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# POLICY PAPER

Europe's Involvement in Indo-Pacific Security – a Real Role or Still (Pretty) Much Ado About Nothing?

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# **Robert Schuman Centre for Advanced Studies**

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#### **Abstract**

This paper critically examines the quality, impact and shortcomings of EU and European Indo-Pacific policy papers and strategies. While some European countries and the EU in Brussels have issued ambitious Indo-Pacific policies aimed at making substantive and sustainable contributions to security and stability in the Indo-Pacific region, it remains yet to be seen whether the reality of actual European contributions to security in the region will be able to catch up with the political rhetorical declarations in such contributions any time soon (or indeed ever). Leaving aside whether European Indo-Pacific policy papers will stand for the 'big bang' of a European role in and impact on security in the Indo-Pacific, there is no doubt that recent European and EU Indo-Pacific policy papers have above all been written and published 'because of China' and its aggressive policies related to territorial claims in the East and South China Seas. Certainly, EU and European interests in formulating and adopting Indo-Pacific security policies are also - to put it bluntly - the result of four years under the U.S. presidency of Donald Trump. Trump's often changing and (often) very erratic trade and security policies towards China from 2016 to 2020, together with his habit of treating European allies like adversaries, have undoubtedly contributed to the European decision to formulate and adopt its own independent Indo-Pacific policies. Donald Trump is gone, but when the EU had an opportunity to consult with the incoming U.S. administration led by President Joe Biden in December 2020 on respective policies towards the Indo-Pacific in general and China in particular, it chose not to. At the time, the EU Commission committed itself to adopting a comprehensive trade and investment agreement with China, ignoring U.S. reservations and instead insisting on demonstrating what in Brussels is referred to as 'strategic autonomy.' However, whether the European and EU Indo-Pacific policies will sustainably contribute to EU 'strategic autonomy' in the Indo-Pacific (and elsewhere) remains yet to be seen.

# Keywords

Indo-Pacific, France, Germany, EU Strategic Autonomy.

#### Introduction\*

Europe and the EU are setting sail towards the Indo-Pacific. Germany and the Netherlands published their Indo-Pacific policy guidelines in 2020.1 France adopted its Indo-Pacific strategy in 2018, while Britain followed suit in March 2021.2 Britain, of course, is not a newcomer to the Indian Ocean region. Since April 2018 Britain has maintained a naval support facility in Bahrain, in addition to what are referred to as its six 'permanent points of presence' in the Indian Ocean: Oman, Kenya, Brunei, Singapore, Diego Garcia and Qatar.<sup>3</sup> Finally, the EU too published its Indo-Pacific policy guidelines in April 2021. All of this is against the background of intensifying geopolitical competition and rivalry in the Indo-Pacific Region, with China at the centre of many of the region's conflicts. Indeed, there is (very) little doubt that Beijing building civilian facilities and military bases on disputed islands (such as the Paracel and Spratly Islands) and artificial geographical features around and close to disputed islands in the South China Sea, challenging Japanese sovereignty over the Senkaku Islands in the East China Sea and the increasingly frequent presence of Chinese naval military forces in the Indian Ocean have motivated the EU in its policy paper to announce what it calls an 'increased naval presence' in the Indo-Pacific. While this sounds significant on paper, the devil will be in the details. Brussels has yet to add the details of what this 'increased naval presence' will eventually result in: a semi-permanent or indeed permanent European naval presence in the East and/or South China Seas or instead occasional (but increasingly frequent) deployments of European naval forces in the Indo-Pacific? The German, French and the EU's Indo-Pacific policy papers discussed in this paper announce a more prominent and substantive involvement in security in the Indo-Pacific, including a 'meaningful naval presence' in the region, as the EU's April 2021 Indo-Pacific strategy paper states. The EU's Indo-Pacific strategy paper mentions a number of issues and areas which Brussels will be more involved in but, as is very often the case with EU policy or strategy papers, without mentioning many details explaining what exactly Brussels wants to do when and with whom in the Indo-Pacific. Policymakers in Brussels and EU Member State capitals confirm, albeit still and more often than not off the record, that there is increasing European interest in making a contribution to stability and security in the Indo-Pacific due to increasing Chinese assertiveness accompanied by successful Chinese attempts to tip the territorial status quo in the South China Sea in its favour, and this already since 2018 when the EU Council issued its Asia policy paper entitled 'Enhanced EU Security Cooperation in and with Asia' – a comprehensive and detailed policy paper listing numerous areas and issues on which Brussels is planning to intensify cooperation with a number of east,

<sup>\*</sup> Parts of the content of this paper have been published in an edited volume edited by Giulia Sciorati and Axel Berkofsky at the Istituto per gli Studi di Politica Internazionale (ISPI) in Milan.

The German guidelines are called 'Policy Guidelines for the Indo-Pacific.' The Dutch guidelines are called: 'Indo-Pacific: Guidelines for Strengthening Dutch and EU Cooperation with Partners in Asia.'

For the details of Britain's policies in and towards the Indo-Pacific, see "Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy March 2021, https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy.

For further details, see Chaudhury, Rahul-Roy, "Understanding the UK's Tilt Towards the Indo-Pacific," Chatham House Commentary April 15, 2021, https://www.iiss.org/blogs/analysis/2021/04/uk-indo-pacific-tilt.

southeast and South Asian countries.<sup>4</sup> These are nothing less than policies to contain China, Beijing has concluded. To state that Beijing is 'not happy' about an increased European interest and presence in the Indo-Pacific in general and the envisioned 'meaningful naval presence' is putting it mildly. China's so-called 'wolf-warrior diplomats' use Twitter and editorials in Chinese state-controlled and state-censored newspapers<sup>5</sup> to express their anger about Europe's plans to make more tangible contributions to security in the Indo-Pacific.<sup>6</sup> the sort of anger, aggressive rhetoric and threats that seem to have convinced European policymakers that observing (from a safe distance) China building military bases on disputed islands in the South China Sea, illegally interfering in Hong Kong's political and judicial affairs, oppressing and detaining Chinese citizens of Muslim faith in the Chinese province of Xinjiang and increasingly frequently intrusions into Taiwanese airspace<sup>7</sup> should no longer be an option. Indeed, Europe seems to be prepared to act on the (as good as inevitable) conclusion that issuing declarations - alone or jointly with, for example, Japan - reminding Beijing to adhere to international law has not led to China reducing its territorial expansionism in the South China Sea. In fact, guite the opposite has been the case in recent years. Verbally protesting against Chinese territorial expansionism did not and does not mean that Beijing has not continued to build military bases on artificially built islands close to disputed islands in the South China Sea. In fact, recent satellite footage has made it unambiguously clear that in recent years Beijing has instead accelerated the construction of military facilities there. A report by the geospatial software company Simularity published in February 2021 revealed what is most probably infrastructure for radar and antennae mounts as part of a military base on Mischief Reef. The Mischief is a ring-shaped coral reef located roughly 250 away from the Philippines and has been occupied by China since 1995, the kind of reef that China cannot legitimately claim as part of its territory as stipulated by the Permanent Court of Arbitration (PCA) in 2016. In fact, the PCA ruled that the Mischief Reef is located within the exclusive economic zone (EEZ) of the Philippines and therefore cannot be claimed by China.8 Other satellite pictures taken in March 2021 reveal that China has reclaimed land to extend Subi Reef in and around the Spratly Islands in the South China Sea. Photos taken by the space technology company Maxar show the land added to Subi Reef, which is also claimed by

See "Enhanced EU Security Cooperation in and with Asia," Council of the European Union, Brussels May 28, 2018, https://www.consilium.europa.eu/media/35456/st09265-re01-en18.pdf.

<sup>&</sup>lt;sup>5</sup> In essence all of China's newspapers.

Chinese 'wolf-warrior' diplomacy makes reference to a very popular Chinese action movie series in which Chinese soldiers and fighters easily and gloriously defeat China's adversaries and enemies. The language used in the Twitter accounts of China's Ministry of Foreign Affairs spokespersons in particular seems to have been inspired by the aforementioned Chinese (government-approved) action movie series, language and rhetoric aggressively defending China against accusations of all kinds via social media channels which are not accessible by ordinary Chinese citizens. Twitter is not accessible by the 'ordinary' Chinese citizen. See China's 'Wolf-Warrior Gamble. Foreign Policy is not like an Action Film,' The Economist May 30, 2020. See also Cheung, Rachel and Wilhelm, Benjamin, "Why China's 'Wolf-Warriors' Won't Back Down," World Politics Review (WPR) April 7, 2021, https://www.worldpoliticsreview.com/trend-lines/29554/china-s-wolf-warrior-diplomacy-is-here-to-stay.

