# JPWS

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### STUDENT RESEARCH

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John and Mary Frances Patton Peace and War Center
Norwich University, USA

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### ON THE PATH TO CONFLICT? SCRUTINIZING U.S.-CHINA RIVALRY



### STUDENT RESEARCH

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# Thucydides's Trap, Clash of Civilizations, or Divided Peace? U.S.-China Competition from TPP to BRI to FOIP

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**Abstract:** China's rise from a middle power to a superpower challenger to the United States has happened in recent decades. Strategic writers have published prolifically on the dynamics of power transition and prospects of war and peace in the new century. Among them, three frameworks are particularly salient: the Thucydides's Trap (TT), Clash of Civilizations (CC), and Divided Peace (DP). TT focuses on the structural and competitive logic between the rising power and the ruling power. CC underscores tensions rooted in ideational and institutional differences between the superpowers. The DP emphasizes the emergent bipolar order with U.S.-China coexistence. This article applies the three frameworks to the U.S.-China competition in the Trans-Pacific Partnership, Belt and Road Initiative, and Free and Open the Indo-Pacific Strategy. It argues that policy specialists and agencies play complex and constructive roles in such multilateral competition that goes beyond the three frameworks. The COVID-19 pandemic has paused exchange and travels by such actors; hence, it exacerbated strategic and cultural clashes between Beijing and Washington. Lately, the two countries reaffirmed the continuity of BRI and FOIP as multilateral competition.

**Keywords:** Belt and Road; TPP; FOIP; Thucydides's Trap; clash of civilization; U.S.-China competition; divided peace

## Introduction

The United States and China are at a critical moment of great power politics, a path fraught with conflicts, competition, and rivalry. In the meantime, they are engaged in bilateral and multilateral exchange in trade, investment, production, environment, and science and technology. While many American strategists advocate "decoupling," or "partial disengagement,"[1] it is profoundly difficult and painful to untangle the world's two largest economies after decades of deep globalization. How can we evaluate the current state and future trajectories in the U.S.-China relations? How can we get a better sense of the process of competition and disentanglement? Is there still hope for a stable future,[2] or should we be prepared for the "clash of titans?"[3]

Among the scholarly and policy communities in the U.S. and China, there are three salient frameworks to think about and predict U.S.-China competition trajectories. Firstly, it is the influential Thucydides's Trap (TT), popularized by Harvard Professor Graham Allison, and related to power transition arguments. The framework diagnoses the pathology of power transition structure. It posits a real probability of war between a rising power (China) and the established dominant power (U.S.).

The second framework is called "clash of civilizations" (CC), initially proposed by Samuel Huntington, and is currently driving many discourses on U.S.-China competition.[4] The framework underscores 1) the civilizational competition between China's Confucian


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culture and the United States-led Western culture, 2) differences in social norms and institutions that shape behaviors of the two peoples, and 3) ideological contest between liberal democracies and communist authoritarianism in China.

Finally, within policy circles in Beijing and many foreign policy writings, the prevalent view can be summarized as "divided peace" (DP). DP has three layers of arguments: one, the core interests in China and the U.S. are separate but more or less compatible; two, the Chinese strategic culture is not confrontational, or expansionist, and hence it does not follow the logic of a challenging rising power; and three, both the U.S. and China are great powers, with a power balance that compels them to coexist and respect each other's fundamental security.

Focusing on the Belt and Road Initiative (BRI), the Trans-Pacific Partnership (TPP), and the Free and Open Indo-Pacific Strategy (FOIP), this article examines to what extent the three analytical frameworks account for the U.S.-China competition in the last decade. What aspects of the interactive and multilateral confrontation are not captured by the frameworks? How can the pattern of competitive multilateralism help us understand the nature and trajectory of great power politics in the current era?

According to TT, Chinese leaders launch the BRI to expand its power at the U.S. expense, which leads the U.S. to rally strong opposition to the BRI. The U.S. opposition is then followed by China's more aggressive promotion of the BRI, leading the U.S. to escalate China's suppression. Such bilateral and competitive logic is likely to spiral into a militarized conflict between the two superpowers. According to the CC framework, China's BRI seeks to promote Chinese culture and political values as a distinct form from the U.S. The U.S. opposition focuses on attacking the Confucian culture and China's authoritarian system. Finally, should the DP prevail, China's BRI and U.S. competition would have separate "spheres of influence," in which countries and actors involved in the BRI are the followers of Chinese interests, and U.S. allies and friends consist of a non-BRI sphere.

Analysis of the U.S.-China competition through the entire cycle of the BRI—origin, implementation, and adaptation, suggests that while all the three frameworks are partly verified, none of them capture the evolving policy process and dynamic interactions between the two countries and beyond. First, on TT, the analysis shows that when the two countries faced threats of escalating conflicts, they *retreated* from the conflict-prone zones and responded with multilateral efforts, as seen in the cycle from the TPP to BRI to FOIP. Second, concerning the CC, the process shows that Beijing promoted the idea of "inclusive" and government-led development via the BRI while Washington highlighted the BRI's lack of transparency. There has been little concerted effort in discrediting the opponent's culture and values. Finally, the U.S.-China competition in the BRI and FOIP seemingly supports the DP theory. Yet, in reality there are considerable mutual penetration and engagement between the BRI and FOIP "blocs." Moreover, the "third" powers have actively embraced their roles *across* the blocs.

The article ends with a discussion of COVID-19's impacts on the U.S.-China relations and how the three frameworks fare with this sudden and sweeping eruption of diseases and economic recession. To start, the logic of "DP" is shown to be infeasible. The COVID-cycle reveals, once the two countries are separated—forced division by the virus, peace becomes increasingly unattainable. Disregarding the shared vulnerability and challenges to human life and livelihood, Washington and Beijing have both pursued a confrontational approach toward each other. Geostrategic competition and tension have likewise accelerated elsewhere. In other words, with "divided" power politics, Thucydides's Trap is becoming more likely.

Furthermore, with the social-economic exchange at a halt, public sentiments, susceptible to divisive media and political manipulation, have reached unprecedented negative and hostile. In both countries, popular groups denigrated and stigmatized the other's norms, culture, and behavior. The U.S.-China confrontation has taken more cultural connotations, naming COVID-19, the "Chinese virus" and charging China for spreading "digital authoritarianism." In short, with divided geopolitics, the CC thesis is making a dangerous turn in the COVID-world.

In the near future, the U.S.-China rivalry is likely to be aggravated by COVID politics in China and the U.S. The long-term trend, however, is not set in stone. Going beyond political rhetoric, China's policy discourses and actions are primarily pragmatic and moderate; the government policies also show the People's Republic of China (PRC)'s continual commitment to globalization and multilateralism.[5] In the U.S. and other countries, rational and moderate voices are still available. The newest strategy from Washington indicates apparent confrontation but also accommodation of different interests in China. The balancing and counterbalancing through the BRI vs. FOIP venues are still preferred options for the two rival powers.[6]

## The Frameworks

The rise of China has caught full attention from foreign policy specialists. In 2005, Aaron Friedberg evaluated a wide range of literature on U.S.-China competition. Breaking the vast literature into three schools of thought—realism, liberalism, and constructivism, Friedberg lays out contradictory factors in each school that predicts either a conflictual or cooperative future.[7] That time, he left the question—"is conflict inevitable"—open, as the contradictory factors could shape the outcome in different ways.

In the recent decade, along with China's rapidly rising power, foreign policy communities on U.S.-China competition have grown exponentially; and they continued to diverge in their assessments of ongoing and future scenarios. With increasing security studies in China and younger specialists in the U.S., empirical works on U.S.-China relations have taken many shades,[8] and theoretical discussions have been quite nuanced.[9] The growing body of scholarship has a parallel to the TT, CC, and DP frameworks, emphasizing structural, cultural, and political factors shaping the two great powers. As such, the following discussion

incorporates some of the scholarly publications in the field of U.S.-China competition.

*The Thucydides's Trap*

Realist academics have argued when a rising power emerges and threatens to replace an established power, there is a high probability that the bilateral rivalry ends in war. John Mearsheimer made such a proposition forcefully in an essay in 2005 titled "Clash of The Titans." He observes that the world system's structure is self-reliant anarchy, in which rational states seek maximum security to minimize their threats.[10] Other realists surmise, in a rising power, the state has evolving interest and expanding aims. Driven by the power transition structure, a rising power will start by securing dominance in its region and preventing hegemonic powers in other regions.[11] By contrast, according to Mearsheimer, the established power is defined by possessing dominance in its strategic region while avoiding the emergence of hegemons in other parts of the world. Hence, a rising power and an established power are highly likely to "clash" in war.

