Amitai Etzioni
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Diplomacy and Security in the South China Sea: After the Tribunal
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Several American analysts point to the modernization of the Chinese military; its development of anti-access, area denial capabilities; China's rapid economic growth; and its expansionist conduct, especially the building up of some islands in the South China Sea—as indications that sooner or later the US will go to war with China. They hence advocate increased military budgets, placement of US troops and warships in the area, military alliances with nations on the border of China, and drawing a redline when it comes to the contested islands.

As I see it, the Chinese military buildup is coming from a very low base, and is far from approaching that of the US. The difference is highlighted by the fact that China now has one aircraft carrier while the US has eleven. The anti-access, anti-ship missiles are mainly defensive weapons, of concern for anybody who wants to attack China but otherwise do not threaten the US or its allies. China's economic growth is slowing and its income per capita is and will be for decades well below that of the US. It is close to that of El Salvador. The fate of the contested islands should be settled as part of a much more all-encompassing bargain with China, rather than turned into a major issue in its own right, a test of China's good character or of US credibility and fortitude.

Above all, I note that the US and China have many shared and complementary interests and very few real reasons for conflict. These shared interests include preventing the spread of terrorism (obviously a major concern for the U.S. and its allies but also for China where Uighur separatists have launched attacks against the government since the 1990s); non-proliferation of

nuclear arms (China voted with the US in 2016 at the UN to board all ships on their way to or from North Korea to ensure that they do not carry nuclear materials); global financial stability; preventing the spread of pandemics; and environmental protection, in particular climate change. In addition, the US has a major interest in making major investments in nation building at home and not in continuing to increase military expenditures in preparing for a war with China.

The remaining issues can be settled best if both sides focus on the issues most important to them. The US' number one security risk in Asia is a North Korea armed with nuclear and chemical weapons, long range missiles, and an unpredictable dictator. If it attacks South Korea or Japan, the US will be dragged into a war, which it is sure to win but only after devastating costs to its allies and its status. China has the leverage to compel North Korea to change course, but it has to be incentivized to proceed because of the costs to itself of twisting North Korea's arms. This is the case because first, China fears that if the regime in Pyongyang collapses, many millions of North Koreans will flee into China, and it will have to accommodate them. Second, that following the unification of Korea, the US will move its troops to the border with China. It is hence not enough for the US to call on China or try to shame China into pressing North Korea to give up its nuclear arms buildup. First of all, it has to informally negotiate an agreement with China that the area that is now North Korea would not be occupied by either side and that the nuclear arms there now will be destroyed rather than added to China's arsenal. In return, the US has to commit itself to not placing a nuclear missile shield in South Korea. China has reasons to be concerned about such a shield because it could be used to undermine its nuclear deterrent. Other incentives may well be needed, for instance, stopping the near daily American intelligence flights up and down Chinese coastlines, which are of very limited use for the US and very antagonizing to China.

The second major US security interest in Asia is to ensure that terrorists are unable to get their hands on nuclear weapons in Pakistan (something they have already tried six times). Given that China is the primary source of arms and investments for Pakistan, this second US security objective may be achieved if, as part of the grand bargain, the US agrees to stop helping India develop its nuclear arsenal and stops pushing its military build-up to counter China.

Several additional examples follow. One may well dispute one or the other, but the main purpose is to illustrate elements of a grand bargain approach.

Clarifying Intentions Regarding Taiwan

Making explicit that which is viewed by many as an implicit understanding between China and the United States regarding the status of Taiwan would constitute a major step toward defusing tensions between the two powers. The governments of both the United States and China have already demonstrated considerable self-restraint in the matter of Taiwan. Beijing has not yielded to demands from those who call for employing force as a means of "reclaiming" Taiwan as part of the mainland; meanwhile, Washington has not yielded to Americans who urge the recognition of Taiwan as an independent country. These measures of self-restraint should be made more explicit by letting it be known that so long as China does not use force to coerce Taiwan to become part of China, the United States will continue to refrain from treating Taiwan as an independent state.

One may ask whether it is not best to let sleeping dogs lie. One reason to clarify both sides' policies is that hawks in both nations use the cause of Taiwan to justify building up the United States' and China's respective military forces in an era in which it is necessary for both nations to focus on economic, social, and environmental issues at home. A 2013 report to Congress from the Department of Defense concurs, stating, "Preparing for potential conflict in

the Taiwan Strait appears to remain the principal focus and primary driver of China's military investment."[i] Moreover, China carried out a military exercise in which the PLA simulated "a Normandy-style invasion" of Taiwan.[ii] In the United States, a 2003 report from the Council on Foreign Relations examined China's growing military power and held that "minimizing the chances that a cross-strait crisis will occur means maintaining the clear ability and willingness to counter any application of military force against Taiwan."[iii]

Making an explicit commitment to maintain the status quo of Taiwan, unless the people of Taiwan freely and peacefully choose otherwise, would significantly reduce tensions between the United States and China.

