East China Sea Tensions
Perspectives and Implications

Edited by Richard Pearson
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THE MAUREEN AND MIKE MANSFIELD FOUNDATION
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China’s declaration in November 2013 of an East China Sea Air Defense Identification Zone was met with concern and questions not only by its neighbors South Korea and Japan, but also by their ally the United States and all countries that use the air space covered by that zone.

Beijing’s decision to declare this zone was the latest salvo in a confrontation over the Senkaku Islands and the wider East China Sea area. The tensions between Chinese and Japanese entities in the air and sea are arguably reaching a crisis point.

U.S. policymakers and observers, seeing how difficult it will be for Tokyo and Beijing to reach a compromise that would reduce tensions in this region, have become increasingly concerned about the possibility of confrontation between those two nations and the potential for U.S. forces to become involved.

Given this increasingly tense situation, the Maureen and Mike Mansfield Foundation organized a February and March 2014 program to examine maritime and territorial disputes in East Asian waters and their wider implications. This program brought together leading experts from government, the military, academia and nongovernmental organizations from Japan, China and United States for private and public discussions in Washington and Tokyo.

In mid-February, program participants met in Washington for a series of spirited private discussions with senior U.S. government and military personnel. This was followed by a public symposium that promoted broader public dialogue on this matter by allowing participants to exchange
views with approximately eighty representatives of the policy, business, diplomatic, and media communities.

To further inform the discussions and advance dialogue on these issues, the Mansfield Foundation asked participants to prepare short essays examining aspects of the East China Sea maritime disputes. Drafts of these essays formed the basis for the first round of private discussions, after which authors made revisions incorporating insights from both the public and private discussions. The final versions that make up this publication are the result of those discussions and subsequent revisions.

Readers of this publication will find diverse views from leading observers of East China Sea and wider regional maritime and territorial policy matters from Japan, China and the United States. We appreciate the support of Japan’s Ministry of Foreign Affairs, which allowed the Mansfield Foundation to examine this critical and timely issue from a range of perspectives. It is the hope of the Mansfield Foundation that a study of this volume will lead to greater understanding of the issues and insights on possible avenues to resolve, or at the very least to peacefully manage, conflicts in the East China Sea.

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Developments Affecting Asian Maritime Security

Ocean governance is, without doubt, a crucial issue requiring close examination in light of the implications of growing maritime tensions in East Asia. In this context, there have been several developments in recent years that have seriously affected Asian maritime security. They include territorial disputes in the area, the entry into force of the UN Convention on the Law of the Sea (UNCLOS), advances in maritime resource exploitation, and an ongoing power shift in the region.

First of all, the drawn-out disputes over the rights to territories and territorial waters are becoming more serious, not only in the East China Sea but also in the South China Sea. Each coastal state should make clear its reasons for its claims based on international law, but many of them have not done enough, particularly with regard to the South China Sea. Military force has been used to settle some territorial disputes in the South China Sea. This is a matter of grave concern. And now paramilitary force operations have become active, not only over territorial issues but also to control the EEZ. China has recently begun using its paramilitary forces effectively to assert its territorial claims in both the East China Sea and the South China Sea.
Secondly, UNCLOS was adopted in 1982 and, as of June 2011, 162 nations have acceded to it. The convention newly defined such terms as “territorial sea,” “exclusive economic zone” (EEZ), and “continental shelf.” It also established rules on the utilization, exploitation, and conservation of maritime resources. While these definitions and rules are important, positive steps, they have also given rise to new disputes and conflicts.

Countries all over the world are eager to secure maritime and energy resources, so the delimitation of EEZs and the continental shelf has become a crucial matter for them, making it difficult to reach an agreement through discussion. At the same time territorial disputes have intensified, as the EEZ is determined using the territorial base line.

Thirdly, advances in maritime resource exploitation have aggravated maritime tensions in Asia. The success of maritime resource exploitation activities is of great national interest, and it is also strongly related to the UNCLOS concepts of territorial waters, the EEZ, the continental shelf, the high seas, and the deep sea.

Offshore oil and gas field exploitation has a long history around the world, but attention has recently focused on seas around East Asia, which are eyed as potentially having huge reserves. In addition, rare metals, rare earth elements, cobalt-rich crusts, methane hydrates, seafloor hydrothermal deposits, and noble metals are expected to be explored and developed in the near future.

Fisheries, of course, cannot be excluded from maritime resource discussions. Humans are heavily reliant on animal proteins from fish, and the seas as a source of food will become much more crucial to each country. Historically speaking, even military conflicts have taken place over fishery resources.

Fourthly, there's an ongoing power shift in East Asia. We have seen the rise of China, India, and other Asian countries. But the focus of everyone’s attention has been China. With the world’s biggest population of around
1.3 billion, China, since 2010, has also claimed the second largest GDP.

China has aggressively been developing its maritime strategies. It attaches importance to the defense or control of the coastal, near-sea, and far-sea areas, and it has strengthened its naval powers and expanded its area of military operations. Claiming rights over vast territories and territorial waters in the South China Sea and the East China Sea, securing large EEZs and continental shelves, exploiting and developing energy and other maritime resource, and securing fishing grounds are all related to its national interests.

China seems intent on achieving effective control of the East and South China Seas, which is the area enclosed by the so-called First Island Chain. It also appears to be targeting an outer area encircled by the Second Island Chain by strengthening its military capabilities. China has tried to prevent foreign military ships and airplanes from conducting activities inside and over its EEZ. These areas are generally treated in the same way as the high seas, where the freedom of navigation is guaranteed, so the Chinese attitude has sparked a number of small but serious conflicts between China and the U.S.

China recently established an Air Defense Identification Zone (ADIZ) over the East China Sea. This has alarmed the international community, as it suggests that China seems intent on effectively controlling the air space in this area.

All of these developments are symbolic of the power shift in the region that will have a major impact on Asian maritime security.

**Ocean Governance**

The issues I have mentioned are all interconnected, as you are no doubt well aware. And they need to be addressed in an integrated manner within the framework of ocean governance.
Maritime resource exploitation is related to the delimitation of EEZs and the continental shelf, as defined by UNCLOS. I have learned that China understands UNCLOS very well. The delimitation problem can be resolved through the procedures outlined by UNCLOS, although China has its own interpretations of the convention and strong opinions based on its national interests. Differences between two coastal states are best settled through negotiations. Failing that, another option is to bring the issue to international courts, as some small and medium-sized countries have done. Joint development of maritime resources is an effective step toward achieving a final resolution.

But any delimitation ruling can have serious repercussions on territorial disputes. So while territorial disputes involving many countries may be impossible to resolve through negotiations, the concerned states must nonetheless explain the grounds for their territorial claims based on international law. The explanations made by some coastal states in the South China Sea, such as those regarding the nine-dotted line, do not seem to adhere to international law. This is an area where the international community can enhance its engagement. After all, this could seriously affect the freedom of navigation in the East and South China Sea, which is a matter of common interest to the global community.

The ongoing power shift is a more difficult issue. I believe China began focusing on controlling the East and South China Seas out of its own security concerns. But now this objective has become part of a maritime strategy to expand its presence and accelerate the power shift. China is now showing greater interest in waters encircled by the Second Island Chain and also the outer sea, possibly hoping to divide control of the Pacific Ocean with the United States. This would be one manifestation of the new type of major power relations that China is seeking with the U.S.

The problem is that China is advancing this by strengthening its military and paramilitary capabilities. China has become more aggressive in using its military and paramilitary forces to achieve its objectives as a major maritime power.
This can have a negative effect on delimitation decisions and territorial disputes, as China has increasingly been using its military and paramilitary might to assert its will. An arms race is emerging in Asia, which could undermine the peace and stability of this region.

This is a challenge that can and should be met with U.S. involvement. China is beginning to pose even a military threat to the United States. It may be difficult to stop China from becoming a major military power. But it is very important that China be made to recognize that it cannot get its own way by throwing its military weight around. This is where the international community, with the U.S. at the core, has a crucial role to play.

China’s use of military or paramilitary power to prevent non-coastal states from undertaking military activities in its EEZ should be discussed in a different way. This is an issue that is closely related to China’s national security and interpretations of the relevant UNCLOS articles. It may be possible to introduce new guidelines for military activities in other countries’ EEZs in order to reduce the risk of a military clash.

**Conclusion**

We must re-embrace the UNCLOS framework and steadfastly uphold international law, confronting maritime issues, territorial disputes, and delimitation problems in East Asia from this point of view. As such I would strongly hope that the U.S. will ratify UNCLOS as soon as possible.

The use of military and paramilitary forces should be discouraged through their more effective management by the United States and the international community. China can and will then realize this goal to be in their common interest.
On November 23, 2013, Beijing declared its “East China Sea Air Defense Identification Zone.” Chinese analysts called the establishment of the ADIZ, as such air zones are known, a momentous event. “This is the first time since the establishment of the People’s Republic of China in 1949 that it has expanded its strategic space beyond offshore waters,” declared the oft-quoted Shi Yinhong of Renmin University in Beijing. There were, however, no celebrations in neighboring countries, which felt threatened by the move.

Geopolitical tensions are now unnerving East Asia. Observers used to say that deep-seated disagreements in the region did not matter, that there could be “cold politics and hot economics.” Now, analysts are not so sure, and we are hearing talk that the region today resembles Europe before its darkest days of the last century. And these jitters are now accompanying—and undoubtedly causing—a delinking of Asia’s two biggest economies, China’s and Japan’s.

A few years ago, delinkage was considered inconceivable. Most everyone believed the East China Sea economies would continue to integrate,
ensuring peace. Yet after decades of trade and investment, the region is looking like a flashpoint.

Beijing’s declaration of the ADIZ shows how tensions are now spreading from one nation to the next. China’s air zone was initially portrayed as a move targeting only the Japanese. This is in fact what Chinese officials told their South Korean counterparts in November, immediately after their institution of the zone. Yet the Sino-Japan narrative is at best incomplete. Beijing, after all, refused to redraw the ADIZ away from the Korean peninsula when asked to do so by Seoul’s representatives, and so the zone looks like an attempt to dominate the East China Sea to the exclusion of all others, not just the Japanese.

