

109TH CONGRESS
1ST SESSION

S. RES. 91

Urging the European Union to maintain its arms export embargo on the
People's Republic of China.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2005

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, Mrs. DOLE, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to

RESOLUTION

Urging the European Union to maintain its arms export
embargo on the People's Republic of China.

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, "strongly condemn[ed] the brutal repression taking place in China" and "solemnly request[ed] the Chinese authorities to put an end to the repressive actions against those who legitimately claim their democratic rights";

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that, during 2004, "[t]he [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses";

Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house ar-

rest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in five separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the February 24, 2005, resolution passed by the European Parliament stated that the Parliament "believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting [of] its embargo on arms sales to China, imposed in 1989" and that it "requests that the Commission formally oppose such a move when it is discussed in the [European] Council";

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of

China found that “[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers”;

Whereas the same Department of Defense report noted that the military modernization and build-up of the People’s Republic of China is aimed at increasing the options of the Government of the People’s Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that “there has been a dramatic change in the military balance between China and Taiwan,” and that “[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan”;

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People’s Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People’s Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the

European Union lifting its embargo against the People's Republic of China and that "[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole";

Whereas the United States has numerous security interests in the East Asia and Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the reexport or retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains a primary supplier of weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the military has played a key role in the oppression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that "Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003," and that "[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran";

Whereas, as recently as December 27, 2004, the Government of the United States determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology;

Whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran; Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) strongly supports the United States embargo on the People's Republic of China;

4 (2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

7 (3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

12 (4) encourages the Government of the United States to make clear in discussions with representatives of the national governments of European Union member states that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

1 (5) urges the European Union—

2 (A) to strengthen, enforce, and maintain
3 its arms embargo on the People's Republic of
4 China and in its Code of Conduct on Arms Ex-
5 ports;

6 (B) to make its Code of Conduct on Arms
7 Exports legally binding and enforceable in all
8 European Union member states;

9 (C) to more carefully regulate and monitor
10 the end-use of exports of sensitive military and
11 dual-use technology; and

12 (D) to increase transparency in its arms
13 and dual-use export control regimes;

14 (6) deplores the ongoing human rights abuses
15 in the People's Republic of China; and

16 (7) urges the United States Government and
17 the European Union to cooperatively develop a com-
18 mon strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

23 (C) a permanent and verifiable end to the
24 ongoing proliferation by state and non-state
25 owned entities and individuals in the People's

1 Republic of China of munitions, materials, and
2 military equipment and the trade in such items
3 involving countries, such as Burma and Sudan,
4 whose armies have played a role in the per-
5 petration of violations of human rights and of
6 humanitarian law against members of ethnic
7 and religious minorities;

8 (D) improvement in the administration and
9 enforcement of export controls in the People's
10 Republic of China; and

11 (E) an end to the ongoing proliferation by
12 state and non-state owned entities and individ-
13 uals in the People's Republic of China of tech-
14 nology related to conventional weapons, weap-
15 ons of mass destruction, and ballistic missiles.

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