Cyberspace

A grand bargain is particularly important for restraining the proliferation of weapons such as cyber arms that favor those who strike first. Such weapons are particularly destabilizing because they offer tangible incentives to strike before being struck, thereby increasing the probability that a country possessing them will escalate a situation. Cyber arms, roughly defined, are malicious computer programs designed to conduct espionage or to disable or destroy physical infrastructure. Because espionage has been a reality of international relations for as long as nations have existed and because "kinetic" cyber weapons remain rare, it seems likely that any new shared understandings of vetted self-restraint in the realm of information technology will center on those cyber tools capable of causing physical damage rather than those that collect intelligence.

A draft code that seeks to forestall conflicts involving cyber arms has already been proposed. In September 2011, four countries—China, Russia, Tajikistan, and Uzbekistan—submitted an "International Code of Conduct for Information Security" to UN Secretary-General

Ban Ki-moon. The draft calls for a "consensus on the international norms and rules standardizing the behavior of countries concerning information and cyberspace at an early date." The document further asks states to pledge "not to use [information and communication technologies] including networks to carry out hostile activities or acts of aggression and pose threats to international peace and security." [iv]

Critics have found fault in this draft, suggesting the draft may lead to increased state censorship and control of the Internet; however, these critics have failed to propose an alternate text. It seems more constructive to amend and modify the suggested text rather than to dismiss it out of hand.

A Buffer Zone

The United States formed military alliances with, signed agreements allowing the placement of American troops and other military assets in, and conducted joint military exercises with many of the countries neighboring China. The United States views these arrangements as agreements between sovereign nations, a way of burden sharing, and part of a drive to contain or "counter-balance" China; however, China perceives these moves as an attempt at Cold War-era encirclement. China has also sought military alliances of its own with neighboring countries, adding to tensions in the region.

These moves position American and Chinese military forces closer to each other, a proximity that could potentially lead to accidental clashes and conflicts. This risk has been highlighted by multiple incidents, including the April 2001 collision of a U.S. Navy surveillance aircraft with a People's Liberation Army Navy (PLAN) fighter jet over the South China Sea

approximately 65 miles southeast of China's Hainan Island, and an encounter between a PLAN Jianghu III-class frigate and an American surveillance ship in the Yellow Sea near South Korea nine days earlier.[v]

Moreover, the various treaties and understandings between countries in East and Southeast Asia and either China or the United States have given several states in the region "a finger on the trigger" of a gun belonging to their superpower sponsor by stipulating that if the nation in question enters a war with one superpower, the other superpower will come to its aid. Some treaties explicitly entail such a commitment (e.g., the Treaty of Mutual Cooperation and Security between the United States and Japan, which is said to cover the Senkaku Islands). Others are ambiguous and easily misconstrued by the countries involved (e.g., the Mutual Defense Treaty between the United States and the Philippines and the relationship between China and North Korea).

It is therefore particularly troubling that some of these smaller states have engaged in provocative behavior. Such provocative behavior could not only lead to war between them and other states in the region but could also drag both superpowers into a confrontation with each other.

A grand bargain might include an agreement to treat states that share land borders with China similarly to the way Austria was treated during the Cold War: as a buffer zone. (One additional model is that of East Germany following reunification; a 1990 agreement between Germany and the USSR stipulated that although the former East Germany would be given the status of NATO territory, neither NATO troops nor nuclear weapons would be stationed in these parts.[vi]) Both powers would be free to continue engaging these countries economically by investing, trading, and providing foreign aid, to share information, and to promote educational

programs. However, neither the United States nor China would be permitted to extend any new military commitments to countries in the buffer zone, and both would be required to gradually phase out existing military commitments. The grand bargain could also stipulate a limit to joint military exercises and the placement of military assets in this zone. Above all, both powers would make it clear to their allies that they should not assume the automatic, guaranteed involvement of the United States or China if they engage in armed conflict or war with either of these two powers.