See e.g. Taiwan: Record Number of China Jets Enter Air Zone, BBC News April 13, 2021; https://www.bbc.com/news/world-asia-56728072.

See, e.g., "South China Sea: Satellite Images Show China Building Full-Blown Military Bases on Artificial Islands," The New Zealand Herald, February 21, 2021, https://www.nzherald.co.nz/world/south-china-sea-satellite-images-show-china-building-full-blown-military-bases-on-artificial-islands/DAM22R4VYYCKYAZRPRION7ISXU/.

Vietnam and the Philippines.<sup>9</sup> Furthermore, since 2014 China has transformed a number of reefs and sandbars – often very far from its own shoreline – into man-made artificial islands fortified with missiles, runways and various weapons systems. In the Spratly archipelago, which is claimed by Brunei, China, Malaysia, the Philippines, Taiwan and Vietnam, Beijing has built 13 square kilometres of artificial islands on top of reefs and rock (on which it has deployed missiles).

Since March 2019 the EU has called China a 'systemic rival' and one does not meet and talk to many EU policymakers in Brussels these days who talk about successful attempts and policies to engage China politically. That said, however, on the record China continues to be mentioned in Brussels as a partner in tackling internationally relevant urgent topics and areas (these days the global fights against the Covid-19 pandemic and climate change are mentioned as areas where Europe and China will continue to cooperate despite all the problems and controversies on their bilateral agenda. 10 Outside the EU, Western democracies are joining forces to remind China (in vain) to respect and abide by international law and verdicts on who can and cannot claim land and maritime territory in the Indo-Pacific. In September 2020 the UK, Germany and France jointly submitted a Note Verbale to the United Nations (UN) urging Beijing to respect a verdict pronounced by The Hague-based Permanent Court of Arbitration (PCA) in 2016. In a case brought by the Philippines, the court ruled that China's historic territorial claims in the South China Sea were illegal and in non-compliance with international law as stipulated in the United Nations Convention on the Law of the Sea (UNCLOS).11 China, of course, did not amend, let alone reduce, its territorial claims just because three Western 'middle powers' requested it to do so. In fact, it did the very opposite. The aforementioned satellite pictures provide near-unambiguous evidence that China has accelerated the construction of military bases on islands the Permanent Court of Arbitration (PCA) has decided are not part of Chinese territory, even if Chinese maps drawn in the Ming and Qing dynasties provide Chinese evidence that 95 percent of the South China Sea belongs to China. That is as far as Beijing is prepared to 'negotiate' on territorial disputes in the South China Sea with Southeast Asian claimant countries (or anybody else for that matter), 'Negotiate' as in negotiating something that is not up for negotiation as far as Beijing is concerned. If it were any different, Beijing would not be building military bases on disputed islands in the South China Sea. It really is that simple and the fact that negotiations between China and ASEAN countries on a code of conduct in the South China Sea are all but completely defunct is further evidence that Beijing is not in any way prepared to have its territorial claims negotiated away by a group of Southeast Asian countries (all of which heavily depend on China for trade and investment (for further details on the elusive code of conduct see below).

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See Huang, Kristin, "South China Sea: China has Extended another Spratly Islands Reef, Photos Show," South China Morning Post March 24, 2021, https://www.scmp.com/news/china/military/article/3126656/south-china-sea-beijing-has-extended-another-spratly-islands.

There are more than 50 bilateral EU-China 'sectoral dialogues' operational today, dialogues dealing with e.g. regional policy, security, maritime security, education, environment, food safety, agriculture, industrial policy. For further details see EU-China 2020 Strategic Agenda for Cooperation, European External Action Service (EEAS) 2020 (no date of publication given), https://eeas.europa.eu/archives/docs/china/docs/eu-china\_2020\_strategic\_agenda\_en.pdf

See Ramos, Christia Marie, "UK, France, Germany Refute China's Expansive South China Sea Claims," Inquirer.Net September 18, 2020, https://globalnation.inquirer.net/190953/uk-france-germany-refute-chinas-expansive-south-china-sea-claims.

# **Defining the Indo-Pacific**

The Indo-Pacific region is comprised of the Indian and Pacific Oceans and is home to more than 30 percent of the global population. Half of the world's maritime trade, close to 50 percent of container traffic and 70 percent of global oil and gas travel through the Indian Ocean region. More than 40 percent of the world's offshore petroleum and mineral deposits are located in the Indian Ocean. 12 The term 'Indo-Pacific' is defined differently by different states according to their interests and presence in the region. For the 'resident power,' France, the Indo-Pacific extends from the shores of east and southern Africa to the coasts of North, Central and South America. For the U.S., the Indo-Pacific Region is significantly smaller, ending at India's shores. 13 The scholar Alan Gyngell argues that the Indo-Pacific is a "framing device, not a geographical reality – its proponents shape it around their different interests."14 India's Indo-Pacific's version, for example, Gyngell explains, is an extension of its 'Look East Policy' towards southeast Asia and a concept helping to defend India's geo-strategic interests in the region against Chinese political and economic interests and influence in countries like Pakistan, Bangladesh, Sri Lanka and the Maldives. For Tokyo too, the Indo-Pacific is above all (if not exclusively) about China, Gyngell explains. When Tokyo talks about 'free and open access' in the context of its 'Free and Open Indo-Pacific' (FOIP) policy, it means unrestricted access to maritime routes in the Indo-Pacific in the case of – you guessed it – Chinese attempts to limit and/or block free passage through the sea lines of communication in the Indo-Pacific, 'free and open' access guaranteed by the kind of cooperation and coordination practised in the framework of the quadrilateral Security Dialogue (Quad) initiated by then Japanese Prime Minister Shinzo Abe in 2007.<sup>15</sup>

# Setting Sail(s)

The EU's 27 Member States are exporting roughly 35 percent of their exports to the Indo-Pacific. 90 percent of these exports ship through the Indian and Pacific Oceans. 16 Europe and the U.S. under President Joe Biden agree on who is the elephant in the room and nowadays there is very little – if any – talk of engaging China politically. For their part, European countries have found that China really is a kind of 'systemic rival,' as the EU has called the country since March 2019: a dictatorship the approaches of which to international politics and security are so fundamentally different from EU approaches that

See, e.g., Timothy Doyle, "Blue Economy and the Ocean Rim," Journal of the Indian Ocean Region, Vol. 14, 2018, pp. 1-6; lyer, Gayathri, "Mega-ships in the Indian Ocean: Evaluating the Impact and Exploring Littoral Cooperation," ORF Occasional Paper No. 204, Observer Research Foundation July 2019, https://www.orfonline.org/research/mega-ships-in-the-indian-ocean-evaluating-the-impact-and-exploring-littoral-cooperation-53235/.

See Grare, Frederic, "France, the Other Indo-Pacific Power," Carnegie Endowment for International Peace October 21, 2020, https://carnegieendowment.org/2020/10/21/france-other-indo-pacific-power-pub-83000.

See Gyngell, Alan, "To Each their own Indo-Pacific," EastAsiaForum May 23, 2018, https://www.eastasiaforum.org/2018/05/23/to-each-their-own-indo-pacific/?utm\_source=newsletter&utm\_medium=email&utm\_campaign=newsletter2018-05-27.

For further details, see, e.g., Buchan, Patrick Gerard and Rimland, Benjamin "Defining the Diamond: The Past, Present, and Future of the Quadrilateral Security Dialogue," CSIS Brief, Center for Strategic and International Studies (CSIS) March 16, 2020, https://www.csis.org/analysis/defining-diamond-past-present-and-future-quadrilateral-security-dialogue.

