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## Rebalancing the Rebalance

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Michael Spangler

**ABSTRACT:** Since late 2011, the United States has pursued a policy of “rebalancing toward Asia,” taking steps to expand its already significant role in the region. However, Washington has failed to check – and may have unwittingly provoked – new Chinese measures to erect multiple layers of security around contested areas in the South and East China Seas. The United States should, therefore, consider new bilateral security initiatives with China and its neighbors to ensure security cooperation catches up with economic cooperation in the dynamic Asia-Pacific rim.

“If names be not correct, language is not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success.”

Confucius, *Analects* 13.3

Beginning in late 2011, the Obama Administration unveiled its intention to rebalance US military, diplomatic, and economic efforts to the Asia-Pacific region. Initially described as a “pivot,” this term was subsequently changed to “rebalance,” to describe more aptly the repositioning of mainly military assets from a then 50-50 percent to a 60-40 percent split, favoring the Asia-Pacific over the Atlantic side of the world by 2020.<sup>1</sup> In President Obama’s November 2011 address to the Australian parliament, he emphasized the US policy goal is to ensure “the United States will play a larger and long-term role in shaping [the Asia-Pacific] region and its future.”<sup>2</sup> In practice, the Asia-Pacific theater was slated to gain a rotational US Marine Corps detachment (already deployed to Australia) and an additional US carrier group: one aircraft carrier, seven destroyers, ten littoral combat ships, and two submarines, along with reconnaissance assets.<sup>3</sup>

In contrast to the limited permanent-base approach of the 1980s, the US military rebalance relies upon rotational deployments through several host-nation port facilities.<sup>4</sup> As Commandant of the Marine Corps General James Amos explained, dispersing US forces beyond a few large bases makes them a harder target for ballistic missiles.<sup>5</sup> In

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1 Secretary of Defense Leon Panetta, “Shangri-La Security Dialogue,” Speech at the Shangri-La Hotel in Singapore, June 2, 2012, <http://www.defense.gov/speeches/speech.aspx?speechid=1681>.

2 The White House Office of the Press Secretary, “Remarks by President Obama to the Australian Parliament,” November 17, 2011.

3 Prem Mahadevan, *Strategic Trends 2013: Key Developments in Global Affairs* (Zurich: Eidgenössische Technische Hochschule, 2013), 51, <http://www.css.ethz.ch/publications/pdfs/Strategic-Trends-2013-EastAsia.pdf>.

4 J. Taylor Rushing, “Pentagon: No need for rotational troops as US aids Philippines after Haiyan,” *Stars and Stripes*, November 12, 2013, <http://www.stripes.com/pentagon-no-need-for-rotational-troops-as-us-aids-philippines-after-haiyan-1.252563>.

5 Zachary Keck, “Marine Corps Chief: Not Sure About Asia Force Posture,” *The Diplomat*. com, February 12, 2014. .

addition, rotational deployments are more cost-effective by using air travel to rotate military personnel, while the power of the rebalance is augmented by US foreign military sales to the region.<sup>6</sup>

Scholars such as Christopher Layne have relabeled the US rebalancing strategy as “off-shore balancing” - an attempt to contain the rise of a potential hegemon, such as China, by relying on global and regional power balances to attain that goal. As Layne explains:

- Economic limitations are pushing the United States to reset priorities, withdrawing and downsizing its forces in Europe and the Middle East and concentrating its military power in East Asia.
- By reducing its military footprint in the Middle East, the United States may decrease the incidence of Islamic fundamentalist terrorism directed against it. Safeguarding the free flow of Persian Gulf oil can be ensured largely by naval and air power.
- America’s comparative strategic advantages rest on naval and air power, not land power, to manage security issues in Asia.
- Off-shore balancing is a strategy of burden-sharing with Pacific Rim allies to protect freedom of navigation in East Asia.<sup>7</sup>

Consistent with the above interpretation, the US Defense Strategic Guidance announced in January 2012 the United States will no longer size its forces for long-term, prolonged stability operations (such as those in Iraq and Afghanistan) while projecting power in areas that are challenged by “asymmetric means,” notably, anti-access and area-denial environments in the South and East China Seas.<sup>8</sup>

Close on the heels of President Obama’s announcement, US Secretary of State Hillary Clinton amplified the importance of the Asia-Pacific region, where half of the world’s population resides, indicating its development is vital to American strategic and economic interests. As she noted:

Open markets in Asia provide the United States with unprecedented opportunities for investment, trade, and access to cutting-edge technology. Strategically, maintaining peace and security across the Asia-Pacific is increasingly crucial to global progress, whether through defending freedom of navigation in the South China Sea, countering the proliferation efforts of North Korea, or ensuring transparency in the military activities of the region’s key players.

