

PERSPECTIVE

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Increased Relevance for EU Policy and Actions in the South China Sea

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EXECUTIVE SUMMARY

- European Union, the world's largest trading block, has a vital interest in preserving a free, safe and stable South China Sea. Often accused of freeriding on US efforts in the past, it has recently become more proactive - a result of its more pragmatic foreign policy, greater alertness to China's disruptive potential, and ambition to raise its security profile in Asia.
- While Brussels' position on the SCS is rooted in its principled commitment to the rule of law, divisions among member states prevent it from articulating a unified and coherent policy vis-à-vis the region's burning security hotspot.
- In light of its many structural and operational limitations, Europe's contribution to easing regional tensions takes the form of diversified, low-key security measures at the bi-regional (EU-ASEAN) and multilateral level (within ARF).
- Military presence and activities of French and British navies in the regional waters serve the EU's interests and demonstrate growing concerns in Europe for the respect of Freedom of Navigation (FON) and the universal application of international law.
- As the Union tries to earn its observer status at the ADMM-Plus, capacity-building, experience and best practice-sharing in functional non-traditional maritime security areas remain the building blocks of its enhanced political-security cooperation with Southeast Asia.

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INTRODUCTION

The EU has always had reason to pay attention to developments in the South China Sea. The world's largest trading block has a vital economic interest in safeguarding free, safe and stable shipping corridors, especially those connecting it to economic powerhouses in East Asia. Northeast Asian countries constitute the Union's most important export market and source of FDIs, with China being its second largest trading partner, and trade with Japan alone standing for 25% of global GDP. EU is also ASEAN's second largest trading partner, and ASEAN is correspondingly the third largest for the EU.

In addition to economic interests, Brussels has also legal and political commitments to regional stability, stemming from its accession to the Treaty of Amity and Cooperation (TAC) in 2012 and its membership in the ASEAN Regional Forum (ARF). Finally and most importantly is the rationale behind the SCS disputes: China's unilateralism and the threat it represents for the rules-based global order that has been keeping Europe, positioning itself as a normative superpower, on its toes.

While reasons for EU's interest in the South China Sea abound, its actions in that regard are less visible. Lacking proper military resources, it has been mostly viewed as "a partner in values", which can only make limited contributions to the regional security conundrum.¹ Furthermore, its normative potential has been undermined by the difficulty of European countries to keep a strong united position on China, as could be seen in its weak support of the PCA ruling in June 2016. But much has changed since 2016. Brussels has become more alert to China's disruptive potential and adopted a more cautious foreign policy. A number of internal and external developments have also speeded up the EU's security and defence integration, enhancing its credibility as a global security actor.

As the Union aspires for observer status at the ADMM-Plus and the East Asia Summit (EAS), it is important for it to reassess its contribution to regional security—and the South China Sea case represents a useful case study. Its position is visible at three levels. First is the increased naval activity of some of its member states in the defence of Freedom of Navigation (FON). Second are the many dialogues and capacity-building exercises with ASEAN and individual Southeast Asian countries on various functional non-traditional maritime security issues. Finally, Europe continues to be a global normative heavyweight, which may be, given the currently fragile international rules-based order, one of its greatest assets.

BETWEEN PRINCIPLES AND PRAGMATISM

As with most international actors with no territorial claims in the SCS, the EU does not take any side in the disputes and maintains a position of 'principled neutrality' with regards to sovereignty issues. A normative power and a contracting party to UNCLOS, Brussels has always insisted on the importance of international law, promoted cooperative initiatives and urged parties to abide by international norms and principles for the peaceful resolution of the disputes.

This position is reflected in various forms in all of its official statements and documents related to Asia or maritime security in general. Already in 2012, the East Asia Policy

Guidelines encourage peaceful and cooperative solutions to the disputes, urging China and ASEAN to agree on a legally binding Code of Conduct.² The 2014 EU Maritime Security Strategy builds on the respect of international law, full compliance with UNCLOS, as well as the freedom of navigation as the basis for a stable global environment.³

Finally, the current EU Global Strategy (EUGS), published in June 2016, specifically vows to “uphold freedom of navigation, stand firm on the respect for international law, including the Law of the Sea and its arbitration procedures, and encourage the peaceful settlement of maritime disputes.” It also stresses the need to “build maritime capacities and support an ASEAN-led regional security architecture.”⁴

How much are these principles reflected in its foreign policy? The failure to formulate strong support of the PCA verdict on the Philippines vs. China case in July 2016 – only few weeks after the release of the EUGS - was a disappointment. After a series of declarations in support of international law by the EU High Representative/ Vice President Federica Mogherini in the run up to the verdict (both individually and within the G7 setting)⁵, Brussels’ final official statement was weakened by divergences among member states wary about jeopardizing their relationship with Beijing.