Mohan, Garima, "A European Approach to the Indo-Pacific?," Global Public Policy Institute August 20, 2020, https://www.gppi.net/2020/08/20/a-european-approach-to-the-indo-pacific.

cooperation in international politics and security is an illusion more than anything else. Certainly, policymakers in EU Member States continue to reserve the right to decide without consulting EU policymakers and institutions - the extent to which they are prepared to mention China in the context of a 'systemic rivalry.' The occasional inner-European differences on how and to what extent to confront China upfront on its oppressive domestic and aggressive and expansionist policies aside, the UK and France are envisioning concrete security cooperation on the ground with Washington, Tokyo, Delhi and Canberra in the framework of the aforementioned Quad. In April 2021, for example, the four Quad countries - the US, India, Australia and Japan - joined a Franceled naval drill in the Bay of Bengal.<sup>17</sup> The French La Perouse<sup>18</sup> exercise was first conducted in 2019 and is part of what is referred to as 'Quad Plus' exercises. Pankaj Jha, the former deputy director of India's National Security Council Secretariat and today professor of defence and strategic studies at O.P. Jindal Global University, argues that France increasing its naval engagement with the Quad is also a reaction to China searching for mineral resources in waters around French territories in the Indian Ocean. "France has been aware of the fact that the Chinese have been making certain under sea moves [scavenging for minerals and resources], particularly in French territories in the Indian Ocean, so they wanted to do something that acts as a deterrent and also as a collaborative effort," he is cited as saying in an interview with the paper Nikkei Asia. 19 Furthermore, British defence planners are envisioning increasing naval coordination and collaboration with India and Japan as part of what is referred to as 'minilaterals' between like-minded countries in the Indo-Pacific region. This as part of the UK's so-called 'tilt' to the Indo-Pacific announced in 2021.20

# Calling a Spade a Spade

While Beijing might interpret Paris and London joining the Quad countries conducting military exercises in the Indo-Pacific as European countries joining US-driven China containment policies, conducting military manoeuvres among like-minded democracies protecting their common economic and security interests is not unusual, especially when there is a consensus that there is in essence one country that their economic and security interests must be defended against. This is where straightforwardness should be injected into the discourse: China constantly complains<sup>21</sup> about containment directed against it while refusing to accept (but certainly understanding) that Quad military exercises would not take place if it were not for Chinese aggressive territorial expansionism. Satellite pictures made public by European Space Imaging in March 2018 provide unambiguous evidence that China has built military bases on the disputed Spratly Islands in the South China Sea,<sup>22</sup> bases which would pose a direct threat to the safety of sea lanes of

See Sharma, Kiran and Penne-Lassus, Mailys, "France to Lead Quad Naval Drill in Indo-Pacific Challenge to China," Nikkei Asia April 2, 2021, https://asia.nikkei.com/Politics/International-relations/Indo-Pacific/France-to-lead-Quad-naval-drill-in-Indo-Pacific-challenge-to-China.

<sup>&</sup>lt;sup>18</sup> Named after an 18th century French explorer and naval officer.

<sup>&</sup>lt;sup>19</sup> Cited in Sharma, Kiran and Mailys, Penne-Lassus.

See, e.g., Mahima Duggal, "The Case for a Britain-India-Japan Trilateral," Council on Geostrategy May 21, 2021, https://www.geostrategy.org.uk/britains-world/the-case-for-a-britain-india-japan-trilateral/.

<sup>&</sup>lt;sup>21</sup> By means of, e.g., the above-mentioned Chinese 'wolf-warriors.'

See Bishton, Daniel, "Spratly Islands Military Bases Revealed" Spatial Source, March 6, 2018, https://www.spatialsource.com.au/gis-data/satellite-images-reveal-completed-military-bases-spratly-islands.

communication if and when Beijing decided to use them. Furthermore, Beijing continues to challenge the legitimacy of the Japanese-controlled Senkaku Islands in the East China Sea<sup>23</sup> and is sailing more and more frequently into the Indian Ocean and building up economic and military relations with countries such as India's arch-enemy Pakistan and recipients of large-scale Chinese investments such as Sri Lanka and Bangladesh. Of course, none of this comes for free. Sri Lanka, for example, owes China more money than it will ever be able to repay. This is how Beijing was able to pressure Sri Lanka into granting China territorial concessions in return for debt reduction – bad old Chinese 'debt trap' diplomacy, which is bound to increase the more China invests in poor developing countries (in Asia, Africa and elsewhere).<sup>24</sup>

## **About the Money**

Will Europe now begin making its presence felt in the Indian Ocean, the South China Sea and the East China Sea and consider the possibility of patrolling disputed Asian territorial waters and helping like-minded nations (Japan, India and Australia) keep Chinese territorial expansionism and ambitions in check? While only until recently EU policymakers and officials insisted that EU and European naval forces jointly patrolling the East and South China Seas was unrealistic, Brussels's 'meaningful naval presence' in the Indo-Pacific suggests that it now no longer categorically excludes the possibility of European naval vessels joining others – like the Quad countries – in patrolling international Asian waters which Beijing (wrongly) insists are part of Chinese territory. However, when exactly the European 'meaningful naval presence in the Indo-Pacific' will result in joint European-US or joint European-Japanese naval patrols in the East China and/or South China Seas remains to be seen. There is always money to be made (or not) in China, and Beijing's policymakers were in the past more than once able to count on European reluctance or indeed refusals to put human rights, freedom of speech and other, for China, 'controversial' issues at the top of the agenda of bilateral encounters with China in order not to jeopardise business and investment interests, which – as the recent past has shown - are in danger of being jeopardised should human rights be discussed for more than 10 seconds in a very general-sounding manner or in a half sentence uttered by European

The images show a deep water port, aerodromes, hangars, military barracks, communications infrastructure and a 2.7 km long runway on the Subi and Mischief reefs. See also James Griffith, "Beijing may have built bases in the South China Sea, but that doesn't mean it can defend them, report claims" CNN December 7, 2020, https://edition.cnn.com/2020/12/07/china/south-china-sea-bases-military-intl-hnk/index.html.

The Senkaku Islands have de facto been part of Japanese territory since the first Sino-Japanese War in 1894-1895. China claims that the islands (which are referred to as the Diaoyu Islands in China) have always been part of Chinese territory, while Tokyo maintains that they were 'terra nullius' when Tokyo annexed them in 1895. Because the Senkaku Islands were not part of the territories Japan was obliged render to China (or anybody else) with the adoption of the San Francisco Peace Treaty in 1951, Tokyo maintains that the islands continue to belong to Japan. China is contesting the Japanese affirmation that the islands did not belong to anybody when Tokyo annexed them in 1895. Instead, Beijing claims that the islands were an integral part of the Chinese Empire at the time, islands Japan should have rendered to China after World War II, Beijing insists. Instead, the Senkaku Islands were (together with the island of Okinawa) formally returned to Japanese sovereignty in May 1972. The islands have been under US administration since the adoption of the San Francisco Peace Treaty in 1951.

In 2017, in a 99-year lease the Sri Lankan Hambanthota Harbour was given to China Merchants Port Holding, a Chinese state-owned company. The Sri Lankan government granted the lease in order to reduce the debt it owed China deriving from previous loans. For details, see Abi-Habib, Maria, "How China Got Sri Lanka to Cough up a Port," New York Times June 28, 2018, https://www.nytimes.com/2018/06/25/world/asia/china-sri-lanka-port.html.

policymakers during official encounters. Consequently, Beijing's policymakers must have cheered when Europe's trade and investment ties with China made it to the top of the bilateral agenda at the end of 2020. On 30 December, the EU and China signed their longawaited bilateral trade and investment agreement - the EU-China Comprehensive Agreement on Investment (CAI), which had been negotiated on since 2014.<sup>25</sup> The bilateral trade agreement made it very clear that the German-led EU Commission decided in December of last year to let (above all German) business rule over principles, taking at face value implausible assurances that Beijing will abide by international labour rights standards. Beijing's previously categorical refusal to abide by these standards had been the last stumbling block before the signing of the agreement. The CAI, however, merely stipulates that Beijing will "make continued and sustained efforts" to ratify the International Labour Organisation's (ILO) labour protection conventions, a de facto free pass for China not to do anything about labour rights as the agreement does not in any way legally oblige it to do so.<sup>26</sup> Chinese scholars have no illusions either about the fact that China will not address domestic labour conditions just because it made a half-hearted commitment to the EU to do so. Shi Yinhong of Renmin University in Beijing, for example, concludes that Beijing ratifying ILO labour conventions is quite simply not going to take place: "On labour it is impossible for China to agree. Can you imagine China with independent labour unions?" Shi said in an interview with the Financial Times on 2 January 2021. No, indeed we cannot and the EU Commission officials too must have been aware that the words 'China' and 'ILO labour conventions' do not – to put it bluntly - sit well together in the same sentence.<sup>27</sup> However, in retrospect it is next to completely incomprehensible why the EU Commission agreed to trust Beijing on its (very) half-hearted commitment to make efforts to comply with ILO labour standards.<sup>28</sup>