The rebalance strategy, as described by Clinton, proceeds along six tracks: (1) strengthening bilateral security alliances; (2) deepening America’s relationships with emerging powers such as China; (3) engaging with regional multilateral institutions; (4) expanding trade and investment;

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6 Michael Fabey, “U.S. Leads International Defense Aircraft Suppliers In Asia Pacific,” *Aviation Week*, November 26, 2013, [http://www.aviationweek.com/Article.aspx?id=/article-xml/awx\\_11\\_26\\_2013\\_p0-640906.xml](http://www.aviationweek.com/Article.aspx?id=/article-xml/awx_11_26_2013_p0-640906.xml)

7 Christopher Layne, “The (Almost) Triumph of Off-shore Balancing,” *National Interest*, January 27, 2012.

8 Catherine Dale and Pat Towell, *In Brief: Assessing the January 2012 Defense Security Guidance* (Washington, DC: Congressional Research Service, August 13, 2013), 2, <http://www.fas.org/sgp/crs/natsec/R42146.pdf>.

(5) forging a broad-based military presence; (6) and advancing democracy and human rights.<sup>9</sup>

The rebalance to the Asia-Pacific thus demonstrates US leadership, acknowledges the economic importance of the region, and highlights freedom of navigation and military transparency as strategic goals. In light of such comprehensive, transparent, and compelling security justifications, one might ask whether the rebalance has had the salutary effect of assuring friendly and allied countries while deterring China as a potential adversary in the region?

This paper argues the regional shaping benefits of the rebalance have not yet materialized, and odds remain low they can be realized in the absence of new efforts. In particular, China has become increasingly assertive of its claims to disputed maritime territories in the East and South China Seas, and remains committed to a relatively high rate of military spending to project its power into the region in the coming years. At the same time, some countries, notably US allies, Japan and the Philippines, have become more vocal in their objections to Chinese maritime claims and more convinced of their need for American military support as maritime disputes unfold. Indeed, US allies appear to perceive the rebalancing as designed to put them on a more equal footing to resolve their disputes with China -- and not leave them to face rising Chinese power alone.<sup>10</sup> It is therefore incumbent on Washington to manage the contradictory aims of the rebalancing strategy more effectively: militarily bolstering allies while fostering peaceful cooperation.

## Phase One: 2011-2012

### Rebalancing Perceived as Military

From late 2011 through 2012, the United States took the following concrete steps to implement its rebalancing initiative:

- Created a new Pentagon office, the Air-Sea Strategy Office, in November 2011, to refine the concept of a new joint air-sea battle (first broached in 2009) to counter anti-access, area-denial operations, principally in the Pacific.<sup>11</sup>
- Announced new troop deployments to Australia, new naval deployments to Singapore, and new military cooperation with the Philippines;
- Emphasized American military presence in the Asia-Pacific would be increased, become more broadly distributed, flexible, and politically

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9 Hillary Clinton, "America's Pacific Century," *Foreign Policy*, November 2011. Her policy statement appears to have been partly influenced by Chinese Vice Foreign Minister Dai Bingguo's assertion at the May 2010 US-China Strategic and Economic Dialogue that South China Sea maritime claims were one of his country's "core interests." See Greg Sheridan, "China Actions Meant as a Test, Hillary Clinton Says," *The Australian*, November 9, 2010, <http://www.theaustralian.com.au/national-affairs/china-actions-meant-as-test-hillary-clinton-says/story-fn59niix-1225949666285>.

10 J. Kugler and D. Lemke, *Parity and War: Evaluations and Extensions of the War Ledger* (Ann Arbor: University of Michigan Press, 1996) discusses the likelihood of conflict between states sharing a perceived parity or balance of power.