There are two especially troubling aspects to the zone. First, the overly large ADIZ, covering most of the East China Sea, includes the sovereign airspace of Japan over the Senkaku Islands as well as airspace over Ieodo, a submerged rock with a research station built on top, which is under the control of Seoul. Beijing claims the Senkakus as part of the People’s Republic and maintains that Ieodo is within its Exclusive Economic Zone.

Second, Beijing now requires planes, before entering the zone, to notify and obtain approval from Chinese authorities, even if not intending to enter China’s airspace. Such burdensome requirements are clear infringements on established freedom of navigation rights and, as such, are opposed by Tokyo, Seoul, Taipei, and Washington. “The United States does not recognize that zone and does not accept it,” Secretary of State John Kerry stated in the middle of December while traveling in the region. “The zone should not be implemented, and China should refrain from taking similar unilateral actions elsewhere in the region.”

To reinforce that point, American, Japanese, South Korean, and Taiwanese military aircraft have transited China’s zone without seeking Beijing’s permission as have Japanese and South Korean civilian airliners. China has, it says, scrambled aircraft to challenge the intruders, and Qiao Liang,
a Chinese air force major general and the co-author of the infamous *Unrestricted Warfare*, was quoted in state media as saying that planes disobeying China’s rules in the ADIZ may be shot down.⁴

For the moment, it does not seem that China’s air force will go that far, but the Chinese and everyone else know what’s at stake in the skies above the East China Sea. “Gaining the upper hand in the air is a requisite for gaining the upper hand in the sea,” said an unnamed military analyst to the *Asahi Shimbun*. “An ADIZ is of vital importance for making maritime advances.”⁵

Beijing believes the People’s Republic should be larger than it is today, and so it is, when sensing opportunities, trying to seize territory from others. Chinese vessels and aircraft, for instance, regularly intrude into the territorial waters around and airspace over the Senkakus, thereby creating confrontations with defending Japanese forces. Beijing, in short, is using forceful tactics to pry these islets, which it calls the Diaoyus, from Japanese control.

These specks, also claimed by Taipei, sit astride shipping lanes and, if fortified, could be used to block the Chinese navy from breaking out of the “first island chain” into the Pacific. They are also near rich fishing grounds and give their sovereign—China, Japan, or Taiwan—rights to hydrocarbon deposits.

There is some oil in the East China Sea, but companies there are interested in the gas. Japanese government officials believe the sea’s gas deposits are not commercially viable,⁶ a view mostly shared by their American counterparts. In 2012, the U.S. Energy Information Administration estimated that the East China Sea had only one to two trillion cubic feet of proven and probable natural gas reserves.

Chinese state energy companies seem to be more optimistic. They have been extracting gas there since 1999 and are on the verge of accelerating exploitation of the sea with the development of seven new gas fields.⁷
Some of those fields are close to deposits claimed by Japan, and this could exacerbate a decade-old maritime dispute between the two nations.

China and Japan do not agree on the boundary between their Exclusive Economic Zones in the East China Sea, and this dispute has led to arguments over Chinese drilling. Tensions go back to 2004 when Tokyo, worried about the siphoning of gas from its deposits, protested a Chinese drilling platform, just five kilometers away from where Japan drew the median line, in the Chunxiao field.

Beijing and Tokyo reached a June 2008 consensus on resource development in the East China Sea, but the fishing trawler incident in September 2010 stalled implementation and now there is disagreement about the terms of the consensus. Moreover, the two countries do not even see eye to eye on how to proceed to settle their differences. Tokyo wants to fix the maritime boundary first before turning to exploration issues, and Beijing thinks that is, in the words of Liu Junhong of the China Institutes of Contemporary International Relations, “totally unrealistic.”

The Japanese, the Chinese say, have done little to move discussions along. “China has made compromise, having slowed down the works quite a few years,” says a Chinese state oil official, speaking to Reuters. That statement points to one underlying truth: the maritime boundary dispute has inhibited drilling.

Beijing looks like it is abandoning the 2008 consensus and moving toward fast exploitation of East China Sea gas. In July of last year, Japan filed another protest with the Chinese regarding their preparations for drilling close to the disputed median line, and now they look set to increase activities in contested waters. At the moment, it’s not clear how much gas China is actually extracting from the sea bed, and there is a sense that Beijing is pushing its state enterprises to drill not so much for their profits but to bolster its maritime claims. Offshore drilling is about to become even more of an irritant in relations.
The geopolitical tension, year in and year out, is starting to have an effect on the ties binding the two economies. In 2013, trade volume between China and Japan dropped 5.1% from the year before. That followed a 3.9% fall in 2012. Japanese sources attributed the drops to “the lingering effects of the Senkaku Islands territorial row” and a Chinese consumer boycott of Japanese goods. Chinese state media agrees that trade has been adversely affected by geopolitical tensions and blames Japanese Prime Minister Shinzo Abe.

Investment between China and Japan has also taken a hit. Japanese direct investment in China dropped 4.3% last year even though overall foreign direct investment in China increased 5.3%. At the same time, China’s direct investment in Japan fell 23.5% at a time when overall outbound investment jumped 16.8%.

The poor numbers for 2013 contrast with strong investment flows in 2012 and are largely the result of deteriorating relations. Said Song Zhiyong of the Commerce Ministry’s Chinese Academy of International Trade and Economic Cooperation, “The Chinese government attached great importance to the islands dispute and Chinese companies are concerned about the pressure and operational risks before investing in Japan.”

Song’s explanation for the falloff in Chinese investment in Japan is probably correct. The reason for the decline in Japanese investment in China is surely a bit more complex. Undoubtedly, rising Chinese wages—well in excess of productivity—have persuaded labor-intensive businesses to invest in Southeast Asia. That said, however, political risk is now a big factor. “Political tension was the major reason for the slide in Japan’s investment in China last year,” said Yao Haitian of the Institute of Japanese Studies of the Chinese Academy of Social Sciences. And this factor is not going away, predicts Yao, who sees relations between the two countries getting worse this year.

South Korea still has strong trade and investment flows with Beijing, but
its disputes with China are at a much earlier stage. As they persist, we could see a similar falloff in economic linkages.

Deteriorating economic ties are, at least, a warning sign. As Samuel Huntington noted, “high levels of economic interdependence” can be “war-inducing” instead of “peace-inducing” if “states do not expect high levels of interdependence to continue.”  

So will there be war in the East China Sea? Most analysts, like Cheng Li of Brookings, think the chances of conflict are “still low,” but at the moment there is no shortage of comparisons of today’s situation there to 1914 Europe. For instance, Shinzo Abe, while responding to a question in Davos in January 2014, likened the present relationship between his country and China to that of England and Germany a hundred years ago. Moreover, we are even witnessing parallels to Asia in 1937, when war erupted.

In the East China Sea, “cold economics” are now following “cold politics,” and the next step downward could be the one history remembers.

Chapter Endnotes


9. Chen Aizhu, “Exclusive: China in $5 Billion Drive to Develop Disputed East China Sea Gas.”

10. Ibid.

11. To put these trade figures into context, China’s total trade was up 6.2% in 2012 and 7.6% in 2013. Japan’s volume increased 1.0% in 2012 but was down 7.8% in 2013.


14. In 2012, Japanese investment in China increased 16.3% while China’s overall FDI fell 3.7%. Moreover, China increased its investment in Japan that year by 47.8%, outpacing its overall increase of outbound investment by 28.6%.


16. Ibid.


By any measure, China’s economy and defense budget are second in size only to those of the United States. China is already a world-class military power—albeit with a regional, not global, focus.

China is achieving rapid but uneven military maritime and aerospace development, pursuing proximate military-technological priorities with disproportionate success. Particularly since the 1995-96 Taiwan Strait crisis and 1999 Belgrade embassy bombing, China has progressed rapidly in aerospace and maritime development, greatly facilitating its military modernization. The weapons and systems that China is developing and deploying mirror its geostrategic priorities. Here, distance matters greatly: after domestic stability and border control, Beijing worries most about its immediate periphery, where its unresolved disputes with neighbors and outstanding claims lie primarily in the maritime direction.

Accordingly, while it would vastly prefer pressuring concessions to waging war, China is already capable of threatening potential opponents’ military forces should they intervene in crises concerning island and maritime

*The ideas expressed here are the author’s alone. They do not represent the policies or estimates for the U.S. Navy or any other organization of the U.S. government.
claims disputes in the Yellow, East, and South China Seas ("Near Seas") and the water space and airspace around them. Unfortunately, China is coupling these capabilities with rhetoric and even some actions suggesting intention to bully its neighbors for both internal and external gain. This threatens to destabilize a region haunted by history whose seven decades of peaceful economic rise have been underwritten by a robust U.S. military presence in cooperation with allies and partners.

Here the United States remains indispensable: no other nation has the capacity, willingness, and lack of territorial claims necessary to play the still-vital role of what Jonathan Pollack aptly terms “holding the ring.” In the contested Near Seas and the airspace above them, therefore, the U.S. and its regional allies and partners should focus on preventing China—or any other party—from using force, or the threat of force, to undermine existing norms and peace by altering the status quo.

In the East China Sea (ECS), for example, this takes the form of continuing to make it clear that the Senkaku/Diaoyu Islands are covered under the Japan-U.S. Security Treaty based on Tokyo’s administration of them. The reality is that claims disputes are widespread in maritime East Asia, and military and paramilitary means simply cannot be used to address them productively in today’s globalized, more-enlightened world. It is inaccurate to single Japan out in this regard: its island disputes with South Korea and Russia are not acknowledged by their respective governments. China, for its part, does not acknowledge Vietnam’s contestation of claims in the Paracel Islands, and has twice used force against Vietnam in that regard. What would be ideal for long-term peace would be to bring disputes before binding international arbitration, as the legal scholar Jerome Cohen has long advocated. The U.S. and Canada resolved their Gulf of Maine dispute successfully in precisely this manner. Currently, however, manifold factors, including deep mutual distrust, appear to leave Near Seas disputes unsuited to such resolution. In the meantime, then, preventing China—or any other entity—from using any form of force to alter the status quo remains vital. This may well be challenging: Beijing,
Washington, and Tokyo have likely entered their most difficult period of “competitive coexistence.”4 But it is essential for the region’s stability and prosperity that peace be thus preserved.