Did Brussels fail the test of its ability to play a greater security role in Asia? Although it did indeed partly undermine its credibility as a normative power, it was also a useful wakeup call, triggering a much-needed public debate across the continent. China’s mercantilist foreign policy and activities managed to drive a wedge into European unity and political cohesiveness. In a way, it helped to pave the way for a more cautious and a more proactive foreign policy.

Bilateral relations with Beijing and the interests of individual member states continue to weigh heavily on EU’s decision-making. The question of European arms sale to Southeast Asian claimants and dual-use technology transfers to China – arguably contributing to the military build-up in the South China Sea, further amplifies the ambiguity of Brussels’ policy towards the regional hotspot.⁶

Nonetheless, a shift towards a more grounded, realistic approach to global affairs is ongoing, as expressed in the EUGS and its guiding principles. What some have called ‘*realpolitik* with European characteristics’, the concept of “principled pragmatism” lowers the level of ambition when it comes to promoting democratization, for instance, and acknowledges the importance of hard power, urging for greater strategic autonomy for the Union.⁷ In the context of the South China Sea, this basically means for the EU to continue engaging China, while maintaining its normative discourse and tacitly supporting military actions of its member states.

Other principles of the Global Strategy are also reflected in the EU’s diversified approach to the South China Sea, such as the need to build “resilience” in foreign partners (capacity building of Southeast Asian countries), support “cooperative regional orders” (ASEAN’s political and security integration) and “mak(ing) greater practical contributions” to regional maritime security.

ALL FOR ONE, ONE FOR ALL

Despite increased integration in security and defence since 2016, the Union is still far from achieving its historical dream of having an “European army”. With the exception of ad hoc military missions (currently EUNAVFOR SOPHIA in the Mediterranean and EUNAVFOR ATALANTA off the coasts of Somalia), the EU is not a flag state and does not possess any permanent naval assets.

Aware of its operational limitations, the EU Maritime Security Strategy explicitly encourages member states “to play a strategic role in providing global reach, flexibility and access” for the Union, and use their armed forces to “support the freedom of navigation and contribute to global governance by deterring, preventing and countering illicit activities.”⁸ Two of the three member states that possess blue-water naval capabilities are currently actively engaged in defence of FON in the SCS.

France, with territories across the Indo-Pacific theatre, 9million km² EEZ and a permanent military presence in New Caledonia and French Polynesia, considers itself a legitimate, fully-fledged regional maritime security player. Regularly transiting regional waters, Paris had been standing up vocally for the defence of the FoN since 2016, after the then-Defence Minister Jean-Yves Le Drian pointed out the dangerous impact of Chinese behaviour in the South China Sea and beyond, including in the Arctic and the Mediterranean.

Besides defending France’s own strategic interests, Le Drian urged for a more proactive *European* role in the region, encouraging navies “to coordinate efforts to ensure a regular and visible presence in Asia’s maritime domain.”⁹ In a symbolic gesture, the subsequent Jeanne d’Arc mission, conducted in April 2017, accommodated 52 Royal Navy personnel, 12 officers of various European nationalities and an EU official (Chair of the European Committee for Asia and the Pacific), for the crossing of the South China Sea.

In 2018, French Defence Minister Florence Parly pledged to continue the exercises, joining forces with the UK, which shares the same “vision, values, and a willingness to achieve them.”¹⁰ Both countries also share close defence partnerships with India, Japan, Australia and the US. Despite the UK’s looming withdrawal from the Union, its security interests remain closely tied to those of Europe. It is also bound to defence cooperation with France by the 2010 Lancaster House agreements.

The UK, also home to the regional waters and active within the FPDA, joined the foreign presence in the SCS more recently, with the deployment of three ships in August 2018 to send “the strongest of signals” on the importance of freedom of navigation.¹¹ The preservation of a rules-based international order is vital to the survival of Britain in a post-BREXIT world. Its “Global Britain” strategy needs strengthened defence cooperation with Indo-Pacific partners if it is to reassure them of its lasting commitment to regional security and shared values.

While the motivations and the form of the French and the British FON activities vary, they send the same message, which serves the interests of all EU member states. In light of heightened tensions in the SCS since the beginning of 2019, it has been considered important for like-minded user countries to form a united front in defence of FON and the universal application of international law. Although Brussels and Washington may diverge

in their current positions on and treatment of China, they both share the same interest in preserving a free, rules-based global maritime domain.

More than ever, this determination could be felt at the latest Shangri La Dialogue. Against the backdrop of open rivalry between the US and China, representatives from Paris, London and Brussels all signalled Europe's strong interest and role in regional stability. In a powerful speech, Parly provided reassurance of France's obstinacy to defend the freedom of regional waters and multiply its exercises in the SCS.¹² By coming to Singapore with its Charles de Gaulle aircraft carrier and a full strike group, France was seeking to underscore its credibility and intention to match its words with deeds.

