

Preserving peace in East Asia – lessons from the traditional East Asian order

Antoine Roth, The University of Tokyo, PhD candidate
ISA Asia-Pacific Conference, Hong Kong, June 15-17 2017

Introduction

The attention given by IR scholars to the traditional Sino-centric East Asian order before its collapse under Western and Japanese pressure has grown rapidly in recent years, both in China and in the West. Many have questioned the true nature of the so-called tribute system, memorably described fifty years ago by John Fairbank and his collaborators,¹ and sought to understand why and to what extent East Asia enjoyed extended periods of peace before the incursion of Western imperial powers.² Several of these authors have also reflected on the lessons their analysis holds for the future of East Asia. Considering the uncertainties caused by recent developments in the region, notably the rise of China and the worsening of maritime territorial disputes on its periphery, the exercise of looking to the past for help in ensuring a peaceful future is a valuable one indeed.

This paper seeks to contribute to this line of enquiry by looking for features of the traditional East Asian order that can suggest ways to manage current maritime conflicts in the region between China and many of its neighbors as well as the United States (US). It will be divided into two parts. First, using the analytical tools of the English School and the work of scholars who have analyzed the traditional East Asian order using them, we will look at aspects of the negotiated coexistence between a big China and smaller neighbors that still find echoes today and could be developed further to ease tensions between those countries today. We will highlight the fact that, in the same way that the strength of the Chinese empire at any given time played a large part in determining neighbor's adherence to its vision of order, China's superior

¹ John Fairbank, ed., *The Chinese World Order* (Cambridge, MA: Harvard University Press, 1968). The term “tribute system” is falling out of favor due to its over-simplification and over-generalization of the complex rules and customs governing relations between China and its neighbors, but it remains a useful shorthand and will be used as such in this paper.

² See, for instance, 尚会鹏 [Shang Huipeng], 《“伦人”与“天下”：解读以朝贡体系为核心的古代东亚国际秩序》 [“Human Relationships” and ‘All Under Heaven’: An Interpretation of the Ancient East Asian International Order under the Tributary System”], *国际政治研究* [*International Politics Quarterly*], Vol. 30, No. 2 (Summer 2009), pp. 29-43; David Kang, *East Asia before the West: Five Centuries of Trade and Tribute* (New York: Columbia University Press, 2010) – as well as several academic articles by the same author; 张锋 [Zhang Feng], 《解构朝贡体系》 [“Deconstructing the Tribute System”], *国际政治科学* [*Quarterly Journal of International Politics*], No. 22 (2010), pp. 33-62; Robert Kelly, “A ‘Confucian Long Peace’ in pre-Western East Asia?” *European Journal of International Relations*, Vol. 18, No. 3 (2011), pp. 407-430; Zhou Fangyin, “Equilibrium Analysis of the Tributary System”, *The Chinese Journal of International Politics*, Vol. 4 (2011), pp. 147-178; Brantly Womack, “Asymmetry and China’s Tributary System”, *The Chinese Journal of International Politics*, Vol. 5 (2012), pp. 37-54; 任晓 [Ren Xiao], 《论东亚“共生体系”原理》 [“On the Principles of the ‘System of Symbiosis’ in East Asia”], *世界经济与政治* [*World Economics and Politics*], No. 7 (2013), pp. 4-22; Yuan-kang Wang, “Explaining the Tribute System: Power, Confucianism, and War in Medieval East Asia”, *Journal of East Asian Studies*, Vol. 13, No. 2 (2013), pp. 207-232; 陈康令 [Chen Kangling], 《试析传统东亚秩序“礼治下的和平”》 [“An Attempt to Analyze the ‘Peace under the Rule by Etiquette’ of the Traditional East Asian Order”], *国际观察* [*International Review*], No. 4 (2015), pp. 73-86; Suisheng Zhao, “Rethinking the Chinese World Order: the Imperial Cycle and the Rise of China”, *Journal of Contemporary China*, Vol. 24, No. 96 (2015), pp. 961-982.

power and willingness to use it today makes it highly likely that the South China Sea disputes will be resolved to its advantage – the same cannot be said for its dispute with Japan, suggesting the need for finding another solution than victory by one side. However, just as imperial China could not gain deference through brute force alone, we need to examine what benefits it could now offer to justify its claim to primacy in its near seas (fisheries management will need special consideration due to the potential for competition over dwindling resources to cause conflicts) and obtain (perhaps grudging) deference from other countries. We will also argue that the abilities of participants to maintain the appearance of adherence to the Sino-centric order while being much more flexible in the way their relationships worked in practice was a key factor of stability, and that such flexibility is much needed today in the definition of sovereignty and the rights of states to control activities in shared maritime spaces.

Reflecting the fact that, despite its deep integration in the region, the US remains an outside actor in East Asia with no direct stake in territorial disputes, we will discuss Sino-American tensions in the South China Sea in a separate part of our paper that will take inspiration from the ancient idea of distinction between civilization and barbarians (*huayi zhi bian* 华夷之辨) seen through the lens of German thinker Carl Schmitt's theory on political enmity. We will argue that the US are for China the modern equivalent of the northern and western nomads of ancient times, the major Other with which a degree of hostility is inevitable. In the case of Sino-American relations, this hostility is based on both a concrete struggle over access to China's near sea and on more structural factor. In the same way that cohabitation between China and the nomads was made easier by a pragmatic acknowledgement of power dynamics and of the need for accommodation but undermined by rigid adherence to China's official ideology, it is today particularly important to realistically assess those dynamics between the two great powers and to prevent their discourse on each other to become too ideological and moralistic, avoiding discourses that depict US influence as a mortal threat to the survival of the Chinese Communist Party and China as eager to destroy the liberal order created by the US.

The overall assessment presented in this paper is somewhat pessimistic, as it argues that territorial disputes and political conflicts are probably impossible to solve under current circumstances and can only be managed to preserve regional peace and stability. It also argues, however, that, with a realistic understanding of power dynamics and a degree of pragmatism and flexibility in interactions on the ground, these disputes need not be such a big obstacle to regional cooperation.

Negotiating coexistence historical East Asian international society

Much of the English School scholarship has focused on how groups of states, conscious of shared values and interests, come together to form an international society based on common rules and norms. At the center of this society are the institutions, understood here as “durable and recognized patterns of shared practices”³ like sovereignty, international law or diplomacy, which underpin international order and “[sustain] the elementary or primary goals of the society of states”.⁴ All states are not equal in power, however, and more powerful states typically occupy a privileged

³ Barry Buzan, *From International to World Society? English School Theory and the Social Structure of Globalisation* (Cambridge: Cambridge University Press, 2004), p. 181.

⁴ Hedley Bull, *The Anarchic Society: A Study of Order in World Politics, 3rd Edition* (New York: Palgrave, 2002), p. 8.

position in shaping the institutions of international society and managing international order. That is not to say that greater power alone legitimizes a greater role, and brute force is ultimately an unsustainable means to obtain deference from others. As Martin Wight famously wrote, “power is not self-justifying; it must be justified by reference to some source outside or beyond itself, and thus be transformed into ‘authority’”.⁵ Gaining authority over others means negotiating with them the terms of an unequal relationship.⁶

Several scholars have analyzed the traditional East Asian order as an international society, identifying its institutional features and reflecting on the ways coexistence was negotiated between imperial China and its neighbors.⁷ They have identified several institutions common to historical East Asia and other international societies (for instance trade, diplomacy and war) as well as other more unique ones, steeped in China’s imperial Confucian culture and reflecting its central position in the region. These include court rituals, the paying of tribute and investiture (the granting of legitimizing titles by the Chinese emperor to foreign rulers), and underpinning all of them the fundamental institution of hierarchy (or “ordered sovereign inequality” in the words of Zhang Yongjin and Barry Buzan),⁸ overseen by a Son of Heaven claiming to wield absolute moral authority. Based on the work of these and other scholars, we will point out here several characteristics of that society that gave shape to the tribute system and helped maintain order peacefully. These characteristics can serve as reference for dealing with the territorial tensions between China and its neighbors today.

