

A BLUE PARTNERSHIP BUILT ON TRUST AND MUTUAL LEARNING

Yang Li, Executive Director
Institute for China-Europe Studies

Europe and China are located in opposite sides of the Eurasian continent, separated by mountains and rivers, but connected by the ocean. Such connection is not only due to the fact that over 80 percent of international trade is seaborne, but also because, as recognized by international law, the problems of the ocean space are closely interrelated and need to be considered as a whole. The European Union (EU) and China, as two of the major actors in international maritime affairs, share common stakes in global ocean governance.

The twenty years of the EU-China Comprehensive Strategic Partnership witnessed the initiation, expansion and institutionalization of the communication and cooperation between the two sides on ocean affairs at different levels. This development also coincided with the growth of new challenges toward ocean governance as well as the evolution of relevant international rules.

In July 2018 the EU and China signed the Declaration on the establishment of a Blue Partnership for the Oceans (Blue Partnership Declaration), as an important means to promote better ocean governance and policy coordination. This partnership built upon previous EU-China bilateral agreements and dialogues and provided a more systematic framework for future joint endeavours. Since then, EU-China dialogues on topics such as law of the sea and polar affairs, fisheries and maritime security were either started or continued through official channels or Track II platforms.

The momentum to keep the process going is strong, despite the impact of the Covid-19 pandemic in the last three years. In September 2023, European Commissioner for Environment, Oceans and Fisheries Virginijus Sinkevičius, among a number of trips made by senior EU officials, visited China and held with his Chinese counterpart a high-level dialogue on ocean governance, the first in-person contact of this kind since the pandemic. During the visit, the second EU-China Blue Partnership Forum, a mechanism set up by the Blue Partnership Declaration engaging government officials, think tanks and business sectors from both sides, was also convened in Shenzhen.

What has been achieved under the partnership is beyond the

scope of this article, but a significant message could be taken that both the EU and China recognize that the ocean is “a common good” and that ocean governance is a shared challenge calling for closer international cooperation. Therefore, ocean governance exactly falls into the category of common interest such as, and associated with, climate and biodiversity crises, in which the EU and China shall cooperate.

Having said that, as the current status of global ocean governance is “alarming”, the EU-China blue partnership is expected to go deeper and bring more tangible achievements. However, it seems that a reduced level of trust in the overall relationship between the EU and China is obstructing the two sides from deepening and expanding their maritime cooperation.

Furthermore, ocean affairs seem to constitute part of the set of problems that are eroding mutual trust. EU High Representative for Foreign Affairs and Security Policy Josep Borrell, commenting on the EU-China relationship during his latest trip to China, stressed that it is important to rebuild or restore trust gradually. In my view, maritime issues are part of the areas where trust can be rebuilt.

For instance, the EU repeatedly expresses concerns about the situation in the East and South China Seas, opposing the use of force or coercion, which is interpreted as referring to China without naming the country specifically. The cause for these concerns, as stated by the EU, includes upholding international law and keeping the important sea routes free and open. It is implied that China is one of the countries “seeking to re-define the core tenets of the rules-based multilateral order”, through acts constituting breaches of freedom of navigation and maritime claims that are contrary to international law. China has differing opinions from the above positions.

Many observers in China take such differences to be symptomatic of the broader strategic rivalry between China and “the collective West”, headed by the United States and joined by the EU. There are also views from European scholars arguing that the EU should define its interest in places such as South China Sea more accurately, so as to dictate more balanced policies.



The EU does give its Indo-Pacific strategy a distinctive character by being less confrontational and more cooperative. In the meantime, the disagreements with China are still there and have distinct sources. As far as the South and East China Seas are concerned, it is easier for the EU to view them more from a geopolitical lens, as the bloc sees the oceans among “the world’s foremost geopolitical arenas”, as stated in the EU’s International Ocean Governance Agenda (2022). On the other hand, for China, although there are certain geopolitical concerns, the core of the problems relating to these adjacent seas is the territorial and maritime disputes with its neighbouring countries, not quite differently from ones in other parts of the world.