11 Stephen Glain, "The Pentagon's New China War Plan," *Salon*, August 13, 2011, [http://www.salon.com/2011/08/13/sino\\_us\\_stephen\\_glain/](http://www.salon.com/2011/08/13/sino_us_stephen_glain/).

sustainable;<sup>12</sup>

- Made progress in negotiations to form a multi-national Trans-Pacific Partnership (TPP) free trade agreement.<sup>13</sup>

Most countries in East and Southeast Asia were publicly receptive to a stronger US commitment to the Asia-Pacific region. Regional powers such as Indonesia, Thailand, and Malaysia took pains, however, to avoid choosing sides between the United States and China. On the other hand, the Philippines, Japan, South Korea, Taiwan, and Singapore explicitly welcomed greater US presence in the region. Tellingly, the Philippines, along with Vietnam, remain embroiled in a protracted, intense dispute with China over maritime and territorial claims in the South China Sea. Singapore as a small city-state, and Japan, Taiwan and South Korea as long-standing allies appear to have embraced the US initiative as a stabilizing influence in the region.<sup>14</sup>

China's initial reaction to the rebalance initiative was carefully measured in official media and harshly critical in non-official media. Many unofficial commentators, including military academics, asserted the United States had unveiled the initiative as a new post-Cold-War conspiracy to "contain" China as a rising power, and heir-apparent to the former Soviet Union, as a potential adversary of the United States. Indeed, some commentators argued this "conspiracy" could eventually align China and Russia more closely together in joint economic and defense efforts to mitigate US-led containment efforts.<sup>15</sup> To date, most Chinese bloggers remain vociferously nationalistic and critical of the US rebalancing policy, although government-employed commentators may be covertly shaping this ostensibly public phenomenon.<sup>16</sup>

## Phase Two: Defanging the Rebalancing Initiative

In the lead-up to and aftermath of their June 2013 summit, Presidents Barack Obama and Xi Jinping ushered in a new phase of the initiative characterized by repeated calls for moderation. Chinese officials noted there were "no fundamental, structural, or irreconcilable differences" between the two countries. Chinese military leaders also stressed that, as the rebalancing initiative evolved, the United States has placed less

12 Thomas Donilon, "America is Back in the Pacific and will Uphold the Rules," *Financial Times*, November 27, 2011.

13 The twelve negotiating countries are Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam. Some countries expressing interest in TPP include South Korea, Taiwan, Philippines, Colombia, and Costa Rica. China, despite its initial opposition, has more recently shown interest in considering eventual TPP membership. Vicki Needham, "China's Interest Grows in Joining an Asia-Pacific Trade Deal," *The Hill*, September 17, 2013.

14 Robert G. Sutter, et al., *Balancing Acts: The U.S. Rebalance and Asia-Pacific Stability* (Washington, DC: George Washington University: Sigur Center for Asian Studies, August 2013), 2. Also see Alexander C.-C. Huang, "Taiwan in an Asian 'Game of Thrones,'" *National Bureau of Asian Research, Asian Policy* No. 15 (January 2013): 18-19.

15 In fact, China and Russia concluded a long-sought natural gas deal and conducted joint military exercises in disputed waters off the coast of Japan this May. See Timothy Heritage and Vladimir Soldatkin, "Putin Looks to Asia as West Threatens to Isolate Russia," *Reuters*, March 21, 2014, and "China Media: 'Rise of Russia,'" *BBC*, March 20, 2014.

16 Simon Shen and Shaun Breslin, *On-line Chinese Nationalism and China's Bilateral Relations* (Lanham, MD: Lexington Books, 2010), 257.

emphasis on military initiatives and on China as a focus for the US policy.<sup>17</sup>

Partly reflecting these moderating influences, People's Liberation Army (PLA) Major General Zhang Zhaozhong described China's growing military activity in the South and East China Seas as a "cabbage strategy" in a May 2013 television interview.<sup>18</sup> This strategy seems aimed at "defanging" the rebalancing policy by putting in place concentric circles of Chinese fishing boats, fishery administration ships, maritime enforcement vessels, and warships (resembling a layer-by-layer cabbage wrap) around disputed maritime areas in the China Seas. The goal of the strategy is to assert China's sovereignty over these areas via a slow accumulation of small incremental changes, none of which in itself constitutes a *casus belli* but together substantiate China's claims of sovereignty over the long term.