In fact, the EU Commission's decision to give Beijing the benefit of the doubt, i.e. naively believing that Beijing was prepared to work towards endorsing and adopting ILO labour conventions, when it agreed to sign the CAI in late December 2020 is for the agreement's critics the confirmation that the EU Commission allowed its global geopolitical credibility to be reduced enormously<sup>29</sup> in return for what European multinational companies hope will result in less complicated and more substantive access to the Chinese market, including the government procurement and financial markets. German policymakers – with the support of (or indeed under pressure from) Siemens, Volkswagen<sup>30</sup> and other German multinational corporations with very significant long-term investments in China – all supported the trade

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See, e.g., Brunsden, Jim, Khan, Mehreen and Peel, Michael, "EU Hails China Deal despite Risk of Conflict with Biden White House," Financial Times December 30, 2020. Also see Brunsden, Jim, Peel, Michael and Fleming, Sam, "Human Rights Questions Remain over Brussels-Beijing Pact," Financial Times December 31, 2020.

See Mitchell, Tom and Mason, Katrina, "Xi's Trade Deal with the EU Rings Alarm Bells in US," Financial Times January 2, 2021.

See also "EU-China Investment Deal Leaves a Lot to be Desired," Merics China Briefing, January 14, 2021, https://merics.org/en/briefing/eu-china-investment-deal-leaves-lot-be-desired.

As incomprehensible as it sounds and unfortunately is, the EU Commission and EU Member States agreed that European NGOs operating in China will with the adoption accept the Chinese request that all European NGOs in China must be headed by a Chinese director. Again, how the EU agreed on such a clause in the agreement is a mystery to this author as it runs counter to how European NGOs operate in Europe (and other democratic countries): they choose their staff alone and without influence and instructions from the government, hence the attribute 'non-governmental' organisations. Instead, there is next to no doubt that a Chinese director chosen to head a European NGO operating in China will be chosen directly by the Chinese government.

<sup>&</sup>lt;sup>29</sup> The Western press spoke about handing China an easy 'strategic victory' at the time. And it really did.

<sup>&</sup>lt;sup>30</sup> German carmaker Volkswagen, for example, generates close to 50 percent of its revenue in China.

agreement with China. This is obviously not a surprise, but despite evidence to the contrary Berlin continues to claim that economic engagement with China will favour and promote political engagement. In reality, European and Chinese companies are selling and buying goods and services from each other and there is no empirical or factual evidence that such an exchange of goods and services has facilitated EU-Chinese political engagement. In reality, Berlin's 'change through trade'<sup>31</sup> approach did not in any way facilitate political engagement with China and neither did it encourage Beijing's policymakers to respond positively to European requests for it to respect human rights, the rule of law and freedom of speech.<sup>32</sup>

Brussels's December 2020 decision to sign a trade agreement with China at a time when Chinese oppressive domestic and aggressive foreign policies were reported in the press on a daily basis was all the more remarkable as the EU Commission led by Ursula von der Leyen announced in 2019 it would be a 'geo-political' EU Commission. The EU's signature on the CAI is arguably the very opposite of a geo-politically smart and/or astute policy move – unless, cynically speaking, Brussel's geo-political strategy was to cave in to pressure from Chinese and European business as quickly as possible. Either way, the EU Commission agreeing to sign the trade agreement with China handed Beijing an enormous strategic victory and confirmation that Brussels allowed business to rule over principle in its relations with China (a victory, however, that would not turn out to be sustainable as the EU Commission announced in March that the adoption of the agreement is as good as completely off the agenda any time soon. This happened when Beijing imposed sanctions on a number of European politicians and scholars). From a geopolitical point of view again, the decision not to talk to and consult with Washington before signing the trade agreement with China is close to inexplicable, 33 a Washington governed by President Joe Biden and the same Washington that Europe and the EU is (or rather should be) envisioning security cooperation with in the Indo-Pacific (against the background of aggressive Chinese foreign and security policies, and those related to territorial claims in particular). This was clearly a missed opportunity for Brussels to demonstrate its ability to think and act strategically and EU initial attempts to sell its signature on the CAI as part of what in Brussels these days is referred to as 'strategic autonomy' today ring very hollow. In fact, the EU could have demonstrated its mastery of 'strategic autonomy' if it had resisted pressure from Beijing and at the time probably more importantly from European and German multinational companies and had not agreed to sign the CAI at the end of 2020.34 Then again, the chances of the agreement passing the European Parliament are currently non-existent, mainly because Beijing imposed the aforementioned sanctions on EU parliamentarians and scholars in a tit-for-tat retaliation for Brussels sanctioning Chinese politicians and entrepreneurs associated with the operation of so-called 're-education camps' in Xinjiang.35

Wandel durch Handel in German, today in 2021 an empty slogan not in any way reflecting reality: trade did not lead to change in China as regards human rights and the rule of law – or the lack thereof – in China.

<sup>&</sup>lt;sup>32</sup> See also Brunsden, Jim and Yang, Yuan, "Sanctions Row Threatens EU-China Investment Deal," Financial Times, March 24, 2021.

For an analysis of the repercussions of Brussels' decision to sign the trade agreement with China in de facto dismissal of the US, see, e.g., Small, Andrew, "How not to Work with the Biden Administration" https://ecfr.eu/article/europes-china-deal-how-not-to-work-with-the-biden-administration/.

<sup>&</sup>lt;sup>34</sup> For a critical assessment of what the EU calls 'strategic autonomy,' see e.g. Richard Youngs, "The EU's Strategic Autonomy Trap," Carnegie Europe, March 8, 2021, https://carnegieeurope.eu/2021/03/08/eu-s-strategic-autonomy-trap-pub-83955

While there is not necessarily an immediate and direct connection between oppressive Chinese policies in Xinjiang and European interests in and policies towards the Indo-Pacific, Chinese repression against Muslims in Xinjiang is part of the bigger picture of Chinese domestic and foreign policies which are perceived as aggressive inside and outside the region. The overall population of Xinjiang amounts to roughly 24 million. Half the population (roughly 12 million) are Muslim Uyghurs.