Chinese power

A first observation may be self-evident but still needs emphasizing. The tribute system centered on the Chinese emperor as analyzed by most scholarly works is the one that existed at the height of the imperial power of the Ming and Qing dynasties. In previous periods, especially when China was weak or divided, institutions like the balance of power were much more important to regulate international relations than tribute. Even when the Middle Kingdom was militarily strong overall, Chinese emperors sometimes had to accept an equal or even subordinate position to the chiefs of neighboring nomadic tribes, which were only occasional participants in the tribute system (more on that in the second part of this

⁵ Martin Wight, *International Theory: The Three Traditions* (Leicester: Leicester University Press, 1991), p. 99.

⁶ For a comprehensive examination of the negotiation of international order between the US and other states in today’s East Asia, see Evelyn Goh, *The Struggle for Order: Hegemony, Hierarchy, and Transition in Post-Cold War East Asia* (Oxford: Oxford University Press, 2013).

⁷ Notable works using the English School framework include Zhang Yongjin and Barry Buzan, “The Tributary System as International Society in Theory and Practice”, *The Chinese Journal of International Politics*, Vol. 5, No. 1 (2012), pp. 3-36 and Zhang Feng, “International Societies in Pre-modern East Asia: A Preliminary Framework”, in Barry Buzan and Zhang Yongjin, ed., *Contesting International Society in East Asia* (Cambridge: Cambridge University Press, 2014), pp. 29-50. For an application of the English School approach to relations between China and the nomadic people to its North and West, see Alan Shiu Cheung Kwan, “Hierarchy, Status and International Society: China and the Steppe Nomads”, *European Journal of International Relations*, Vol. 22, No. 2 (2016), pp. 362-383. An early foundation for all those works was provided by Zhang Yongjin, “System, Empire and State in Chinese International Relations”, *Review of International Studies*, Vol. 27, No. 5 (2001), pp. 43-63.

⁸ Zhang and Buzan, “The Tributary System as International Society”, p. 23.

paper).⁹ In other words, conformity with China's vision of order was dependent on China's strength relative to that of those around it, and accepting a tributary status was a way for weaker neighbors to maintain peace in an asymmetrical relationship with a greater power.¹⁰ Those that refused were sometimes compelled to do so by force of arms. However, the display or use of Chinese strength was not by itself what ensured the durable embrace of the tribute system by neighbors. Cultural influence and the provision of benefits both material and immaterial to the other side were two important factors that facilitated the acceptance of Chinese primacy.

Justifying Chinese primacy

Bull and Wight, the two first generation English School scholars quoted above, both argued that a degree of cultural unity, understood in the sense of shared values and moral standards by which to judge international behavior, was necessary for an international society to take form. While the existence, arguably, of a universal international society today reveals that this unity can in some cases be partial at best, the case of the historical East Asian society shows that a shared culture did contribute to the acceptance of Confucian institutions by China's closest neighbors to the East and South, who were most influenced by its civilization.¹¹ In relations with other actors in Inner Asia, Southeast Asia (except Vietnam) and beyond, China's cultural influence was much more limited and its claim to moral authority viewed with skepticism. This made the concrete benefits provided by the tribute system (important for all participants) even more crucial to convince those polities to accept vassal status. For Southeast Asian kingdoms, these benefits included trade, Chinese protection against local rivals and pirates and the legitimacy conferred by Chinese titles.¹²

Flexibility and ambiguity

Outside of a shared culture and the benefits provided, a third and crucial factor explains the durability of tributary institutions, namely its flexibility and inbuilt ambiguity. The view of the tribute system as a reflection of the absolute authority and virtue of the Son of Heaven was indeed constantly challenged by others with a conflicting vision of political order, even when the Middle Kingdom was unified and strong. Within the Confucian cultural sphere already, Japan absorbed much of China's political thought, copied its state administration techniques and embraced the international institutions it promoted but nevertheless remained reluctant, for most of their common history (notably under the Tokugawa shogunate), to accept tributary status, aiming instead to build a similar diplomatic order centered on itself.¹³ As for

⁹ Morris Rossabi, ed., *China Among Equals: The Middle Kingdom and Its Neighbors, 10th–14th Centuries* (Berkeley, CA: University of California Press, 1983); Kwan, "Hierarchy, Status and International Society".

¹⁰ Anthony Reid, "Introduction – Negotiating Asymmetry: Parents, Brothers, Friends and Enemies", in Anthony Reid and Zheng Yangwen, ed., *Negotiating Asymmetry: China's Place in Asia* (Singapore: Singapore NUS Press, 2009), pp. 1-25; Womack, "Asymmetry and China's Tributary System"; Wang, "Explaining the Tribute System".

¹¹ Kang, *East Asia Before the West*.

¹² Wang Gungwu, "Early Ming Relations with Southeast Asia: A Background Essay", in Fairbank, *The Chinese World Order*, pp. 51-54; Martin Stuart-Fox, *A Short History of China and Southeast Asia: Tribute, Trade and Influence* (Crow Nest, AU: Allen & Unwin, 2003), chapter 5; Reid, "Introduction", pp. 11-15.

¹³ June Dreyer, *Middle Kingdom and Empire of the Rising Sun: Sino-Japanese Relations, Past and Present* (Oxford: Oxford University Press, 2016), pp. 7-32.

Inner Asians and Southeast Asian neighbors, they kept their very different worldview and interpretation of the nature of their relation with China, accepting the status of tributary only superficially if at all and leaving it to translators and envoys to reconcile and finesse differences to satisfy both parties.¹⁴ As Zhang and Buzan argue, “there [were] purposive institutional ambiguities embedded in the systemic design which [allowed] tributary states some room to interpret systemic rules and norms without challenging the legitimacy of the tributary system”.¹⁵ To preserve the appearance of a Sino-centric order, then, China had to show great diplomatic flexibility in practice and be willing to ignore the many cases where its relations with other kingdoms did not necessarily conform to its principles.

Which way forward in today’s territorial disputes?

The last century and a half has, needless to say, radically transformed the East Asian international society. Today its most important institution is, as elsewhere in the world, state sovereignty. The same can be said of Chinese foreign policy, where it has assumed a central importance.¹⁶ This is particularly true of China’s own sovereignty, which has in a way replaced the acceptance of the Middle Kingdom’s superiority through the acceptance of the superiority of the emperor as a totemic issue in relations with its neighbors. Viewed from Beijing, having escaped the “century of national humiliation”, during which this sovereignty was encroached upon and gravely violated, and from the relative weakness of the Cold War era, China can now demand that others show absolute respect for its territorial integrity if they are to enjoy the benefits of good relations with the world’s second largest economy. Indeed, in an echo of the way all countries wishing to trade with the Middle Kingdom had (in theory at least) to pay tribute to the emperor, China does not today hesitate to impose unilateral economic sanctions on those who question, as it sees it, its control over Tibet and Xinjiang or its claim to Taiwan and islands in the East and South China Sea.¹⁷ Furthermore, it justifies such moves as the seizing of Scarborough Shoal from the Philippines in 2012 as punitive expeditions of sort, legitimate reactions to provocations by others that aim to deter further conflict with an overwhelming show of strength.¹⁸ Extending our historical analogy further, what can our brief overview of the features of the historic East Asian international society tell us about how to manage the multiple territorial disputes between China and its neighbors?

Chinese power

It is clear that we are once again in a period of Chinese ascendancy. The country already has the world’s second largest Gross Domestic Product and military expenditures, an increasingly sophisticated technological base and, doubts about the sustainability of its economic growth and the stability of its domestic political situation notwithstanding, it seems posed to continue on its current trajectory of rising

¹⁴ Mark Mancal, “The Ch’ing Tribute System: An Interpretative Essay”, in Fairbank, *The Chinese World Order*, pp. 68-70; Joseph Fletcher, “China and Central Asia, 1368-1884”, in *ibid.*, pp. 206-209; Reid, “Introduction – Negotiating Asymmetry”, pp. 11-16.

¹⁵ Zhang and Buzan, “The Tributary System as International Society”, pp. 31-32.

