

REMARKS BY STEPHANIE KLEINE-AHLBRANDT*

I was going to title my remarks “The Death of Non-Interference” because we are in a different place now with China with regard to non-interference. We have seen differences between the West and China for a long time, but in the recent past Beijing largely abided by the principles set out by Chinese leader Deng Xiaoping, which was to “hide our capacities and bide our time,” and the practical sort of implementation of this was a non-interference policy. So this was a result of Deng’s vision of Chinese foreign policy, which was one in which China should observe the world, secure its position, deal calmly with foreign affairs, maintain a low profile, and never claim leadership. He put China on this “development-first policy,” so that from the 1980s through the mid-2000s, China largely abided by this policy despite its rising economic, political, and military power.

We saw China compromising on things like border demarcation, global security issues, and broader diplomatic strategy. Essentially, China was willing to override the discomfort of these compromises in order to pre-empt external threats to its economic growth and avoid the establishment of countervailing coalitions. We saw Beijing walking the walk of peaceful development, finding ways to be friends with countries in the region, accommodating the U.S. military presence in the region, and cleaning up its act as a proliferator of weapons of mass destruction. We also saw from 2006–2008 some very constructive policies out of Beijing with regard to North Korea, Sudan, and Somali piracy.

However, let us fast forward to more recent times—roughly the last 3–4 years—and whether it is China greeting visiting dignitaries with stealth fighters or encouraging the adoption of its currency abroad or allowing retired generals to designate the South China Sea an area of core interests or announcing that it might have wanted to use a drone to catch a foreign drug lords in Burma, I think we can say that China’s days as a shrinking violet is behind us.

There has been a change in emphasis and also the content of the “hide and bide” strategy. So in Asia, the issue felt most acutely has been China’s position on these maritime disputes in the East and South China Seas. We saw things like the escalation of these bilateral disputes. We have seen Beijing dividing ASEAN countries to ensure that they can’t stick together on a code of conduct. We have seen the Chinese foreign minister saying things such as “China is a big country and other countries are small countries and that is just a fact.” I don’t think we would have seen that out of China ten years earlier. We have seen Chinese patrol vessels cutting cables of Vietnamese survey ships, and we have seen the problems in the South China Sea.

I think it is important to emphasize that in stark contrast to this impression that foreigners have from outside China that China’s actions have been more assertive, the prevailing view inside China and among almost all Chinese activists, scholars, and officials is that the tensions and disputes are attributable to the failure of regional states to respect Chinese interests. In this view, this failure is reflected in the collusion between the U.S. and regional and claimant states against China. So Beijing’s perspective is that only through a more proactive policy can China expand from a solely land-based power to a maritime power and reshape the region in a manner beneficial to its interests. Failure to do so can enable other regional states and their allies (namely the United States) to contain or even threaten China’s ambitions.

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What this means is that at least four elements of Deng's policies are currently under debate or changing. So we are seeing a shift from non-interference to "creative involvement," a shift from bilateral to multilateral diplomacy, a shift from reactive to preventive diplomacy, and a move away from strict non-alignment towards semi-alliances. Creative involvement can be described as a way for China to become more active in preserving its interests abroad by becoming very involved in the domestic politics in other countries. This is definitely a shift from non-interference to something much more flexible. In the past, of course, China has used money and other tools to shape domestic developments in other countries, and this was done to promote the idea that China is just another developing nation helping other developing nations in the face of Western imperialism. What has happened is that these countries are not buying this anymore. When China comes in and says, "We're just a developing country, like you," they laugh and say, "Now you have become an imperialist like the others that we have been subject to before." This could obviously erode some of China's advantages in dealing with developing nations, since it always has relied on these promises of political non-interference as a counter to Western offers.

What we are seeing now is really blatant interference in domestic affairs. China has engaged in police operations in Angola; China is engaged in finding, bringing back to China, and executing a drug lord for the murder of 13 Chinese citizens; China has brought both parties to the table in a brutal ongoing conflict between the rebels and the Burmese government that no Western country has been able to stop. China has essentially gone in and arm-twisted both sides in Burma and physically brought them to speak to one another, in order to put major pressure on the Burmese government to make an agreement to stop shelling the rebels. Also on the positive interference side, the sort of dismissal of non-interference has helped China to press Rwanda to decommission or take out of operation rebel leaders who were committing mass atrocities in eastern Congo, which no Western country was able to do. The Chinese ambassador made an off-the-record briefing to the Security Council about how this was done.

The theme running under all of these actions is that China is starting to look like a normal great power. China is doing what it feels is in its interest, regardless of what international law says or what its own principles are. Chinese pragmatism dominates over almost everything else in the East and South China Seas. You will still see remnants of non-interference because you hear a lot about Chinese reactions and Chinese assertions, but what China is doing is engaging in a policy of what we can call "reactive assertiveness," which means that China, generally speaking, is not the first one to throw a stone. For example, when the Philippines sent a warship in April of last year to respond to a fishing dispute near the Scarborough Shoal (which was clearly wrong in an escalation), this act could be graded as a "3." China's reaction was more at the level of a "10," but China can claim the moral high ground of not having started the issue and not having sent in its own military vessels. This is something we have seen with regard to Vietnam, the Philippines, and Japan.