#### French Indo-Pacific Guidelines

France's Indo-Pacific strategy was published in 2018. The self-declared 'resident power,' Paris explains, is determined to defend French territorial sovereignty in the region: the islands of Mayotte and La Réunion, the Scattered Islands and the French Southern and Antarctic Territories in the southern part of the Indian Ocean. Furthermore, France has territories in New Caledonia, Wallis and Futuna, French Polynesia and Clipperton Island. Overall, 1.6 million French citizens live in the Indo-Pacific Region and about 8,000 French troops are permanently based there. France's relations with its overseas territories are far from problem-free - some of them could seek independence from their former colonial masters in the future. French sovereignty is currently – sometimes more, sometimes less prominently – contested in New Caledonia and French Polynesia, while the governments of Mauritius and Madagascar are challenging France over control of Tromelin Island and the Scattered Islands (both part of the French Southern and Antarctic Lands). France's Indo-Pacific strategy will therefore only be successful, Frederic Grare argues, "... if France's overseas territories redefine their relations with the metropolis to become vectors of political, diplomatic, military, economic and cultural influence." That, however, is only one way of interpreting France's policies towards its overseas territories, and it is probably accurate to doubt that everybody in France's overseas territories is enthusiastic about Paris deciding that the population in the territories needs to continue to embrace the French cultural and political heritage. Although the 8,000 French troops can probably not be deemed a 'massive' military presence in the Indo-Pacific region, they are very well equipped. In the United Arab Emirates (UAE) and Djibouti, Paris has deployed six Rafale fighter jets and four Mirage-2000 fighters respectively. In the southern Indian Ocean French troops are stationed on La Réunion and Mayotte islands and they operate two surveillance frigates, a supply and support vessel, two patrol vessels and two tactical transport aircraft. In the Pacific Ocean, French troops are stationed in New Caledonia and French Polynesia, operating two surveillance frigates, each equipped with a helicopter, three patrol vessels, two multi-mission ships, five maritime surveillance aircraft and four tactical transport aircraft. Furthermore, Paris has 18 resident and non-resident defence attachés stationed in 33 countries in the Indo-Pacific Region. Finally, France is working with the regional centres charged with the surveillance of maritime spaces and sea lines of communication of the region. France has deployed three naval officers in the Information Fusion Center of Singapore (IFC), the Regional Centre for the Fusion of Maritime Information (CRFIM) in Madagascar and the Information Fusion Center, Indian Ocean Region (IFC-IOR) located in New Delhi. Finally, Grare cites French President Macron's speeches on the Indo-Pacific in 2018, in which he spoke among other things about the challenges posed by China's military rise, Sino-US rivalry and tensions, and most importantly about what he called an 'axis of cooperation between Canberra, Delhi and Paris.' In September 2019, Grare writes, Macron positioned France as a 'balancing power' in the Indo-Pacific. This sounds like an ambitious and indeed grandiose statement, but Paris has yet to explain what concrete policies it is planning to adopt to make a 'balancing power' out of France in the Indo-Pacific, unless announcing it will cooperate with the U.S. navy in the Indo-Pacific bilaterally or in the framework of the Quad is what it understands as 'balancing.' Furthermore, the French Ministry of Defence identifies access to deep water resources, the expansion of military power projection capabilities, antiaccess/area denial capabilities and advances in cyberspace and satellite capabilities as

challenges Paris needs to meet in order to compete with China in the region.<sup>36</sup> To address these issues, Paris is planning to expand the country's security ties with Australia, India, Japan, Malaysia, New Zealand, Indonesia and Vietnam.

## Berlin's Indo-Pacific Guidelines – Little Substance, Vague and Lacking Focus

The Indo-Pacific policy guidelines that Germany released in 2020 are not – to put it bluntly - the 'big bang' of tangible and measurable German contributions to security in the Indo-Pacific.<sup>37</sup> The guidelines talk about increased German security engagement in the region through port calls, joint exercises and protection of global maritime trade routes. Furthermore, the guidelines call for a 'diversification of its partnerships in the region beyond China.' This statement sounds awkward, as in reality there are no German political and security ties with China that could be referred to as 'partnerships.' Instead, Germany's engagement with China is above all aimed at facilitating and promoting the expansion of trade and business ties with German companies and investors.<sup>38</sup> Moving beyond diplomatic wishful thinking and formulas which do not describe the reality of the security environment in the Indo-Pacific, Germany's political and security 'partnerships' in Asia/the Indo-Pacific Region exist with fellow democracies in the region, such as Japan, Australia, India and South Korea, not least due to the fact that security partnerships of any substance and consequence between democratic and authoritarian countries are quite simply nowhere to be found in international politics. Consequently, Berlin's suggestion in its Indo-Pacific guidelines that Germany entertains a 'partnership' with China is implausible and does not reflect the realities on the ground. In fairness, suggesting (or hoping) that China is still a partner despite all the, for Germany (and Europe), very problematic issues on Beijing's (oppressive) domestic and assertive/aggressive foreign and security policy agenda is part of what is left of (well-meant) German and European attempts to engage with Beijing politically.

Furthermore, numerous times (more than 60 times) the German guidelines mention the Indo-Pacific as an 'ASEAN-centric' security architecture. This is despite the fact that ASEAN's role in and actual impact on (hard) security issues and (existing and potential) security conflicts in the Indo-Pacific must at best be described as very limited. ASEAN – often under pressure from China – typically cites its almost sacred 'principle of non-interference' when it chooses to not criticise Chinese territorial expansionism policies in a very clear-cut manner. Chinese threats of economic retaliation have proven efficient at keeping southeast Asian countries (which count and indeed depend on Chinese investments) from becoming too outspoken about Beijing building military bases on or close to islands that are subject to territorial disputes

For details, see also "France and Security in the Indo-Pacific," Ministère des Armes France, May 2019, https://www.defense.gouv.fr/layout/set/print/content/download/532754/9176250/version/3/file/France+and+Security+in+the+Indo-Pacific+-+2019.pdf.

See "German-Europe-Asia. Shaping the 21st Century Together," Federal German Foreign Office, Berlin, August 2020, https://www.auswaertiges-amt.de/blob/2380514/f9784f7e3b3fa1bd7c5446d274a4169e/200901-indopazifik-leitlinien--1--data.pdf. For further details, see also Mohan, Garima, "Germany Gets On Board With The Indo-Pacific," 9DashLine, September 11, 2020; https://www.9dashline.com/article/germany-gets-on-board-the-indo-pacific and Singh, Gurjit, "Germany Takes View of the Indo-Pacific," Observer Research Foundation (ORF), October 1, 2020, https://www.orfonline.org/expert-speak/germany-takes-view-indo-pacific/.

Certainly, Germany's efforts – similar to those of other European countries – are above all aimed at facilitating the creation of a level playing field for German companies investing in China, making sure that they can invest in business and industrial sectors as freely as Chinese companies can invest in Germany (in accordance with what the EU calls the 'principle of reciprocity' when talking about trade and investment ties with China).

between China and themselves. This is hardly the kind of 'ASEAN-centred' security environment Germany's Indo-Pacific guidelines describe. ASEAN's security forum, the ASEAN Regional Forum (ARF), does not get sustainably involved in, let alone resolve, security conflicts in the region in general and territorial disputes in particular either. Since it was established in 1994, the ARF<sup>39</sup> has been an informal gathering of heads of states, not equipped with the authority or instruments to make legally-binding decisions.

Berlin seems to have concluded that the elusive code of conduct between China and ASEAN on territorial disputes can resolve tensions and territorial disputes in the South China Sea, the scholar Andreas Fulda writes. In reality, negotiations on the China-ASEAN Code of Conduct (COC) for the South China Sea have not made any progress at all and it indeed seems very unlikely that the code could be adopted any time soon (or if at all). Moreover, such a code has now de facto become obsolete as China is occupying the very islands in the South China Sea it has committed itself to negotiate on with ASEAN since 2002. Finally, the code will not be signed because China continues to categorically reject UNCLOS provisions on the South China Sea, obviously because these provisions – as was the case in 2016 when UNCLOS stipulated that China's historical territorial claims in the South China Sea were in non-compliance with international law – do not confirm China's territorial claims. For their part, ASEAN members will not meet China's requests to not conduct military exercises with outside parties as a precondition for Beijing signing a code of conduct with ASEAN. Needless to say, the Quad countries in general and the U.S. in particular are meant by 'outside parties.'

Finally, the German guidelines talk about the involvement of NATO in security in the Indo-Pacific through cooperation with Japan and South Korea (both are NATO dialogue partners belonging to a group of countries which are referred to as 'partners across the globe'<sup>43</sup>), however, without offering any details whatsoever on how Japan and South Korea would or could contribute to NATO's (possible) role in security in the Indo-Pacific. The guidelines furthermore mention a proposed partnership with India (India is mentioned 57 times in the document). Cooperation on non-traditional security issues, such as climate change, environmental security and public health is mentioned in this context. The aforementioned Andreas Fulda mentions what Berlin does not in its guidelines: China's disinformation campaigns on social media on Taiwan. Berlin – like the EU – (so far) shies away from naming China as the main source of disinformation campaigns on the internet in general and on social media in particular (above all Twitter). The guidelines merely mention disinformation spread by 'authoritarian states,' despite the fact that there is ample evidence of Chinese disinformation

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The ARF comprises 27 members: the 10 ASEAN member states (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam), the 10 ASEAN dialogue partners (Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States), Bangladesh, North Korea, Mongolia, Pakistan, Sri Lanka, Timor-Leste and one ASEAN observer (Papua New Guinea).

See Andreas Fulda, "Germany's New Policy Paper for the Indo-Pacific: Some Change in Tone, Little in Substance" RUSI Commentary, September 11, 2020; https://rusi.org/commentary/germanys-new-policy-paperindo-pacific-some-change-tone-little-substance.