¹⁶ See Allen Carlson, *Unifying China, Integrating with the World* (Stanford, CA: Stanford University Press, 2005).

¹⁷ James Reilly, “China’s Unilateral Sanctions”, *The Washington Quarterly*, Vol. 35, No. 4 (Fall 2012), pp. 121-133.

¹⁸ Stephanie Kleine-Ahlbrandt appropriately dubbed this strategy “reactive assertiveness”, see Stephanie Kleine-Ahlbrandt, “Choppy Weather in the China Seas”, *Le Monde Diplomatique*, December 2012.

power for the foreseeable future. It is also increasingly willing to use its newly acquired capabilities to become a maritime power and to assert greater control over the seas to its East and South. For Chinese leaders, this is a crucial matter of national security and territorial defense. At a June 2014 work meeting on national border and coastal defense, for instance, President Xi Jinping emphasized the need to “carefully organize activities of border control and maritime rights defense, firmly defend territorial sovereignty and maritime rights and interests [and] build a sturdy impenetrable wall for border and ocean defense”.¹⁹ As Ryan Martinson notes, the term “‘ocean defense’ (海防) involves much more than preventing foreign invasion along China’s coast; it refers to actions to defend all ‘Chinese’ space from encroachment, including offshore islands and remote waters under Chinese jurisdiction”.²⁰

Faced with such determination, what are the capacities of China’s neighbors to respond? A distinction must obviously be made in terms of power differential between Japan on one hand and Southeast Asian states on the other. The balance of power between China and Japan has certainly shifted significantly in China’s favor over the past two decades. China’s economy has continued to boom while that of Japan has stagnated and China’s military budget is now more than four times that of Japan according to some estimates.²¹ Japan also has to deal with the highest public debt in the rich world and a declining population. However, it still possesses a highly sophisticated Self-Defense Force that is increasingly deployed with the aim to watch over its part of the East China Sea and gives it the capacity to respond adequately to any Chinese incursion into what it considers its waters and airspace.²² The defense guarantee of its alliance treaty with the US (which, as American officials now repeat every time they meet with their Japanese counterpart, covers the disputed Senkaku/Diaoyu islands) is a further source of confidence that the overall balance of power in the East China Sea will not turn to Japan’s disfavor any time soon. As a recent assessment by a panel of experts assembled by the Carnegie Endowment makes clear, the most likely scenario for the foreseeable future is thus that this balance will continue to erode more or less slowly, leading to more tensions between China and Japan without giving the rising power a clear advantage.²³ It is therefore highly unlikely that China will in the foreseeable future be able to induce Japan to accept the full extent of its territorial claims in the East China Sea.

Southeast Asian states with maritime territory in dispute with China are in a more precarious position. Although many have increased security cooperation with

¹⁹李宣良, 黎云 [Li Xuanliang and Li Yun], 习近平接见第五次全国边海防工作会议代表李克强张高丽参加 [“Xi Jinping Meets the Delegates Attending the Fifth National Border and Coast Defense Work Meeting, Li Keqiang and Zhang Gaoli Also Attend”], *Xinhua*, 27 June 2014, http://cn.chinadaily.com.cn/2014-06/27/content_17620963.htm (translation mine). Such declarations have precedent: on the use of a “Great Wall” metaphor for the South China Sea since the 1970s, see William Callahan, *Contingent States: Greater China and Transnational Relations* (Minneapolis: University of Minnesota Press, 2004), p. 33.

²⁰ Ryan Martinson, “Panning for Gold: Assessing Chinese Maritime Strategy from Primary Sources”, *Naval War College Review*, Vol. 69, No. 3 (Summer 2016), p. 27.

²¹ See “Trends in World Military Expenditures, 2016”, *SIPRI*, April 2017, <https://www.sipri.org/sites/default/files/Trends-world-military-expenditure-2016.pdf>.

²² For a good overview of Japanese and Chinese military capabilities in the East China Sea, see Richard Bush, *The Perils of Proximity: China-Japan Security Relations* (Washington, DC: Brookings Institution Press, 2010), chapter 5.

²³ Michael Swaine et al., *China’s Military & the U.S.-Japan Alliance in 2030: A Strategic Net Assessment* (Washington, DC: Carnegie Endowment for International Peace, 2013).

the US in recent years, none enjoys the same defense guarantee as Japan does when it comes to the offshore islands in dispute. They do not have the capabilities to compete with China militarily either. Other claimants have certainly followed China in launching programs to modernize their military and law enforcement forces, but the gap in resources between the great power and its neighbors is large and growing.²⁴ A recent confrontation between China and Vietnam over the deployment by the former in disputed waters of an oil exploration rig clearly demonstrated this asymmetry of capabilities between the two sides.²⁵ Considering the balance of power among regional state, then, Japan may be able to resist Chinese demands in negotiating their maritime relations but smaller Southeast Asian states will have to accommodate their powerful neighbor in some way on the questions that most matter to it. China will however still need to offer something in return if it is to diminish resistance to its claims.

Justifying Chinese primacy

China will find it difficult to rely on the spread of its cultural influence to induce deference from neighbors. On the contrary, what common cultural norms do exist in East Asia are more likely to deepen divisions and resistance. As David Kang argues, Confucian culture has little influence on international relations today as “no Asian state challenges the fundamental Westphalian notion that sovereignty and nation-states are the foundation of international relations, and all states are working within those ideas as they struggle to sort out their relations”.²⁶ In fact, China is not the only one to embrace a defensive and absolutist vision of its own sovereignty. South East Asian states, in particular, have also taken the achievement of national unity led by a strong state as their main objective in the face of domestic challenges like ethnic diversity and foreign threats like interfering outside powers.²⁷ This search for unity and independence against Western colonizers (and against an overbearing China) has led East Asian states to embrace nationalism with gusto and to reimagine their own history, deemphasizing their subordination to the Middle Kingdom while highlighting their struggle against all foreign invaders and the power of their own rulers of times past.²⁸ All this makes it more difficult for them to accept China’s primacy in the South China Sea.²⁹

Such deep-rooted reasons for resisting the assertion of China’s claims to control of East Asia’s maritime space makes the task of justifying such control all the more challenging. The main incentive offered by China so far has been the promise to share the wealth created by its rapid economic development through trade and regional integration, as well as through access to vast pools of official development

²⁴ Carlyle Thayer, “Navigating the Currents of Legal Regimes and Realpolitik in East Asia’s Maritime Domain”, in Wu Shicun and Zou Keyuan, ed., *Securing the Safety of Navigation in East Asia: Legal and Political Dimensions* (Oxford: Chandos Publishing, 2013), pp. 35-37.

²⁵ James Manicom, “China and Vietnam Clash in the South China Sea”, *The National Interest*, May 14, 2014.

²⁶ David Kang, “An East Asian International Society Today? The Cultural Dimension”, in Buzan and Zhang, *Contesting International Society in East Asia*, p. 75.

²⁷ Alice Ba, “Outside-in and Inside-out: Political Ideology, the English School and East Asia”, in *ibid.*, pp. 128-131.

²⁸ Kang, “An East Asian international society today?” pp. 77-82.

²⁹ As explained above, the situation in the East China Sea is different since Japan has the capabilities to stand its ground in the face of China’s maritime assertiveness. The problem there is thus not so much how to justify Chinese primacy but rather how to deal with conflicting views of maritime issues, something that will be discussed in the next section.

assistance, infrastructure funding and potential commercial investments. This has undoubtedly had an impact. Kang, for instance, argues that China's Southeast Asian neighbors have reacted with much less alarm to its rapid rise than traditional Western international relations theory would have predicted in part due to the great benefits of economic integration with the Middle Kingdom.³⁰ Economic largesse has not however prevented resistance to its assertiveness on the waters.