Another way to look at this strategy is to imagine a Chinese game of *weiqi*, the popular Asian game of black-and-white pieces in which two opposing players strive to surround the other. China's July 2012 establishment of Sansha City on a Paracel island seized by force from Vietnam in 1974 was the precursor of its new *weiqi* games with the Philippines and Japan. Repeated Chinese navy standoffs with Philippine Coast Guard vessels at Scarborough Reef from 2012 to 2013, and its imposition of an Air Defense Identification Zone (ADIZ) over the Japanese-claimed Diaoyu/Senkaku Islands in November 2013, are recent moves in these games. China's imposition of its ADIZ prompted South Korea, in turn, to expand its own ADIZ into Japanese and Chinese ADIZs in December 2013.<sup>19</sup> Clearly, the busy East Asian coastal seas, with their presumed underwater natural resources, are becoming hot points of potential military conflict.

Indeed, as Robert Ross predicted in late 2012, the rebalancing initiative has become a self-fulfilling prophecy, whereby US policy "unnecessarily compounds Beijing's insecurities and feeds China's aggressiveness, undermines regional stability, and decreases the possibility of cooperation between Beijing and Washington."<sup>20</sup>

### Phase Three: 2014-? Uncertainty

To address China's concerns and to strengthen the cooperative engagement, Brookings Institution fellows Jonathan Pollack and Jeffrey Bader made several US policy recommendations in January 2014:

- Ensure budget cuts do not affect the rebalance;
- Complete Trans-Pacific Partnership negotiations in the first half of

17 Robert G. Sutter, et al., *Balancing Acts: The U.S. Rebalance and Asia-Pacific Stability* (Washington, DC: George Washington University: Sigur Center for Asian Studies, August 2013), 2.

18 Robert Haddick, "America has no answer to China's Salami-slicing," *War on the Rocks*, February 6, 2014, <http://warontherocks.com/2014/02/america-has-no-answer-to-chinas-salami-slicing>.

19 David Lai, "A Few Questions about China's Air Defense Identification Zone and its Aftermath," US Army War College: Strategic Studies Institute, March 21, 2014, <http://www.strategicstudiesinstitute.army.mil/index.cfm/articles/A-Few-Questions-About-Chinas-Air-Defense-Identification-Zone-and-Its-Aftermath/2014/03/21>

20 Robert Ross, "The Problem with the Pivot: Obama's New Asia Policy Is Unnecessary and Counterproductive," *Foreign Affairs* 91, no. 6 (November-December 2012): 70-82.

2014 and support China's eventual entry;

- Encourage China's economic reforms by, *inter alia*, completing a bilateral investment treaty with China by 2016;
- Support Japanese security efforts while urging Prime Minister Abe to avoid stirring up fractious historical issues that undercut Japanese relations with China and South Korea;
- Support negotiation of a code of conduct in the East and South China Seas to de-escalate territorial disputes.<sup>21</sup>

Unfortunately, events since the publication of their Brookings article put in doubt the likelihood most of their policy prescriptions will be implemented in the near term. On the budgetary front alone, US Assistant Secretary of Defense for Acquisition Katrina McFarland has stated the rebalance was being reconsidered in light of budget pressures.<sup>22</sup> Chinese commentators also asserted the US budget sequestration begun in 2013 will likely prevent the United States from committing enough resources to the rebalancing, thereby transforming the initiative into a "strategic retreat."<sup>23</sup> Indeed, Pacific Air Forces Commander General Herbert J. Carlisle has acknowledged resources have not yet been made available to key elements of the policy due to other commitments.<sup>24</sup>

