reminding the EU principles on human rights and their universality
Democratic process	Encouraging the development of democracy	Answering the demands from the European Parliament, NGO's and the public opinion	Reminding China and others States the EU engagement for democracy
Disasters and accidents	Sharing the grief of the target to maintain good relations	Say something	Demonstrating the global power of the EU, concerned all over the world
Clashes in South China Sea	Calling for calm the parties	Say something	Demonstrate the global power of the EU  Reminding the EU principles for international law and diplomatic crisis resolution
Chinese identification zone	Condemning the Chinese decision  Calling for calm the parties	Say something	Demonstrate the global power of the EU  Reminding the EU principles for international law and diplomatic

			crisis resolution
Abe's visit to Yasukuni	Condemning the Japanese decision	Say something	Calling for calm and avoiding escalation
Taiwan in AICAO	Encouraging Taiwan in its international claims	Answering to the pro-Taiwan demands	Distinguishing lightly from the one China policy
Agreement between China and Taiwan	Felicitate the parties in their meaningful dialogue	Reminding the EU interest in the Taiwan Strait	Reminding the EU principles for diplomatic conflict resolution

This analytical chart highlights the importance of secondary and tertiary objectives. Indeed, the statements served as capacity for expression, although minimal, of the EU in a twofold aim: internal and external. Internal, because it answers the demands of the European institutions, the Member States and the public opinion which all claim a taking up of a position on those topics. External, because through the statements, the EU remind the principles driving its own external action, particularly the focus on Human Rights and the diplomatic crisis management. By chastising China, the EU reminds all States about the universal application, from the smallest to the biggest State, of EU norms. As a matter of fact, by pursuing the secondary and tertiary objectives, the statements are the reflection of the EU *acquis communautaire*, as Regelsberger and Wessels points out (Regelsberger and Wessels 2005, 108). In the statements relating to China, it mostly concerns Human Rights and democracy.

## 6. Summary of the HR-China relationship

The review of the HR-China relationship arouses three remarks. First, according to her announcement, Ashton made the strategic partnership with China a priority. In response to the invitation of the European Council, she started a strategic thinking on the UE-China strategic partnership. In this regard, she involved both the FAC and the commissioners in order to adopt a comprehensive approach. Several meetings with the Chinese leadership in 2010 also allowed her to grasp the UE-China relationship. This strategic thinking

led to a report submitted to the European Council. However, in the absence of political will of the Member States, in particular in the lifting of the embargo and due to the (voluntary?) conceptual fog of the strategic partnership, the HR's strategic thinking is still unresolved, a fortiori its implementation. Besides, beyond the strategic thinking, China remained on the HR's agenda: she participated in nine UE-China bilateral meetings, including five visits in China, which is lower than the USA but higher than the others emerging powers.

Second, the HR established contact with the Chinese leadership. Following the Lisbon Treaty, the Strategic Dialogue was upgraded to the highest level. In this framework, Ashton built a special relationship with the State Councilor Bai Bingguo, then with Yang Jiechi, who she knew as FM. The regular meeting framework contributes to the development of an infrastructure of contact between the EU and China.

Third, despite the multiplication of the contacts, the talks between the parties remained empty. Trade and economic issues dominate. On the one hand, this economic focus arouses an institutional conundrum. In theory, the HR is responsible for CFSP, not for trade, although she coordinates the external action of the EU. But this coordination process is still not clear, because no hierarchical link exists between the HR and the trade commissioner<sup>viii</sup>. In fact, such a link would call into question the collegiality of the Commission. On the other hand, this economic focus demonstrates the emptiness of the political relationship. Both parties consult themselves but do not generally coordinate their foreign policies. On the contrary, the anti-piracy cooperation seems to be considered as the paragon of the EU-China cooperation even though it defies the HR's approach. Indeed, Ashton follows a top-down approach while the cooperation against piracy is bottom-up (Barton 2013). Otherwise, the situation of the human rights in China is still the bone of contention. Most of the statements are related to this theme and it comes into the bilateral meetings. However, this focus on human rights remains mainly without effect on China. The declaratory diplomacy pursued more an objective for the EU itself, its public opinion, its institutions but also for the international community. The EU reminds the principles driving its external action and enforces its normative power.

In conclusion, during four years, the HR managed to build a framework for dialogue and discussion with China, as a prelude to a trust-based relationship. However due to divergences among Member states, notably on the embargo

and due to divergences between China and the EU, particularly on the Human Rights, the HR's diplomacy vis-à-vis China remains almost sterile.

## **7. Conclusion: assessment of the HR's style**

On the base of the presentation of the HR-China relationship, we propose to assess Ashton's policy making style towards China. In this respect, we first develop the three variables framing the policy: the role one, the governmental one and the societal one and then we assess the policy making style using Barber's approach.