Far from its mainland, by contrast, China remains ill-prepared to protect its own forces from robust attack. Near-term progress does not transfer well in space or time. Fortunately for Beijing, the non-traditional security focus of its distant operations makes conflict unlikely; remedying its vulnerabilities would be difficult and expensive. Moreover, beyond the Near Seas, Beijing, Tokyo, and Washington share collective security interests in addition to their overwhelming economic interconnection. They can best cooperate by progressing from easier to harder activities with geographic focus gradually shifting over time from further from the Near Seas to closer to the Near Seas.

**Beijing’s ‘Water Droplet’ Priorities Hierarchy**

Tremendous uncertainties persist concerning China’s military development and national trajectory. Even aspects with substantial information available are often conflated misleadingly. It is therefore essential to consider larger dynamics and observe China’s military through the lens of distance. The most common source of error in foreign and even some Chinese analyses of Chinese military development is the conflation of two factors: scope and intensity. Close to home, China’s military capabilities are rapidly reaching very high levels. However, China is making much slower progress, from a much lower baseline, farther away.

Chinese military focus and deployments resemble a droplet generated by dropping a stone into water. These ripples of capability, as represented in part by its weapons systems’ radiating range rings, resemble ever-diminishing ripples. From the origins of the Chinese Communist Party (CCP) and its People’s Liberation Army (PLA), their security efforts can be mapped to this image. At the apex, a sphere is suspended. This represents the utmost prioritization of CCP leadership authority and continuity.
Supporting the sphere is a tall, pointy cone that broadens progressively toward its base. This represents the party-state structure used to govern the People’s Republic, which has grown extremely extensive. An indentation defines the cone’s edge. This corresponds to China’s once hotly-contested land borders with fourteen neighbors, all of which have been settled save those with India and Bhutan. The edge of the cone corresponding to China’s maritime periphery in the Near Seas is the focus of Beijing’s current security efforts. Beyond that are the ripples radiating from the water droplet’s cone. It remains much harder for China to combat major militaries beyond the Near Seas. There it suffers the same Achilles’ heel that it is targeting systematically in opponents close to home.

China’s Third Plenum Challenge

On November 9-12, 2013, at the Third Plenum of the 18th CPC (Communist Party of China) Central Committee, China’s leadership unveiled the “Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform.” In parallel to the Third Plenums in 1993 and 2003, the 2013 meeting offers a broad outline for long-term reforms. The goal is to shift to fiscally and environmentally sustainable growth. “Decisive results” are desired from reforms by 2020, in time for CCP’s 100th anniversary in 2021. A key question looms: can Xi Jinping’s strong leadership ensure impact for these 2013 reforms on a par with those of 1993 or even 1978? Given the challenging, time-consuming nature of implementation, it will take several years to judge the actual outcome. But already the prospects for rapid, comprehensive implementation appear limited.

It seems unlikely that China’s leadership’s goal of rebalancing to a domestic consumption-based economy sufficient to support a new growth model can be achieved. A true transition from government investment and manufacturing toward an innovative service economy would appear to require deep reforms that vested interests are likely to obstruct and leaders are likely to view as being too politically risky. The heart of the problem
is that China’s leaders are beset with strategic ambivalence: they know what they need to do from an economic standpoint, but cannot do it fully because this would undermine their authority. Beijing cultivates notions of a “Chinese dream,” but cannot afford to allow individuals to define it for themselves—particularly in the public square. Faced with this dilemma, short-term stability to preserve existing power structures will likely prevail. Even the dynamic Xi-led leadership is likely to muddle through some of the most difficult areas, leaving insufficient progress before a variety of “S-curved” slowdown factors—aging, disease, pollution, resource limitations, rent seeking behavior, growing welfare expectations—become increasingly limiting, particularly towards the end of the decade.6

East China Sea ADIZ: Forum for Chinese Grievances

Meanwhile, it is all too tempting for China’s leadership to externalize internal problems by straining the sensitive Sino-Japanese relationship, particularly at its geographic friction point: disputed islands and maritime claims in the ECS. Most recently, Beijing’s abrupt, abrasive, ambiguous rollout of an ECS Air Defense Identification Zone (ADIZ) appears designed precisely to gain claims-relevant advantages in defiance of international legal norms and stability, pressure Japan, and undermine the U.S.-Japan alliance.

Recent Chinese writings emphasize opposition to double standards and suggest disingenuously that Beijing is being opposed just because it announced an ADIZ per se. In a recent commentary, for instance, Xinhua writer Wu Liming claims: “China’s announcement to establish an Air Defense Identification Zone in East China Sea has drawn criticism from the United States and Japan, yet their blame is wrong. Their logic is simple: they can do it while China can not, which could be described with a Chinese saying, ‘the magistrates are free to burn down houses while the common people are forbidden even to light lamps.’”7 In fact, however, there is considerable concern among foreign observers about how China has (and how it has not) gone about the announcement and explanation of its ADIZ.8
China’s ADIZ is not being opposed wholesale through a condescending double standard, but rather because of important specifics in its implementation—a critical distinction that Beijing has ignored. Thus far, Beijing has defined its new ADIZ in a categorical manner that ignores the complexities and risks involved. Most problematic is the apparent demand that all aircraft (even those not en route to China) identify themselves and obey direction, or face unspecified consequences. This is particularly problematic because China’s ADIZ overlaps so extensively with Japan’s ADIZ, and even to some extent with South Korea’s ADIZ. It appears to be part of a larger problem: in recent years, Beijing has entered into international organizations and agreements to reap their benefits, while insisting that it retains the right to reinterpret or even attempt to alter them over time to suit its parochial interests.

**Holding the Ring—This Decade’s Challenge**

It is to be hoped that Beijing will choose to exercise restraint and allay concerns by its neighbors and other users of the international airspace in question by offering specific clarifications and reassurances. Otherwise, suspicions will grow that the “new type of major country relations” Beijing promotes is merely intended to signal that others should yield to a rising China’s principled positions. Such a unilateral, negative approach is deeply destabilizing, and must be opposed.

Long-term trends favor American power and increasingly question the further growth and external focus of Chinese power. Chinese headwinds in the form of economic slowdown, internal challenges, and shifting societal priorities may ultimately moderate Beijing’s external demands and shift resources and rhetoric from today’s power-centric, bullying approach. This could finally enable the mutual understanding and reciprocity—or “two-way streets”—required for more peaceful, productive relations among Beijing, Tokyo, and Washington.
Until such a time, however, Beijing will likely be tempted to continue to externalize dissent and instability into the Near Seas, particularly the ECS and the airspace above it. Things may well get worse before they get better in this volatile, dangerous period. It is therefore essential for the United States to continue to “hold the ring” to ensure that human actions—intentional or inadvertent—do not ignite a “ring of fire” that would seriously harm all concerned. Washington and Tokyo must redouble their efforts to communicate effectively with Beijing and cooperate in areas of mutual interest, while maintaining the capability, credibility, and determination to ensure the bottom-line requirement for Asia-Pacific peace and stability: that no one can use force, or even the threat of force, to change the status quo.

Chapter Endnotes


As a long time quiet victim of Euro-centrism, China is now screaming for collaboration and joint development among its South China Sea (SCS) neighbors. In the East China Sea area, China is waiting for its neighbor Japan to wake up from its dream of glorious militarism and honestly face World War II history before developing any realistic collaboration and joint development.

In the arena of international law China actually enjoys better theoretic support for its claims over the islets in the South China Sea and the East China Sea. But, unfortunately, China is not enjoying a favorable international image, for many reasons. Thus, many of its justifiable reasons are not sufficiently realized by many others in the international community.

Allow me frankly to ask the following questions and to try to answer them frankly:

1. Why did the Chinese people have the capability to first discover and utilize the SCS islets as early as two thousand years ago?
   China claims sovereignty over many (NOT ALL) of those tiny, uninhabited
islets, rocks or reefs in the South China Sea based on its first occupation (first discovery, first utilization and first management) of these tiny fly-spots. According to many history books, e.g., the “Han Book” (recording Han Dynasty events some two thousand-plus years ago) and thousands of other official records of the Chinese central government and local governments, Chinese people found, utilized and managed the SCS islets where no permanent residents lived when few in the world possessed sailing skills at the level of the Chinese mariners.¹

The reason for their sailing prowess was based on the simple fact of the East Asian monsoon. The East Asian monsoon started some eight hundred thousand years ago. And there was already a large population in the southeastern provinces of China some two thousand years ago. In the past several hundred years, wars and natural disasters pushed the people to the sea, to make their livelihood in the SCS and some Southeast Asian countries. During the Ming Dynasty and Qing Dynasty, several emperors promulgated royal decrees forbidding common people to sail into the seas, “not even with one piece of wood.” Some fishermen and merchant mariners became “part-time” pirates in the SCS; some others decided to stay and set down roots in the Southeast Asian countries. These communities exist today and even a casual visitor can see for themselves those Chinese communities in Southeast Asia at present.

2. Why has China claimed only those uninhabited tiny, tiny islands/rocks in the SCS?
The Chinese have always left behind land inhabited by other nations’ residents upon our arrival. We have always done so, on the continent and in the sea. Obviously Confucianism has been influential. It is already part of our chemistry.

3. Why does China claim the submerged James Shoal, instead of the large Natuna Islands nearby?
Because when we arrived in that water area of James Shoal, Natuna Island was already occupied by the Malay peoples. This also indicates that China
claims not only the islands, but also part of the water area in the SCS—but, definitely, never the whole area.

4. **Why does China claim the area within her U-shaped line as her “historic waters”?**
Because we do have tons of historic evidence that China first discovered, utilized and managed these islets and the nearby waters. Other neighboring countries’ evidence does not indicate any earlier discovery and utilization or management. China has never claimed the waters nearby as its territorial waters or international waters. It can only be characterized as its historic waters, indicating that China enjoys its rights and duties over the water based on historic evidence.

5. **When did the U-shaped line appear for the first time in the Chinese maps of the SCS?**
Though many earlier maps indicated the Chinese claim over the South China Sea islets, the SCS U-shaped boundary line was not found until the beginning of the 20th century. The current official map with the U-shaped line appeared in 1946 and 1947 after the two 1945 Truman presidential proclamations—not in 2009 as many believed.