Pathways

China is highly dependent on the import of raw materials and energy, a great deal of which reaches China via the sea. China sees itself as highly vulnerable because the United States, which has a strong naval presence in the region, could readily block these imports.[vii] Some American commentators openly discuss the option of such a blockade, which is considered a moderate way of confronting China relative to the Air–Sea Battle concept.[viii]

In response to these concerns and as a result of its broader interest in commercial expansion, China increased its naval presence in the South China Sea and developed a network of ports—termed the "string of pearls"—in the Indian and Pacific Oceans.[ix] Additionally, China attempted to reduce the country's reliance on shipping lanes by developing plans, including new Silk Roads, for transporting oil and gas resources by land.[x] Indeed, a system of roads, railways, and pipelines now extends across continental Asia.[xi]

Some Americans view these pathways as a sign of China's expansionist tendencies and interest in asserting global dominance.[xii] Meanwhile, some Chinese view American opposition to select pathways, for instance a pipeline from Iran to China, as attempts to contain China's rise.

The United States should assume—unless clear evidence is presented to the contrary—that extending land-based pathways for the flow of energy resources and raw materials will make China less inclined to build up its military, particularly the naval forces needed to secure ocean pathways—a win-win for both powers.

Responsibility to Protect, No Coercive Regime Changes

In 2005, 188 countries, including China and the United States, endorsed the responsibility to protect doctrine (R2P). Accordingly, the international community pledged "to use appropriate diplomatic, humanitarian and other means to protect populations" from genocide, war crimes, ethnic cleansing, and crimes against humanity if a state fails to meet its primary obligation to protect its own people.

However, in 2011, the UK, France, and the United States turned an armed humanitarian intervention aimed at preventing the large-scale killing of civilians in Libya into a coercive regime change. When the ongoing humanitarian crisis developed in Syria in 2011, Western powers openly called for not only ending the civil war but also forcing President Bashar al-Assad out of power. Russia, supported by China, strongly opposed these interventions. The two countries invoked the long-established Westphalian norm of sovereignty, which holds that no state should interfere by use of force in the internal affairs of another nation.

It follows that if the United States and its European allies limit their future armed humanitarian interventions only to instances of genocide and other crimes outlined in the original R2P resolution, eschewing intervention for the purposes of regime change, China (and Russia) might very well reactivate its support for R2P, benefitting all nations and peoples. Such self-imposed restraint on the conditions under which armed humanitarian interventions could proceed

would further serve to defuse tensions and reduce grounds for conflict between the United States and China.

In conclusion

Several leading political scientists have argued that history shows that whenever a new power arises and the established super power does not make some accommodations with the rising power, war will ensue. This was indeed the case in 12 out of 16 such historical situations. Among the important exceptions was the way that the UK accommodated the rise of the US. To avoid the US becoming involved in a war with China, one notes that the two countries have many shared and complementary interests and very few truly divergent ones. Those could be settled, not by the US making unilateral concessions to China, but through a grand bargain. I have outlined some potential elements of such a bargain. It may well take other forms, however both sides have strong reasons to engage in it, and to counter the current drift toward war.

For more, see Amitai Etzioni's work on SSRN.

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[i] Office of the Secretary of Defense, "Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2013," Department of Defense, 2013, Available at http://www.defense.gov/pubs/2013_china_report_final.pdf.

[ii] Miles Yu, "Inside China: Taiwan invasion exercise," *The Washington Times*, October 17, 2013, Available at http://www.washingtontimes.com/news/2013/oct/17/inside-china-taiwan-invasion-exercise/?page=all.

[iii] Harold Brown et al., *Chinese Military Power*, Report of an Independent Task Force, Council on Foreign Relations Maurice R. Greenberg Center for Geoeconomic Studies, p. 34.

[iv] "China, Russia and Other Countries Submit the Document of International Code of Conduct for Information Security to the United Nations," Ministry of Foreign Affairs of the People's Republic of China (September 13, 2011), http://www.fmprc.gov.cn/eng/wjdt/wshd/t858978.htm

[v] "China-U.S. Aircraft Collision Incident of April 2001: Assessments and Policy Implications," Congressional Research Service (October 2001).

[vi] Klaus Wiegrefe, "An Inside Look at the Reunification Negotiations," *Der Spiegel*, September 29, 2010.

[vii] Wen Han, "Hu Jintao Urges Breakthrough in 'Malacca Dilemma,'" *Wen Wei Po*, January 14, 2004; "China Builds Up Strategic Sea Lanes," *Washington Times*, January 17, 2005.

[viii] T.X. Hammes, "Sorry, AirSea Battle is No Strategy," *The National Interest*, August 7, 2013.

[ix] "China Builds Up Strategic Sea Lanes," *Washington Times*.

[x] "New Silk Roads," *The Economist*, April 8, 2010.
[xi] "Russia-China Oil Pipeline Opens," *BBC News*, January 1, 2011.
[xii] Ariel Cohen, "U.S. Interests and Central Asia Energy Security," The Heritage Foundation, November 15, 2006.