To reduce resistance, China will thus have to show more directly that its custody of the South China Sea would have clear benefits for all coastal states by providing "public goods". A first area where it could do so is the guarantee of safe navigation in the area. China has already suggested that the structures it built on the (natural or man-made) islands it controls could be used by all and will enhance maritime safety.³¹ It has also promised to cooperate actively with ASEAN members to set up a joint hotline for search and rescue operations.³² These are obvious areas where it could gain some good will by increasing its efforts to provide assistance to all commercial or research vessels that need it whatever their nationality and location on the sea. China could also take inspiration from the famous expeditions conducted by the admiral Zheng He in the early 15th century, an oft-quoted symbol of China's history of peaceful influence on others (conveniently ignoring the many cases where the admiral resorted to force to obtain submission to the Son of Heaven).³³ One of Zhen He's military venture that probably was widely welcome by Southeast Asian kingdoms was his capture of Chen Zuyi, a Chinese pirate who had taken over a city near the Strait of Malacca and was plundering ships in the area.³⁴ As it happens, piracy remains a big threat to safety of navigation today in that same area and in virtually the whole southern part of the South China Sea.³⁵ China, with the biggest law enforcement capabilities in the region is well placed to help others deal with this issue. Filipino President Rodrigo Duterte has in fact conveniently asked China recently to assist in patrolling international waters near his archipelago.³⁶ Answering positively to such requests and generally offering unconditional protection to any ship in need in the South China Sea would probably help win hearts and minds.

Fisheries management is however the issue in which a constructive attitude from China would do most to justify its heavy maritime presence and claim to primacy. The situation today is indeed dire as South China Sea fish stocks are close to collapse, endangering the livelihood and food supply of coastal communities from all

³⁰ David Kang, *China Rising: Peace, Power, and Order in East Asia* (New York: Columbia University Press, 2007), chapter 6.

³¹ Ben Blanchard, "China Says U.S. Welcome to Use Civilian Facilities in South China Sea", *Reuters*, April 30, 2015; Greg Torode, "China's Lighthouses in Spratlys Beckon Recognition from Passing Ships", *Reuters*, October 17, 2015.

³² Ministry of Foreign Affairs of the People's Republic of China, "Eleventh Senior Officials Meeting on the Implementation of the Declaration on the Conduct of the Parties in the South China Sea Held in Singapore", April 29, 2016, http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1278960.shtml.

³³ Geoff Wade, "The Zheng He Voyages: A Reassessment", *Journal of the Malaysian Branch of the Royal Asiatic Society*, Vol. 78, No. 1 (2005), pp. 37-58.

³⁴ Louise Levathes, *When China Ruled the Seas: The Treasure Fleet of the Dragon Throne 1405-1433* (New York: Simon & Schuster, 1994), pp. 98-102.

³⁵ Carolin Liss, "Assessing Contemporary Maritime Piracy in Southeast Asia: Trends, Hotspots and Responses", *Peace Research Institute Frankfurt Report No. 125* (2014).

³⁶ "Philippines' Rodrigo Duterte Asks China for Help with Sea Patrols to Combat Kidnappings", *South China Morning Post*, January 31, 2017.

nations.³⁷ If China aims to put most of the sea under its control, it becomes its responsibility to manage fishing resources more sustainably for the benefits not only of its own fishermen but of all those who can claim “historic rights” to conduct their trade there. In order to let fish stocks recover, China in fact does impose an annual summer fishing ban in the northern half of the South China Sea. The intention is laudable, but is undermined by the way the ban is implemented. First, the targeted period does not necessarily cover the spawning season of the species prevalent in that region³⁸ and ignores the importance as breeding grounds of coral reefs like those in the Spratly Islands further to the South.³⁹ More importantly in terms of the legitimacy of China’s conservation efforts, the ban is implemented in truly imperial fashion as a decree from above, without consultation with the fishermen of other affected nations. Most egregiously, it does not prevent some Chinese vessels licensed to fish around the Spratlys from still taking to the sea and in effect ignore the ban on their way to that area.⁴⁰

A more effective and acceptable approach would thus be to base the ban policy on a more careful observation of fish behavior patterns – which would probably imply forbidding fishing around the islands and rocks China controls for extended periods of time –, would apply equally to all fishermen whatever their nationality and would be preceded by consultation with other coastal states and the offer of financial support to their affected communities in the same way that China supports its own fishermen. In effect, China should take inspiration from the ancient ideas of impartiality and inclusiveness. As Wang Gungwu argues, the notion that all foreign rulers were equal in the eyes of the emperor and that all could be the beneficiaries of his largesse were two guiding principles of early Ming diplomacy towards Southeast Asia, even if the Chinese did not always practiced what they preached.⁴¹ Can China be as impartial and inclusive in fisheries management today? There are some hopeful signs that it can near Scarborough Shoal, an area that it has now allowed Filipino fishermen to access while closing some parts of it to them and their Chinese counterparts alike.⁴² It has also pledged renewed efforts to reduce and reign in its own fishing fleet, something it had tried to do in the past with little success.⁴³ In order to truly display the kind of responsible leadership that could convince others, though, China will need to fight its instinct to see its fishermen as defenders of its claims in the South China Sea, to be trained and formed into “maritime militias”,⁴⁴ and to regard the incursion by other nations’ fishing vessels into areas it controls as a challenge to its sovereignty. The same can be said of other

³⁷ Rachael Bale, “One of the World’s Biggest Fisheries Is on the Verge of Collapse”, *National Geographic*, August 29, 2016.

³⁸ Guifan Xue, *China and International Fisheries Law and Policy* (Leiden: Martinus Nijhoff Publishers), p. 114.

³⁹ Bill Hayton, *The South China Sea: The Struggle for Power in Asia* (London: Yale University Press, 2014), p. 243. The land reclamation activities conducted by China (and others) in the Spratlys also have disastrous effect on the environment, endangering those breeding grounds.

⁴⁰ *Ibid.*, 242; Thayer, “Navigating the Currents”, p. 28.

⁴¹ Wang, “Early Ming Relations with Southeast Asia”, pp. 50-60

⁴² Martin Petty, “Exclusive: At Strategic Shoal, China Asserts Power through Control, and Concessions”, *Reuters*, April 10, 2017.

⁴³ Stephen Chen, “China Pledges to Cut Size of its Massive Fishing Fleet due to Serious Threat to Nation’s Fish Stocks”, *South China Morning Post*, August 15, 2016.

⁴⁴ See Conor Kennedy and Andrew Erickson, “China’s Third Sea Force, The People’s Armed Forces Maritime Militia: Tethered to the PLA”, *China Maritime Report No 1*, China Maritime Institute, US Naval War College (March 2017).

claimants. In other words, all coastal states need to rediscover the flexibility they had shown in the past in dealing with conflicting interpretations of their interactions.

Flexibility and ambiguity

Even if China starts to act as a responsible custodian of the South China Sea, Southeast Asian states will not simply relinquish their sovereignty claim and accept China's victory. More plausibly, they could agree to refrain from any action that openly challenges their big neighbor. The basic disagreement over overlapping territorial claims would continue to exist, making it necessary to find ways to prevent regular interactions on the sea between fishermen, law enforcement vessels and others of all sides to not degenerate into broader incident. The key here is a flexible interpretation of the meaning of sovereignty and of the rules governing interactions in the whole sea.

On the former, we have argued above that both China and Southeast Asian states cling to a Westphalian, absolutist conception of sovereignty as exclusive ownership and use of a land feature and of the adjunct sea. Rediscovering the flexibility that served East Asia well in the past would mean here getting away from that notion and towards something more symbolic. China often insists it is ready to "shelve disputes to focus on joint development", but since this has to be reconciled with its equal insistence that "its sovereignty is indisputable", the only way to reconcile the two is probably to accept its proclamation of sovereignty over all islands in the South China Sea as the modern equivalent of the Middle Kingdom's interpretation of the paying of tribute as an acknowledgement of its superiority.⁴⁵ Southeast Asian states would maintain their official position on their ownership of disputed islands but avoid reference to them as much as possible and refrain from issuing diplomatic protests or legal challenges against Chinese proclamations and legal steps that demonstrate its "indisputable sovereignty". In exchange, China would allow access to fishing grounds (within the conservation requirements outline above) leave the islands in the Spratlys controlled by the Philippines, Vietnam and Malaysia (one each) well alone, and agree to let companies from those countries participate in oil and gas exploitation ventures. All sides would avoid mentioning the fact that those ventures would be conducted under Chinese law. In this way, the South China Sea issue would be neutralized through a symbolic show of deference to China where it matters most to it accompanied by the sharing of resource rights attached to sovereignty in practice.