6. **Why has China never claimed its “historic waters” as “internal waters,” as some have expected?**
Because China never practiced that in the region. There is no evidence indicating that China ever treated the water within her U-shaped line as internal waters. There were no such laws and regulations, nor such necessities in the past hundreds of years. Maritime boundary lines are a new invention in the world.

7. **Why is China supported by the UN Convention on the Law of the Sea (UNCLOS) in her claim of historic rights and vested interests in the SCS?**
Read the UNCLOS articles on the straight baselines, on the EEZs, on the archipelagic waters and on the disputes settlement, then it becomes so clear—your neighbor’s vested rights shall be respected.
8. Why has UNCLOS allowed states to exclude the application of the compulsory third party adjudication?
Because the framers of the UNCLOS knew very well that these issues on maritime boundaries, sovereignty disputes and military confrontations can never be resolved with such adjudication procedures. And they wanted to avoid meaningless political games as played by such people as the current Philippine leader, President Benigno Aquino III.

9. Other than China, what other countries have made identical written statements to exclude application of these compulsory procedures according to Article 298 of the UNCLOS?
France, Thailand, South Korea, Russia and more than a dozen other countries.

10. How has the Philippines forged the cause of action in the recent SCS arbitration case?
Piercing the corporate veil—a well-known legal principle. The inherent responsibility of any judge/tribunal is to find out the truth and to pierce the veil of forged cause of action.

11. China has repeatedly offered bilateral negotiations for maritime disputes settlement with the SCS neighbors; and almost ALL the land boundary disputes between China and its neighbors are already settled through bilateral negotiations.
Only Vietnam has reached a maritime boundary line in Beibu Bay (Gulf of Tonkin) with China. That resolved the disputes in the maritime area. Only a short section of the land boundary line with India and Bhutan is not yet settled. All others, with Russia, Burma, India, Pakistan, Nepal, Vietnam and North Korea, are settled.

12. Why did the Philippines close the door to talks with China and lie to the public that China claimed the whole area of the SCS?
This could be due to ignorance based on the American Journal of International Law (AJIL) article by Prof. Jonathan Charney in the 1990s or political games of propaganda.
13. Why do the United States and Japan both want to help the Philippines in its dispute with China?
They cannot do so themselves, with better knowledge of reality and international law. And they would expect a “cheaper” victory, in their competition against China. They cannot do so, also because they are not members of this SCS community. According to Article 123 of the UNCLOS, littoral states in this semi-enclosed sea region have the right and duty to collaborate among themselves on the issues concerning living resources, marine environment and marine scientific researches. Non-SCS littoral states are basically excluded from this collaboration and cooperation.

14. Why are the Diaoyutai Islands also traditional Chinese territories based on the same legal theory of first occupation (as for the SCS islets)?
Because of the same East Asian monsoon that has brought the Chinese people to and from the small islands for hundreds of years. Yet, the very deep Okinawa Trough and the Kuroshio Current have, to some extent, blocked the traditional fishing vessels from the Ryukyu Islands and Japan from arriving at the islands. Do not forget that when the populations grew sharply in the Chinese southeastern coastal provinces and Taiwan island, the populations of Ryukyu and Japan were still very small.

15. Why should the United States not support Japan in the East China Sea dispute over the Diaoyutai Islands?
Because both the 1943 Cairo Declaration and the 1945 Potsdam Proclamation are binding international agreements—if not treaties in the American eyes. They are treaties in the eyes of the Vienna Convention on the Law of Treaties. Even in the September 8, 1951 San Francisco Peace Treaty with Japan, which is not binding for China (which was not invited to sign that treaty) the United States did not give sovereignty of these small islands to Japan.

As the leading maker of the above two international agreements, the United States should not make the world believe that it could give up any agreement based on its own short-term interests. As the leader, the United States cannot eat its words as easily as drinking cold water.
I would hope China will never behave as the United States does, treating these international treaties as if they are nothing. It is absolutely against Confucian teaching. On the other hand, I believe that China, as a longtime victim of Euro-centrism, has certainly learned from the West how to face General Charles de Gaulle’s “theory of roses and young girls.”

The most important reason is that, although the United States is trying hard to make the world believe that China is its enemy, the Chinese people are still trying hard to be friendly to the American people. We still remember clearly that it was the American people who helped us defeat the brutal Japanese invaders in World War II. It is simply not reasonable for the United States to push China to the side of a rival and lengthen its already long list of enemies.

Chapter Endnotes

1. According to the Han Book, ships, covered with iron plate for sailing in the outer seas, tended to be “pulled” by the magnetic forces of those endless black rocks and shores in the South Sea.

2. According to the text of the December 1, 1943, Cairo Declaration, “It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the Republic of China.” “Japan will also be expelled from all other territories which she has taken by violence and greed.”

3. According to the July 26, 1945, Potsdam Proclamation Article 8, “The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.”

4. Charles De Gaulle has a famous saying on treaties. He said once, “Treaties are like roses and young girls—they last while they last.”
China’s growing military strength and territorial ambitions present national and alliance policy and security strategy challenges. Technology’s advancement changes the nature of the threat, creating increasingly pervasive and effective surveillance capabilities supporting weapons that are accurate and effective at great distances. Cyberspace and space capabilities promise more complex challenges, vastly increasing the tempo of operations. Chinese civilian maritime and aviation organizations and private operators pursue territorial issues as an arm of the state. Individuals form tribes in cyberspace to damage legitimate interests and security structures. Threat is no longer confined to the armed forces. No longer are we able to segregate military and civilian interests.

At the same time Japan, the U.S. and all of our allies and friends have valuable economic relations with China. This introduces a new degree of complexity into our policy. In our cold war history our major security concerns were not our economic partners. Positive efforts with China must be maintained and enhanced while more difficult security concerns are pursued at the same time. The potential for confusion and misunderstanding is increasing. This complex relationship makes clarity of policy and
strategy both more difficult and more necessary. Peace, security, stability and, yes, economic prosperity require effective deterrence and reassurance. These must be built upon clear perceptions—in the U.S., in Japan, among our friends and in China—of our ability to prevail in the event of conflict. Most needed is a clearly articulated alliance defensive strategy and effective integration of the operational capabilities of our forces, our national security processes, and our supporting national infrastructures.

December 17, 2013, marked a very important day for Japan’s security and for the U.S.-Japan alliance. Japan’s approval that day of a new national security strategy and increased military spending signaled a new level of integration within our alliance. Japan announced:

- A National Security Council to better coordinate inside Japan and externally at the highest levels with the U.S.
- Increasing both U.S. and Japanese force presence and operating effectively in “gray zone” situations involving civilian auxiliary vessels.
- Creation of rapidly deployable amphibious forces to preempt or reverse any attempts to trespass on any of their more than 3,000 islands.
- Equipment acquisition in the form of long-endurance surveillance craft, anti-ship cruise missiles, additional Aegis capability, V-22 Osprey tilt-rotor craft, enhanced communications capability and F-35 Lightning aircraft.

This release of the National Security Strategy and other related documents was welcomed. Self-Defense Force plans promise achievement of needed capabilities in the near future. More important, the Self-Defense Forces are assuming a direction that will enable ever greater defensive capabilities.

Japan’s new National Security Council (NSC) will be a valuable addition to our alliance security structure. While existing ministries and their officials will no doubt find reason to complain about intrusion from this new element of the administration, the NSC and its staff are critical in the modern world. When the flight time of weapons is measured in seconds,
when invisible threats appear with devastating effect in cyberspace, when the Prime Minister can expect a call at 3:00 a.m., he simply must have a staff that is his own that can see across all of the government. Developing the ways to make this work will challenge the bureaucracy and the bureaucrats. There will be frustrations. But it will work to enhance the effectiveness of the government and enhance the effectiveness of the appointed ministers. 3/11, an event that had an effect similar to conflict, shows just how important it is that the leader of a great nation have his own staff capable of managing a complex and challenging situation. U.S.-Japan coordination in both normal times and crisis will be improved with the establishment of this NSC.

The new capabilities planned for the Self-Defense Force will gain much attention. One most important development will not be as prominent. That is the development of increasingly integrated operational capabilities across our forces. “Integration” means dynamic, real-time, mutual support. Forces in the air, at sea and on land must operate together with observation and fires from each supporting the other two continuously. Last summer’s “Dawn Blitz” exercise in the waters of southern California showed the power of bilateral training and the potential of Self-Defense Force operations that are integrated across the very different air, land and sea environments. Three Maritime Self-Defense Force (MSDF) ships, about one thousand Ground Self-Defense Force soldiers, and a number of aircraft participated. Japanese admirals and generals were there to observe. It was a great evolution for the alliance.

It’s not necessary for Japanese forces to travel to California to do this, although that is always welcome. One of the most important elements of the often-discussed development of Guam is the provision that the U.S. will provide for the continuous presence and the training of Japanese forces there. It’s an ideal environment with abundant air and sea space, and numerous islands, to exercise forces that will be charged with the defense of Japan. The continuous presence of Japanese forces on U.S. soil is a very appropriate counterpart to the presence of U.S. forces in Japan.
As Japan gains greater ability to integrate across air, land and sea, the alliance itself will gain greater ability to integrate U.S. and Japanese forces at the operational level. Great increases to defense budgets do not seem to be a wise, or possible, strategy. The best available option is making our forces much more effective when operating together in defense of Japanese territory, interests, and lives. This brings the power of both nations together in a manner that is much more powerful than just the sum of our separate capabilities.

A higher, and needed, level of integration in the event of armed attack on Japan is needed. That is across the elements of our national infrastructure. A security emergency will require integration of more than bases and forces. It will require efficient and readily available use of civilian infrastructure—particularly airfields and ports—in support of the common defense.