Following the power transition structure, TT has been famous among policy and scholarly communities in recent years. The name came after the ancient Greek historian who observed a dangerous dynamic between a rising Athens and ruling Sparta. As quoted in Graham Allison's famous book, *Destined in War*, Thucydides remarked, "It was the rise of Athens, and the fear that this instilled in Sparta, that made war inevitable."[12] Inherent in the "pathology" of power transition, rising powers understandably feel a growing sense of entitlement and demand more significant influence and respect.[13] Established powers, faced with challengers, tend to become fearful, insecure, and defensive. In such a structural environment, Allison observed, "misunderstandings are magnified, empathy remains elusive, and events and third-party actions that would otherwise be inconsequential or manageable can trigger wars that the primary players never wanted to fight."[14]

Aaron Friedberg is also a vocal voice on China's ambition to expand the power and exclude the U.S. influence in Asia and beyond. He noted that after the 2008 Global Financial Crisis, China has "adopted a more assertive posture in its dealing with Washington, as well as with many of America's allies in Asia." Such assertiveness included, Friedberg continued, threats to "impose sanctions on U.S. companies involved in arms sales to Taiwan," claims to "virtually all the resource-rich South China Sea," and conduct of "its largest-ever naval exercises in the Western Pacific."[15] Furthermore, China's efforts in Shanghai Cooperation Organization in central Asia, ASEAN Plus Three institutions in East Asia, and aims to promote "Asian," not Pacific, grouping, are all deemed as means to "extrude" the U.S. in East Asia.[16]

To be sure, long-term China specialists have cautioned against the application of past power transition theories to today's U.S.-China relations. They argue that China's choices of means to challenge the U.S. and responses to America's suppression are contingent on how the U.S. employs different policies to handle the China challenge.[17] Unfortunately, their views have declined in recent years due to Washington's much-intensified concern about

the China challenge and the Trump administration's general aversion to policy specialists.[18]

In short, the TT draws on the realist logic of power transition in an anarchic world, in which a "rational" rising power seeks to expand its interests at the expense of the established power and a "rational" ruling power aims to contain and undermine the rising power. There have been many incidents in China's behavior and policies in East Asia and elsewhere that lent support to such strategic expectations. The problem with such strategic arguments is that they only choose supporting incidents and do not provide counterfactuals. A serious investigation into the process of interactions between the rivals can shed light on questions *to what extent* and *how* the TT has functioned.

*Clash of Civilizations*

In the realist world of diplomacy, security, and foreign policy, culture, values, and norms—issues related to civilization—usually do not feature centrally. Paradoxically, in today's great power politics, the CC has become a central framework in public discourses and policy narratives of the U.S.-China relations. That is because, in recent decades, domestic popular movements and identity politics have become influential forces that shape a country's foreign policy and behavior.[19] In particular, in engagement with China, America has been a "missionary" state and a crusading democracy that sought to transform the PRC in social-political values and practices.[20] Contrary to the U.S. cultural goals, the PRC has steadfastly upheld its Chinese tradition and communist values, while embracing economic globalization. Today, and in the foreseeable future, China is unlikely to acquiescence to Western democracies' civilizational/value superiority. The CC perspective submits that cooperation among countries with different cultures and management of their structural conflicts would be exceedingly difficult and challenging.

The CC discourse began with Samuel Huntington's 1993 essay "The Clash of Civilizations?" as a rival argument against the dominant liberal discourses following the collapse of the Soviet bloc, represented by political scientist Francis Fukuyama and economic globalist Thomas Friedman.[21] Huntington argued, far from dissolving in the global liberal world order, cultural fault lines would become a defining feature of the post-Cold War world. He presciently spotlighted the divide between "Western and Islamic civilizations," as revealed by the September 11th attacks and their aftermath. Huntington saw the gulf between the U.S.-led Western and Chinese civilizations as just as deep, enduring, and consequential.

Then what is Chinese culture? Many China specialists such as Alastair Iain Johnston and Chinese scholars such as Qin Yaqing and Yan Xuetong have studied Chinese strategic culture and historical roots of Chinese foreign policy behavior. Above all, Henry Kissinger's description nicely captures the distinct and essential aspects of Chinese culture. In *On China*, Kissinger offers the concept of "singularity of China." He wrote, "the Chinese civilization originates in antiquity so remote that we vainly endeavor to discover its commencement."

Furthermore, he continued, "The Chinese approach to world order was vastly different from the system that took hold in the West. In official Chinese records, foreign envoys did

not come to the imperial court to engage in negotiations or affairs of state; they came to be transformed by the Emperor's civilizing influence. [And finally,] the organization of the Chinese government reflected the hierarchical approach to world order."[22]

In *On China*, Kissinger also unpacks different layers of policy propensities in China and how it deals with its neighbors and peer great powers. Unfortunately, the clash of civilization thesis typically does not highlight the more nuanced cultural-behavioral observations. In 2019, as Graham Allison updates, "tensions between American and Chinese values, traditions, and philosophies will aggravate the fundamental structural stresses that occur whenever a rising power, such as China, threatens to displace an established power, such as the U.S."[23] In other words, civilizational *incompatibility* compounds the Thucydidean risks and makes it harder to manage the strategic tensions between China and the U.S. in the great-power rivalry.

In Allison's CC argument, cultural/normative differences manifest in many dimensions: conceptions of the state, economics, the role of individuals, relations among nations, and the nature of time. Specifically, Allison observes, Americans see government as a necessary evil and believe that the state's tendency toward tyranny and abuse of power must be feared and constrained. For Chinese, the government is a necessary good, the fundamental pillar ensuring order and preventing chaos. In the economy, the U.S. embodies free-market capitalism in which the government plays minimal roles. By contrast, China embodies state-led capitalism, with the government setting targets for growth, picking and subsidizing industries, promoting national champions, and undertaking significant, long-term economic projects to advance the interests of the nation.[24] Due to such a divergence in cultures, what are standard practices and acceptable behaviors in China would be seen as outrageous and conflictual from Americans' point of view. Similarly, what America advocates in line with their values are likely to be viewed as hostility targeting China, intensifying the rivalry.

The CC perspective also has racial underpinning and exacerbates competition and conflicts from the power shift. Power transition involves ordering and reordering national states that represent different cultures and races, and hence power shift generates reordering culture and psychological impacts caused by such a reordering. In an interview with Nathan Gardels in 1999, Lee Kuan Yew spoke, "for America to be displaced, not in the world, but only in the western Pacific, by an Asian people long despised and dismissed with contempt as decadent, feeble, corrupt, and inept is emotionally very difficult to accept. The sense of cultural supremacy of the Americans will make this adjustment most difficult."[25] On the other hand, China took great pride in its civilizational achievements. "Our nation is a great nation," President Xi Jinping declared in a 2012 speech. "During the civilization and development process of more than 5,000 years, the Chinese nation has made an indelible contribution to the civilization and advancement of mankind." Indeed, Xi claimed in his 2014 book, *The Governance of China*, that "China's continuous civilization is not equal to anything on earth, but a unique achievement in world history."[26]

The cultural differences between China and the U.S. have permeated discourses in the

economy, politics, and global competition. Wu Chengqiu, a professor at Fudan University in Shanghai, employs a variant of CC perspective to capture the change in U.S. policies toward each other in the last three decades. He recognizes that strategic compatibility or incompatibility has broadly defined the Sino-U.S. relations. However, the bilateral rivalry has also stemmed from "fundamentally different ideas, namely, Chinese statist nationalism and American liberal hegemony." Put simply, Wu argues, "their 'different dreams' have led to the 'same nightmare.'"[27]

However, while the U.S. and China have differed in many issue areas, it is debatable how much such cultural differences are the main drivers of their strategic competition. Furthermore, Chinese society, economy, and culture are complicated too. As China's IMF director Jin Zhongxia has remarked, America's missionary tradition is similar to China's Confucian idea of heaven-human harmony [*tianren heyi*], and liberal market in Adams Smith has a long tradition in China's localities too. For liberal groups inside China, Jin's views strike a cord. In a way, the difference between Chinese liberals and nativists is as vast as the difference between globalist and isolationist norms and culture in America.[28]

Furthermore, despite cultural differences between China and America, it is undeniable that there has been a profound intermingling in society, education, economy, and science between the two countries. In the U.S., there are millions of Chinese students and immigrants. In China, there likewise have been a large number of Americans who live and work. In the last decades, American investors have deeply participated in Chinese companies' globalization. In the BRI process, China has drawn on interaction and input from Western professionals, Western rules and laws, and the West's globalization experiences. Hence, up to the COVID-19 outbreak, the CC framework was a conventional perspective but did not rise as a leading determinant of foreign policy. COVID-19 and the racist turn in the West against China show that the clash of Chinese and Western civilizations is possible; societal animus can lead to a dangerous strategic shift in the great power politics, and vice versa.

*Divided Peace*

With origins in realism, constructivism, and liberalism, the TT and CC frameworks capture main discourses and scholarships in the U.S. The DP framework, by contrast, captures counter-thinking arising from China. There are different streams of thoughts in this framework. Firstly, Chinese scholars like Qin Yaqing and Yan Xuetong go back to China's traditional culture and strategic history and argue that the *Chinese* international relations cannot be explained and predicted with Western IR theory. The Chinese employ "relational" world politics, in Qin's conception,[29] or "humane authority" [*wangdao*], in Yan's thinking.[30] According to the strategic culturalists, such philosophical roots make China less likely to expand with military arms, defying the expectation of a rising power's aggressive behavior. As such, the argument goes, it is possible to have peace between rising China and established America, as the riser does not challenge the sphere of influence held by the ruling power.

However, according to Amitav Acharya, Qin's "cultural idealism" and Yan's "moral realism" insert the Chinese voices into prevailing IR theories. Still, they have not offered

robust evidence for or convincing explanation of the concepts. As such, they have difficulty traveling beyond a small circle of IR scholars in Beijing.[31] Strategic historian Victoria Hui also challenges the historical evidence employed by the culturalist IR and questions its explanatory and predictive values in discussing U.S.-China rivalry or China's behavior in the region.[32]

At the second level, the DP arguments came in response to America's growing "decoupling" posture with China,[33] and contend that core interests in the U.S. and China are more compatible than conflict. Relating to Thomas Friedman's view of "the world of order" and "the world of disorder," Wang Jisi suggests that China and the U.S. both belong to the "world of order" and still possess common interests and ability to adapt. He hence argues that both countries should "pursue their domestic imperatives, cooperating where possible, and adjust their relations to minimize conflict."[34] Yan Xuetong also wrote in *Foreign Affairs* in 2019 and projected the "uneasy peace" with Chinese and American powers in a divided world. He argues, "Contrary to what more alarmist voices have suggested, a bipolar U.S.-Chinese world will not be a world on the brink of an apocalyptic war," because China's ambitions for the coming years are much narrower than many in the Western foreign policy establishment tend to assume. He predicts, "Both sides will build up their militaries but remain careful to manage tensions before they boil over into outright conflict."[35]

In proposing the DP framework, scholars are sensitive to nationalist turns in China and the U.S. in recent years and differences in politics and foreign policy norms between the two countries. For example, on nationalism, Wang Jisi urges that Washington and Beijing focus on internal affairs and social stability and hence preserve the space of DP. Yan Xuetong also suggests, as nationalism leaves little space for political integration and norm-setting in liberal internationalism, the strategic goal is to maintain stability in the bipolar system. Moreover, to achieve that, in Yan and Wang's divided peace, China should uphold its restraint and reassure America's concerns.