The breadth of China's maritime claims beyond sovereignty over islands and their surrounding seas means regional states also need to show flexibility regarding interactions in the South China Sea more broadly. Indeed, China argues it is entitled to an extensive Exclusive Economic Zone (EEZ) as well as vague "historic rights" in the South China Sea as a whole.⁴⁶ The protection of its equally broad and vague "maritime rights and interests", distinct from territorial sovereignty (as expressed by Xi Jinping in the speech quoted earlier in this paper), is also now a central part of its

⁴⁵ Callahan, *Contingent States*, p. 58 and 98-99.

⁴⁶ Historic rights were previously associated with the infamous "nine-dash line", but after last year's international arbitration tribunal decision on the issue, China seems to have dissociated the two, linking the "nine-dash line" only to its claims to islands and rocks and referring elsewhere simply to "historic rights in the South China Sea". See "Chinese government statement on China's territorial sovereignty and maritime rights and interests in South China Sea", *Xinhua*, July 12 2016, http://news.xinhuanet.com/english/2016-07/12/c_135507754.htm and the analysis of Andrew Chubb, "Did China just clarify the nine-dash line?" *East Asia Forum*, July 14 2016.

discourse on maritime power.⁴⁷ The notion of historic rights sit uncomfortably with a conventional interpretation of international law, as acknowledged by Chinese experts and policy-makers who argue that international law is fluid and has a capacity to change to accommodate the interests of great powers, but also that East Asia should not blindly follow the example of Europe and the Westphalian model of international society.⁴⁸ This argument is self-serving, but there is indeed something to be said for leaving a certain ambiguity in the definition of historic rights and the way other states respond to them, as pushing China to clarify those rights would likely create new areas of conflicts. The focus should instead be for all parties to prevent disputes by managing sea encounters in a way that allows both sides to save face.⁴⁹ This would imply first making an exception for other coastal states when it comes to regulating the activities of foreign warships and law enforcement vessels operating in one's EEZ – something that all parties except Vietnam purport to do⁵⁰ – and ignoring their presence, as well as that of research vessels and the like, as much as possible. Secondly, and most importantly, this would imply tolerating the legal (i.e. not contravening fishing bans or using environmentally damaging techniques) activities of fishermen of all coastal states in areas outside territorial waters and dealing with illegal activities in a way that does not imply a violation of the rights of any parties. A recent incident involving China and Indonesia saw Indonesian coastguards seize a Chinese fishing boat within its EEZ and a Chinese coastguard vessel coming to the rescue by force.⁵¹ A resolution of the incident focused on preserving both parties' face would have played out something like this: The Indonesian coastguard vessel apprehends the Chinese boat, contacts its Chinese counterpart and transfers custody of the offender to it somewhere just outside its EEZ. China concurs that the fishermen were engaged in illegal activities because the zone was protected or because they used an illegal fishing technique (whether that was really the case or not) and promises to punish them according to Chinese laws (whether the punishment is actually implemented or not). This scenario would allow each side to pretend that it acted in accordance with its rights and obligations. This kind of fudge that puts aside the question of rights definition and leaves it to local agents to pepper over conflicting views is the best way to prevent local incidents from ballooning into diplomatic disputes.

The preservation of face should also be the guiding principle in managing Sino-Japanese disputes in the East China Sea. As we argued above, Japan is much better placed to resist any attempt from China to solve these disputes on its own terms. The best China can hope for is a stalemate, an accurate description of the current situation around the Senkaku/Diaoyu islands. China regularly sends coastguard

⁴⁷ Isaac Kardon, "China's Maritime Rights and Interests: Organizing to become a Maritime Power," paper presented at the China as a Maritime Power Conference, Center for Naval Analyses, Washington, DC, July 28–29, 2015.

⁴⁸ Callahan, *Contingent States*, p. 91; Zheng Zhihua, "Why does China's Maritime Claim Remain Ambiguous?" *Asia Maritime Transparency Initiative*, June 12, 2015, <https://amti.csis.org/why-does-chinas-maritime-claim-remain-ambiguous/>.

⁴⁹ On the concept of face and its importance in Chinese culture, see Hu Hsien Chin, "The Chinese Concept of Face", *American Anthropologist*, Vol. 46, No. 1 (1944), pp. 45-64; David Yau-fai Ho, "On the Concept of Face", *American Journal of Sociology*, Vol. 81, No. 4, pp. 867-884; Peter Gries, *China's New Nationalism* (Berkeley: University of California Press, 2004), chapter 1.

⁵⁰ Raul Pedrozo, "Military Activities in the Exclusive Economic Zone: East Asia Focus", *International Law Studies*, Vol. 90, No. 1 (2014), pp. 521-522.

⁵¹ Haeril Halim, Anggi Lubis and Stefani Ribka, "RI Confronts China on Fishing", *The Jakarta Post*, March 21, 2016.

vessels in their territorial waters to manifest its claim to them, but can otherwise do little to force Japan to relinquish control over them.⁵² The radically different interpretation on each side of the nationalization of the islands by the Japanese government in September 2012, which gave rise to the current situation, shows the depth of the gap in perceptions between the two countries.⁵³ The stand off over the islands is furthermore to be placed in the context of a broader disagreement between China and Japan on their respective place in the East Asian order, a disagreement with deep historical roots as previously mentioned. The prospects for a negotiated settlement in the foreseeable future are thus poor indeed. Attention should instead focus on masking the gap in perceptions and on managing military contacts in the East China Sea so as not to let those issues derail the overall relationship.

An existing example of the skillful diplomacy needed to mask radical disagreements is the so-called “four points understanding” announced in 2014, which paved the way for the first meeting between the Japanese Prime Minister and the Chinese President since the Senkaku/Diaoyu nationalization. The nature of this understanding (no legal standing, announced separately) revealed the difficulties of rebuilding mutual trust. That the agreement was concluded at all is in no small part due to the fact that the two sides agreed to release each their version of the text, which contains several key differences. The most important one pertaining to the islands dispute is the different words chosen to describe conflicting understandings of the matter, where Japan employed the terms “different views” (*kotonaru kenkai* 異なる見解),⁵⁴ while China used “different positions” (*butong zhuzhang* 不同主张).⁵⁵ The latter, much more formal, denotes an official claim to the islands from China, something that Tokyo has always refused to accept since Japan’s official position is that its ownership of the islands is a settled matter and no territorial dispute exists whatsoever. The acknowledgement that China does have a claim to the islands was a precondition for accepting the resumption of diplomatic dialogue. Therefore, by agreeing to overlook this small but crucial difference in the two versions of the same text, both sides could claim victory – Japan by resuming dialogue without recognizing China’s claim and China by pushing Japan to give such recognition. This kind of expert word crafting and willful blindness to conflicting understandings to avoid the appearance of concessions on either side will probably be needed in all future Sino-Japanese agreements that have to include a reference to their territorial dispute.

The avoidance of contentious discussions of sovereignty issues should also be extended to Sino-Japanese negotiations of a Maritime and Air Communication Mechanism currently underway.⁵⁶ Considering the growing number of military and

⁵² The Japanese Ministry of Foreign Affairs (MOFA) maintains an up-to-date count of Chinese intrusions in the waters of the Senkaku/Diaoyu islands, available at http://www.mofa.go.jp/region/page23e_000021.html.

⁵³ See Tsuyoshi Kawasaki, “The Diaoyu/Senkaku Dispute: Analyzing the Japanese Perspective”, *Canada Asia Agenda* 30, Asia Pacific Foundation of Canada, October 4, 2012; Yves Tiberghien, “The Diaoyu/Senkaku Dispute: Analyzing the Chinese Perspective”, *Canada Asia Agenda* 30, Asia Pacific Foundation of Canada, October 4, 2012.