See, e.g., Hoang, Viet, "The Code of Conduct for the South China Sea: A Long and Bumpy Road," The Diplomat, September 28, 2020, https://thediplomat.com/2020/09/the-code-of-conduct-for-the-south-china-sea-a-long-and-bumpy-road/

See also "In the South China Sea, America is Churning Waters Claimed by China," The Economist, July 25, 2020, https://www.economist.com/asia/2020/07/23/in-the-south-china-sea-america-is-churning-waters-claimed-by-china.

<sup>&</sup>lt;sup>43</sup> Together with, e.g., Finland, Australia and New Zealand.

campaigns, Fulda writes.<sup>44</sup> Not mentioning Taiwan in the guidelines, on the other hand, amounts to Berlin all but completely caving in to China's insistence that Taiwan is not an autonomous/independent country but instead merely a renegade Chinese province – an anachronistic (Chinese) assessment which does not reflect reality. This however should not have kept Berlin from mentioning Taiwan and the Taiwan Straits as relevant to Germany's involvement in Asian/Indo-Pacific security.<sup>45</sup>

German policymakers' public complaints about China unilaterally altering the territorial status quo in Asian territorial waters in dismissal and disregard of international law are similar to how the EU institutions in Brussels (minus the European Parliament, which unlike the EU Commission and EU External Action Service (EEA) is very outspoken when it comes to China ignoring and breaking international law and international treaties it has signed<sup>46</sup>) approach China: expressing concerns (often to no avail) on a steadily increasing number of Chinese regional policies while at the same time not giving up hope of cooperating with China in a few 'uncontroversial' areas such as climate change. Not only is this probably over-optimistic (i.e. very unrealistic) but the number of 'controversial' issues the EU is (seemingly and at times) increasingly willing to confront Beijing on is growing constantly. Australia, Canada, the UK and the EU have all confronted China on human rights violations, torture, and forced sterilisation in Xinjiang, and have all felt the effects on political and trade relations.<sup>47</sup> In sum, it is accurate to conclude that the German guidelines do not allow the outside observer and analyst to identify anything resembling a well-thought-through strategy. Instead, the guidelines read like a shopping list of political and security issues in the Indo-Pacific that Germany may or may not address in the years ahead.

#### **French-German Differences**

Mathieu Duchâtel and Garima Mohan write that Paris and Berlin are pursuing Indo-Pacific strategies that are not necessarily compatible. While the French policy approach to the Indo-Pacific is, as they argue, compatible with US policy goals and objectives in the Indo-Pacific, the German Indo-Pacific strategy is not.<sup>48</sup> The French Indo-Pacific policy strategy paper and that issued by the US State Department in November 2019 both list a free and open Indo-Pacific characterised by adherence to international law, freedom of navigation

<sup>&</sup>lt;sup>44</sup> Indeed, even a quick glance at the Twitter accounts of Chinese diplomats posted all over the world reveals Chinese government propaganda vehemently defending Beijing against anything resembling criticism or an 'external' opinion other than unconditional admiration for Chinese leader Xi Jinping, disinformation featuring many false data, facts and information, attempting to discredit those (governments, scholars, international organisations, Amnesty International, you name it) who 'dare' to criticise China.

Furthermore, history – in this case the Chinese civil war from 1945 to 1949 – created facts on the (Chinese) ground a long time ago. The creation of two countries: the PRC and the ROC (Republic of China, i.e. Taiwan).

<sup>&</sup>lt;sup>46</sup> Like, e.g., the British-Sino Joint Declaration adopted in 1984 guaranteeing Hong Kong political and judicial autonomy until 2047.

<sup>&</sup>lt;sup>47</sup> See Uighurs: Western Countries Sanction China over Rights Abuses; BBC News, March 22, 2021 https://www.bbc.com/news/world-europe-56487162; and Robin Emmott and David Brunnstrom, "West Sanctions China over Xinjiang Abuses, Beijing Hits back at EU," Reuters, March 22, 2021.

Duchâtel, Mathieu and Mohan, Garima, "Franco-German Divergences in the Indo-Pacific: The Risk of Strategic Dilution," Institut Montaigne, October 30, 2020; https://www.institutmontaigne.org/en/blog/franco-german-divergences-indo-pacific-risk-strategic-dilution; see also Gurjit Singh, "Germany Takes View of the Indo-Pacific," Observer Research Foundation (ORF), October 1, 2020, https://www.orfonline.org/expert-speak/germany-takes-view-indo-pacific/.

in international territorial waters and freedom from coercion as priority areas.<sup>49</sup> Duchâtel and Mohan point out that the German guidelines do not reflect similar priorities and neither do they provide any details on other possible bilateral or multilateral partnerships in the region. In contrast, the French guidelines mention the expansion of bilateral, trilateral and multilateral ties with Australia, India and Japan. While this might be true, Paris talking about expanding French bilateral or multilateral security ties in the Indo-Pacific is not the same as actually doing it. However, Paris's decision to envision on-the-ground collaboration with the Quad is evidence that France is prepared to follow-up on its Indo-Pacific policy paper with concrete action. France is the self-proclaimed 'resident power' while Germany has the luxury of 'only' protecting its business and investment interests in the region (and not German citizens who through colonialism became German citizens against their will - next to the annexation of territory, the essence of bad old Western/European colonialism). Germany's naval command on more than one occasion in 2020 emphasised that it is able to deploy only one frigate to the Indo-Pacific without jeopardising the German navy's other ongoing missions. This is why cooperation between naval forces is potentially very important. Britain's Royal Navy is willing to cooperate with the Quad countries in the Indo-Pacific/Indian Ocean Region.<sup>50</sup> France too has shown interest and there is little doubt that Western democracies with a naval presence are naturally inclined to cooperate with fellow democracies in the Quad framework. It makes operational sense for like-minded democracies to cooperate wherever feasible. For now, however, the Quad is not an institution but a group of like-minded countries that gather for military exercises and consultations on regional security issues. Certainly, it is unlikely that the Quad would exist if Beijing did not have and did not act on its territorial expansionism ambitions in the East China Sea. Call it deterrence, call it containment, but it is very obvious that the Quad exists because of China and its territorial expansionism.

# Berlin Setting Sail & Teaming up with Tokyo

In November 2019, Berlin decided to set sail to the Pacific Ocean. It announced the deployment of a naval frigate to the Indian Ocean in 2020, including a transit through the South China Sea. <sup>51</sup> The global pandemic, however, prevented the deployment at the time. In March of this year Berlin announced the vessel would be deployed in the Indo-Pacific Region in August 2021 and would return to Germany six months later. <sup>52</sup> The German frigate will also reportedly sail towards the Korean Peninsula to join a multinational mission monitoring the United Nations sanctions regime imposed on North Korea. On its way back to Europe, the German naval vessel will also sail through the South China Sea, albeit not within 12 nautical miles (nm) of Chinese-claimed territories in the region, as the German government was quick to point out at the time. According to the United Nations Convention on the Law of the Seas (UNCLOS), every state has the right to establish what UNCLOS

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See also Samaranayake, Nilanthi, "Future US-France Cooperation: Think Indo-Pacific. Does Franco-American Cooperation in the Indo-Pacific have Room to Grow?" The Diplomat, February 3, 2020, https://thediplomat.com/2020/02/future-us-france-cooperation-think-indo-pacific/.

<sup>&</sup>lt;sup>50</sup> A former British Defence Secretary confirmed this when speaking to the author in December 2020.

See Müller, Björn, "Marine Plant die Entsendung einer Fregatte in den Indo-Pazifik," Pivot Area, November 26, 2019. https://www.pivotarea.eu/2019/11/26/fregatte-in-den-indo-pazifik/.