At the third level, DP captures the newly emerged scholarship on the "developmental peace," as supposed to the West's democratic peace theory. In an issue written by younger IR scholars on China, Ling Wei draws the connection between development and security. Wei argues that stability based on economic connectivity and development priority has prevailed in East Asia in the recent past and now in China's foreign policy. The primary hypothesis of developmental peace is that the more states prioritize economic development, the more likely they are to reduce or even resolve their conflicts in terms of security interests. Arguably, such a strategic framework has shaped Beijing's justification for the BRI and other involvement in regional economic groupings.[36]

In addition to "developmental peace," President Xi's new-type great power relations [*xinxing daguo guanxi*] are also in the DP framework realm. The new-type great power relations rejects the Thucydides's trap. It suggests that China is pursuing primarily economic interests and primarily uses economic means, rather than arms race or exclusive alliance

formations in conventional great-power competition.[37] However, the new-type great power formula does not directly address what defines "the new-type great power relations," nor does it suggest policies and mechanisms that can stabilize the competition between the two powers that pursue different global agendas with divergent values.

In summary, China's scholars and political leaders present the idea of divided peace to describe U.S.-China competition that differs from the Thucydides's trap and the clash of civilizations; the latter two are likely to compel the U.S. to conduct coercive strategy against China. Challenging the TT, the DP arguments observe 1) China's strategic culture is not expansionist and militarist, 2) China is a peer competitor to the U.S. in power, and 3) China's core interests are domestic, not international. Rejecting the CC framework, the DP scholars find global issues involving U.S. and China is shaped by "fluid, issue-specific" alliances rather than rigid opposing blocs divided among clear ideological lines. The U.S. and China compete over consumer markets and technological advantages, playing out in disputes about the norms and rules governing trade, investment, employment, exchange rates, and intellectual property. *These are not the whole-scale clash of civilizations* (italic added).[38]

Finally, the DP is correct to point out that competitive or cultural logics are not the only scenarios shaping the U.S.-China competition. Still, it does not convincingly explain how "divided" great powers can maintain peace. The opposite would be valid unless the risers do not rise, or the rulers do not rule. The structural conflicts will persist, and the civilizational difference will make peaceful power transition harder. The following section analyzes the process from the TPP to BRI to FOIP. It shows that moderate specialists, professional bureaucracies, and third countries, all embedded in complex interdependence involving China, the U.S., and regional economies, have helped manage the great power conflict.

## The Analysis: TPP to BRI to FOIP

Thucydides's trap, clash of civilizations, and divided peace represent prevalent logics in international relations that shape the dynamics and outcome of power transition. They have provided a set of variables that scholars can employ to evaluate the current state of U.S.-China relations. However, none of the logics pay close attention to the domestic process of policy adjustment and the role of policy agencies. In this section, the analysis examines the whole cycle of the BRI, from its origin to implementation, and adjustment. Unpacking the cycle, it focuses on the BRI's interactions with two recent and prominent strategies from the U.S.—the Trans-Pacific Partnership (TPP), abandoned in 2016, and the Free and Open Indo-Pacific Strategy (FOIP) gaining traction since 2017.

First, the U.S. promoted the TPP negotiations expeditiously in 2012 and 2013, with the strategic agenda to "contain" China's regional influence or "convert" China's economic behavior to the West's model. Responding to such geostrategic coercion, the Chinese *did not opt for* complete resistance to the TPP, hence without escalating the great power competition.[39] Instead, in China, policy specialists studied ways to engage the TPP and manage its potential threats.[40] The BRI, as a response to the TPP, embodies a two-pronged strategy. On the one hand, it "goes

West" (Eurasia continent) to avoid direct conflict with the TPP process in maritime Asia. On the other hand, it provides infrastructure and investment enticements to China's Asian neighbors to counter the encirclement of the TPP.[41]

Second, while President Xi launched the BRI, most projects, programs, and financing were conducted by central agencies and think tanks, in addition to state companies and local governments whose primary motivation was commercial. Hence, the BRI sounded "strategic" but acted pragmatically. This pattern has arguably shaped the U.S. responses to the BRI. On the one hand, there was genuine and thorough research to scrutinize shortcomings of the BRI projects, such as risks to the environment, social inclusion, and financial stability. On the other hand, it is forming a multilateral grouping that counterbalances China's influence in the region. In this two-pronged process, we do not see concerted escalation and hardening in the U.S.-China rivalry in the regional and global stage.

Finally, facing America's critiques of the BRI implementation, Chinese agencies in Beijing, the banks, and state-owned enterprises (SOEs) and local governments, are generally accommodating and seek to incorporate prevailing western regulations and practices in the BRI process. While facing the FOIP counterbalancing, China toned down its foreign policy tones in the region and adopted new proactive measures to boost relations with members in the FOIP. China's response to the dominant power (America)'s suppression does not support expectations based on Thucydides's trap, the clash of civilizations, or divided peace.[42]

This process demonstrates the observations unaccounted by the three frameworks. Firstly, there are vibrant and active policy communities in China and the U.S., which conduct a timely and extensive analysis of policy moves in the rival country. Secondly, the bureaucracies, more abundant in Beijing than in Washington, are pragmatic and connected to different ideas and interests prevalent in the two countries, making focused efforts to manage tensions in the rivalry. Thirdly, beyond the rival dyads, there are influential regional and global actors that align with the U.S. in values but have vital interests in working with China. This structure offers a mix of restraint and reassurance to the dominant power and the rising power and eases the "pathology" of power transition identified by former scholars.

*From TPP to BRI (2012-2013)*

TPP originated from Singapore's P4 grouping in 2005, but its real influence came in 2008 when the U.S. decided to join. In 2011, Japan announced its interest in joining. By 2012, Malaysia and the Philippines also joined, at which point Washington promoted the TPP as the economic pillar of the "Pivot to Asia" strategy. Thanks to China's competition, the TPP emerged as a massive free trade agreement, including 12 nations in the Pacific, yet without China.[43] Washington insiders argued that the TPP would lead to one of two responses from China, both advantageous to U.S. interests. First, the TPP's stringent labor and environmental standards would repel China, freezing itself out of a massive and advantageous trading bloc in its own backyard. Second, China would clamor to join, and in the process—like in the years leading up to its 2001 ascension into the WTO—become a more economically open nation.[44]

Neither expectations became true. Among policy communities in Beijing at the time, people were convinced that the TPP was to contain and compete with China's growing influence in the region. They considered the challenge from the TPP to be exceptionally grave, with the potential to weaken China's economic clout in the region.[45] However, the policy communities differed regarding how to respond to the pressure or challenge from the TPP.[46] While some vocally resisted the TPP as "containment" against China, others argued that "the benefits of joining the TPP outweigh the costs."[47]

Between the TPP and the launch of BRI, there were three policy proposals in Beijing to address challenges in security, diplomacy, and the economy facing China. The first was led by strategists in Beijing who proposed "China goes west" to deescalate or prevent escalation of competition with the U.S. in Maritime Asia.[48] This proposal reoriented China's foreign policy toward the Eurasian continent. It coincided with Chinese diplomats' proposition to use "mutual connectivity" infrastructure projects to stabilize China's relations with its Asian neighbors. In the meantime, China's domestic industry faced widespread overcapacity, and the economic technocrats were arguing for the "Chinese Marshall Plan" to expand investment and infrastructure abroad.[49]

These proposals and policy priorities in Beijing were not to join the TPP, nor to turn inward-looking, as expected by American observers. Instead, they indicate a regional process that was separate from the TPP process. Furthermore, the BRI process also targeted the TPP's core members (Japan, Vietnam, and the Philippines), the U.S. allies (UK and Australia), and international organizations based in the U.S. Such complex linkages between China-led BRI and the U.S.-led TPP are quite different from what defines the Cold War structure between the U.S. and the Soviet Union. They demonstrate that in today's great-power competition, the existence of secondary powers and networks of policy professionals has shaped the superpower rivalry's calculations and processes.[50]

*Between the BRI and the TPP (2014-2016)*

The BRI and TPP competition is concerned with not only diplomacy and strategy but also economic ideologies. In the TPP, the U.S. emphasizes "high standards" in market liberalization and openness. In the BRI, China imposed no explicit "standards," except for vague concepts of mutual interest and mutual respect. The TPP advocated the reduction of governments' roles in market operations and the importance of SOEs in the economies of its members. In the BRI, China relied on top-level government coordination and enhanced large SOEs and governments' power. The TPP focused on services, intellectual property rights, and domestic regulations, while the BRI aimed to facilitate large-scale infrastructure construction, energy sale and transport, and relocation of manufacturing industries.[51]

During BRI's domestic mobilization, scholars compared the strategy with the TPP. Supporting the BRI, they portrayed the TPP as America's enterprise to weaken China economically and politically. They also characterized the U.S. as "a selfish hegemon," because the TPP negotiations set up the conditions to challenge China's political and social system.