Just as important, President Obama's State of the Union Speech in January 2014 did not mention Asia-Pacific issues ranging from Sino-Japanese tensions to larger concerns over maritime disputes and the potential for an East Asian arms race. US Secretary of Defense Hagel's April 2014 visit to Beijing, however, did prominently acknowledge those tensions. Secretary Hagel criticized China for unilaterally establishing its ADIZ in the East China Sea without conferring with Japan and its other neighbors. "That adds to tensions, misunderstandings and could eventually add to, and eventually get to, a dangerous conflict," Hagel noted, while emphatically wagging his finger in a joint press conference with Defense Minister and PLA General Chang Wanquan.<sup>25</sup> PLA Major General Zhu Chenghu, a military academic, later dismissed Hagel's remarks as "groundless," suggesting the United States believes "whatever the Chinese do is illegal, and whatever the Americans do is right."<sup>26</sup>

In the lead up to Secretary Hagel's visit, China decided to exclude Japan from the international fleet review of the upcoming PLA-hosted Western Pacific Naval Symposium, bringing together Pacific-rim countries. Since Japan will not participate in the fleet review, the United States has also decided not to take part in a show of support, according

21 Jonathan D. Pollack and J.A. Bader, "Return to the Asia Rebalance," Brookings Research Paper, January 23, 2014. <http://www.brookings.edu/research/papers/2014/01/asia-rebalance-us-china-relationship-pollack-bader>

22 Zachary Fryer-Biggs, "DoD Official: Asia Pivot 'Can't Happen,'" Gannett Government Media, *Defense News*, March 4, 2014.

23 Feitao Liu, "Obama's Rebalancing to the Asia Pacific," *China Institute of International Studies Journal*, September 4, 2013, [http://www.cis.org.cn/english/2013-09/04/content\\_6272923.htm](http://www.cis.org.cn/english/2013-09/04/content_6272923.htm)

24 Aaron Mehta, "Interview: Gen. Hawk Carlisle, Commander, US Pacific Air Forces," Gannett Government Media, *DefenseNews*, February 10, 2014.

25 Donald Nissenbaum, "U.S.-China Defense Chiefs Trade Barbs over Regional Ambitions," *Wall Street Journal*, April 8, 2014.

26 Fox News, "Chinese General Warns that U.S. is Making 'Important' Mistakes in the Region," *Wall Street Journal* By-line, May 31, 2014, <http://www.foxnews.com/world/2014/05/31/chinese-general-warns-that-us-is-making-important-mistakes-in-region/>.

to press reports.<sup>27</sup> These events do not bode well for casting the Western Pacific Naval Symposium as a venue for working out an acceptable code of military practice to manage potential conflicts in the region. A number of years ago, the Western Pacific Naval Symposium developed a voluntary Code for Unalerted Encounters at Sea. However, the Chinese have refused to accept any revisions to it, even though they acknowledge their use of parts of it. China takes exception to the use of the word “Code” in the title since it implies a “legally binding force.”<sup>28</sup> Moreover, the Code for Unalerted Encounters at Sea does not address other basic issues although it constitutes a good start to defusing potential confrontations between navy fleets.<sup>29</sup>

As President Obama embarked on his April 2014 trip to Japan, Korea, Malaysia, and the Philippines, the official Chinese Xinhua news agency underscored Beijing’s sensitivity about his stops in Tokyo and Manila: “The United States should reappraise its anachronistic hegemonic alliance system and stop pampering its chums like Japan and the Philippines that have been igniting regional tensions with provocative moves.”<sup>30</sup> To date, Chinese media have chosen to spotlight these “hegemonic” US defense treaty obligations rather than equally firm American enjoiners for the disputants to settle their maritime claims peacefully.<sup>31</sup> Just as important, press coverage by US allies has failed, so far, to highlight American emphasis on peaceful dispute-settlement. Instead, foreign media dwell on the rebalancing strategy as leaving military options on the table to counter China’s long-term intentions. Chances for miscalculation and conflict have, therefore, risen on both sides. It is striking that shortly after President Obama returned to Washington, Vietnam issued a stiff warning to Beijing about new Chinese oil drilling moves near the Paracel Islands; and Chinese vessels reportedly rammed Vietnamese vessels in those waters, provoking anti-Chinese riots in Ho Chi Minh City’s foreign investment area.<sup>32</sup>