Strategies describe the relationships among ends, ways, and means. We have an emerging sense in the alliance of the ends of successful deterrence and assurance, and successful defense of the territory, interests, and lives in Japan should deterrence fail. The ways are becoming clearer thanks to Japan’s efforts. Awaiting development are the priorities, sequencing, and the theory of alliance victory. The means—resources—can then be judged for adequacy, with ends revised downward if the means are insufficient.
Some Thoughts on the Centrality of the East China Sea to the Future of the U.S.-Japan Alliance

Michael McDevitt

The Bigger Picture of the East China Sea

The East China Sea (ECS) is an important factor in the security calculations of Beijing, Tokyo, and Washington because unresolved sovereignty issues, Taiwan and the Senkakus, could lead to conflict. These flashpoints coexist with crucial sea lanes for both China and Japan (six of China’s ten largest commercial ports can be accessed only via the East China Sea). Because the ECS is the home waters of Asia’s two most powerful countries, it is a major security zone for both. China has been working on making the East China Sea a no-go zone for the United States in case of conflict with Taiwan or Japan. For Tokyo the key strategic issue is that the Japanese archipelago south of Kyushu forms the eastern boundary of the East China Sea, and the security of its southern territory is far from the center of Japanese power.

In case of conflict, China’s strategic aim is to keep U.S. naval and air forces as far from China as possible. This has obvious strategic implications for Japan, which depends upon the United States to underwrite its security. If Tokyo gets into a confrontation with China, the United States may not be able to support them, if Beijing’s Anti-Access Area-Denial (A2/AD) functions as they hope.
The Latest Chinese Gambit to Change the Status-quo: An East China Sea ADIZ

Air Defense Identification Zones (ADIZs) are a U.S. creation dating to the early days of the cold war, when the threat of Soviet bombers approaching the U.S. and Canada generated a need for some sort of procedure that would allow the United States (North American Aerospace Defense Command, NORAD) to identify aircraft before they entered U.S. air space. This was done visually if necessary by launching fighters to intercept and positively identify the approaching aircraft. (The U.S. still intercepts Russian long-range military aircraft approaching Alaskan airspace.)

International law does not prohibit any country from establishing an ADIZ in the international air space adjacent to its territorial air space. In fact, most U.S. allies have done so, as have other countries; some twenty-odd countries have announced an ADIZ. An ADIZ does not establish sovereignty, nor is it a no-fly zone; it is strictly an identification zone.

Japan employs its Air Self-Defense Force (flying F-15s launched from bases in Okinawa) to respond to Chinese surveillance aircraft flying in the vicinity of the Senkaku Islands in case they penetrate Japanese air space over the Senkakus. (Sovereign air space extends upward from the territorial sea, which extends twelve nautical miles from the coast.) Back in 1969, Japan established an ADIZ that surrounds all of Japanese territory and extends into and covers much of the East China Sea, including of course the Senkakus. In fact, one portion of Japan’s ADIZ is within seventy nautical miles of China’s coastline.

On November 23, 2013, the Chinese government announced an East China Sea ADIZ, something it has every right to do. Unfortunately, it generally overlaps much of Japan’s ADIZ, including the airspace over the Diaoyutai (Senkakus). The resulting overlap of identification zones needlessly creates a greater potential for an accident. It means that a surveillance aircraft from Japan or China could trigger the other country
to launch a section of fighter jets to intercept and identify the aircraft flying in the overlapping ADIZ. This in turn could trigger the second country to launch its own section of jets, to intercept the jets of the other country. One can envision a situation where as many as five aircraft could all be headed for the same point in the sky.

So while China has every right to establish an ADIZ, to deliberately superimpose its own over Japan adds to the risk of accidents and the possibility of inadvertent conflict. The United States was quick to express “deep concern” and accused China of attempting to unilaterally change the status quo in the East China Sea by taking escalatory action. While there is no question it was unilateral, the fact is that Japan’s use of fighter jets to intercept unarmed Chinese surveillance aircraft, and to suggest that it might shoot down Chines drones conducting surveillance over the islets, encouraged voices in China to argue that it too needed an ADIZ; if Japan has one, so should we. In this regard the statement issued by China’s Ministry of Defense is instructive:

… openly making provocative remarks such as shooting down Chinese drones, playing up the so-called China threat, escalating regional tension, creating excuses for revising its current constitution and expanding its military…Japan’s actions have seriously harmed China’s legitimate rights and security interests, and undermined the peace and stability in East Asia. China has to take necessary reactions.

It seems obvious that this was just the next step in Beijing’s carefully orchestrated approach to forcing Japan to acknowledge that the Senkaku islets are in dispute and that Japan’s claim is not going to be accepted at face value. Fortunately, in the sixteen months since the purchase decision, Japan and China have managed to avoid turning this into an open conflict. But, as China keeps escalating its pressure on Japan, hoping it will “blink,” that also increases the risks for the United States.
Why is Washington Involved in the Senkaku Dispute?

In 1971 when the Okinawa Reversion Treaty was being deliberated in the U.S. Senate, the State Department said the United States took a neutral position regarding the claims of Japan, Taiwan and China to the Senkakus. It was merely returning the administrative rights that it received from Japan to Japan.

The State Department Legal Advisor wrote:

_The United States cannot add to the legal rights Japan possessed before it transferred administration of the islands to us, nor can the United States, by giving back what it received, diminish the rights of other claimants. The United States has made no claim to the Senkaku Islands and considers that any conflicting claims to the islands are a matter for resolution by the parties concerned._

During the same hearings, Secretary of State William Rodgers made clear that with the reversion of Okinawa and the rest of the islands considered part of Okinawa prefecture, “…that the Treaty of Mutual Cooperation and Security between Japan and the United States…becomes applicable.”

In short, Washington has concluded that so long as the islands are under Japanese administrative control they are part of the Japanese territory that the United States is treaty-bound to defend. Any ambiguity regarding the U.S. position was removed in October of 2010 when Secretary of State Clinton publicly affirmed that in fact the Senkakus were covered under Article V of the U.S.-Japan Security Treaty. She repeated this position three days later in Hanoi saying, “…with respect to the Senkaku Islands, the United States has never taken a position on sovereignty, but we have made it very clear that the islands are part of our mutual treaty obligations, and the obligation to defend Japan.” This was an important step in both reassuring Japan and deterring Chinese impetuousness.
Were the Senkaku dispute to become a military conflict, Japan would be expected to lead the defense of its territory before the United States became directly involved. Tokyo is sensitive to this issue. During a February 2013 visit to Washington, Japan’s Prime Minister Abe, in response to a question following a presentation at a Washington based think tank, indicated that Japan would defend the Senkakus. He said, “On the Senkakus, our intention is not to ask the U.S. to say or do this or that. We intend to protect our own territory now and in the future.”

Obviously, since the potential for military conflict involving U.S. forces exists in the Senkaku/Diaoyu Islands dispute, the United States has a stake in deterrence and dissuasion of conflict. Both Secretaries of State Clinton and Kerry have made it clear that U.S. interests in this dispute are against the use of force or military coercion to unilaterally undermine Japanese administrative control, and thus presumably undermine the legitimacy of the link to U.S. treaty obligations. Unfortunately China continues to try to do so, which keeps the dispute simmering.

At the same time, much to the displeasure of the Japanese, the United States still maintains the position of “not taking a position” on the sovereignty dispute. Yet not taking a position is not the same thing as being neutral, despite what the State Department Legal Advisor wrote in 1971. As Japan scholar Dr. Sheila Smith points out:

*It is imperative that the United States not aim to present itself as neutral. In the dispute between Japan and China, the U.S. policy goal cannot be neutrality as Washington has an obligation to deter and if necessary to defend Japan should Beijing opt to threaten or use force to resolve the dispute. Should the United States attempt to demonstrate neutrality, it will fundamentally undermine its ability to extend deterrence on Japan’s behalf.10*

Over the long-term China may hope that this dispute will weaken the U.S.-Japan alliance because Washington has undoubtedly made clear
that it wants to avoid getting into a direct shooting war with the People’s Liberation Army (PLA) over uninhabited islets that have no indigenous population, no geostrategic value, and no intrinsic value in and of themselves. But, by using the same formulation that has worked well regarding the cross-Strait situation between China and Taiwan, i.e., “no unilateral changes to the status quo,” Washington hopes that the implied threat of U.S. military involvement will stabilize the situation. China is undoubtedly aware that America’s credibility as a responsible treaty ally is involved, so it needs to act carefully. The potential for U.S. military involvement is visibly demonstrated through U.S.-Japanese Self-Defense Force exercises, which have included training Japanese sailors and soldiers in amphibious operations, and helping Japan to create a small Marine Corps-like capability.11

It is my understanding that informally, Japan has communicated to Beijing that it is willing to take the dispute to the International Court of Justice (ICJ) for arbitration. Tokyo will probably not do this officially, because that would force the Tokyo government to acknowledge that a dispute over sovereignty does exist, which would undercut its long-held view that no dispute exists. Beijing seems unlikely to do this because they have long distrusted international arbitration and because several independent legal scholars have judged that Japan’s claim is more credible under today’s standards of international law.12

**Working Toward a Peaceful Outcome**

It seems that tensions will only be defused if both sides are willing to make concessions; for example, if Japan agrees that it understands that China does dispute its sovereignty claim, and at the same time indicates it is willing to let the ICJ decide the sovereignty issue. This approach would put China on the defensive, and provide a reason for Japan to suggest that China halt intrusions into the territorial seas and airspace of the Senkakus. Since China has apparently decided to neither undertake discussions with the Abe government on defusing the situation, nor go to
Some Thoughts on the Centrality of the East China Sea

the ICJ—probably because they are pleased with their strategy—a public statement such as the one described is the only likely way to generate a pretense for discussion. Tokyo is apparently worried about looking weak and conceding a dispute exists, but including the proviso that it is willing to let the ICJ hear the dispute indicates self-confidence, not weakness. It also allows Tokyo to use such a statement as yet another example of how Japan is interested in following international norms and law.  

At the June 2013 summit meeting between Presidents Obama and Xi Jinping, they agreed to attempt to establish a new type of great power relationship. China’s Foreign Minister Wang Yi says the key elements of this new relationship are “three features in the new type of great power relationship: first, no conflict and no confrontation; second, mutual respect; and third, win-win cooperation.” By “mutual respect” the Chinese include mutual respect for one another’s “core interests.” According to the National Security Advisor, Ambassador Susan Rice, the U.S. is in the process of “operationalizing a new model of major power relations.”