By contrast, they observed the BRI was more open, inclusive, and development-oriented.[52]

However, it is worth noting that, even after China launched the BRI, it did not shut the door to the TPP. Chinese scholars still observed that China would "assiduously study the pros and cons of TPP."[53] In March 2014, China's Minister of Commerce Gao Hucheng spoke to domestic and international reporters, "We think the TPP is an important negotiation, and also a high-quality trade regime." Gao said, "China is always open and accommodating to regional cooperation." Former Vice Minister of Commerce Long Yongtu even announced in November 2014, one year after the launch of BRI, that "TPP has to include China sooner or later." Long and other reformists saw the TPP's standards as potentially creating an external lever to "help China's badly needed reform in the state sector, labor, and environmental areas." In November 2014, China announced a landmark climate accord with the U.S. Moreover, the Xi administration has designated "deepening market reform" a priority in the coming years—an excellent fit for the TPP's requirements.[54]

In late 2014 and 2015, accommodating voices toward TPP were still available in China. They supported a set of serious investigations into how critical terms in the TPP were likely to affect China and how China could effectively respond to the TPP. Researchers at Chinese universities and government think tanks concluded that China could manage short-term costs that TPP would incur in their country, whether it joined or not. The findings suggested that China could manage the costs via tax rates reforms, expanding outbound investment, and reform in relevant legal and environmental regulations.[55]

However, in the U.S., a domestic setback for proponents of TPP pushed them on the path of using China to rally support of the TPP domestically. In May 2015, as U.S. congressional leaders were to pass legislature for an eventual up-or-down ("fast-track") vote on the TPP, the Obama administration attempted to sell the pact internationally and domestically as a deal to counter Chinese influence. In an interview with the *Wall Street Journal* on April 27, 2015, President Obama asserted, "If we do not write the rules, China will write the rules in that region," meaning the Asia-Pacific. "We will be shut out."

Just as the U.S. intensified confrontation with China in the TPP process, China's BRI received an early success. In Kazakhstan in 2014, China signed economic projects in trade, industry, energy, technology, and finance that totaled US$23.6 billion. In Belarus the same year, following the construction of Sino-Belarus Industrial Park, eight Chinese provinces and seven localities in Belarus signed joint development projects. In Russia, China finalized thirty economic projects, with a total worth of around US$20 billion. The Asian Infrastructure Investment Bank (AIIB) proposal also achieved strident success, from 21 country members in 2014 to 57 in 2015. Moreover, U.S. efforts to stop close allies like the United Kingdom from joining failed.

With the early success in the BRI and intensified hostility from the U.S. in the TPP process, Chinese officials and policy specialists cared much less about the TPP. Li Xiangyang, dean of Global Strategy at the Chinese Academy of Social Sciences (CASS), who was deeply

concerned about TPP two years ago, now strongly promoted the BRI. The initiative is "diverse and open," he said; in contrast, "TPP uses high standards to exclude nations," and is "not real openness." Scholars also argue that TPP imposed U.S.-drafted terms on others. "It has too much politics," they noted, "while market principles drove AIIB."[56]

To summarize the rise of BRI and its contest with the TPP, first, competition from the TPP was one of the drivers of the BRI, but it was not the only one. Domestic industrial overcapacity and preexisting infrastructure diplomacy were two other motivations. Second, even when China launched the BRI, the moderate voices continued to engage and open to accept the TPP once it became a real grouping.

The real damage to the TPP was the abandonment by the Trump administration in early 2017. Trump's first years in office focused on the "America First" movement in the economy and security. As he was busy pulling back the U.S. obligations in multilateral efforts and reducing government professionals, China's Xi Jinping took the global spotlight. Xi's BRI emerged as an important regional and global strategy. Beijing was emboldened to expand the BRI into regions and sectors that later result in financial and political backlashes against China.[57] In short, when the U.S. abandoned its leadership on the world stage, it amplified Beijing's strategic ambition, which ultimately undermines China's moderate moves and support of multilateralism.

*Between the BRI and FOIP (2017-2019)*

In 2014-2015, while China was mobilizing domestic support for the BRI, Washington's priority was to push the TPP process through domestic ratification. Therefore, it largely dismissed the significance of the BRI. Then, in 2017, while the U.S. abandoned the TPP, China held its first BRI Summit in Beijing and attracted the global spotlight on China's global ambition. At the Summit, Chinese leader Xi Jinping announced that the BRI was "the project of the century," which would guide China's globalization in the decades to come.[58] Beijing identified sixty-six countries as the BRI partners in 2017, and the number would increase to more than a hundred in the next year and a half. Large infrastructure projects rolled out and began with full force. In Pakistan alone, there were dozens of power plants, railways, and port cities. China's commitment to Pakistan increased from US$46 billion in 2015 to US$66 billion in 2018.

The rapid surge of the BRI in the global arena raised intense attention and scrutiny from policy communities in the U.S. think tanks in Washington and various universities produced voluminous reports, organized numerous forums, and conducted field and data studies of the BRI projects and implications for the U.S. and global interests. They found that China's financing carried debt servicing risks, China's infrastructure downplayed environmental costs and social inclusion, and China's telecommunication technology had the potential to undermine America's supremacy in the IT fields. As a whole, they called Beijing to improve transparency and accountability; they also called Washington and its allies to offer "a higher road," creating standards and high-quality programs to compete with the BRI.[59]

In the meantime, strategists focused on the BRI as China's most ambitious, potentially significant, economic statecraft—using economic means to pursue political and security agendas abroad.[60] They raised the issue that China's finance and infrastructure have the potential to shift the geopolitical balance in Eurasia and the world. The proposed "digital Silk Road," in particular, gave China control over target countries' security and critical resources.[61] The U.S. government incorporated these concerns and propagated the narrative that China's BRI was "debt traps" to the recipients. In 2019, U.S. Vice President Mike Pence made a scathing critique of China's opaque lending and "debt traps" in the BRI. In visiting Latin America, U.S. Secretary of State Mike Pompeo urged developing countries to resist China's "debt diplomacy."[62]

In short, the BRI's launch and rapid expansion galvanized America's concerns with and research interest in China's outbound investment and infrastructure. They raised the specter of "great power competition" that was intensifying rapidly on a global scale. Zero-sum observations were common: where China gained access meant the loss of access by the U.S. The U.S. and other Western societies also became concerned about Chinese companies and citizens working in their countries for intelligence and technology losses. These concerns demonstrate the logic of "Thucydides's trap." The rising power's move to globalize its economic and political influence amounts to a threat and challenge to the established power.

On the other hand, the critiques on China's specific projects were also due to different behavioral norms, legal systems, and political institutions. The Chinese prefer to operate in a networked system consisting of fellow Chinese and government actors. They have limited trust and comfort in dealing with local societies and western media. For example, Chinese companies are very reluctant to speak to local media and public, for fear of making mistakes on sensitive issues. Beijing's regulators are reluctant to publicize "transparent" procedures regarding its BRI programs because the BRI wants to be flexible for Chinese actors to participate and improvise with projects.[63] To Chinese, Western-style transparency, or the so-called high standards would exclude less-trained professionals and indigenous Chinese companies from participating in the BRI strategy. In brief, vindicating the clash of civilizations framework, there are real issues in the BRI implementation that divide Chinese capital behavior from the recipients' expectations and norms in the West.

More importantly, the competitive and cultural logics propelled Washington to support a multilateral counterbalancing against China's BRI. The FOIP, consisting of U.S., Japan, Australia, and India, emerged as the most critical grouping to counter the expansion of the BRI in the region and beyond. On the one hand, FOIP showcases a coordinated balancing by the "established" power to suppress the threat and challenge from the rising power. On the other hand, with all democratic members, FOIP emphasizes openness and freedom, presenting value differences from China's way of globalization.

The TT and CC logics predict China to escalate its opposition to the FOIP grouping and values. The Chinese response, however, is more nuanced. On the surface, China's

official rhetoric dismissed the FOIP grouping, in Chinese Foreign Minister's words, "like a seafoam" that may "get some attention, but soon will dissipate."[64] Some Chinese scholars also point out that the FOIP, in its early stage, are paper tigers, "without substantive content," and "the U.S. does not have resources to invest in it."[65]

However, in actual policy discussion, FOIP formation resulted in recalibration in China's regional and bilateral relations to counter the pressure. On the one hand, instead of directly challenging the U.S.-led Quad grouping, China adopted moderation of its BRI implementation and foreign policy rhetoric, striving to show that China is not "the bad guy" here. On the other hand, China recalculated its policies to members in the FOIP, such as Japan and India, and made consistent efforts to repair and enhance bilateral relations.

To elaborate, on the first, America's critiques against China's BRI and the formation of FOIP resulted in strategic "rethinking" in China. Renmin University Professor Shi Yinhong warned that China had "overstretched" by undertaking too many concurrent initiatives and projects in Asia and beyond.[66] Yan Xuetong pointed to a rising China's potential predicament as a "strategic rash advance."[67] Whether it is "overstretch" or "rash advance," the discourse shows that Chinese strategists are worried about the speed of China's expansion of global influence, limited domestic resources, and growing external counterbalancing.