MORE THAN MEETS THE EYE

Although warships make the headlines and naval exercises are of critical symbolic importance, FON is not the only problem in the SCS. Diplomatic stand-offs due to the unresolved sovereignty disputes, overfishing, Illegal, Unreported and Unregulated (IUU) fishing, depletion of the marine natural habitat and the overall lack of governance are just some examples of challenges that cannot be resolved through military means.

If Europe is to effectively contribute to regional stability, it will have to make the best use of its extensive experience in crisis prevention, peaceful settlement of disputes, joint development of resources, expertise in international law and good ocean governance. Capacity building and best practice-sharing in all of the above are precisely what it has to do, and tries to do: both at the multilateral level, with ASEAN and within the ARF, as well as with individual Southeast Asian countries.

ASEAN remains its own prime interlocutor, however. Maritime security stands as its key priority for enhanced political and security cooperation in the ASEAN-EU Plan of Action 2018-2022, emphasising the importance of rule of law, FON, and peaceful resolution of disputes among other issues.¹³ Since 2013, the EU held five rounds of EU-ASEAN High-Level Dialogues on Maritime Security Cooperation, addressing port security, maritime law enforcement, marine resource management and conflict prevention.¹⁴ Maritime security, preventive diplomacy and mediation were the focus of EU-ASEAN Seminars on Security and Defence organised annually by the European Security and Defence College (ESDC) since 2014. Finally, the Enhanced Regional EU-ASEAN Dialogue Instrument (E-READI) is another platform dedicated to advance political-security integration of ASEAN, looking more specifically at fisheries policy, IUU fishing and marine natural environment.

In its current capacity as Co-chair of the ARF ISM on Maritime Security (together with Vietnam and Australia), the EU has been organising series of Workshops on Maritime Law Enforcement, promoting best practice-sharing and concrete measures for reducing regional tensions, enhancing Maritime Domain Awareness (MDA), land-sea and civil-military nexus (EU's 'comprehensive approach' to maritime crisis management), and IUU fishing.¹⁵

Maritime security and conflict prevention are among its top priorities when working with individual Southeast Asian partners.¹⁶ Cooperation with Vietnam has especially taken up since the 2012, culminating in the upcoming signature of Free Trade and Strategic Partnership Agreements in 2019.¹⁷ As part of deepening bilateral ties, the "EU-Vietnam

Strategic Dialogue Facility” held annual international High-Level Workshops on Maritime Security, addressing specifically territorial disputes, and sharing European and Asian expertise and best practices.¹⁸

Finally, Europe’s normative value should not be underestimated. If the defence of a global rules-based order is an obvious strategic interest, its involvement in promoting international ocean governance is less known. In 2016, the EU took up the leadership in the implementation of the 2030 UN Sustainable Development Agenda and its SDG 14 (the “Ocean chapter”) globally. Although a matter of low politics, collaborative, ecosystem-based management of living marine resources, joint research and data collection, as well as cooperation for the protection of the Sea’s rich marine environment, are not only vital for the preservation of the SCS; they are also increasingly acknowledged for their potential to ease regional tensions.

CONCLUSION

EU’s quest for recognition as a political and security actor in Asia is not new. Its ambition to gain a seat at the East Asia Summit and more recently observer status at the ADMM-Plus Expert Working Groups has been the subject of many debates, revolving around the central question of its effective value-added for regional security. It is therefore logical that its policies and actions in the South China Sea – the region’s most serious security hotspot – come under scrutiny.

For a long time, ASEAN’s opposition to EU’s membership in these fora has been an expression of doubt about its coherence, given the unfortunate record of over-promising and under-delivering.¹⁹ Moreover, being solicited as it is by other important external players (the US, Japan, India and Australia), ASEAN does not consider Europe, still a marginal global security actor, as a critical player to engage with.

But times have changed and the regional security environment has become more diverse and more complex. While geopolitical tensions remain the most visible feature of Southeast Asia’s strategic landscape, emerging non-traditional maritime security issues increasingly preoccupy ASEAN’s leadership, and efforts to set sovereignty issues aside and focus on conflict prevention, functional cooperation and dialogue in the SCS have been gaining ground.

More importantly, Europe’s attitude towards ASEAN and its member states has evolved. Once positioning itself as a self-entitled ‘natural partner’, Brussels realised that if it wants to be taken seriously, it has to go beyond empty political postures, and take rather concrete, practical actions to demonstrate its ability to bring about positive change.