⁵⁴ MOFA, 《日中関係の改善に向けた話し合い》 [“Discussions Towards the Improvement of Japan-China Relations”], November 7, 2014, http://www.mofa.go.jp/mofaj/a_o/c_m1/cn/page4_000789.html.

⁵⁵ 《杨洁篪会见日本国家安全保障局长谷内正太郎》 [“Yang Jiechi Meets the Japanese National Security Bureau Chief Yachi Shotaro”], *Xinhua*, November 7, 2014, http://news.xinhuanet.com/world/2014-11/07/c_1113163321.htm.

⁵⁶ See Marta McLellan Ross, “The Japan-China Maritime and Air Communication Mechanism:

coastguard interactions between the two countries in the whole East China Sea (and Chinese incursions into Japan's claimed airspace above it), interactions which are sure to continue or even intensify as China's maritime capabilities grow, such a mechanism is urgently needed and should include as many actors as possible, military or otherwise. As for commercial activities, there is nothing to add to the obvious statement that the existing bilateral agreements with regard to fisheries and oil exploitation should be implemented. To prevent further incidents in the Senkaku/Diaoyu area, China and Japan could both declare a fishing ban there, something that would greatly benefit the fishes themselves by giving them a much needed sheltered area to breed. Any Chinese transgressors arrested by the Japanese coastguards could be transferred to their Chinese counterpart as a gesture of courtesy aiming to avoid a repeat of the crisis following the September 2010 fishing boat collision incident. In short, it is only by showing flexibility in their interactions in the diplomatic field and on the waters, as well as an ability to overlook conflicting understandings of the territorial dispute that China and Japan can preserve and strengthen the measure of stability that they have managed to recover in their relationship.

China and the nomads

We have until now mostly ignored the proverbial elephant in the room, namely the United States who play an important background role in East Asian territorial disputes through its alliance with Japan in the East China Sea and through its strong links with Southeast Asian states and significant military presence in the South China Sea. The US is however an "offshore actor", fully integrated in the region but not part of the traditionally Sino-centric world. If we wish to, as is the purpose of this paper, suggest ways to reduce tensions around those disputes based on our reading of East Asia's past, it might be appropriate here to consider the ancient relation between the Middle Kingdom and the northern nomads, its traditional Other which often remained outside the tribute system, in order to examine if parallels can be traced between that relation and China-US rivalry today. To help us do so, we will use the theory of German political thinker Carl Schmitt, who more than anyone else made clear the centrality of friend-enemy relations to the realm of politics and international politics.

China's major Other

In *The Concept of the Political*, Schmitt famously argues that "the specific [...] distinction to which political action and motives can be reduced is that between friend and enemy".⁵⁷ By forming a political entity, of which the nation-state is but the most common modern incarnation, a collectivity of people makes a fundamental determination regarding who belongs to the group and who does not. The latter is an enemy not so much as an object of hate or disapproval – although he will easily be vilified in case of conflict – but rather as a fundamental Other, a stranger, who is essentially different from the collectivity, "so that in the extreme case conflicts with him are possible".⁵⁸ This does not mean that relations between political entities are always hostile and confrontational, or that no other interactions, economical or

Operational and Strategic Considerations", *Japanese Institute of International Affairs Fellow Report* (June 2015).

⁵⁷ Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: The University of Chicago Press, 2007), p. 26.

⁵⁸ *Ibid.*, p. 27.

cultural, are possible. It does imply, however, that “the political entity presupposes the real existence of an enemy and therefore coexistence with another political entity”,⁵⁹ and that every political relationship holds the inherent potential for conflict. A universal empire that abolishes all possibilities of political distinctions and conflict would not be a political entity but a cultural or economic one.

It is precisely such a universal empire, which would encompass “all under heaven” (*tianxia* 天下), that the Chinese political thinkers of the formative warring states period envisioned as a remedy to the violence of their days. Some of those warring states were in fact non-Chinese, but the distinction made between them and Chinese ones was cultural rather than political.⁶⁰ Politically, friends and enemies groupings changed according to the need of the moment between competing power centers, mostly independently of cultural affinity.⁶¹ Furthermore, it was understood that all barbarians⁶² could eventually be absorbed in the hoped for great unity of the civilized realm, thus putting an end to all political divisions.⁶³

This vision clashed against reality when a newly unified empire was faced with the impossibility to assimilate the powerful nomadic tribes to China’s north that would come to be known as the Xiongnu. These and their successors became “the major Other of the Chinese world”,⁶⁴ and the quintessential enemy of China as a political entity. The Xiongnu and other mostly nomadic people to China’s north and west remained its principal antagonist, and sometimes conqueror, all the way through to the establishment of the (non-Chinese) Qing dynasty, which conquered the nomads and revived the idea of a universal empire.

Pragmatism or ideology

How, then, did China deal with its major enemies? To stay within the English School framework, Zhang Feng argues that, for most of their common history, China and the nomads formed a *digu* (敌国) international society, distinct from the tribute system discussed in the first part of this paper.⁶⁵ The term *digu* translates to “equal/enemy country” and reflects the acknowledgement in that society that all actors were political rivals, among which conflicts were regularly settled through war, certainly, but also through other more peaceful means like trade, diplomacy, treaties and *heqin* (和亲) or peace through kinship, which explicitly aimed to transform enemies into friends through the building of family connections. Alan Shiu Cheung Kwan further argues that, during the extended periods where relations between China and the nomads were mostly peaceful, interactions were regulated through an

⁵⁹ *Ibid.*, p. 53.

⁶⁰ Lien-sheng Yang, “Historical Notes on the Chinese World Order”, in Fairbank, *The Chinese World Order*, p. 21; Nicola Di Cosmo, *Ancient China and Its Enemies: The Rise of Nomadic Power in East Asian History* (Cambridge: Cambridge University Press, 2002), pp. 93-94.

⁶¹ In fact, cultural and ethical arguments were used as was politically expedient, and a certain state could be designated civilized insider one moment and ruthless barbarian the next. See *ibid.*, pp. 97-104.

⁶² The different Chinese characters used to designate outsiders did not necessarily have the pejorative connotation of the world “barbarian”, although the Chinese feeling of superiority toward them was very real.

⁶³ Yuri Pines, “Beasts or Humans: Pre-Imperial Origins of the ‘Sino-Barbarian’ Dichotomy”, in Reuven Amitai and Michal Biran, ed., *Mongols, Turks, and Others: Eurasian Nomads and the Sedentary World* (Leiden, ND: Brill, 2005), pp. 81-83.

⁶⁴ *Ibid.*, p. 90.

⁶⁵ Zhang Feng, “International Societies in Pre-modern East Asia”. This is also how Zhang characterizes the periods of China’s division between several rival states, some of them non-Chinese.

adaptable hierarchy based on the balance of power and on prestige, which allowed each participant to deal with the others on a commonly accepted basis.⁶⁶

China thus could often display a pragmatic attitude, accepting the adversarial nature of its relationship with the nomads but trying to find a mutually acceptable *modus vivendi*. However, as Arthur Waldron argues, Chinese policies of accommodation of enemy tribes were also repeatedly undermined by the capacity of internal dissenters to call on the enduring official ideology according to which a morally superior emperor should rule all under heaven and could not treat with foreign kings on equal footing or accept their political independence.⁶⁷ “Rebels” who did not submit were in this view closer to beast than man and any attack against them was a “righteous punishment”.⁶⁸ This ideological intransigence is also prominent in Geoff Wade’s discussion of China’s view of troubles on its southern border in relations with the non-Chinese polities that it had progressively conquered or absorbed. There too, the emperor’s benevolence and virtue was deemed absolute and beyond question. Those “barbarians” who opposed assimilation in the Chinese state were by consequence necessarily amoral and evil, or even devoid of humanity.⁶⁹

One can find here striking parallels with liberalism as an object of Schmitt’s critique in *The Concept of the Political*. Indeed, he saw great danger in seeking to ignore the specifically political nature of international relations and accused the proponents of liberalism of trying to mask political struggles in the guise of ethical disagreements, legal controversies or economic competition. This, he argues, creates an essentially pacifist vocabulary that, by denying the possibility of political opposition, casts any adversary that does challenge the liberal paradigm as “a disturber of peace”, and even “an outlaw of humanity”, potentially justifying all sort of extreme measures against him.⁷⁰ By casting its claim to dominance in moral and cultural terms and denying dissenters their status as political opponents, the Chinese state was taking a similarly uncompromising course. The general lesson here is thus that ideology, and the claim to absolute righteousness by one or both sides in political struggles can worsen confrontation and foreclose the path to compromise. We will argue that China and the US need to avoid the danger of falling in this trap in the South China Sea.