Presumably that involves thinking through the basic problem of what happens when the “core interests” of China and the United States overlap and are mutually contradictory. As it happens, the East China Sea is the main locus of this contradiction. Taiwan, the Senkaku Islands, and military activities in China’s Exclusive Economic Zone (EEZ) are all areas where China’s attempts to shape the outcomes it desires rest to one degree or another on the implied threat of force; or in the case of the Senkakus, the use of so-called “salami slicing” strategy—a steady progression of very small steps, none of which is likely to trigger conflict, but in the end reshapes the status quo in its favor.

Issues associated with the East China Sea pose a difficult problem for Washington; each of the major issues at play is unique, and there is no simple solution that will solve them all unless Beijing simply accepts Washington’s views. It is likely the Taiwan-Mainland issue will be stable for the next two-plus years. In the case of military activities in the EEZ,
Washington and Beijing will continue to agree to disagree. There is a slim possibility China will change its views regarding the applicability of high seas freedoms in an EEZ as the PLA Navy continues to operate globally.

The most pressing problem is the Senkaku Island disagreement, because there is no clear path forward. China thinks its strategy is working and Tokyo believes it is impossible to move away from the “indisputable” mantra. For the moment, the best Washington can do is to continue to reiterate its view that peace and stability are the most important goals, and urge Beijing and Tokyo to be very careful to not inadvertently stumble into a conflict that could involve the United States.

**Chapter Endnotes**

1. Shanghai, Qingdao, Ningbo, Tianjin, Xiamen, and Dalian.
5. Ibid, p 5.


Countering Beijing’s Unilateral Revisionist Actions in the East China Sea: The Case for a Restraint Compellence Approach

Satoru Mori

China’s unilateral revisionist actions in recent years can be divided into two categories: (a) the use of low-intensity paramilitary probing and coercive risk manipulation tactics against islands that are under the sovereignty or control of a foreign country, and (b) the establishment of “Chinese zones” where Chinese authorities exercise domestic jurisdiction in contravention to international law. Japan and the United States need to address two questions in order to deal with a China that is attempting to expand its security interests at the expense of others: What are the strategic implications of China’s unilateral revisionist actions for the United States and Japan, and what are some responses that are both strategically sound and politically feasible to discourage China from pursuing these types of actions?

Strategic Implications for Japan and the United States

What are the strategic implications of Chinese unilateral revisionist actions for Japan and the United States? The reality in the East China Sea has proven that even when U.S. allies—Japan and the Philippines—have
been exercising restraint, China has been pursuing unilateral revisionist actions against its neighbors to realize its territorial claims. China has been, on the other hand, using the term “a new type of great power relationship” as a strategic communication tool to arouse risk-averse discourse in the discussion of U.S. policy towards China and thereby implicitly discourage the American foreign policy community from deliberating on risk-accompanying measures directed against China. The grabbing of the Scarborough Shoal, the coercive probing against the Senkaku Islands, and the unilateral establishment of the so-called Air Defense Identification Zone (ADIZ) have occurred while China has been trying to play up a stable relationship with the United States.

If China’s unilateral revisionist actions are allowed to continue under the current circumstances, two consequences would create a strategic dynamic unfavorable to the United States, Japan and the entire region. First, China will be led to believe that it can incrementally deprive Japan and the Philippines (and possibly South China Sea claimants) of their territory and security and restrict the freedom of the maritime commons without seriously compromising its relationship with the United States. The United States may want to see Japan continue to exercise restraint, but if Japan exercises restraint while China incrementally continues to expand its security interests at the expense of others and the United States makes only diplomatic protests, Chinese decision-makers could be led to believe that the United States will not penalize China for infringing on its allies’ interests. In other words, China will believe that the United States will reluctantly accommodate the incremental expansion of Chinese security interests as long as it does not use the People’s Liberation Army (PLA), and as a result, China’s paramilitary coercive probing could escalate.

The ultimate Chinese “salami-slicing” against the Senkaku Islands would be to insert Chinese non-military personnel armed with light weaponry on the islands and declare that “if Japan acknowledges the existence of a legal dispute over the Senkakus and is willing to negotiate the joint administration of the islands or the shelving of the sovereignty issue,
China will immediately withdraw all its personnel on the islands and immediately enter into negotiations for a peaceful outcome, but if Japan decides to take up arms and detain those Chinese personnel and if a third country supports Japan’s decision, then China will retaliate by using all elements of its national power inside and outside of Chinese territory.”¹ In such a scenario, China would probe to see what specific actions the United States will take under Article V of the Japan-U.S. Security Pact, but China’s judgment to probe will be based on the miscalculation that the U.S. response will be minimal and risk-averse in nature, and that China will be able to eventually squeeze Japan into submission by using its economic leverage and the implicit threat of putting the safety of Japanese citizens in China at risk. The biggest challenge for Japan is to find an exit and a game plan to reach that exit after the initial Japanese response and the Chinese counteraction. Second, Japanese policy towards China would become increasingly driven by a stronger sense of insecurity if China continues to coerce Japan and gradually erects “Chinese zones” while the United States does not take countermeasures against Chinese unilateral revisionist actions that it deems unacceptable.

These two consequences could make the existing security competition between China and Japan more severe, and if left unattended, could make skirmishes in the East China Sea between Japan and China more fraught with escalatory pressure—an outcome that no country wants to see develop. But in fact, we are beginning to see more evidence of this spiraling dynamic as Japan is beginning to prepare itself to balance China with a more proactive security policy.

Furthermore, if China were allowed to succeed in realizing its claims through unilateral revisionist actions, the rest of the world would see a high-standard rules-based order in Asia as increasingly remote, and a low-standard Chinese sphere of influence as increasingly more likely. Consequently, the credibility of the Obama administration’s commitment to a “rules-based international system” could be put into question, and American influence in the region could diminish.
Therefore, the choice for the United States is to either (a) avoid taking action now to face a greater risk later, or (b) take action now to avoid a greater risk later. Politically, it would be easier to take the former option, but strategically, it would make more sense to take the latter option. In short, the strategic rationale for the United States to take a more heavy-leaning approach towards China is to compel China to exercise restraint in the East China Sea and thereby dampen the security competition that is intensifying between Japan and China, and at the same time enhance the prospect of a rules-based order in Asia where naked use of power will be met with American power.

These strategic considerations call for the implementation of a more proactive “restraint compellence approach” against China by both Japan and the United States. It is imperative to convince China that expressing its claims in a coercive and unlawful manner will ultimately not pay and that Chinese strategic restraint in the East China Sea best serves China’s interests before the spiraling dynamic intensifies. The main message to China should be that the United States is willing and capable of punishing China for taking unilateral revisionist actions through paramilitary means against its allies and friends and that its rise cannot be considered legitimate by the international society if it involves coercion against others and unlawful exercise of jurisdiction that restrict freedom of the maritime commons. This has been, in fact, the consistent position of the Obama administration and now is the time to change words into action.

The Case for a Retraint Compellence Approach towards China

The restraint compellence approach is essentially an approach that imposes costs and risks on China whenever China engages in unilateral revisionist actions that undermine the security of U.S. allies or restricts freedom of the air/maritime commons in the East China Sea. The objective is to foreclose, as much as possible, any prospect for China to realize its territorial and maritime claims through unilateral revisionist actions. In order to achieve
this objective, Japan and the United States should actively impose risks and costs on China whenever it embarks on unilateral revisionist actions, and thereby compel the Chinese leadership that it ought to pursue China’s claims through diplomatic and peaceful means. The basic premise is that even though it would be almost impossible to make China give up its claims, it could be possible to influence the “manner” through which China tries to realize or assert its claims.

It does not mean abandoning cooperation and engagement with China. It simply means that the United States and Japan should send clear signals to China that it can advocate whatever position it wishes on its claims but it cannot pursue unilateral revisionist actions without facing any consequences.

As mentioned at the outset, there are two types of Chinese unilateral revisionist action: risk manipulation by coercive probing, and the establishment of “Chinese zones” and unlawful exercise of jurisdiction. They merit differentiated and tailored responses. An important point for considering specific actions is that strategic soundness should be balanced with political feasibility assessed on the basis of potential Chinese retaliatory measures.

1. Countering China’s Risk Manipulation by Coercive Probing

Chinese risk manipulation by coercive probing refers to Chinese actions of sending in law enforcement vessels and aircraft to its claimed area to physically assert its claim by intentionally taking intrusive maneuvers in the target area. So far, China has been able to execute coercive probing in the East China Sea without bearing any significant cost or risk because target states like Japan and the Philippines have been exercising restraint. Moreover, China does not see any benefits to establishing crisis management mechanisms with target states because agreeing to a crisis management mechanism would lessen the pressure on target states instead of increasing it. At the end of the day, China sees no need for a crisis management mechanism because it believes that it does not face the danger of escalatory retaliation by its target states.
Therefore, the objective of response measures designed to counter China’s risk manipulation tactic by coercive probing should be to convince China that such actions are not “safe and cost-free” but “dangerous and costly.” Some potential options could be:

(Stage 1) American naval action and Japanese diplomatic action

- Visibly increase the number of U.S. naval exercises near the Senkaku Islands and the Scarborough Shoal and shadow Chinese law enforcement vessels that approach the Senkaku Islands and the Scarborough Shoal with U.S. naval ships
- Increase discussions in Washington at the Track 2 level about the possibility and merits of recognizing U.S. treaty allies’ sovereignty over islands/territories where China asserts its claims through coercive probing
- Submit a Japan-U.S. joint draft resolution (non-binding) to the U.N. General Assembly that stipulates that if a state occupies claimed territory in the East China Sea that was under the control of a foreign country through means other than negotiation, adjudication or arbitration, that country should be denied sovereignty over that seized territory (joint Japan-U.S. action desirable)

(Stage 2) If China does not show any signs of restraint after Stage 1 actions or retaliates

- Conduct and publicize multinational coast guard training activities led by Japan and the United States (possibly joined by the Philippines, Vietnam and India) conducted near the Senkaku Islands, the Philippines Sea and the South China Sea. Increase or decrease number of training activities according to the intensity of Chinese probing
- Conduct and publicize joint Japan-Taiwan coast guard patrol in the area where the Japanese government recognized Taiwan’s fishing rights through the Japan-Taiwan Fishery Agreement (the Senkaku Islands are located inside this area). Increase or decrease number of joint patrols according to the intensity of Chinese probing
2. Delegitimizing China’s Exercise of Unlawful Jurisdiction

China’s exercise of unlawful jurisdiction in East Asian waters includes Chinese unilateral actions that restrict the freedom of navigation and air transit guaranteed by the UN Convention on the Law of the Sea (UNCLOS) and the Chicago Convention (e.g., China’s treatment of foreign military activities in and above its Exclusive Economic Zone (EEZ), China’s demand to “all” foreign aircraft flying inside its ADIZ to submit flight plans), and those actions that unilaterally establish “Chinese zones” that lack sufficient bases in international law (e.g., China’s claim on the Senkaku Islands, China’s law enforcement actions within the so-called U-shaped/nine-dashed lines in the South China Sea, and the illegal occupation and administration of the Scarborough Shoal). China aims to lead other nations to believe that its exercise of “jurisdiction” cannot be rolled back, and thereby legitimize and eventually “legalize” what are inherently unlawful state practices through the acquiescence of other states.