Despite the revived security debate in Brussels, the EU is still not a traditional security player and certainly not a strategic game changer in the Indo-Pacific. However, its creative thinking on non-traditional issues, such as its comprehensive approach to crisis management (visible in its counter-piracy mission ATALANTA), functional expertise on good order at sea, HADR, and joint development of resources and fisheries management can be a valuable and lasting contribution to regional maritime security – in the South China Sea and beyond.

ADMM Plus is an ideal platform for external actors to engage with ASEAN on non-traditional security issues, and there is no doubt that the EU has sufficient operational skills, expertise and resources to provide a valuable input. Now that ASEAN has acknowledged the potential benefits of non-Plus countries observing the Expert Working Groups' activities²⁰, Brussels' application deserves to be considered within the new security context and with an open mind.

¹ Mathieu Duchâtel, "Europe and Maritime Security in the South China Sea", *Asia Policy*, No. 21, January 2016, pp. 54-58.

² Council of the European Union, "Guidelines on the EU's Foreign and Security Policy in East Asia", 15 June 2012,

http://eeas.europa.eu/archives/docs/asia/docs/guidelines_eu_foreign_sec_pol_east_asia_en.pdf

³ European Union Maritime Security Strategy, 2014,

<https://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2011205%202014%20INIT>

⁴ *Shared Vision, Common Action: A Stronger Europe; a Global Strategy for the European Union's Foreign and Security Policy*, June 2016, p.38. Full text at

http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

⁵ Eva Pejsova (ed.), 'Annex: extracts from key official documents relative to the position of the EU on the South China Sea', in *Sense and Sensibility: addressing the South China Sea disputes*, EUISS Report, May 2016, pp. 63-69.

⁶ Eva Pejsova (ed.), *Guns, Engines and Turbines: the EU's hard power in Asia*, EUISS Chaillot Paper, November 2018,

https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_149_Asia.pdf

⁷ Sven Biscop, "The EU Global Strategy: Realpolitik with European characteristics", Egmont Security Policy Brief, June 2016,

<http://www.egmontinstitute.be/content/uploads/2016/06/SPB75.pdf?type=pdf>

⁸ European Union Maritime Security Strategy, 24 June 2014, p.10

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⁹ Speech by Jean-Yves Le Drian,

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¹⁰ Speech by Florence Parly <https://www.defense.gouv.fr/english/minister/prises-de-parole-de-la-ministre/florence-parly-shangri-la-dialogue>

¹¹ Speech by Gavin Williamson in June 2018, <https://www.telegraph.co.uk/news/2018/06/03/uk-sends-strongest-signals-free-navigation-south-china-sea/>

¹² Speech by Florence Parly, 1 June 2019, https://www.defense.gouv.fr/salle-de-presse/discours/discours-de-florence-parly/discours-de-florence-parly-ministre-des-armees_allocation-au-shangri-la-dialogue

¹³ Full text at <https://asean.org/storage/2017/08/ASEAN-EU-POA-2018-2022-Final.pdf>

¹⁴ The HLDs were held in Jakarta (2013), Kuala Lumpur (2015), Bangkok (2016), Manila (2017) and Bali (2018).

¹⁵ First meeting held in Nha Trang in January 2019, second in Hanoi on 12-13 March 2019 and third is scheduled for 2020.

¹⁶ May 2018 "Council Conclusions on Enhanced EU Security cooperation in and with Asia" urge for concrete operational cooperative measures in maritime security with Indonesia and Vietnam.

¹⁷ The Agreements should be signed during the EU HR/VP Mogherini’s upcoming visit to Vietnam, at the beginning of June 2019.

¹⁸ 4 June, 2015, Ha Long, High-Level Workshop: Maritime issues and UNCLOS: sharing European and Asian approaches to territorial disputes; 9-10 June 2016, Ha Long, “Maritime security and Development: International Cooperation and European-Asian Experience Sharing”; 13 June, 2016, Hanoi, two roundtable meetings on “Maritime security: sharing experience with the EU”.

¹⁹ Sophie Boisseau du Rocher, “The EU’s strategic offensive with ASEAN”, GRIP Analysis, January 2014 https://www.grip.org/sites/grip.org/files/NOTES_ANALYSE/2014/NA_2014-01-08_EN_S-BOISSEAU.pdf

²⁰ Concept Paper on Observership in ADMM Plus Experts’ Working Group Activities adopted on 19 October 2018, full text at [https://admm.asean.org/dmdocuments/2018_Oct_12th%20ADMM_Singapore,%2019%20October%202018_\[Final\]%20Concept%20Paper%20on%20Observership%20of%20ADMM-Plus%20EWG%20Activities.pdf](https://admm.asean.org/dmdocuments/2018_Oct_12th%20ADMM_Singapore,%2019%20October%202018_[Final]%20Concept%20Paper%20on%20Observership%20of%20ADMM-Plus%20EWG%20Activities.pdf)

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