See Leithäuser, Johannes "Deutschland Entsendet Fregatte in Ostasiatische Gewässer," Frankfurter Allgemeine Zeitung, March 2, 2021. https://www.faz.net/aktuell/politik/inland/deutschland-entsendet-fregatte-in-indo-pazifik-raum-17224589.html.

defines as 'territorial sea' to the extent of 12 nautical miles.<sup>53</sup> Within this zone, coastal states exercise sovereignty over the air space above the sea, the seabed and the subsoil. By announcing it would not sail within 12 nautical miles of Chinese-claimed disputed islands in the South China Sea, Berlin is giving the impression it has de facto recognised Beijing's illegal territorial claims in the South China Sea. Otherwise, the German frigate could or would sail into Beijing's self-declared 12 nautical mile zone, not recognising it as such but instead as international waters. This in turn would confirm that Berlin does not recognise China's territorial claims in the South China Sea in accordance with the verdict issued by the Permanent Court of Arbitration in 2016. Berlin, however, has decided against challenging Chinese illegal territorial claims in the South China Sea. All of this unfortunately means that the German mission to the South China Sea is a potentially counterproductive exercise as it de facto recognises Chinese territorial sovereignty over disputed islands. In the past the U.S. navy has conducted freedom of navigation operations (FONOPs) in the South China Sea, challenging (now officially illegal) Chinese territorial claims there. This entailed U.S. navy vessels sailing within 12 nautical miles of Chinese-claimed islands. Beijing of course protested every time this happened, which is most probably the reason why the German navy has ruled out conducting similar FONOPs in the South China Sea. Instead, it has decided that its frigate will navigate on a zig-zag course around the Chinese-defined 12 nautical mile zone. In fairness, the U.S. is currently the only country conducting FONOPs in the South China Sea, including sailing into China's unilaterally defined 12 nautical mile zone around disputed islands. Washington's Asian allies and fellow Quad countries, Japan, India and Australia, have so far been reluctant to join U.S.-led FONOPs.<sup>54</sup> That said, however, other countries not officially joining U.S. FONOPs does not mean that only the U.S. navy is patrolling the South China Sea. Among others, a French submarine has recently been patrolling the South China Sea and British naval forces, including a new aircraft carrier, are expected to do their share of patrolling there. Berlin, on the other hand, by explicitly and a priori reassuring China that it is adjusting its course in the South China Sea according to Chinese (since 2016 officially illegal) territorial claims, has made an announcement devoid of political courage or common sense – a declaration from a government determined to do (almost) everything possible to make sure that its navy's passage through the South China Sea goes as unnoticed as possible in Beijing.

The past has shown that foreign vessels sailing through the South China Sea have always and in any event led to Chinese protests and accusations of violating alleged Chinese national territory. It can therefore be assumed that even if the German vessel does not sail within 12 nautical miles of Chinese-claimed land, Beijing will complain in any event when and once the German frigate shows up in the South China Sea. This might be the whole point of German and European naval vessels sailing into international waters claimed by China in the region.

There is more indicating that Berlin is worried about Beijing's disapproval as regards German vessels sailing close to or into the South China Sea. Michito Tsuruoka and Hans Kundnani cite the concerns of (German) officials in a May 2021 Chatham House commentary that a scheduled port visit of the German frigate to Shanghai could further convey the impression that Berlin had previously asked Beijing for permission to enter the South China

According to UNCLOS, Territorial sea extends to a limit of 12 nautical miles from the baseline of a coastal state.

<sup>&</sup>lt;sup>54</sup> "The Quad is Finding its Purpose, at Last," The Economist, June 12, 2021, https://www.economist.com/asia/2021/06/12/the-quad-is-finding-its-purpose-at-last.

Sea.<sup>55</sup> This is because, Tsuruoka and Kundnami suggest, Beijing would indeed not have granted the German frigate Bayern to stop in Shanghai if the frigate sailed into the South China Sea against its will. Tsuruoka and Kundnani follow up on Berlin's possible concerns about China's reaction to German naval movements in the Indo-Pacific by pointing out that recent changes to the German deployment plan make encounters between German and other European naval forces deployed in the Indo-Pacific unlikely or indeed impossible. Before Berlin's Ministry of Defence made these changes, Germany's frigate could have joined three overlapping deployments in the region: the British carrier strike group led by HMS Queen Elizabeth II, a Dutch frigate and the French Mistral-class amphibious assault ship Tonnerre. These encounters are not going to take place as the German frigate will now travel anticlockwise through the Indian Ocean. "So, rather than coordinating with European allies, let alone the United States, Germany is doing its own thing – a missed opportunity," according to a German official cited by Tsuruoka and Kundnani. Indeed.

In early April 2021 Tokyo and Berlin announced they would hold their first 2+2 discussions on security in the Indo-Pacific (a meeting of the German and Japanese defence and foreign ministers).<sup>56</sup> Nikkei Asia was quick to identify a shift in German foreign and security policies towards China, accompanied by increased German on-the-ground contributions to security in the Indo-Pacific.<sup>57</sup> However, this might turn out to be premature. Discussing security in the Indo-Pacific with Tokyo is relevant and constructive but it does not mean that the talks will lead to German and Japanese navies jointly policing Chinese intrusions in the East China Sea, something Tokyo has wanted European countries and their navies to do for some time. If the German navy joined the Japanese navy patrolling in the East China Sea, the symbolic German contribution to security in the Indo-Pacific would indeed become a very concrete one. However, there are obstacles to this taking place any time soon. Sailing towards and through the South China Sea on an 'innocent' passage, as mentioned above, is one thing. It is quite another to jointly patrol the East China Sea alongside Japan's navy - from a Chinese perspective undoubtedly it would be the ultimate evidence that Germany had signed up to U.S.-Japanese China containment policies, the sort of corner Germany does not want to find itself in, at least for now.

# The EU's Indo-Pacific Policy Paper (April 2021)

On 16 April 2021, the Council of the European Union issued its 'Conclusions on an EU Strategy for Cooperation in the Indo-Pacific.'58 The EU policy paper announced what it called a "meaningful European naval presence in the Indo-Pacific." The exact meaning of the phrase and who and what would be deployed to the region and when has yet to emerge. Certainly, the phrase "a meaningful presence" paired with "EU strategic autonomy in Asia" in the EU policy paper – EU policymakers argue – signals a new approach by policymakers in Brussels. Antoine Bondaz of the Foundation for Strategic

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Tsuruoka, Michito and Kundnani, Hans "Germany's Indo-Pacific Frigate May Send Unclear Message," Chatham House Expert Comment, May 4, 2021, https://www.chathamhouse.org/2021/05/germanys-indo-pacific-frigate-may-send-unclear-message.

See Ryall, Julian "Japan, Germany's First 2 Plus 2 Shows Extent of Tokyo's Outreach Amid China's Rising Assertiveness: Analysts," South China Morning Post, April 5, 2021; https://www.scmp.com/week-asia/politics/article/3128366/japan-germanys-first-2-plus-2-dialogue-shows-extent-tokyos.

See Mizorogi, Takuya, "Japan Woos Germany on Indo-Pacific with first 2-Plus-2 Talks," Nikkei Asia, April 6, 2021, https://asia.nikkei.com/Politics/International-relations/Japan-woos-Germany-on-Indo-Pacific-with-first-2-plus-2-talks.

<sup>&</sup>lt;sup>58</sup> See Council of the European Union, April 16, 2021, "Conclusions on an EU Strategy the Indo-Pacific," https://data.consilium.europa.eu/doc/document/ST-7914-2021-INIT/en/pdf.

Research in Paris, however, is not so sure yet: "At the moment, France is the only country to have a real security strategy in the Indo-Pacific. Strategic autonomy in writing speeches is one thing, strategic autonomy in doing things and defending our interests is another."59 In the EU's defence, Brussels's Indo-Pacific policy strategy paper is more concrete and tangible than many previous other EU Asia policy papers and policymakers in Beijing will undoubtedly notice that a significant share of what is written in the EU's policy paper regards China and its policies in the region (without ever naming China). Indeed, the Brussels guidelines provide ample evidence that Beijing's policies are the core of what Brussels is – at least on paper – concerned about. They state "The Council notes however with concern the current dynamics in the Indo-Pacific that have given rise to intense geopolitical competition adding to increasing tensions on trade and supply chains as well as in technological, political and security areas. The universality of human rights is also being challenged." There is no doubt whatsoever that both "geopolitical competition and tensions" and the challenge to the "universality of human rights" are areas and issues addressed to policymakers in Beijing. The same is true when the guidelines state that the "EU will deepen its engagement on the Indo-Pacific in particular with those partners that have already announced Indo-Pacific approaches of their own," a clear reference pointing to Brussels opening up to collaboration with the Quad countries (the U.S., Japan, India and Australia) on security in the Indo-Pacific.