### Rebalancing the Rebalance?

Against the backdrop of rising tensions in the East and South China Seas, Chinese scholars generally expect the United States to delay or slow down the military rebalance in order to accommodate US budgetary strictures and to preserve enough strategic military assets to address seemingly chronic problems in Eastern Europe, the Middle East, and Northeast Asia. Professor Liu Feitao of the China Institute of International Studies argues the United States may increasingly focus on an “economic rebalancing” effort, such as expanding the Trans-Pacific

27 H. Cooper, “In a Test of Wills with China, the U.S. Sticks up for Japan,” *New York Times*, April 6, 2014, [http://www.nytimes.com/2014/04/07/world/asia/hagel-asia.html?\\_r=0](http://www.nytimes.com/2014/04/07/world/asia/hagel-asia.html?_r=0).

28 Anthony Bergin, “Maritime Incidents at Sea,” *Australian Strategic Policy Institute* blog, March 2013. <http://www.aspistrategist.org.au/reader-response-maritime-incidents-at-sea/>.

29 CUES is inadequate because China asserts that military activities in its Exclusive Economic Zone (EEZ) are subject to its approval. Until China agrees that its EEZ is not to be treated as territorial water, CUES is irrelevant, offering only a partial solution.

30 Deng Yushan, “Dynamic Asia needs U.S. to reshape anachronistic policy,” Xinhua News Agency, April 23, 2014, [http://news.xinhuanet.com/english/indepth/2014-04/23/c\\_1133282220.htm](http://news.xinhuanet.com/english/indepth/2014-04/23/c_1133282220.htm).

31 J. Eilperin, “President Obama Affirms U.S. Will Stand By Treaty Obligations to Japan,” *Washington Post*, April 24, 2014.

32 Deutsche Welle, “Vietnam Protests China Drilling for Oil in Disputed Waters Near Paracel Islands,” May 5, 2014; C. Doan and T. Fuller, “Foreign Factories in China Weigh Damage in anti-China Riots,” *New York Times*, May 14, 2014.



Partnership and promoting military sales, to help sustain a scaled-back effort.<sup>33</sup>

At the same time, Liu maintains the United States “will increasingly try to control Asian territorial disputes through legal means and multiple channels.” Highlighting Washington’s unsuccessful attempt to ratify the United Nations Convention of the Law of the Sea during President Obama’s first term, Liu predicts US policy:

...will undertake similar [multilateral] efforts and bring legality into the forefront of dispute intervention. The United States will try to turn multilateral mechanisms like the Association of Southeast Asian Nations (ASEAN) Defense Ministers Meeting-Plus and the East Asia Summit into acceptable platforms to discuss territorial disputes.<sup>34</sup>

It is likely Chinese policy makers will continue to reject US efforts to promote multilateral fora and international norms as means to work out China’s emerging maritime disputes in the Asia-Pacific. Beijing is, so far, rigidly committed to addressing these disputes “reasonably and peacefully” with its neighbors only on a bilateral basis. Chinese leaders also seem adamant about refusing to recognize the “authority” or “expertise” of international bodies, such as the international arbitration panel currently reviewing the Sino-Philippines dispute as a result of a unilateral Philippine request in early 2013.<sup>35</sup> Few Chinese academics, military or otherwise, are swimming against this tide and calling for a critical reappraisal of China’s bilateral approach.<sup>36</sup>

## A New Initiative

Given this apparently intractable stalemate, the United States should consider encouraging its treaty partner, the Philippines, to take the lead in launching bilateral negotiations with Beijing on the resolution of conflicting maritime claims in the South China Sea. The United States should no longer insist on multilateral fora and legalistic platforms against which China harbors deep suspicions regarding their fairness and track record.<sup>37</sup> Indeed, since China’s land border disputes with its neighbors have largely been worked out, through bilateral talks, Beijing is highly likely to hew to what it knows. China may calculate it can exert

33 Feitao Liu, “Obama’s Rebalancing to the Asia Pacific,” *China Institute of International Studies Journal*, September 4, 2013, [http://www.cis.org.cn/english/2013-09/04/content\\_6272923.htm](http://www.cis.org.cn/english/2013-09/04/content_6272923.htm).