Therefore, the objective of response measures designed to counter China’s exercise of unlawful jurisdiction would be to compel China to comply with accepted interpretations of relevant international law by persistently objecting to such state practice through express denial of its legitimacy. Some potential options could be:

- Compile annually a “Freedom of the Seas/Skies Annual Report” in which participant countries shall record all Chinese activities that are unlawful under international law, to be made public and distributed at various multilateral conferences relating to East Asian security.\(^2\) The volume of the Report will change accordingly to Chinese behavior
- Actively denounce China’s “occupation” of the Scarborough Reef at ministerial conferences held around the world
- Vigorously engage third-country governments that have adopted UNCLOS interpretations regarding the EEZ that are similar to that of the Chinese government through a “Japan-U.S. Plus” approach to induce their acceptance of the American and Japanese interpretation of UNCLOS through the use of various policy tools
Organize a plan for a joint Japan-U.S.-Philippines marine environmental research project for the Scarborough Shoal and submit application documents to the Philippines authorities for approval. Refrain from on-site implementation, but establish the fact that the Philippines government is exercising administrative functions over the Shoal.

Conduct multinational freedom of navigation operational assertion exercises inside China’s EEZ. Increase and decrease numbers of exercises based on the number of incidents reported in the previous year, but maintain a minimum number of exercises every year.

Conduct multinational military flight operations inside China’s EEZ and ADIZ. Increase and decrease numbers of military flights based on the number of interceptions reported in the previous year, but maintain a minimum number of flights every year.

Chapter Endnotes

1. A scenario for potential Chinese revisionist action against the Senkaku Islands could look something like the following. Chinese “environmental survey teams” land on the Senkaku Islands from helicopters that flew from Chinese law enforcement vessels that float outside the adjacent waters of the Senakus. They quickly establish tents and perimeters guarded by “security guards” armed with light weaponry. Japan Coast Guard personnel and Okinawa Prefectural Police are dispatched to detain the personnel, but they see the likelihood of shooting, at which point China reinforces its “security guards” by transporting them by helicopters to the established facilities to take defensive positions. The Chinese government announces that if the Japanese government officially acknowledges the existence of a legal dispute and is willing to negotiate the joint international administration of the islands, China is ready to withdraw all personnel from the islands and start negotiations immediately. China also declares that if the Japanese authorities decide to detain Chinese personnel on the islands, China will retaliate against Japan by using all elements of national power both within and outside Chinese territory.


3. Proposal originally made in 2011 in a policy proposal project chaired by the author. The author would like to thank Tetsuo Kotani for proposing this idea. Japan as a Rule-Promoting Power, p. 29.
The U.S. Pivot to the East China Sea

Ely Ratner

U.S. policy in the East China Sea and American efforts to maintain peace and stability in Northeast Asia are integrated with and reinforce the U.S. rebalancing to Asia. As a microcosm of the broader approach to Asia, U.S. strategy toward maritime security is multifaceted and incorporates economic, diplomatic and military elements. The management of these tensions will provide a bellwether for the future of the U.S.-Japan alliance, the rise of China and the future role of the United States in the region.

The strengthening of America’s alliances is the bedrock of the U.S. pivot to Asia. As part of this, top-level U.S. officials have reaffirmed both publicly and privately that Japan administers the Senkaku Islands, which are therefore covered by the U.S.-Japan defense treaty. As a manifestation of this commitment, the United States is preparing to enter into talks with Japan in 2014 to revise the guidelines that delineate respective roles and missions in the alliance. The result will be enhanced interoperability, more prominent contributions from Japan and greater attention to a range of relevant capabilities, including space, cyber, and amphibious capabilities and intelligence, reconnaissance and surveillance. This deepening of the
U.S.-Japan alliance is designed to continue serving a critical deterrence function in Northeast Asia. At the same time, the alliance must also consider new strategies for dealing with Chinese revisionism and coercion that occur below the military threshold.

In the East China Sea context, the second pertinent feature of the U.S. pivot to Asia is the Obama administration’s emphasis on building stable political and security ties with Beijing. While political relations between Beijing and Tokyo are largely frozen, U.S. officials have continued close and regular consultations with Chinese counterparts to ensure that Beijing fully understands U.S. intentions and America’s commitment to the U.S.-Japan alliance. The United States will not, however, play a mediating role nor will Washington fulfill Beijing’s wishes to pressure Tokyo to accommodate Chinese assertiveness.

The third element of U.S. strategy for the East China Sea is U.S.-Japan cooperation and coordination on economic affairs and, in particular, the Trans-Pacific Partnership (TPP). While not readily apparent as a feature of the daily contestations in areas surrounding the Senkakus, the successful passage of the TPP is unequivocally a strategic issue for the United States and Japan. The maintenance of U.S. leadership and the development of a liberal order in Asia require Washington to play a central role in the region’s economic future. This calls for strong political leadership on trade issues in both capitals, even if and when it means taking on domestic special interests.

The next relevant aspect of U.S. policy is enhanced engagement with the region’s institutions. ASEAN and ASEAN-centered institutions are playing a key role in convening high-level discussions on sensitive maritime issues, holding multilateral confidence-building measures and exercises, and developing rules and norms to govern the maritime domain. To the extent possible, Japan and the United States should broaden discussions of the South China Sea to include similar dimensions of the East China Sea.
These efforts are reinforced by Japan’s enhanced bilateral and multilateral diplomacy with Southeast Asia, which mirrors the fifth element of the U.S. rebalancing strategy of enhancing ties with Southeast Asia. China’s efforts to isolate and denounce Japan on the world stage will be far less effective if capitals elsewhere in the region welcome augmented economic and security engagement with Tokyo. Key partners in this regard include Australia, Indonesia, the Philippines, Singapore and Vietnam.

Finally, the sixth element of the pivot, equally relevant to the East China Sea, is the revision of the U.S. military’s force posture in the region. This includes ongoing efforts by both sides to relocate U.S. Marines from Futenma Air Station, as well as to transfer some forces to Guam. The successful completion of these changes will make the U.S. military presence in Asia, and by definition the U.S.-Japan alliance, more geographically distributed, operationally resilient and politically sustainable.

Taken together, this multifaceted approach includes several simultaneous aims. It seeks to advance a regional order in which norms, rules and institutions—not brute force, intimidation and coercion—arbitrate crises and create opportunities for cooperation. The pivot to Asia at once strengthens the U.S.-Japan alliance’s deterrent power while also enhancing engagement with China.

Two critical tasks ahead will determine whether the United States can effectively contribute to peace and stability in the East China Sea in the near-term. First, Japan must do more to create a diplomatic context conducive to continued and unchallenged Japanese administration of the Senkaku Islands. The actions of Prime Minister Abe and members of his government toward history issues have weakened Japan’s strategic position in Asia and made it more difficult for the United States to help advance Japan’s interests in the East China Sea. It is particularly critical for Japan’s security and the future of the alliance that Tokyo take steps to mend ties with Seoul. The external consequences are too important to let domestic politics and special interests drive policy.
Second, the United States and Japan, in concert with other partners in the region, will have to engage in sensitive discussions about how to respond to Chinese revisionism. There are those who argue that Chinese revisionism is non-existent, unproblematic or unstoppable, but these perceptions underestimate the long-term costs of creating a permissive regional security environment in which China is free to settle political disputes by force.

The underlying problem is that bilateral and multilateral diplomacy have failed to stem Chinese assertiveness, and a number of other efforts—like building partner capacity and strengthening regional institutions—will take years, if not decades, to bear fruit.

This leaves the burning question of how to shape China’s behavior through the imposition of costs that are proportional, effective and not overly provocative. This, in my view, is the most vexing policy problem in Asian security today.
I t has been, and remains, my view that the only issue that could lead to a war between the United States and China is Taiwan. It is there that Beijing’s bottom line “core interests” regarding territorial integrity and sovereignty could clash with Washington’s insistence that cross-Strait issues be resolved peacefully, willingly and without coercion. Preservation of peace and stability in the Western Pacific is as much a vital interest for the United States as avoiding “Taiwan independence” is for the People’s Republic of China (PRC).

Fortunately, evolution of thinking and political forces in both the Mainland and Taiwan has led to a situation in which military conflict across the Strait, while not impossible, is not only not a near-term prospect but, unless someone makes a wildly bad decision, not a likely prospect at all.

Now, however, people see more likely confrontations between China’s “core interests” regarding territorial integrity and sovereignty and the U.S. vital interest in maintaining peace and stability elsewhere in East Asia. Such confrontations are possible not only in the East China Sea, where the Sino-Japanese contest over the Senkaku/Diaoyu Islands could involve
the United States through Washington’s treaty commitment to defend Japan, but also in the South China Sea. The U.S. treaty commitment to defend disputed territory involving the Philippines is rather less cut than that to Japan over the Senkakus. But Washington’s insistence on peaceful resolution of disputes and the American national security interest in preserving high seas freedoms could at some point clash with what appears to be a very expansive set of claims by China to territory and maritime rights.

Viewed from Washington, a number of potentially conflicting interests are involved. Of primary importance is the alliance relationship with Japan. While other U.S. relationships in the region have grown enormously over the years, including with China and the Republic of Korea, the relationship with Japan remains of singular importance. It is not only a vital economic and political partnership, but a security partnership that continues to undergird the U.S. ability to play a critical stabilizing role throughout the region. To fully understand U.S.-Japan ties, it is essential to keep in mind that, just as has become true of the vital U.S. relationship with Korea over the years, the sense of equal partnership is fundamental to the successful operation of the alliance with Japan.