Furthermore, pressures from the FOIP led to moderation in China's foreign policy assertiveness. Since late 2017, Beijing has been sending a clear signal that it was toning down the domestic rhetoric of exaggerating China's capability and achievements. The slogan "Made in China 2025" was rarely mentioned in official statements anymore. When U.S. imposed sanctions on Chinese tech companies ZTE and Huawei, Beijing did not follow the traditional route of retaliating U.S. enterprises operating in China. Nor did it mobilize nationalist tools to rouse anti-American sentiment among the general public, as in previous similar cases.[68]

Directly on the BRI, Chinese policy actors also observed that China's projects in heavily indebted countries, such as Sri Lanka, Djibouti, and Myanmar, had led to external criticism and perception of the BRI as Beijing's debt traps. Hence, in 2018, there were shifts in how China promotes the BRI, with Chinese leaders repeatedly stressing the need for refinements in BRI construction projects over the next five years. In particular, there was a greater emphasis on developing high quality and high-standard infrastructure projects to enhance the actual effects, and a greater focus on risk management and control of cooperative projects, strengthening the sustainability of financing and improving the openness and transparency of international cooperation.[69]

In addition to rethinking its overall foreign policy engagements, China recalculated its interactions with members of FOIP and decided that it could neutralize its balancing against China, driving a wedge between the U.S. and its allies and rebuilding bilateral ties in the region.[70] In particular, with India, Beijing tried its best to maintain a relatively benign relationship with New Delhi. In summer 2017, the Chinese and Indian armies faced off

at the Doklam plateau. Moreover, after the standoff ended in August 2017, the two sides agreed to disengage. Due to India's roles in the FOIP, China has taken measures to appease India, including condemning terrorist attacks in Pakistan at the 2017 Xiamen BRICS summit, resuming the provision of hydrological information in the upstream section of the Yuluzangbu river to India, and agreeing to reopen the Nathu La route for the annual Indian pilgrimage to Tibet.

Similarly, China began to mend its relations with Japan after years of strained bilateral ties. In May 2018, Chinese premier Li Keqiang visited Tokyo and declared the resumption of Japanese and Chinese leaders' mutual visits. In the security realm, the two sides agreed to launch an "air-sea liaison mechanism" to prevent clashes between the Japanese Self-Defense Forces and the Chinese military and ease tension in the East China Sea. In October 2018, Prime Minister Abe Shinzo traveled to Beijing, making the first official visit to China by a Japanese leader in seven years. While there, Abe expressed his hope of "ushering in a new era of China-Japan relations where competition evolves into coordination."[71] Following the visit, China and Japan signed several cooperation agreements in the areas of third-party market cooperation, maritime crisis management, bilateral currency swap arrangements, and the safeguarding of the multilateral free trade system, thereby marking the revival of bilateral relations.[72]

Regarding Southeast Asia, which is an essential player in the Indo-Pacific region but not in the Quad grouping, China adopted reassurance. For years, ASEAN's strategic priority in dealing with China has been to reach a more binding Code of Conduct (COC) in the South China Sea. To alleviate ASEAN countries' concerns, Beijing began to seriously explore the possibility of agreeing on a South China Sea COC. In August 2017, China and ASEAN adopted a negotiating framework for the COC and formally initiated consultations in November the same year. At the China-ASEAN leaders' meeting on November 14, the leaders of China and eleven ASEAN countries agreed to complete the Single Draft Negotiating Text of the COC in South China Sea by the end of 2019. The two sides finished the Single Draft's first reading ahead of schedule in July 2019, a positive move towards the goal of concluding the consultations by the end of 2021, as promised by China.

At present, there are still significant points of divergence between China and ASEAN on the COC. Furthermore, there are fresh tensions in the border and economic realm between China and India. Japan is also seeking decoupling with China in the aftermath of COVID-19. However, China's reassurance and restraint in 2018-2019 were evident as it faced diplomatic pressure from America's FOIP grouping. In October 2018, the joint ASEAN-China Maritime Exercise 2018 was held in Zhanjiang, Guangdong province, China. Marking as the first maritime exercise conducted by the navies of China and the ten ASEAN members, the event demonstrates both sides' willingness to establish strategic trust.[73] China-Indian border skirmish, involving dozens of casualties, has been resolved without significant backlash inside China. Moreover, Japan's decoupling action has not caused retaliation from China.

In short, China's adjustment and recalculation due to the FOIP are unlikely to alleviate China's strategic tensions with the neighbors, or change the U.S. power and coercion, or thwart the competitive FOIP process. Instead, China's self-adjustment has enhanced the U.S. influence and appeal of the FOIP grouping in the region. However, Beijing's moderation has helped China manage its contentious relations with regional adversaries and make Beijing and Washington be engaged in multilateral settings to deal with differences in the Pacific-Indian Ocean regions. This BRI-FOIP process shows a pattern of "competed peace." The dominant powers, out of great-power rivalry, competed to offer economic and political incentives to smaller powers and competed to show which one is the provider and stabilizer of the public goods in a region.

This BRI-FOIP process also reveals who are relevant policy actors in the China-U.S. rivalry, their ideas regarding the rival power, and how they help prevent the great power competition from escalating into significant warfare. First, in both China and the U.S., policy think tanks are very vibrant. They are quick to study policy programs in the rival country and report the scope and potential implications. Second, they play policy watchdog roles regarding the rival country, paradoxically helping the rival policy improve its implementation. In the BRI, American critiques forced the Chinese government to consider rules and social impact more systematically. In the FOIP, Chinese assessment of it as "lacking substance" forced Washington and its allies to insert economic components into the strategic grouping. Finally, bureaucracies have considerable agency in managing and adjusting China's foreign policy. They frequently incorporate discourses prevalent among think tanks in China and the U.S. While the Trump administration seems *ad hoc*, professional bureaucracies in America's allies filled the gap. In particular, the FOIP process was expedited by momentum and push from Tokyo and Canberra, as well as sustained track II efforts—involving diplomats, think tanks, and academics—coordinated by Japan.

## Conclusion

We are at a critical historical moment, with the U.S.-China power transition exceeding the gravity in former challengers like Germany, Japan, and the Soviet Union and with consequences impacting more population and more issue domains than prior great power politics. The literature on this great power transition has grown exponentially in recent decades in the U.S., China, and elsewhere. It belongs to three frameworks: the "Thucydides's trap" that emphasizes the competitive and structural logic; the "clash of civilizations" that stress the ideational differences between Chinese and American values; the "divided peace" proposition that recognizes disengagement between the two nations and advocates peaceful coexistence.

The article focuses on the U.S. TPP, China's BRI, FOIP strategies, and their interaction from 2012 to 2020. Tracing the process of external pressure → domestic debates → policy counteraction happening in Washington and Beijing, the TT, CC, and DP frameworks have accounted for much of the competition between the two superpowers. However, the frameworks fail to capture essential roles by policy agencies, such as identifying the threats

from the rival power, improvising policy mechanisms to shape behaviors at home and in the rival countries, and helping stabilize the competition and deflect escalation in regional and global competition. Such policy agencies are not limited to Chinese and Americans; they are also from countries allied with the U.S. and countries closely working with China. Their efforts and roles are essential.

The COVID-19 pandemic in 2020, however, challenged such processes and moderation suddenly. It directly tests the DP framework, which emphasizes 1) different but compatible culture, 2) changing but compatible power balance, and 3) different but compatible core interests. The U.S.-China interactions and spheres of influence were indeed being "divided," artificially by the pandemic-imposed economic and travel bans. What ensued, however, was not peace but more animosity. From March to May 2020, Washington blamed China and rallying societal and strategic coercion against the PRC; Beijing reciprocated with charges against the U.S. and with aggressive "mask diplomacy" around the world. In short, once the bilateral and multilateral exchange stopped, the TT and CC dangers ascended rapidly.

As China and the U.S. gradually reopened the economy, and economic-policy exchange gradually revived, Beijing and Washington's post-COVID policy trends came into focus. Fortunately, continuities seem to prevail. The PRC's Two Sessions [*lianghui*] reiterated in late May that Beijing's commitment to multilateral governance and BRI's continuity as China's globalizing platform. In the U.S., the "2020 Strategic Approach to the PRC" underscores "a return to principled realism." It states firmly to remains "open to constructive, results-oriented engagement and cooperation from China where our interests align." In strategic balancing, Washington underscores implementing a "whole-of-government strategy for *A Free and Open Indo-Pacific Vision*." [74]

In summary, there will be continual and dominating uncertainties in post-COVID China, the U.S., and the world, which mandate necessary adjustment and likely hardening in the confrontation. One thing is for sure, the BRI and FOIP will continue to serve as important venues of balancing and counterbalancing. If anything, the pandemic teaches us that integration is a lot more fragile than people think, and without it, the world is a lot less stable. As countries move beyond COVID politics, it is vital to rebuild and renew the multi-layered linkages between the big powers and many others.

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# China-Russia Military Cooperation and the Emergent U.S.-China Rivalry: Implications and Recommendations for U.S. National Security

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**Abstract:** As the crisis in U.S.-China relations deepens, this major fissure in the global order between East and West seems more and more to be a semi-permanent feature of world politics. Many Western strategists have posited a related problem in which a dynamic alignment between China and Russia, possibly even reaching the level of a formalized alliance, arises to threaten the West across all dimensions of power, including in the military domain. Such a concern is not far-fetched since Moscow and Beijing have seen a steady improvement in their bilateral relationship over more than three decades now. Russian natural resources, along with its crucial geo-strategic location astride Eurasia, not to mention its military prowess, could all plausibly serve to enhance China's bid for global leadership. This survey of developing Russia-China ties in the national security domain examines all aspects of military cooperation. The unique data revealed in this article, drawn from dozens of Chinese and Russian language sources, has generally not been appraised by Western scholars. This data illustrates a security relationship between Beijing and Moscow that goes beyond the rhetoric, and is instead robust and substantive. A section evaluating possible future scenarios for Russia-China relations demonstrates that this military-security relationship could yet grow much stronger. A final section of the article makes policy recommendations designed, on the one hand, to deter aggressive action by the Russia-China quasi-alliance that currently exists, but also to ameliorate the impact of a tightening security relationship between Moscow and Beijing for global politics.