Furthermore, the EU's guidelines announce it will coordinate its Indo-Pacific policies with EU countries that have already adopted individual Indo-Pacific strategies. Like the German Indo-Pacific guidelines, the EU's guidelines also talk about "ASEAN-centrality" and for the same reasons this is not plausible and does not reflect the security realities in the Indo-Pacific. As discussed above, ASEAN is not the forum that is dealing with, let alone solving, traditional security conflicts in the Indo-Pacific.<sup>60</sup> While this is not to dismiss the contributions that ASEAN and the ASEAN Regional Forum are making to address and deal with non-traditional security issues in the Indo-Pacific, they play a secondary role for this paper (security is defined as traditional/hard security, i.e. the kind of security that is under threat and challenged when, for example, a country is building military bases on disputed islands). The EU guidelines furthermore state that the "EU will further develop partnerships and strengthen synergies with like-minded partners and relevant organisations in security and defence. This will include responding to challenges to international security, including maritime security, malicious cyber activities, disinformation, as well as from emerging and disruptive technologies, countering and improving resilience to terrorism, violent extremism and hybrid threats, countering organised crime and illicit trafficking, in full compliance with international law." Again, China is meant. From a realpolitik point of view, however, China should have been named, also because there is ample evidence available that Beijing has been and still is behind a number of cyber-attacks and next to Russia is the most active disinformation campaign protagonist in the region (and indeed beyond and globally). Naming China would certainly have ruffled some feathers in Beijing (and would have led to Beijing threatening to retaliate against what it would certainly have called 'unfounded' and/or 'false' accusations), but it would have sent a message of political strength and determination to China. Clearly the EU missed that chance again and Beijing can continue to pretend it is not at the receiving end of EU talking about cyber-attacks, crime and disinformation campaigns.

See Lau, Stuart and Barigazzi, Jacopo, "Europe's Long Shot: More Warships in the Indo-Pacific," Politico, April 18, 2020; https://www.politico.eu/article/europes-strategic-long-shot-more-warships-in-the-indo-pacific/.

<sup>&</sup>lt;sup>60</sup> The kind of traditional/hard security in the Indo-Pacific that this paper is interested in.

Finally, the EU's Indo-Pacific guidelines envision cooperation between Europe and other countries in the region in the framework of EU Common Security and Defence Policy missions (CSDP)., Unfortunately, the EU does not cite any examples and/or scenarios where and how such cooperation is thinkable and feasible. In reality, implementing this type of cooperation on the ground is much easier said than done. Japan and the EU, for example, have for years unsuccessfully tried to institutionalise Japanese contributions to EU CSDP missions, and while Japanese military troops have in the past contributed to CSDP missions in Africa and Central Asia, these contributions took place on an ad-hoc basis. The guidelines also talk about increased EU contributions to the ASEAN Regional Forum (ARF), ASEAN's regional security forum. Like ASEAN itself, the ARF, however, is not equipped with the mandate and instruments to make legally-binding decisions relevant to hard/traditional security in the Indo-Pacific. Instead, it is an informal gathering of ASEAN states' defence officials to discuss regional security issues in an informal manner.

#### Conclusions

Beijing changing the territorial status quo on land and sea in parts of the Indo-Pacific and deciding that Chinese-drawn maps authorise it to unilaterally claim territory has led to a pooling of naval and military forces among like-minded countries. No doubt this is part of a China containment strategy in the Indo-Pacific against the background of Chinese territorial ambitions which might go (far) beyond building military bases on the disputed islands in the South China Sea. As London School of Economics China scholar William Callahan has documented in his book China Dreams: 20 Visions of the Future, China has a plan to reincorporate much of the rest of Asia in a new Chinese empire. 61 Aided by Chinese scholars. 62 retired military generals and ('real' and self-declared) Chinese intellectuals, Beijing under Xi Jinping may indeed be aiming at re-establishing a Chinese empire as big and powerful as that which existed during the first half of the Qing Dynasty (1644-1912). In this case, the rest of Asia would be relegated back to the infamous 'periphery' of the Chinese empire, paying tribute to a new Chinese 'empire.' Consequently, Asian countries today cannot be blamed for smelling plans to re-establish Chinese hegemony when Chinese scholars and policymakers boast about China as the 'Middle Kingdom' surrounded by 'small countries' on its periphery.

Europe's and European attempts and aspirations to engage China politically and get Beijing to respect and implement international law have very clearly not worked. This is not a surprise as authoritarian regimes and dictatorships are politically not engageable unless those regimes are in need of money and/or financial bailouts. History is our guide. See the Soviet Union, the former German Democratic Republic (GDR) and more recently, at least sometimes, North Korea. China, on the other hand, needs neither Western cash nor bailouts and has – see the cases of Greece and Hungary – been able to buy itself political concessions and silence when it has deemed necessary, as was the case a few years ago when Greece and Hungary vetoed an EU resolution taking stock of human rights violations in China. If Europe's goal is to actually deter China from treating disputed waters and territories as its own and building military runways on them, time will tell whether the French and German Indo-Pacific policy papers can make a contribution to that end. As mentioned, the German Indo-Pacific policy paper is quite simply too general-sounding to alert Beijing's Indo-Pacific policy planners and policymakers. The options available to Europe to keep Beijing from building military bases on disputed islands are limited and have the potential to lead to armed conflict. Blocking Chinese access to

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<sup>&</sup>lt;sup>61</sup> For details, see Callahan, William A., "China Dreams: 20 Visions for the Future," Oxford University Press 2013.

<sup>62</sup> Callahan calls them 'citizen intellectuals.'

disputed islands in the South China Sea through a sea blockade, for example would undoubtedly be interpreted as an act of war in Beijing.

France is a self-proclaimed 'resident power' in the region and that has an impact on how Paris and Berlin approach the Indo-Pacific. While Germany will continue to have the luxury of focussing on its trade and investment ties in the Indo-Pacific, Paris will have to protect those 1.6 million plus French citizens permanently based in the region. Against this background, the French Indo-Pacific policy guidelines are concrete and give readers a good understanding of what France and its naval forces are planning to do in the region in the years ahead. The German Indo-Pacific policy guidelines are far less tangible, not allowing the reader to understand how and to what extent they represent a new approach to the region. Putting ASEAN at the centre of German efforts to contribute to security in the Indo-Pacific is a case in point and is a reflection of a German 'realpolitik' policy approach to China. A country that is taking up 50 percent of the EU's overall share of trade and investment relations with China, has chosen to limit its 'outspokenness' on issues that Beijing considers sensitive as much as possible, at least so it seems to the outside observer. Berlin's deployment of a frigate to the Indo-Pacific region is to be welcomed, but the deployment is bound to be a very symbolic contribution - arguably too symbolic and not substantive and credible enough for the world's fourth largest economy and Asia's biggest European trading and investment partner. Furthermore, and probably more importantly, Berlin seemingly taking into account possible Chinese opposition to German naval movements in the South China Sea conveys a message of political weakness: it does what Beijing allows it to do in international waters in the Indo-Pacific and is adjusting its naval operations in the region accordingly.

Finally, Berlin not mentioning Taiwan in its Indo-Pacific policy guidelines looks like a conscious decision to not offend Beijing and not be accused of interfering in China's internal affairs (as Beijing refers to anything resembling a critical opinion on China's insistence that Taiwan is not a country but instead a Chinese province). From a regional security point of view this is – to put it diplomatically – regrettable and must have confirmed policymakers in Beijing that they have nothing to worry about as regards German interference in China's alleged internal affairs. In reality, however, security in the Taiwan Straits and an interest in protecting Taiwan from Chinese ambitions to reunify Mainland China with Taiwan by force are not an internal Chinese affair but instead a security issue of international relevance. Consequently, the German Indo-Pacific guidelines should have mentioned Taiwan and security in the Taiwan Straits, not least because the frequent Chinese intrusions into Taiwanese-controlled airspace pose a direct challenge to stability. If Taiwan had featured in Berlin's guidelines, Beijing would most probably and in any event have accused Berlin of interfering in internal Chinese affairs and questioning its One-China Policy. Then again, maybe it is time to do both, adjusting German and European Indo-Pacific policies to the realities on the ground, all of which will continue to sink in fairly slowly in Brussels and EU Member State capitals.

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