34 *Ibid.* Also see Japanese Prime Minister Shinzo Abe’s article, “Securing the Rule of Law at Sea,” Project-Syndicate, June 2, 2014. Prime Minister Abe advocates the use of ASEAN’s 2002 Declaration on the Conduct of Parties in the South China Sea as a multilateral basis for resolving maritime issues.

35 The International Court of Arbitration comprises more than 100 members from about 90 countries; <http://www.iccwbo.org/about-icc/organization/dispute-resolution-services/icc-international-court-of-arbitration/>. Peter A. Dutton, “The Sino-Philippine Maritime Row,” Center for New American Security, *East and South China Sea Bulletin*, no. 10 (March 15, 2013): 2.

36 This stance could change in the future, if Chinese academics believe China’s defense has succeeded in gradually strengthening its maritime claims and altering the international order to its benefit. At present, however, Chinese elites generally reject the “international order” as a set of rules created by the victors of World Wars I and II without meaningful Chinese (and developing world) input.

37 Interestingly, China has (1) recognized the UN Convention of the Law of the Sea as the key legal framework applicable in the Arctic and (2) acknowledged the “sovereign rights” of Arctic littoral states there, the latter apparently consistent with China’s own maritime claims in the East and South China Seas. See J. Kapyla and H. Mikkola, “The Growing Arctic Interests of Russia, China, the U.S., and the European Union,” Finnish Institute of International Affairs Paper no. 133, August 2013, [http://www.fiaa.fi/en/publication/347/the\\_global\\_arctic/](http://www.fiaa.fi/en/publication/347/the_global_arctic/).

finer control over such negotiations, in terms of both content and pace, by conducting them on a bilateral basis.<sup>38</sup>

For its part, Manila may wish to supplement its ongoing arbitration case with a bilateral negotiation approach to demonstrate its commitment to the peaceful resolution of its maritime disputes. In an effort to establish consistent standards and precedents to serve as the basis for resolving other disputes, the Philippines could also exchange notes regularly on its negotiations with China and its neighbors. This measure will ensure the talks can inform and encourage other countries to initiate similar measures in the future. It is key that Manila's talks not give Beijing any preponderant advantage by isolating or leveraging the Philippines against other disputants. In other words, this *weiqi*-like diplomatic negotiation can be completed as China's future negotiation partners consult with each other.

An information-sharing approach to Sino-Philippine talks would also help ensure the terms of the agreement (including the delimitation of maritime borders and resource exploitation) are worked out consistently, while checking off necessary security objectives, ranging from protocols for military and law enforcement encounters at sea to the establishment of procedures and hotlines for military exercise notifications and the avoidance of military confrontation. Other countries such as Vietnam, Japan, and South Korea may later elect to pursue similar negotiations with China, to resolve inter-connected defense and resource management issues just as critical to their own economic development and to foreign relations with their neighbors.<sup>39</sup>

In addition, separate Sino-American talks could aim to avoid another "USS Cowpens" situation in which Chinese and US military vessels nearly collided in the South China Sea in December 2013.<sup>40</sup> A US defense official underscored the importance of establishing communication protocols to prevent such accidents in the future: "Sustained and reliable communication mitigates the risk of mishaps, which is in the interest of both the United States and China."<sup>41</sup> In short, China, the United States and their Pacific-rim neighbors can jointly pursue Sun Tzu's dictum, "To be prepared for any contingency is the greatest of virtues."<sup>42</sup>

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38 Malaysia follows a bilateral course with China and appears committed to accommodating China's maritime claims while pursuing cooperative initiatives with China including joint maritime exercises beginning in 2014. Vietnam has, so far, had mixed results in pursuing bilateral talks with China, both sides having agreed on their land border and maritime rights in the Gulf of Tonkin, but not on the sensitive Paracel and Spratly Islands disputes. See K. Bradsher, "China and Vietnam at Impasse over Oil Rig in South China Sea," *New York Times*, May 12, 2014. As a result, Vietnam is considering the filing of an international arbitration case against China, similar to that submitted by the Philippines in 2013. K. Kwok, "China Wants to Avoid Court over Maritime Disputes, Says Vietnam Official," *South China Morning Post*, June 2, 2014.