**Keywords:** China-Russia quasi-alliance, military cooperation, strategic partnership, U.S.-China rivalry, U.S. national security

## Introduction

As U.S.-China rivalry becomes ever more acute, ranging across disparate domains from 5G to pandemic response to the South China Sea, discussions regarding a prospective Chinese-Russian alliance that threatens the West have become more urgent. The U.S. National Security Strategy, published in December 2017, names these two countries as America's major adversaries.[1] Leading U.S. analysts express their concerns that "…important national interests today are being challenged by two major powers—Russia and China ...."[2] In a special report to the Congress, two leading strategists recently argued that U.S. military superiority has "eroded to a dangerous degree, so … [that the U.S.] might struggle to win, or perhaps lose, a war against China or Russia if it is forced to fight on two or more fronts simultaneously."[3]


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Confronted by a potential "axis of authoritarianism," or by the genuine superpower that is contemporary China, supported by Russia's technological prowess in weaponry and its immense resource base, U.S. national security could indeed be challenged as never before by a "peer competitor."[4] One leading American defense analyst maintains that "both sides' behavior conform to alliance dynamics" and emphasizes the closer partnership relations between Beijing and Moscow on the anti-American basis, in which "China is the rider and Russia the horse." He contends that this evolving alliance serves as a force multiplier for both states.[5] Some U.S. observers anticipate the renewal of the 2001 Sino-Russian Treaty of Friendship, which expires in 2021, stating that its renewal "could introduce new dynamics to the China-Russia relationship, and the possible inclusion of collective defense provisions like those between the U.S. and Japan."[6]

Representatives from all theoretical schools in the international relations discipline have weighed in on the significance of the Russia-China relationship over the last decade. Focusing on a "partnership that is ever more asymmetrical," for instance, Bobo Lo, sees only a "wary embrace."[7] Likewise, realist John Mearsheimer contends that the China-Russia relationship is brittle and projected that China "… will become a serious enough threat to the Russians that the Russians and Americans will find themselves allies."[8] While not adhering entirely to systemic explanations, Russian sinologist Alexander Lukin, emphatically disagrees, maintaining that a chief explanation for the ever closer China-Russia relationship is the West's "desire to build a unipolar world."[9]

By contrast, American media tends to be dominated by the liberal paradigm, which puts a premium on regime type and tends to view both Beijing and Moscow as equally nefarious and effectively as partners in crime.[10] This view seems to predominate now at the highest levels of the U.S. government.[11] Many scholars also take this approach. For example, Matthew Kroenig argues that Russia and China both "want to make the world safe for autocracy." He states that "Democracies build larger and more reliable alliance systems," implying that the China-Russia relationship is frail.[12] Regional specialists bring a more nuanced understanding and often incline toward the constructivist perspective, emphasizing the role of history, culture, nationalism, and ideologies. Thus, Gil Rozman concludes, "… there now exists strong correspondence in regime interests [between Moscow and Beijing], which can be traced to fundamental similarities in the reconstruction of national identity in the two countries. … They proceed to define 'core national interests' in similar ways."[13] Another recent study of China and Russia that focuses on identity is by Deborah Larson and Alexei Shevchenko. They explain that, "Both China and Russia are hypersensitive to perceived slights …," due to their highly comparable "quest for status," but that redirecting such reactions through "social creativity" can lead to more positive outcomes for the world order.[14]

This article does not aim to resolve the theoretical debates outlined above regarding whether the distribution of power in the international system, regime type, or identities are most analytically significant. Rather, it represents an empirically focused examination of a simple question: what is the nature and strength of China-Russia relations in the military

domain? To that end, the research below makes a distinct contribution by bringing forth numerous Chinese and Russian language sources on these critical matters that have never been accessed by Western scholars.

The article demonstrates that the major outcome of the recent development of a Russia-China partnership is an unprecedented level of strategic cohesion in the sphere of defense and security. That is rather novel considering that only a decade ago, a major study of China-Russia relations concluded that the term "strategic partnership" was not even justified.[15] Today, more scholars are questioning that initial conclusion. Indeed, this study largely confirms the careful investigation of Alexander Korolev, who concluded that "China-Russia military relations have begun moving into the initial stages of deep institutionalization."[16] Our article updates this conclusion, adding substantial evidence, and we additionally go beyond Korolev's study to make numerous policy recommendations.

Initially driven by the need to balance U.S. dominance in the post-Cold War era jointly, the Sino-Russian strategic partnership has developed into a more ambitious order-forming tandem which claims a special role as a guarantor of global peace, the balance of power, and strategic stability. Bilateral interactions between Russia and Beijing have gained substantial momentum, and external actors may not easily alter their evolution. Therefore, we find it is counterproductive to develop new strategies in the West aimed at the breakup of the solidifying Russia-China "quasi-alliance." Rather, the best way to influence the China-Russia relationship is to find new ways to cooperate with both Eurasian giants and to encourage constructive results from their partnership, following the conclusions of Larson and Shevchenko mentioned above.

The first part of the article considers some relevant history. That is followed by current developments in China-Russia security cooperation across the warfare spectrum, examining the ground, air, and sea components. The second part of the article touches on strategic capabilities, as well as political-military learning. A final segment of the article introduces three scenarios for China-Russia relations, as well as ten recommendations for simultaneously deterring and also defusing the possibility of a formalized China-Russia alliance.

## Historical Background

Across four centuries of reasonably sustained interaction, Russia-China relations have been relatively peaceful. As one Russian sinologist explains: "The fact that these two countries have never been in a condition of declared hostilities, reflects … [a] flexible approach to national interests …" on both sides.[17] To be sure, hostilities have occasionally occurred, for example at Albazin, five hundred miles east of Lake Baikal in 1685, but such tensions present as exceptions to a reasonably stable pattern of interaction that has entailed rather frequent cooperation in the security domain, particularly after the Bolshevik Revolution in 1917.[18] Indeed, the role of Soviet assistance during the 1920s, including to the Chinese Nationalist cause under Sun Yatsen, was hardly minor.[19] After Japan intensified its aggression against

China in the late 1930s, the Soviet Union sent three thousand pilots into this fight, and one-tenth of those pilots were killed, according to a recent Russian account.[20]

China-Russia security cooperation reached an apogee in the 1950s, of course. Indeed, the Chinese People's Liberation Army (PLA) could not have fought the U.S. military to a stalemate in the Korean War without huge material, technical and doctrinal assistance from the Soviet Union.[21] In contemporary China, this Sino-Soviet cooperation in the "War to Resist America" is now much discussed, such as in a recent book about the air war. That book, for example, explains that the Soviet pilots, operating together with Chinese squadrons, "… decreased the pressure on our aircraft, and reduced our losses."[22] In the late 1950s, along with hundreds of small combat vessels of various types and many related plans, Chinese naval engineers also received prototypes for naval cruise and ballistic missiles from the Soviets. These designs became the antecedents for today's extremely capable YJ-12 anti-ship cruise missile (ASCM) and JL-3 submarine-launched ballistic missile (SLBM) wielded by the PLA Navy.

A thirty-year break occurred in the China-Russia security relationship from 1960-90 during the dangerous Sino-Soviet split, which brought the Eurasian giants to the brink of nuclear conflict. That conflict has not been forgotten and has left a legacy of caution regarding the Russia-China relationship generally, but also with respect to the deleterious role of ideology in such key relationships.[23] Quite remarkably, in the early 1990s, even as the two respective countries made different choices regarding the value of Marxist-Leninism, a solid rapprochement between the two countries' security establishments was built with impressive speed, and the pattern of cooperation has proven durable. The cultural and technological legacy of the 1950s may have helped to ease this intensifying relationship. Still, the major driving factors were undoubtedly commercial for Moscow and the desire to circumvent international isolation for Beijing. The famous Chinese Admiral Liu Huaqing, father of the modern PLA Navy, visited Russia no less than four times during the period 1990-97, orchestrating major purchases for the Chinese Navy and the China Air Force, as well. Indeed, the impact on the trajectory of China's maritime power has been enormous.[24] The same can be said of the impact of Russia-China cooperation on modern Chinese airpower. The sections that follow will elaborate on these major strategic consequences in all dimensions of military power, extending to the strategic realm as well.

## On the Ground

Unlike other service components, China's current ground forces do not rely heavily on imported Russian arms, with the single major exception of helicopters. However, joint exercises are carried out with considerable regularity. A new feature of these exercises involves international competitions, which both militaries appear to take quite seriously. The Russian doctrinal legacy for Chinese ground forces is not small, of course. That legacy predated the Korean War, but reached its apex in the 1950s. Soviet tactics gave a clear boost to Chinese armor and Chinese knowledge acquired from the Soviets, specifically from the Soviet's T-54 that was built under license starting in 1957, forms part of the key "genealogical

tree" of China's modern tank force.[25] Today, China has decisively moved away from Russian designs for armored vehicles, but some similarities in ground forces doctrine remain, for example, the continuing emphasis on artillery, especially rocket artillery. Contemporary Chinese sources still underline the decisive role of such systems for the Soviet Red Army on the Eastern Front against Germany.[26]