The global oceans are divided into high seas and international seabed areas, which lie beyond the boundaries of any one country or defined as the common heritage of mankind; and areas under national jurisdiction, including 12 nautical miles territorial seas, 200 nautical miles Exclusive Economic Zones

(EEZ), and continental shelves which are eligible to extend further under specific circumstances. There are inevitably overlapping claims between or among countries with adjacent or opposite coasts, creating disputes and frictions. If territorial disputes over land features are involved, the problems could become more complex.

The EU is said to have the largest combined EEZ in the world and is less daunted by maritime boundary delimitation disputes in its surrounding sea basins. China also has maritime claims to a large area, but about half of it is under dispute with all its neighbors at sea. According to a 2020 study by Andreas Østhagen of Fridtjof Nansen Institute (Norway), Europe (including non-EU countries of Europe) has only 18 unsettled maritime boundary disputes, with 80 percent already settled. Nonetheless, Asia has 40 unsettled maritime boundary disputes, with only 61 percent settled.

In addition, compared with European states, the level of integration among Asian countries is less developed, and nationalism there appears to be stronger. As a result, territorial disputes and maritime boundary delimitation issues are more sensitive and are usually harder to resolve.

In this sense, the most outstanding challenge China faces on ocean affairs is how to manage these disputes and preserve its positions before final settlements are reached. This challenge is getting more complicated under a relatively unfavourable environment in its neighbourhood. The EU has its own security challenges at its doorstep as well, but as far as maritime security is concerned, its focus is more on non-traditional threats such as illegal migration, piracy and marine pollution.

With regard to global maritime affairs, although both of them have a long tradition of ocean utilization, the EU is generally more developed in modern ocean science and technology. It was also the European nations who laid down the first set of modern international rules governing oceans. In contrast, China is still an emerging maritime power.

The above differences give rise to divergent approaches and interpretations to international legal rules, particularly the 1982 United Nations Convention on the Law of the Sea (UNCLOS). For an example, the EU claims that the 2016 South China Sea arbitral award by an ad hoc tribunal established under the request of the Philippines is legally binding, whereas China holds that the whole arbitral proceeding, as well as its outcome, constitutes an abuse of the provisions of the UNCLOS, under which any state party – including China – has been granted the legitimate right, by means of a prior declaration, not to accept any third party compulsory procedure concerning sea boundary delimitation disputes.

However, whatever differences they might have, the idea that the EU and China hold opposing positions regarding the legal principle of freedom of navigation must be a misconception. In fact, as a latecomer of modern utilization of global oceans, it is in China's interest to be a proponent for a free and open international maritime order.

Therefore, it is quite possible for the EU and China to narrow their disagreements and enhance mutual trust through patient, candid and in-depth dialogues.

On the other hand, the differences between the EU and China on their sea-related situations and experiences can be taken as complementary in their blue partnership and create greater potential for the two sides to expand cooperation for the benefit of global and regional ocean governance.

With its unique experience of integration, the EU adopts a more

coordinated approach toward ocean governance, as embodied in its Integrated Maritime Policy, which could be more effective in addressing overall challenges for the oceans like the negative impact of climate change, marine pollution and the loss of marine biodiversity.

The EU is also implementing its sea basin strategies and has set up, with its Member States and its non-EU neighbours, various well-developed regimes for coastal states cooperation in different sea basins.

These are good examples that China and its maritime neighbours could learn from in managing the disputes among them and adopting a more comprehensive approach to the governance of their adjacent seas. At the same time, China also has some stories to tell about its practice on addressing challenges both on ocean governance and the maintenance of a stable regional order.

In conclusion, by trying to restore trust and promote mutual learning, the EU-China blue partnership will generate more benefits for international ocean governance and make a greater contribution to the EU-China comprehensive strategic partnership.