Avoiding ideological rivalry in the South China Sea

Rivalry between the US and China in the South China Sea today acts as a strategic “overlay” over the territorial disputes discussed above, as the two great powers struggle to defend their maritime interests against the perceived threat of the other.⁷¹ However, although this rivalry is probably inevitable, it is needlessly aggravated by the invocation of ideological arguments.

⁶⁶ Kwan, “Hierarchy, Status and International Society” .

⁶⁷ Arthur Waldron, *The Great Wall of China: From History to Myth* (Cambridge: Cambridge University Press, 1990).

⁶⁸ Alistair Iain Johnston, *Cultural Realism: Strategic Culture and Grand Strategy in Chinese History* (Princeton: Princeton University Press, 1995), pp. 187-188 and pp. 246-247.

⁶⁹ Geoff Wade, “The Southern Chinese Border in History”, in Grant Evans, Christopher Hutton and Kuah Khun Eng, ed., *Where China Meets Southeast Asia: Social and Cultural Change in the Border Region* (New York: Palgrave Macmillan, 2000), pp. 40-42.

⁷⁰ Schmitt, *The Concept of the Political*, p. 79.

⁷¹ Aileen Baviera, “An ASEAN Perspective on the South China Sea: China ASEAN Collision or China-US Hegemonic Competition?” in Pavin Chachavalpongpun, ed., *Entering Uncharted Waters: ASEAN and the South China Sea* (Singapore: ISEAS, 2014), pp. 88-114.

China's new major Other

In the post-Cold War era, the US has emerged as China's major Other and most prominent potential enemy. The most immediate reason for this can be traced back to the 1996 Taiwan Strait crisis, when the US showed with the dispatch of an aircraft carrier group its readiness to oppose reunification between Taiwan and the mainland by force if necessary. This made it the greatest threat to one of China's most important national goals and the military modernization program subsequently launched by the PRC was, initially at least, largely designed to prepare for the eventuality of an armed conflict where it would have to deny the US access to its near sea.

Sino-American political hostility also stems more generally from their rivalry as emerging power and dominant power respectively and from the great gap in domestic political system and values between a bureaucratic authoritarian state and a liberal democratic one. Considering both those structural factors and the concrete antagonism over US access to China's near sea, it seems inevitable that Sino-American relations entail a non-negligible degree of hostility. Rather than attempting to resolve those tensions entirely, then, the objective should be to manage them, or in other words to establish *diguo* rules of coexistence in East Asia.

Pragmatism or ideology

What would those rules look like in the South China Sea, which has emerged as the most prominent stage for Sino-American rivalry? They should first be based on a realistic understanding of the balance of power between the two countries in that area. While the US remains far superior in terms of overall military capabilities, the picture is not so clear when it comes to the waters around China, where the People's Liberation Army (PLA) can now deploy extensive so-called anti-access/area-denial capabilities to effectively counter US forces.⁷² Although Chinese facilities built relatively far from home in the Spratlys remain vulnerable to a quick American attack, then, the general situation along China's maritime perimeter is close to a military stalemate, and may even be to China's advantage in case of localized and limited conflict, where it would enjoy the benefits of close proximity to the mainland and could quickly, if only temporarily, achieve dominance of the area in contention. A determined and extensive military effort from the US would still likely guarantee victory, but one can doubt that the superpower would show such determination.

Indeed, even if the balance of capabilities in the South China Sea is relatively close to equilibrium, the same cannot be said of the balance of interests in the area. For the US, North Korea and trade are higher priorities in its relations with China under the current administration while the fight against terrorism and the maintenance of NATO remain crucial overall security objectives. Its interest in the South China Sea is more diffuse, relating to its commitment to allies and partners in the region and its determination to maintain a regional order that preserves its dominance, but not to the territorial issues themselves.⁷³ For China on the other hand, the South China Sea disputes are, as outlined above, a question of sovereignty and national security and

⁷² See Andrew Erickson, "China's Modernization of Its Naval and Air Power Capabilities", in Ashley Tellis and Travis Tanner, ed., *Strategic Asia 2012-13: China's Military Challenge* (Washington, DC: The National Bureau of Asian Research, 2012), pp. 61-126; Ronald O'Rourke, "China Naval Modernization: Implications for U.S. Navy Capabilities – Background and Issues for Congress", *Congressional Research Service*, May 12, 2017.

⁷³ Brantly Womack, "The Spratlys: From Dangerous Ground to Apple of Discord", *Contemporary Southeast Asia*, Vol. 33, No. 3 (2011), p. 376.

thus part of its “core interests”.⁷⁴ Furthermore, whereas one can hardly say that the South China Sea is a matter of burning concern for the American public, the CCP’s deliberate effort to raise Chinese citizen’s “maritime consciousness” has been quite effective in making them care deeply about their country’s territorial claims.⁷⁵ All this means that if a conflict were to occur between the two great powers, China would likely be much more determined to achieve victory at all costs while the American priority would be to prevent escalation and seek a quick resolution.

Considering the fragile balance of power and the imbalance of motivation, the US should maintain a neutral diplomatic stance when it comes to sovereignty disputes in the South China Sea⁷⁶ and proceed carefully with its diplomatic stance and military activities there. So-called Freedom of Navigations Operations could continue to show its adversary its commitment to remain an Asian maritime great power as well as its opposition to China’s restrictive interpretation of the right of innocent passage for military vessels within a state’s EEZ and expansive definition of its authority to control access to the surrounding waters of the islands and reefs it controls. However, these operations should, to quote Bonnie Glaser, “be carried out quietly and without fanfare”, without putting China in a position where it has to react strongly or feels its sovereignty claims are threatened.⁷⁷ They should also be conducted at regular intervals and following predictable patterns to avoid the risk of miscalculation. China could then limit itself to shadowing the vessels and asking them to leave, imitating Japan in its restrained response to frequent Chinese incursions around the Senkaku/Diaoyu islands. More generally, the two countries should try to keep confrontations in the South China Sea out of the spotlight and emphasize instead those interactions that can lessen mutual animosity like military-to-military dialogue, joint exercises and disaster relief operations or cooperation against a common enemy like piracy.

The principal obstacle to such a cool-headed approach is the tendency on both sides to give ideological coloring to their political animosity. On the US side, China’s quest to gain mastery of the South China Sea is sometimes taken as the proof that the country is challenging the American-led liberal international order as a whole.⁷⁸ As the arbitration court ruling of July 2016 has made clear, many Chinese claims in the

⁷⁴ Chinese officials have in fact never referred to the South China Sea directly as such, but “state sovereignty”, “national security” and “territorial integrity”, all terms regularly used to talk about the disputes there, are explicitly stated core interests, so the crucial importance of the area for the regime is beyond doubt. See Hoo Tiang Boon, “Hardening the Hard, Softening the Soft: Assertiveness and China’s Regional Strategy”, *Journal of Strategic Studies* (2016), pp. 9-14; James Tunningley, “The South China Sea Dispute: China’s Polygonal Defence of Core Interests”, *RUSI Commentary*, 12 July 2016, <https://rusi.org/commentary/south-china-sea-dispute-chinas-polygonal-defence-core-interests>.

⁷⁵ Andrew Chubb, *Exploring China’s ‘Maritime Consciousness’: Public Opinion on the South and East China Sea Disputes* (Perth, AU: Perth USAsia Center Report, 2014).