China has imported more than 200 Mi-171 medium-lift helicopters for the PLA. A 2012 report explains that China had in 2011 signed a contract for licensed production and forecast that "In the final tally, China will operate more than one thousand Mi-171."[27] These Russian airframes have formed the backbone of the PLA ground forces' doctrinal shift into air mobility. Such aircraft have proven indispensable for dealing with humanitarian disasters, such as the Wenchuan Earthquake in Sichuan.[28] However, the PLA is also currently experimenting with air cavalry concepts. Thus, they are particularly interested in Russian experimentation along these lines, including the apparent effort to convert some airborne units to form helicopter assault regiments.[29] Beijing has already imported several Mi-6, Russia's super heavy-lift helicopter that is capable to heft 20,000lbs or eighty-two soldiers. While China has gone its own way for much of the future helicopter fleet, including especially attack helicopters, one major bilateral military cooperation project will be co-production of a heavy-lift helicopter. As of 2019, the project appears to be on track, but still far from delivering a prototype. Ground forces have also played a vital role in the growing regimen of joint exercises between the two armed forces. Some of these have taken place under the auspices of the Shanghai Cooperation Organization (SCO)—often labeled as "counter-terrorism" exercises. For example, approximately one hundred Chinese armored and other military vehicles came to Chelyabinsk in August 2018 for such an exercise.[30] Just a month later, in September 2018, 3,200 Chinese soldiers brought nine hundred pieces of equipment, including armored vehicles and artillery pieces, to participate in 'Vostok-18,' a massive drill in Russia's central and eastern regions. Finally, it is essential to understand that many of China's most promising military officers are being educated in Russian military academies.[31]

## In the Air

The very first two modern Russian fighters, Su-27UBK, arrived in China on May 30, 1992.[32] The capabilities of these aircraft far outstripped the PLA Air Force (PLAAF)'s fighters at that time. The *Flanker*-era was truly inaugurated in Chinese military aviation with the delivery of the second batch of 24 Su-27s in December 1996. It was at this time that Chinese aerospace engineers undertook to produce their own *Flanker*, the J-11, under a production licensing agreement with Moscow. Still, that new Chinese indigenous Su-27 had imported Russian radar, engines, and also weapons. Yet, Beijing pressed ahead with its own upgraded *Flanker* design, the J-11B, which entered serial production in 2007. The Chinese purchase of the twin-seat Russian Su-30MK2, transferred in 2004 to the Chinese Navy, however, seemed to illustrate a continuing interest in Russian combat aircraft and related hardware. Still, almost a decade long pause in major aircraft purchases is undoubtedly illustrative of some tensions

regarding intellectual property theft with respect to key aviation technologies.[33]

At the end of 2014, a contract was signed for 24 Su-35s at a price of US$2.5 billion. In late December 2016, the first batch of Su-35s arrived in China. These jets first patrolled the South China Sea in February 2018 and near Taiwan in May of that year. Another Chinese account gave the Su-35 high marks and praised the Chinese Air Force for rapidly putting the new aircraft into service—a successful process attributed to decades of experience with Russian heavy fighters.[34] Another Chinese assessment argues that the new Russian Su-57 fighters deserves a careful look. It is suggested that to understand the Su-57, Chinese strategists should realize that Russian aerial combat doctrine differs quite significantly from the American version in that Russian strategists do not necessarily accept the "American embrace of the long-distance [engagement]."

China's current front-line bomber, the H-6 is a derivative of the Soviet Tu-16. Beijing was fortunate to receive a few Tu-16s in 1958-1959. One recent defense analysis observes: "In 2007, Beijing unveiled the most comprehensive upgrade of the H-6K so far, which boasts new Russian D-30KP engines with 25 percent more thrust, ejection seats and a modern glass cockpit with LCD displays."[35] These fully modernized bombers, if supported by aerial refueling, are capable of conducting cruise missile strikes well beyond the second island chain. While Beijing is expected to field as many as two new, indigenous heavy bomber designs (including stealth-type), Chinese defense analysts remain extremely interested in Russian bomber development.[36]

Russia has also provided tankers, transports, and battle management aircraft to the PLAAF with the IL-76 playing a starring role. The PLAAF now operates about two dozen heavy transports imported from Russia. The first of these arrived as early as 1991.[37] Illustrating some confidence in the Russian airframe, it was the Il-76 that was dispatched both to Libya in 2011 and then subsequently to Australia in an effort to contribute to the search for the missing Malaysian airliner.[38] China's large early warning/battle management (AWACS) aircraft, the KJ-2000, has also been developed on an Il-76 frame.[39] Finally, the PLAAF has operated a handful of Il-78 *Midas* tankers that were also imported from Russia.

Beijing has also gone to school on Russian aerial weaponry. Thus, one recent assessment explains: "China's air force was dependent for these types of weapons on Russia from the mid-1990s and into the early 2000s with the semi-active R-27R and the active-radar guided R-77 supplied as part of combat aircraft deals." Moreover, it is explained that China's first air-to-air missile comparable to Western systems, the PL-12, was developed "with considerable Russian support."[40] More recently, aviation analysts are concerned that China has exceeded Western capabilities in developing the PL-15, as very long-range air weapon that was likely inspired by Russian doctrine.[41]

The import of Russian surface-to-air missiles into China has been occurring since the early 1990s. In the last few years, Western defense analysts have been perturbed by the Chinese import of the Russian S-400 system. As explained by one Washington defense

analyst, "The S-400 reportedly can counter low-observable aircraft and precision-guided munitions, and is also reportedly extremely mobile." Remarking on the impact in a possible Taiwan scenario, the same analyst concludes: "U.S. and Taiwan planners must, therefore, plan to yield air superiority to the Chinese [or] accept high levels of risk to U.S. aviation assets..."[42] Noting the high reputation of the S-400 system, one Russian appraisal recently explained: "… it's … almost impossible to defend against."[43]

In addition, Chinese and Russian pilots now regularly visit each other's country for joint exercises. Thus, it was a sign of Chinese seriousness, when they dispatched the relatively new PLAAF KJ-200 battle management aircraft to participate in exercises near Vladivostok in spring 2015.[44] A July 2019 joint strategic aviation exercise by Russia and China made headlines around the world when South Korean interceptors fired warning shots at Russian aircraft. According to one Russian analysis, the air mission was conceived with the dual purpose of supporting the evolving Russia-China military partnership, but also with the intention of "strengthening global strategic stability."[45] Limited evidence, moreover, suggests a new generation of joint Russia-China aerospace breakthroughs could be in the offing as joint research goes forward.[46]

## At Sea

Along with aerospace cooperation, naval collaboration has been a focal point of the blossoming Russia-China quasi-alliance relationship. It is well known, to cite the most obvious example, that China's very first carrier fighter, the J-15, is itself yet another version of China's broad effort to reorient the basic Russian *Flanker* design to its own needs. One recent Chinese review of Soviet aircraft carrier design stated candidly that the Russian Navy's Su-33 carrier aircraft and the J-15 are "'foreign brothers' from a common blood lineage."[47] Of course, the first Chinese aircraft carrier, named *Liaoning*, was originally the Soviet Union's *Varyag* that had been launched initially back in December 1988. It has also been suggested that Moscow and Beijing might team up on vertical/short takeoff and landing (VSTOL) capabilities.[48] Aside from Russian assistance to China's aircraft carrier ambitions, one should not neglect the on-going modernization of China's naval helicopter fleet. A key role in that on-going process has been played by imported Russian Kamov-28 helicopters.[49] China has also paid ample attention to the Russian Navy's fixed-wing, shore-based aviation fleet, from the Il-38 and the Tu-142M anti-submarine patrol craft to the Tu-22 bomber.[50]

The four *Sovremmeny*-class destroyers delivered after 2000 also represented a "great leap forward" for China's surface fleet. True, the PLA Navy has not opted to import more Russian surface ships, but certain critical components and weapons have a significant role aboard China's newest, sleek destroyers. Thus, most PLA Navy surface combatants appear to have inherited a Chinese version of the powerful *Mineral ME* radar that could track targets over the horizon to an impressive distance of 450km.[51] Indeed, the import of Russian anti-ship cruise missiles (ASCM) may have the most significant impact on Chinese

naval warfare. During the 1990s, the acquisition of the Russian supersonic *Moskit* ASCM undoubtedly had a transformative impact on the capabilities of China's fleet. Beijing's new YJ-18 ASCM seems to be very similar to the Russian missile SS-N-27 *Klub*, which Beijing also acquired in the 1990s. Chinese discussions do not hide that the YJ-18 is a close cousin of the earlier Russian missile design.[52] As explained in this Chinese article, it is projected that YJ-18 would have an initial subsonic phase estimated at .8 mach similar to the *Klub* of about 180km, but 20km from the target would unleash the supersonic sprint vehicle at a speed of Mach 2.5 to 3. The "dual-speed" function allows the system to realize certain advantages of subsonic cruise missiles, such as their "relatively long-range, lightweight and universality…" but also takes the chief advantage of supersonic ASCMs as well, namely the ability to radically compress the enemy's reaction time.