39 In the absence of any meaningful progress on maritime issues, Japan, the Philippines, and Vietnam could begin to cooperate more closely on defensive measures in the South China Sea. See "Australia backs U.S., Japan against China," *Inquirer Global Nation*, June 3, 2014. However, implementing such defensive measures should be preceded by utilizing both bilateral and multilateral diplomatic means to explain the measures to China and to seek a peaceful resolution. H.B. Minh and B. Blanchard, "China Scolds Vietnam for Hying Up South China Sea Oil Rig Row," *Yaboo News*, June 18, 2014.

40 Carl Thayer, "USS Cowpens Incident Reveals Strategic Mistrust between the U.S. and China," *The Diplomat*, December 17, 2013.

41 Ibid.

42 Sun Tzu, "The Art of War," *Art of War* blog, 2001, <http://www.artofwar.net/suntzu/quotes.html>.

## Managing Blow-Back

The US sponsorship of Sino-Philippine talks concerning South China Sea raises some serious questions. First, would such a US action undermine US preference for multilateral negotiations and frameworks? Does such a bilateral strategy ultimately play into the hands of a rising China seeking to use its growing economic clout to impose its will on small countries by dividing and overwhelming them in serial order? Finally, would the bilateral approach be interpreted by China as a sign of US weakness in standing by its treaty partners in East Asia? Some critics would answer these questions affirmatively, arguing Washington should eschew a bilateral approach and simply stay the course in deterring Beijing by accelerating the implementation of military rebalancing measures coupled with a more vigorous definition of US treaty obligations.

The basic answer to these criticisms is Washington and its partners can and should accommodate several complementary initiatives in their effort to pursue a peaceful resolution of East and South China Sea disputes. By reviewing China's concerns in bilateral fora, the United States and its partners open new avenues capable of leading to a break-through in the resolution of these disputes. Moreover, progress on the bilateral front does not undermine, deny, or contradict any multi-lateral or international framework, but rather creates new opportunities to bring those organizations and platforms into the talks and to incorporate them into bilaterally accepted decisions. Such progress does not signal a lack of resolve on the parts of the United States and its allies -- but a flexibility to exhaust all possible channels before imposing specific red-lines that could trigger the use of military power.

## Conclusion

To maintain the momentum of its rebalancing policy, the United States must help bridge the growing impasse between American-led multilateral and Chinese bilateral efforts to resolve Asian-Pacific maritime disputes. Indeed, it may also be vital for the United States to recast the strategic thrust of its rebalancing initiative. Sino-American progress on key issues has been made over the past few decades by pursuing a constructive, systematic engagement process that works through issues on a flexible, cooperative, and pragmatic basis. Drawing on this historical theme of "constructive engagement" means recasting the inherent thrust of the rebalance – harnessing it to the purpose of "catching up" security cooperation with economic cooperation in the Asia-Pacific.<sup>43</sup> In this way, the rebalancing initiative may be better labeled as "keeping pace" to match international security cooperation with robust economic activity within the Pacific Rim.

It is far from an easy task for the United States to persuade the Philippines and other regional actors to enter into a complicated bilateral talks with China. Such talks will require Washington to walk a tightrope between *Realpolitik* and normative diplomacy, the former characterized by bilateral agreements and the latter by calling for international integration within a multilateral approach. Throughout, Washington will need to emphasize both the inviolability of its treaty obligations to its

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43 "Clinton Defends Constructive Engagement of China," *All Politics*, October 24, 1997, <http://www.cnn.com/ALLPOLITICS/1997/10/24/clinton.china/>.

allies and the value of accepted international legal norms, as Pacific Rim nations are encouraged to conclude inter-locking bilateral maritime arrangements with China.

Bilateral talks may evolve over time into trilateral ones with the United States encouraging parties to stay on a constructive track and avoid increased tensions and hostility. American support could assure allies they risk little -- and may make more headway -- by acknowledging China's reluctance to engage with multilateral institutions. The alternative to this tri-bilateral hybrid approach seems both short-sighted and dangerous: pursuing a waiting game that juxtaposes growing military forces, posits mutually exclusive economic interests, fuels nationalistic over-reactions, and inadvertently risks a new arms race hampering the development of the Asia-Pacific region as a whole.