With respect to the Philippines, China essentially had an agreement, brokered by the United States, for both sides to pull back because this ended up in a standoff between China and the Philippines for many weeks. So last year there was an agreement to pull back, and yet China went in and roped off the shoal. It now has effective control of the shoal, which means Filipino and Vietnamese fisherman cannot go in the shoal. So what you ended up with is a change of the status quo in China's favor even though China did not start the incident—China reacted to the Philippines. We have seen this with regard to Vietnam, which in June last year passed new maritime regulations covering the Spratly and Paracel Islands. Before

the ink on the law had dried, China had established rules to settle those islands with the military garrison. These things are pre-planned. The Vietnamese came to the Chinese six months in advance and said, “We are going to pass this law,” and the Chinese used diplomacy to say, “Look, it’s not a good idea, and we don’t agree with it,” but meanwhile teed up all these moves in the background.

All these various actors within the Chinese bureaucracy are pursuing their own interests, which is leading to a stance that is not necessarily reflective of Beijing. This can sometimes be a provincial issue, because provinces in China have a huge amount of power. They are almost semi-autonomous economic units, and province chiefs have the same level as ministers in government. We see other kinds of bureaucratic competition. Instead of having one coast guard, they have five coast guards, which compete with one another for funds and to show that they are more effective at establishing Chinese sovereignty.

What is remarkable is that we now have the situation in the East China Sea even though the Chinese did not want this conflict. They weren’t planning for this during their transition year, because they need to maintain domestic stability and ensure a smooth transfer of power. They were not looking for problems with Japan, I can assure you of that. Japan made a decision to nationalize the islands. China saw that as a net change in status quo and took some very extreme measures in return, including central government officials canceling visits and rebuffs from top-level leaders. But most importantly, Beijing declared territorial baselines around the islands in September—which is the first time that China has done this for an island that it does not effectively administer—and has decided to send in regular patrols of maritime surveillance establishing what we call “overlapping administration.” So now the area is no longer solely administered by Japan, which has altered a status quo of about four decades—all without China firing a single shot.

It is an explicable strategy if you look at what China is trying to achieve in terms of becoming a maritime power. It is all very explicable. It is just that China itself was not planning this. China and Japan had an agreement for decades to shelve the dispute and pursue economic relations, which was a way for them both to develop their economies, and with this change China decided to throw that agreement out the window. Japan changed the agreement *de facto*, and the reality was that China was not really that well served by having an agreement whereby China could not go back and get what they see as their islands. So when Japan made this move, that gave China a pretext for ending the agreement.

I wanted to end with a few key observations. There are in China a myriad of voices—there is no one line that everyone takes. I wanted to give voice to some of the people who have been saying very creative things about how to deal with the nine-dash line issue. The general Chinese public seems to believe that China enjoys exclusive entitlement in the South China Sea, and this is more or less shared by a large segment of the Chinese international relations community.

Some Chinese analysts have been advocating for the need for China to clarify its claim. One argued that currently the most urgent challenge is to interpret the nine-dash line because the ambiguity associated with the line concerns the ASEAN countries and other countries. He says that war is no longer an option and that even though political negotiation is currently China’s preferred approach, in the future China may still need to consider arbitration. So China should start conducting feasibility studies to prepare for this. Another veteran expert on the South China Sea agrees that China may not be able to refuse international arbitration indefinitely, because the longer the dispute lasts, the more disadvantaged China will become.

The experts—for example, the people in the border demarcation division of the Ministry of Foreign Affairs—all want to give clarity to the nine-dash line and show what the Ministry of Foreign Affairs has publicly stated, which is that China claims only the islands and would use UNCLOS to demarcate the claims thereafter. The problem is that this position is not accepted by most Chinese people, because they have been told since age zero that the whole area is theirs. So you have a situation where with the growth of the Internet in China and the importance of the views of the public as expressed over the Internet, the government would have a very difficult time telling the people, “Now we are going to change what we have been telling you for 40 or 50 years.”

It also puts them in a very difficult position with regard to Japan. The problem with the Japan dispute is that China has very little, if any, confidence in an international legal tribunal. They have told us quite overtly, “It is a Western court, and we have no confidence that if we went to that court with regard to Japan, for example, we would have any chance of winning.” So there is this major overall distrust of international law, which I think is unfortunate. I wasn’t particularly surprised that the Chinese rejected the case the Philippines put up even though China itself has a judge at a very high level within the International Tribunal for the Law of the Sea.

The other thing I must underline, which I also think is unfortunate, is that the Chinese have done myriad studies of how the United States has engaged itself as a superpower. I remember when I used to work at United Nations High Commissioner for Human Rights, we used to tell the Chinese that it was time to ratify the ICCPR. They would come back and promptly say, “Well, we did a study and looked at the time it took to for the U.S. to go from signature to ratification, which was exactly 19 years, 2 days, and 16 hours, and we still have time according to that.” So they really look at what the U.S. does. The biggest irony is that we, the U.S., have not ratified UNCLOS, and we respect it. We get no credit for actually having ratified it. China gives us no end of grief about that, and essentially they have done major studies on how when you are a superpower you don’t have to respect international law. I think that we are all here aware of this, and I think it is unfortunate, because the point of international law is precisely to apply metrics across the board—whether you are a large or small power.