Some people have seen the U.S.-Japan alliance as a vehicle to confront a rising China, indeed to slow the PRC’s rise and to limit its power and influence. Perhaps this was true at some point in the past. But the time has long passed when American policy was based on the premise that the United States should—or could—stop China’s rise. Rather, for decades the thrust of policy has been to engage China across a broad spectrum of activity to the mutual benefit of both countries and beyond, but also to help influence China’s policies so that they contribute to regional peace, stability and prosperity rather than emerge as a challenge to the existing order.

Admittedly, an important element of American security policy toward China—and, to be fair, of Chinese security policy toward the United
States—has been a hedge against uncertainty regarding the future. Just as many Chinese see the United States seeking to circumscribe the PRC role, Americans are concerned that a China that is both economically and militarily stronger could choose a path that is more assertive not only in the sense of being more active but also more disruptive.

The recent tensions in the East and South China Seas have been interpreted by many people, not just in the United States but perhaps even more so in the region, as an early manifestation of just such aggressive behavior. China, of course, insists that its policy is peaceful and non-hegemonic and that what others see as assertiveness is actually defensive behavior to protect China’s vital interests.

We are all familiar with the history of events in 2012 that led up to the change of Chinese patterns of activity in the Senkaku/Diaoyu. We are also familiar with the very different interpretations of those events in China and Japan and whether Tokyo’s purchase of the islands was intended to change the status quo that had existed for the previous forty years or whether it was designed to preserve it.

At this point, it would seem almost not to matter about how the confrontation developed, since neither side is going to accept the view of the other. What matters is how to move the situation from where we are to where we want to be.

One fundamental obstacle to doing that, however, is that Tokyo and Beijing have conflicting views not only of where we are but especially of where we want to be. That is, no one in either government—or at least no one in a responsible position—wants to see the situation escalate to armed confrontation or war. But despite a certain level of diplomatic activity beneath the surface, the ground truth is that Tokyo is not about to acknowledge that there is a territorial dispute (or that Japan ever agreed there was such a dispute) or to share “administrative control.” And Beijing is not going to abandon its view that there not only is such a dispute and
that Tokyo needs to admit that as a first step to any substantive dialogue on the matter, but that China is going to continue to maintain a “presence” to substantiate its claim through frequent entry within the 12 nm territorial space around the islands.

The United States is placed in a policy bind. While taking no stance on the conflicting sovereignty claims, it does not have the option of abandoning its defense commitment to Japan. At the same time, while most Americans accept that the motive for Japan’s action of purchasing the islands in 2012 was to prevent what it saw as a worse outcome if then Tokyo Governor Ishihara were to buy them as threatened, they question whether there was not a less provocative way to deal with that problem. Moreover, although the principle of defending an American ally is of the highest order of importance, and not allowing China to use its growing clout to coerce others is also of enormous consequence, it would be hard to find a government official in Washington who thinks it would be remotely sensible to go to war with China over “a bunch of rocks” of no particular economic or strategic value.

The situation was complicated in late 2013 when China declared an Air Defense Identification Zone (ADIZ) in the East China Sea that covered vast areas including the Senkaku/Diaoyu islets. Some would argue that the American reaction was “over-the-top” and not logical. As that reaction was expressed by one senior official recently, “we do not accept, we do not acknowledge, we do not recognize China’s declared ADIZ.” But however much one might see this as intemperate, China’s move, while arguably “legal” under international law, was virtually unanimously seen as peremptory and provocative in terms of its suddenness and scope, including its coverage of the disputed islands area. Although most civilian airlines now comply with the newly announced PRC reporting requirements as a matter of prudence if nothing else, military planes from the United States, Japan and Korea have all purposefully flown in the area without acquiescing to China’s demands. Moreover, critical statements have been issued by many other governments throughout the area.
While much is going on to deepen and broaden Sino-American ties in line with the Obama-Xi agreement to develop a “new model of major power relations,” these strategic differences have seriously complicated such efforts and raised questions in both Beijing and Washington about how far the two nations can go in shaping a more positive relationship in the years ahead.

The prospect of a Chinese ADIZ in the South China Sea, which is bound to raise hackles all around the region, can only further complicate relations between the U.S. and China. The same American official who was quoted as rejecting the East China Sea ADIZ ominously warned that declaration of a South China Sea ADIZ would be seen as a “provocative and destabilizing development that would result in changes in our presence and military posture in the region.” One trusts that both sides can pull in their rhetorical horns. But beyond that, perhaps this is an area where China can learn the same lesson from its experience in the East China Sea that the United States hopefully learned in Iraq: Just because you can do something doesn't mean you should.

Chapter Endnotes

1. In 1972, under the terms of the Okinawa Reversion Agreement, the United States returned “administrative control” over the Senkakus to Japan, even as it adopted a neutral stance regarding conflicting sovereignty claims by Tokyo, Beijing and Taipei. However, Article V of the U.S.-Japan Treaty of Mutual Cooperation and Security applies to areas “administered” by Japan, and hence extends the U.S. defense commitment to the Senkakus.
Prime Minister Shinzo Abe’s security policy intentions are often misunderstood or exaggerated, either intentionally or unintentionally. In its December 18, 2013, editorial, for example, the *China Daily* warned against Abe’s “proactive pacifism,” asserting that “the catchy but vague expression” is “Abe’s camouflage to woo international understanding of Japan’s move to become a military power.”

Abe’s intentions, however, are not to turn Japan into a military power, either in qualitative or quantitative terms. Rather, his security policy is designed to incrementally enhance the functionality of Japanese defense capacity.

The *China Daily’s* editorial pointed out that Abe’s doctrine seeks to turn Japan’s Self-Defense Forces (SDF) into “ordinary armed forces.” In reality, though, the SDF are far from “ordinary armed forces,” which are able to take necessary actions to defend the country and to contribute to regional security promotion. Japan’s defense-related legal system is so restrictive, in fact, that the inability to respond to contingencies—even when a defense response is required—could actually abet the escalation of tensions with neighbors.
On February 4, 2014, the prime minister hosted a meeting of an expert panel on reconstructing the legal basis for national security. According to media reports, the panel proposed legislation to enable the use of the SDF to deal with so-called “gray zone” situations categorized between peacetime and genuine contingencies. Under current Japanese law, the country cannot exercise its right of self-defense unless it is under organized, armed attack.

The recommendation to the prime minister came from a panel of cool-headed defense experts, not emotional nationalists. The Tokyo Foundation, too, made the above point in its policy proposal on “Maritime Security and the Right of Self-Defense in Peacetime,” released in November 2013 under a project for which I myself served as leader. The recommendation of Abe’s panel is closely aligned with our proposal, which called on the government to make reforms to the Diet, law enforcement authorities, and the SDF that are long overdue in order to more effectively defend Japan’s territory and avoid an escalation of tensions with its neighbors, especially China, which is now persistently sending paramilitary vessels into Japan’s territorial waters.

Currently, the deployment of the SDF is heavily restricted by legal and political concerns, even in addressing self-defense needs. This is based on Japan’s remorse for the suffering caused to its neighbors, including China, by its wartime aggressions. This self-restraint was functional during the cold war, since Japan’s exercise of self-defense was chiefly directed against the Soviet Union and integrated into U.S. military strategy. There was no need to address intrusions into its territorial waters by paramilitary vessels.

A military invasion of Japan would be a clear case of a contingency, when the Japanese government can legally order the SDF into action. Considering the current situation surrounding the Senkaku Islands, though, Japan is more likely to face minor yet critical challenges from nonmilitary or paramilitary vessels, which would not be considered armed attacks. This could place the Japanese government in a dilemma. The SDF cannot use their full military capabilities without a defense order from the government.
clearing the way for self-defense maneuvers. If the government does issue such an order for an incident around the Senkakus, though, this could send the wrong signal.

Ordinary democracies, such as the United States and its European allies, do not have such a dilemma, since pre-defined Rules of Engagement outline the actions to be taken by their military forces. Japan is constricted by its deep remorse for past military aggressions and understands the sensitivity of its neighbors. But we must also keep in mind that lapses in Japan’s national security laws could actually lead to a heightening of tensions in the East China Sea.

Even if the legal reforms are legitimate, why, critics may say, does the prime minister need to visit Yasukuni Shrine, stirring up new controversy and worrying neighbors? I happen to agree that the visit was ill-timed, but we live in an imperfect world in which emotional nationalism can sometimes become a source of political capital. This is true not only in Japan, though, but also in China, South Korea, and even the United States, which saw an upsurge of patriotic sentiment following the September 11 terrorist attacks.

Despite the image encouraged by China and South Korea, the Abe administration is marked more by realism than nationalism. University of Tokyo Professor Emeritus Shin’ichi Kitaoka, who is deputy chairman of Abe’s panel on reconstructing the legal basis for national security, was the leader of a Tokyo Foundation project on Redefining Japan’s Global Strategy, which also recently announced its policy proposal. The core message of the proposal was the importance of restraining emotionalism and taking pragmatic steps to find common ground with its neighbors.

I do not endorse the prime minister’s visit to Yasukuni Shrine, and neither do the realists in his cabinet. The administration's current security policy initiatives, therefore, are not the result of an emotionally charged nationalism but represent a rational and incremental development of democratic governance in Japan’s postwar security and defense policy.
The Maureen and Mike Mansfield Foundation is a 501(c)3 organization that promotes understanding and cooperation in U.S.-Asia relations. The Foundation was established in 1983 to honor Mike Mansfield (1903–2001), a revered public servant, statesman and diplomat who played a pivotal role in many of the key domestic and international issues of the 20th century as U.S. congresswoman from Montana, Senate majority leader and finally as U.S. ambassador to Japan. Maureen and Mike Mansfield’s values, ideals and vision for U.S.-Asia relations continue through the Foundation’s exchanges, dialogues, research and educational programs, which create networks among U.S. and Asian leaders, explore the underlying issues influencing public policies, and increase awareness about the nations and peoples of Asia. The Foundation has offices in Washington, D.C.; Tokyo, Japan; and Missoula, Montana.