

SENATE RESOLUTION 59—URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EXPORT EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 59

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 2003 Country Reports on Human Rights Practices states that, during 2003, "The [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses," and, furthermore, that "there was backsliding on key human rights issues during the year";

Whereas, according to the same Department of State report, credible sources estimated that as many as 2,000 persons remained in prison in the People's Republic of China at the end of 2003 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 arrest 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 four 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 January 13, 2005, resolution of the European Parliament called on the European Union to maintain its arms embargo on the People's Republic of China until the European Union "has adopted a legally binding

Code of Conduct on Arms Exports and the People's Republic of China has taken concrete steps towards improving the human rights situation in that country... [including] by fully respecting the rights of minorities";

Whereas 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.), which codified in 1979 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, including the security of Japan, Taiwan, South Korea, and other key areas, 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, even United States, origin in a cross-strait military conflict;

Whereas this risk would necessitate a re-evaluation 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 re-transfer 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 United States Government;

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 20, 2004, the United States Government determined that seven entities of the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, should be 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; and

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

Resolved, That the Senate—

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

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

(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 upcoming meetings with European officials;

(4) encourages the United States Government to make clear in discussions with Governments in Europe 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;

(5) urges the European Union—

(A) to close any loopholes in its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable;

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

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

(6) deplores the ongoing human rights abuses in the People's Republic of China; and
 (7) urges the United States Government and the European Union to cooperatively develop a common 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;

(C) improvement in the export control practices of the People's Republic of China; and

(D) an end to the ongoing proliferation by state-sponsored entities in China of technology related to weapons of mass destruction and ballistic missiles.

Mr. SMITH. Mr. President, I rise today to submit a resolution on the European Union's expressed intent to lift its arms embargo against China.

During the EU-China summit meeting last December, the European Union indicated that it is likely to lift the arms embargo it imposed against China after the 1989 Tiananmen Square massacre. Evidently, the "strategic partnership" the EU seeks with China and base economic interests trump the human rights considerations that were the reason for instituting the embargo in the first place. How the EU proceeds on this issue will reveal a great deal about the role it seeks to play in the world.

In helping the Chinese develop their military capabilities, the Europeans see two principal benefits. China's enhanced military prowess would serve as a more effective counterweight to American power, theoretically strengthening the EU's hand in international political and strategic decisions. Additionally, European defense industries stand to gain billions of euros in Chinese contracts which, for EU leaders, seems too good to resist.

Sadly, the EU seems to be giving in to Chinese blackmail. Because China views the continued arms embargo as an international black eye and an embarrassing reminder of the Tiananmen crackdown, it has aggressively lobbied the Europeans to lift it, even saying that their trade relationship will be jeopardized if the embargo remains in place.

It is important to remember the reason for imposing the embargo: China's brutal reaction to the democratic movement in 1989 that resulted in the death of hundreds of Chinese and the imprisonment of thousands more. So, when we consider the future of the embargo it seems self-evident to evaluate the current state of human rights in China today.

Though the government's methods may be more refined than we saw in June 1989, the situation remains bleak. Chinese citizens who attempt to exercise basic rights are dealt with harshly. People are jailed for writing essays. Priests are beaten and abused. Churches are closed, their leaders detained. Birth planning policies are cruelly implemented. The Chinese people are still unable to speak freely, to meet without interference, or to worship in peace.

Although respect for basic human rights is one of the values that define

the Euro-Atlantic tradition, the EU seems ready to discard it at will. It is foolish for them to call on China to improve its human rights record and then talk of rewarding them by lifting the embargo. I cringe to think of the message that sends to the brave Chinese dissidents fighting for democracy.

The EU claims that lifting the embargo will not change the status quo. Its argument is based on the EU's 'Code of Conduct' that lays out minimal standards (including respect for human rights and preservation of regional peace) for EU nations to consider before approving arms sales. There would be no explosion of military sales to China if the embargo is lifted, EU leaders say. But not only is the Code of Conduct ineffective, it is purely voluntary. And if its terms are violated, it is not legally enforceable.

Even if the EU were to strengthen the code of conduct and improve its transparency, I am confident that EU members would ignore its provisions if they deem it economically advantageous. Otherwise, I doubt their defense industries would be as enthusiastic about access to the Chinese marketplace.

There are serious consequences if the EU proceeds down this road. By giving China access to advanced military systems, including surveillance and communication equipment, the EU would be directly responsible for modernizing the Chinese military. On a regional basis, the delicate strategic balance in the Taiwan straits will be altered, and as one Pentagon official states, China will be able to kill Americans more effectively. China's recent threatening moves against Japan will be seen as more dangerous. And whether the EU admits it or not, China will have a greater capability to suppress internal dissent.

This may not matter to Europe. But they should carefully consider the impact this move would have on the transatlantic relationship that they claim to value. I can guarantee that if the EU lifts its arms embargo against China, the Congress will reassess the close defense and intelligence cooperation that the United States has with Europe and work to reverse the liberalization of technology transfers to our European partners. To do otherwise would be irresponsible. If we share advanced technology with the EU which then allows China even limited access to it, our forces in the Pacific are more vulnerable to Chinese misadventure.

Last November, British Foreign Minister Jack Straw told me that the United Kingdom did not want to jeopardize its close defense relationship with the U.S. over the arms embargo issue. Yet, apparently the British believe that this is an instance where it can play the role of a good European, rather than an American partner. I take heart that there are some EU members that still believe in the importance of taking a stand on human rights grounds. Unfortunately, I am

not certain their views can prevail in Brussels.

I am pleased that my distinguished colleague, Senator BIDEN, has joined me in submitting this resolution today, along with Senators BROWNBACK, KYL, CHAMBLISS, and ENSIGN.

President Bush will be traveling to Europe next week, where he will meet with senior European and EU leaders. This resolution states our strong support of the United States arms embargo on China and urges the European Union to maintain its embargo as well. It also urges the President to raise our objections to the EU lifting its embargo and to engage the Europeans during his meetings next week in a discussion on how doing so could adversely affect the transatlantic relationship. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China in light of serious human rights concerns.

I believe, and it is expressed in the resolution, that this situation presents us with an opportunity to work with the EU to strengthen the transatlantic relationship. By working together actively on a common strategy to improve human rights in China, end the Chinese military build-up against Taiwan, improve Chinese export control practices, and bring an end to the ongoing proliferation by state-sponsored entities in China of technology related to weapons of mass destruction and ballistic missiles, we are more likely to achieve our common goal.

But I am concerned that the strident competitiveness of some senior European leaders and their obsession with hampering America's ability to operate in the world is impacting U.S. national security interests, rather than purely economic or commercial ones. Multipolarity is not a policy goal, it's a recipe for disaster. At what cost is the EU trying to counter American power? In order to play a greater role in the world, they are willing to risk one that is more dangerous.

SENATE RESOLUTION 60—SUPPORTING DEMOCRATIC REFORM IN MOLDOVA AND URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A DEMOCRATIC AND FAIR ELECTION PROCESS FOR THE MARCH 6, 2005, PARLIAMENTARY ELECTIONS

Mr. MCCAIN (for himself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 60

Whereas, on August 27, 1991, Moldova declared independence from the Soviet Union;

Whereas parliaments were elected in Moldova in free and fair multiparty elections during 1990, 1994, and 1998;

Whereas international observers stated that the May 2003 local elections for mayors and regional councilors, despite scattered reports of irregularities, were generally consistent with international election standards;