⁷⁶ For a discussion of the dangers of excessively taking sides beyond a call for peaceful resolution of these territorial disputes, see D. H. Paal, “Why the South China Sea is not a ‘Sudetenland Moment’”, *The Diplomat*, 18 August 2012.

⁷⁷ Bonnie Glaser, “Seapower and Projection Forces in the South China Sea”, testimony before the House Armed Services Subcommittee on Seapower and Projection Forces, September 21, 2016, p. 5, <https://armedservices.house.gov/legislation/hearings/seapower-and-projection-forces-south-china-sea>.

⁷⁸ See for instance Seth Cropsey, “Beijing Threatens the International Order”, *Hudson Institute*, June 1, 2015, <https://www.hudson.org/research/11335-beijing-threatens-the-international-order>; US Department of Defense, “Remarks on ‘Strategic and Operational Innovation at a Time of Transition and Turbulence’ at Reagan Defense Forum” by Secretary of Defense Ash Carter, November 7, 2015, <https://www.defense.gov/News/Transcripts/Transcript-View/Article/628147/remarks-on-strategic-and-operational-innovation-at-a-time-of-transition-and-tur/>; Edwin Mora, “Petraeus: U.S. Facing ‘Unprecedented Threat’ from China, Russia, Iran, Jihadi Groups”, *Breitbart*, February 1, 2017.

South China Sea are indeed contrary to international law.⁷⁹ However other accusations, namely that Chinese actions pose a threat to freedom of navigation and are the proof that it seeks to kick the US out of the region entirely, are at risk of mischaracterizing the South China Sea dispute. There is first no indication that China is aiming to disturb free commercial navigation in the South China Sea, on which it depends itself greatly, and the dispute between the US and China here is more narrowly focused on the rights of military vessels operating in EEZs.⁸⁰ Furthermore, a closer look at China's military doctrine reveals that its preparations to deal with US involvement in a conflict in its near seas do not (as of yet) reflect an ambition to prevent US military intervention in the West Pacific more broadly.⁸¹ The narrative of China seeking to chase away the US also overestimates China's ability to do so in the face of a deep commitment to US leadership from many other regional states.⁸² The US thus risks aggravating a concrete antagonism in the South China Sea by exaggerating its impact on the US-led regional order broadly speaking and presenting it in terms of a conflict in worldviews between the two great powers.

Part of the problem may be a failure to recognize how much the South China Sea dispute is for China a matter of preserving what it considers its inherent territory – issues of freedom of navigation and international order being secondary concerns at best.⁸³ Considering its intransigence about sovereignty, highlighted above, it is perhaps not surprising that the PRC also tends to depict the US threat in overtly dramatic terms. China's victim mentality when it comes to its territorial integrity, fueled by the narrative of the "100 years of humiliation" at the hand of colonial powers, underpins a moralistic and self-righteous position in the South China Sea, where the country is presented as the peaceful party that simply seeks to defend itself against US hegemonism and the aggressive policy of Southeast Asian states that it encourages.⁸⁴ There are two particular dangers with this view. The first is to link the US activities in the South China Sea with long-standing Chinese suspicions that the superpower is determined to undermine CCP leadership and to divide the country.⁸⁵ The second is to see those activities as part of an effort to "contain" China, to deny it its rightful place in the region and to intentionally fuel confrontation between it and

⁷⁹ See summary at Permanent Court of Arbitration, "Press release concerning the award in the South China Sea arbitration", July 12, 2016, <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>

⁸⁰ Mark Valencia, "(Mis)construing China's threat to the South China Sea", *East Asia Forum*, May 2, 2017.

⁸¹ Taylor Fravel and Christopher Twomey, "Projecting Strategy: The Myth of Chinese Counter-intervention", *Washington Quarterly*, Vol. 37, No. 4 (Winter 2015), pp. 171-187.

⁸² Andrew Phillips, "China's Real Goal: Destroy the Regional Order in East Asia?" *The National Interest*, July 31, 2014.

⁸³ Bill Hayton, "What does China really want in the South China Sea?" *Nikkei Asian Review*, March 29, 2017.

⁸⁴ See for instance Fu Ying and Wu Shicun, "South China Sea: How We Got to This Stage", *The National Interest*, May 9, 2016; Yang Yanyi, "Some South China Sea arguments are just wrong: Ambassador", *China Daily*, May 24, 2016. See also the discussion of the topic in Andrew Scobell, "China's Real Strategic Culture: A Great Wall of the Imagination", *Contemporary Security Policy*, Vol. 35, No. 2 (2014), pp. 218-221; Mark Valencia, "The South China Sea and the 'Thucydides trap'", in C. J. Jenner and Tran Truong Thuy, *The South China Sea: A Crucible of Regional Cooperation or Conflict-making Sovereignty Claims?* (Cambridge: Cambridge University Press, 2016), pp. 59-68. As Scobell points out, this kind of depiction of the adversary as aggressive and determined to harm a peaceful China is also an aggravating factor in tensions with Japan.

⁸⁵ On those suspicions, see Kenneth Lieberthal and Wang Jisi, "Addressing U.S.-China Strategic Distrust", *Brookings John L. Thornton China Center Monograph Series*, No. 4 (March 2012), pp. 11-13.

its neighbors (thus failing to acknowledge how much those neighbors themselves are unsettled by some Chinese actions and become more supportive of US presence as a result). Here again, the concrete political opposition in the South China Sea between two great powers is overshadowed by the invocation of ideological and moralistic arguments that depict one side as virtuous and the other as bent on assailing this virtue. Obviously, this fuels stronger hostility and makes it harder to find a *modus vivendi* between the two sides. These kinds of broad accusations, irrevocably condemning one country or the other as the “disturber of peace” Carl Schmitt talked about,⁸⁶ are thus the principle obstacle to the pragmatic management of Sino-American tensions in the South China Sea.

Conclusion

In this paper, we have discussed the territorial disputes between China and its neighbors and the maritime tensions between China and the US separately to reflect the different forces at work. We can highlight some commonalities, however. We have argued that in both cases the continued existence of issues in conflict is probably inevitable due to factors such as political dynamics and a strong emphasis in many countries on nationalism and national unity. The objective should thus realistically be conflict management rather than resolution. Looking at the traditional East Asian order can still offer valuable lessons in both cases. Firstly, the balance of power between China and others was and is of great importance. In the past, it played a large part in determining to what extent neighbors had to accept China’s vision of the proper international rules, and we must today not ignore the fact that those neighbors possess different capacities to stand up to China in case of conflict, and will thus need to show different degrees of deference. Japan can deal with China on equal footing in the East China Sea while smaller Southeast Asian coastal states will need to show greater deference to their large neighbor. Even the United States needs to act carefully in the South China Sea considering China’s specialized capabilities and strong motivation to defend its territorial claims. Secondly, China often showed flexibility and pragmatism in its dealings with both the nomads and other East and Southeast Asian kingdoms, traits that are still very much needed in relations with their modern inheritors and the US today. Indeed, an absolutist definition of sovereignty and overzealous efforts to control navigation in shared maritime space are recipes for continued confrontation. The only way forward is for China to accommodate the economic and political needs of opponents in exchange for tacit deference to its “core interests”. Excessive rigidity and defensiveness on the ground (or rather on the waters) is self-defeating in the end.

The ambiguity of an analogy beloved by Chinese leaders illustrates this point nicely. As we have mentioned above, Xi Jinping and others have emphasized the need to build an “impregnable wall” in the South China Sea, and some have explicitly evoked the Great Wall built by the Ming to defend against northern nomads. Waldron has however argued convincingly that the building of the Great Wall was in fact the result of policy failures – the rejection of accommodation of nomadic needs on ideological and domestic political grounds and the impossibility of resolving conflicts militarily leading to the construction of fortifications as the last available option – and was not very effective to boot, as it failed to deter further nomadic incursions.⁸⁷ As

⁸⁶ Schmitt, *The Concept of the Political*, p. 79.

⁸⁷ Waldron, *The Great Wall of China*.

this paper has tried to show, there are certainly better historical examples to draw from when trying to negotiate peaceful coexistence in the seas around China.