Applied to our case, the variables are the following ones. The function of HR matches the role variables. According to the Lisbon Treaty, the HR represents the EU for matters related to the CFSP and conducts political dialogues with third party. Besides, the HR drives the CFSP and contributes through his propositions to the elaboration and the implementation of this policy. The HR is also in charge of the coherence of the external action of the EU.

However, the ambition of this role is tempered by the governmental variable. Indeed, CFSP remains an intergovernmental policy, so in the hands of the Member States. The HR's diplomatic initiative is thus limited. Even more, the HR is in competition with the president of the European Council and the president of the Commission. This lack of discretion is a trend in our case. Despite her propositions, Ashton is still reliant on the political will of the Member States on the one hand and on the other hand she remains in the shadow of the two presidents. For example, the strategic thinking on strategic partnership was initiated by Van Rompuy's call and during the great UE-China meetings the HR was barely invited to join the two presidents. Nonetheless, this absence of political will from the Member States is a major trend of Ashton's mandate (Helwig 2013).

Regarding the societal variable, the influence of the European parliament and of some NGO's concerning the human rights must be highlighted. Indeed, several HR's statements answer to demands from the European parliament and the civil society, particularly relating to Tibet and Chinese dissidents. However, this influence is limited to the HR's declaratory diplomacy and does not steer against the current European policy towards Human Rights.

The determination of these variables allows to highlight the trends of the HR's policy towards China, as a prelude of the application of Barber's approach. In this respect, we assess the policy making style of the HR concerning China as

Passive-Positive. Passive, because the Chinese case remains a minor priority for Ashton. Indeed, she was more focused on the setting up of the EEAS, on the facilitating-dialogue between Serbia and Kosovo and on the E3+3 Talks with Iran. In terms of visits, meetings, statements or strategic thinking, China is far from being a top priority for the HR. Besides, the low priority concerning China is also the result of her low available discretion in this case between Member States divided concerning China and a trade and economic bilateral relation headed by the Barroso-Van Rompuy tandem. However, in spite of her low priority towards China, the HR adopted a constructive and various posture concerning the EU-China relations. Indeed, her original input on the strategic partnership thinking, her regular visits to develop a trust-base relationship with the Chinese leadership and her declaratory diplomacy, strong on Human Rights but cautious on the international issues, confirms it.

In conclusion, by adapting an FPA policy making approach to the HR, this paper aims to propose a new way of assessing the EU diplomacy following the Lisbon Treaty. Indeed, this approach could be extended to the other policies of the HR such as the others strategic partners, CSDP or mediations in the Kosovo or Iran cases. Nevertheless, the adaptability for crisis such as the Arab spring seems more tricky due to the need for quick reactions which is the Achill heel of the CFSP.

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<sup>i</sup> A Gymnich Meeting is an informal meeting of the Foreign Affairs Council. It is named after the first meeting held in the city of Gymnich.

<sup>ii</sup> In chronological order, the meetings are the following ones : the visit of the Commission on the 29 April 2010, the first session of the High Level Strategic

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Dialogue from 30 August to 4 September 2010, the meeting in Brussels on 30 October 2010, the second session of the High Level Strategic Dialogue on 12 May 2011, the visit to the Chinese leadership from 24 to 26 October 2011, the third session of the High Level Strategic Dialogue from 9 to 11 July 2012, the EU-China Summit on 20 September 2012, the second visit to the Chinese leadership from 25 to 28 April 2013 and the fourth session of the High Level Strategic Dialogue on 27 January 2014.

<sup>iii</sup> This Seminar was held on the 19-20-21 March 2013. It reunited defense and security experts from respective diplomatic, military and academic establishments from the EU and China. The HR did not attend the seminar.

<sup>iv</sup> The state Councilor Ma Kai is also Secretary General for the State Council and is in charge of economic-related issues.

<sup>v</sup> A few weeks before the Commission's visit, C. Ashton was seen with the following book: Mark Leonard, *What Does China Think?*, Fourth Estate Ltd, 2008.

<sup>vi</sup> Although this participation is exceptional for the EU-China summit, C. Ashton always participates in the others summits: i.a. with Russia, Japan, Canada, India, Brazil, and the USA.

<sup>vii</sup> Yasukuni is a sanctuary in Tokyo honoring the memory of 14 war criminals in class A in addition to 2,5 million Japanese soldiers.

<sup>viii</sup> Indeed, the HR is in charge of coordinating the works of the Commissioner for Enlargement, Development and humanitarian aid. But the Lisbon Treaty does not mention the trade Commissioner. However, J. Barroso created a group of Commissioners headed by the HR and including the three former commissioners plus the trade one and the monetary affairs one. But the practical implementation and results of this group is still fuzzy and don't seem to work. In fact, it might be a way for the President of the Commission to check on Ashton's work and to limit her discretion.