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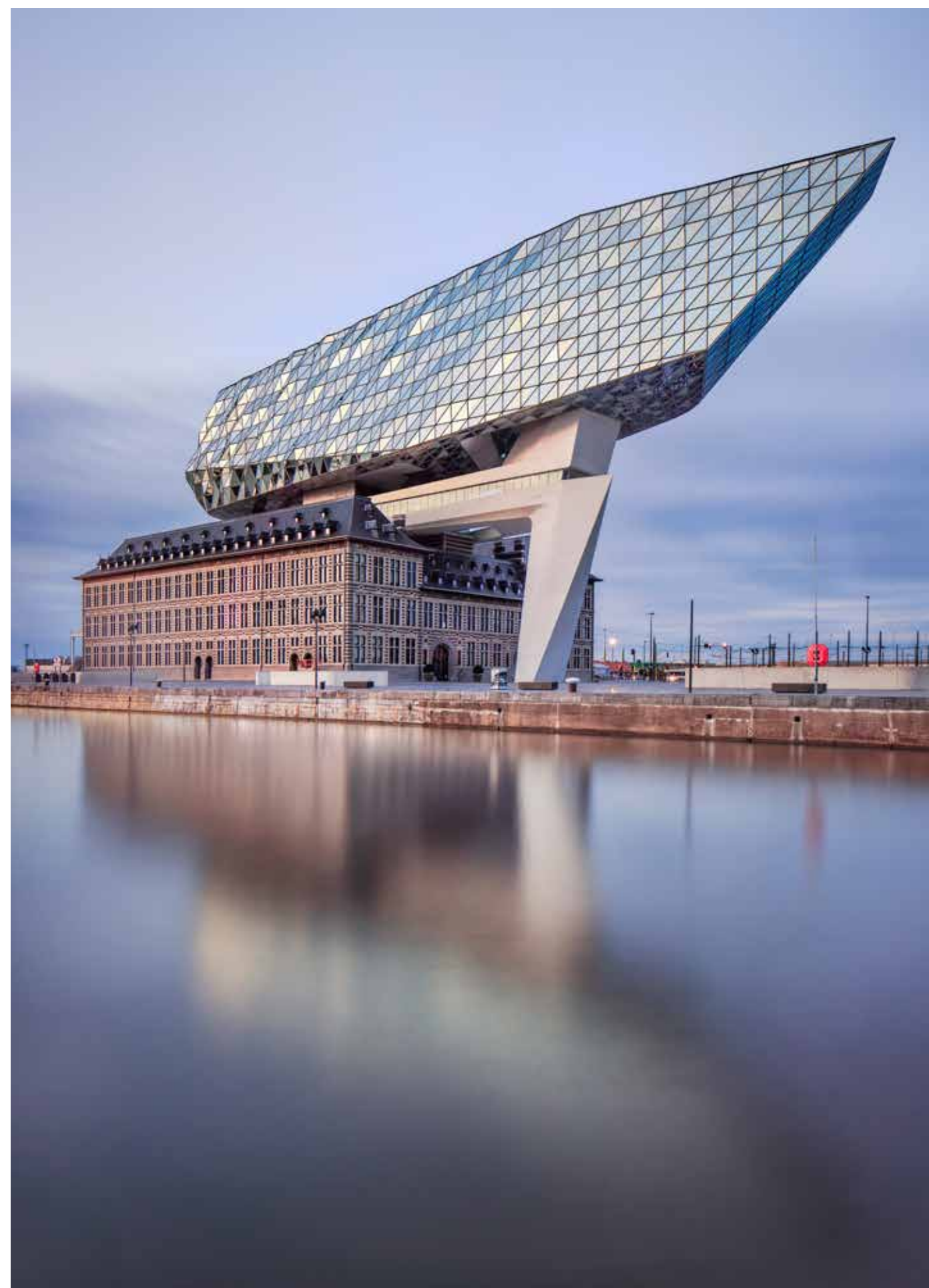


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