Concerning the undersea realm, Russian submarine influence once again predominated as Beijing looked to recapitalize the force on the basis of the very successful *Kilo*-class diesel submarines sold to China during the late 1990s. There is little doubt that Beijing has learned an enormous amount from Moscow's long experience of fielding submarines against the U.S. Navy during the Cold War and since. True, it is the Indian Navy and not the Chinese Navy that has leased Russian nuclear submarines over several years. Yet, Russian strategists have become much more open about discussing submarine operations in recent years. In May 2019, a leading Russian military commentator published a piece in *Nezavisimaya Gazeta* advising Chinese naval strategists to learn from the Russian experience in deploying SSBN submarines (Ship Submersible Ballistic Nuclear) or simply "boomers," and even making proposals for cooperative deployments.[53] Not surprisingly, Chinese naval strategists have analyzed all aspects of the Russian SSBN force, including notably operational patterns and firing positions in the North Pacific against the U.S. homeland.[54] They are also interested in SSBN port egress evasion techniques and technologies.[55] Naturally, Russian SSN submarines (Ship Submersible Nuclear) or simply 'nuclear attack submarines' design is also of extreme interest to Chinese naval strategists.[56] Key design aspects, such as propeller technology, are a logical focus of such efforts to learn from Russian submarine design experience.[57] Chinese naval strategists are aware of the tactical deficiencies of conventional submarines, but also note that Russia continues to invest in this capability. Mine warfare has been a crucial domain wherein Chinese naval analysts have sought to study Russian tactics and technologies, including submarine-launched mobile mines.[58] Likewise, Russian experience appears to have been critical to China's rather advanced program for the development of unmanned undersea systems, which aims to develop robotic submarines.[59]

In addition, the Russian and Chinese navies have been undertaking annual joint exercises since 2012. While not massive in size, these drills have featured "confrontational drills," and sophisticated themes, including strike warfare, anti-submarine warfare, and amphibious warfare. A 2017 joint exercise in the Baltic, moreover, featured one of China's newest Type 052D destroyers. Many Western defense analysts have expressed doubts regarding the seriousness of Russia-China bilateral military exercises, arguing that they have not yet achieved a high level of "interoperability." However, as Russia defense

expert Michael Kofman points out, that is not really what either side is seeking from such exercises.[60] During late 2019, joint Russia-China naval exercises were undertaken with both South Africa and Iran for the first time, a move that could have a variety of geopolitical implications. As one Russian analysis of the exercise off of Cape Town explains: "They have a significant meaning because the exercises are … taking place at the confluence of the Atlantic and Indian oceans, along a major global shipping route."[61]

## Strategic Stability

There are more than a few hints that low-key cooperation or at least imitation occurs in the nuclear weapons realm as well. Myriad Chinese defense articles, for example, have discussed the significance of Russia's *Iskander* short-range tactical nuclear missile. A piece in a leading Chinese defense newspaper examining Russian strategic command and control, for instance, states: "the 'Iskander' ballistic missile system has been connected to the command center, which can complete the attack preparation within one minute, which is more than 90% better than seven years ago."[62] A recent rather detailed Chinese *PLA Daily* report, moreover, on the new Russian heavy ICBM *Sarmat* reveals a design optimized to defeat ballistic missile defenses, carrying up to fiftteen genuine nuclear warheads (with an option for hypergliding), in addition to forty decoys.[63] China's nuclear strategy will not slavishly imitate Russia's, but there is sure to be a substantial influence.

On the "cyber front," prominent Russian expert Fyodor Lukyanov suggests, global strategic stability until the mid-21st century will not be determined by the nuclear factor only, and "what is happening in cyberspace can be far more destructive than even nuclear conflict."[64] A 2019 report on Russia-China high tech cooperation reveals that the much-discussed company *Huawei* is at the leading edge of Russia-China cyber integration. That company has opened major centers in Moscow, St Petersburg, Kazan, Novosibirsk, and Nizhny Novgorod.[65] "According to Alexander Gabuev, "the ban on the company's products in the United States will not shake Huawei's position in the world. The giant does not only sell equipment, the cost of which is 30% cheaper than that of competitors."[66] In January 2020, China's *PLA Daily* reported that "Russia's 'disconnected network' exercise has brought us a lot of inspiration," citing overt threats from Washington against Russian networks, including specifically "efforts by U.S. intelligence personnel to implant malicious program code into the Russian power system."[67]

Concrete evidence of strategic-level cooperation emerged more fully in October 2019 when Putin announced that Russia was actively assisting China with early warning systems. At least one Russian specialist greeted this announcement with skepticism.[68] Yet, Moscow defense expert, Igor Korotchenko, offered: "This is really a huge contribution of Russia to strategic stability, since China receives a powerful tool in order not to become a victim of the first disarming blow from the United States."[69] In the same Russian article, a retired deputy commander of Russia's air defense command commented that "… a unified information space is created, and data is exchanged with Chinese radars, [and therefore] 'the security

of our country from the east will be even better.'" Indeed, China and Russia have both consistently and adamantly opposed U.S. development of missile defenses as undermining global nuclear stability for well over two decades.[70]

## Military-Political Lessons

Less direct, albeit still important, informal learning is also going on between Chinese and Russian security elites. A direct window into thinking on the Ukraine Crisis among Chinese defense specialists comes from an interview with Senior Colonel Fang Bing, a professor at China's National Defense University.[71] Colonel Fang employs a fascinating analogy between Russian and Chinese strategic geography. He asserts, "For Russians, the loss of Ukraine would be even more serious than if China were to lose Taiwan. This would be more akin to China losing the Yellow River Valley…" This Chinese military analyst notes the Russian employment of paratroopers as a so-called "rapid reaction force," and also the significance of special forces units. Another appraisal of the Ukraine events was written by the Chinese geopolitics expert Zhang Wenmu.[72] According to this Chinese scholar's rendering, Russia has won a major victory against the West, and Putin is a master strategist. He is not shy about proclaiming the Ukraine Crisis as affording a major "lesson of experience" for China. Zhang states that Moscow triumphed because, for Russia, the Crimea is a matter of life and death, while for Europe, it is simply one of many important issues. He writes: "… the Russian people did not rely on 'soft power,' but rather directly employed tanks to resolve the problem." Zhang, moreover, states China can employ the same tactics against Taiwan.

In a somewhat similar way, Chinese analyses of Russia's war in Syria assess the intervention as providing "numerous benefits" over and above speeding the destruction of ISIS.[73] The intervention, according to this Chinese rendering, also significantly increased Russia's standing in the world, altered the international system, increased Russians' self-confidence, and also seized the initiative in the struggle with the West. It is noted that the Syrian War has afforded Moscow a "test of the results of its military building program in recent years and the results of reforms." The author sees Moscow executing a "new type of war," relying on such methods as long-distance precision strikes, unmanned aerial vehicles (UAVs), surprise, and signals intelligence. Putin is cited approvingly as underlining the importance of preemptive attack against international terrorists, and thus acting as "the real friend of the Arab World." Considering learning in the other direction, it is worth asking whether Moscow's revived interest in Africa has resulted from Beijing's geopolitical successes there. The Soviet Union had very substantial influence throughout Africa during the Cold War. A late 2019 trilateral exercise involving the Russian and Chinese navies in South Africa, implies that Moscow and Beijing may yet succeed in coordinating policies in this and other distant regions.[74]

## Problems

For all the progress in enhancing China-Russia military ties outlined above, definite complications remain in the security domain of the bilateral relationship. These persistent

tensions encompass history, demographics, ideology, as well as geopolitics. Prominent skeptics in both Moscow and Beijing warn about the excessive closeness between the Eurasian giants, moreover.

As noted above, the weight of the Sino-Soviet conflict has not entirely dissipated, especially in the security establishments of the two powers. A tendency to bury such inconvenient, hard feelings, moreover, can lead to awkwardness and even sparks when long-ignored issues resurface. As a late 2018 Russian-language article about the March 2nd 1969 clash explained with considerable candor: "[the Soviet border guards] were brutally finished off with bayonets and shots at close range," for example.[75] Chinese have also not forgotten this anxious period, and one can still glimpse the extensive legacy of these fears, even in (and under) Beijing.[76] Russians continue to be nervous about Chinese ownership of land in the Russian Far East, reflecting persistent demographic anxieties.[77]

Meanwhile, both sides have sought to downplay ideological factors in the relationship. Still, one can hardly miss the irony that China remains quite loyal to Marxist-Leninist thought, at least in theory. At the same time, Russia has moved on, and the legacy of the Soviet Union is not necessarily looked upon favorably by many Russians. That paradox came to the fore when Beijing seemed much more interested in honoring the centenary of the 1917 Bolshevik Revolution than Moscow.[78] Moreover, certain specific countries remain a thorn in the side of the bilateral security relationship. Specifically, extensive Russian arms sales to both India and Vietnam are not particularly welcome to Beijing. Thus, Chinese defense analysts took note of Russia's sale of advanced submarines to Vietnam, even remarking on the digital training center that Russian technicians built to train the Vietnamese Navy submarine crews.[79] Likewise, they have monitored the transfer of advanced anti-ship missiles from Russia to the Vietnamese Navy.[80] In the wake of the June 2020 Sino-Indian clash, moreover, Russian arms sales to India could become a much more sensitive topic within the China-Russia relationship.[81]

It also must be noted that some elites in both countries are either skeptical or even hostile to enhanced Russia-China relations. In the Russian context, there is, for example, Alexander Chramshykin, a military analyst and frequent contributor to *Nezavisimaya Gazeta*. He observes recently, "For us, China constitutes the most serious external threat." In partnering so closely with China, he asserts, Russia "is digging its own grave."[82] Likewise, a recent Chinese appraisal does not rule out a Russia-China alliance in the future but observes that such a development would be difficult because Moscow is focused on economic development that depends more on Europe, that the Russian people are not altogether friendly toward China, and that Russia does not need China's help in the military domain.[83]

## Scenarios

Turning to the impact for U.S. interests, it will be advisable to consider three different scenarios for the continued evolution of the China-Russia relationship, which may be termed as "low," "medium" and "high" trajectories for analytical purposes. Each trajectory

is based on somewhat different assumptions, emphasizes different metrics, and yields alternative sets of implications for the evolution of U.S.-China rivalry.

In the "low scenario," China-Russia relations remain plagued by mistrust and do not yield significant results. They are imbalanced, in so far as they do not have a sound cultural, economic, and social grounding. The history of previous conflicts, whether in the late 1960s or the late Tsarist period, hang over the relationship. The economic situation remains stuck in the "resources trap," which favors select companies, facilitates further corruption, and despoils the environment. Growth prospects are grim for the foreseeable future. Demographic anxiety hangs over the whole border area since Siberia and the Russian Far East are perennially short of labor, capital, and modern infrastructure. At the same time, these foundations for economic growth are relatively abundant across the border in North China. On the military side, arms sales had slowed dramatically since the peak back in 2004-05. The military-industrial relationship has never quite recovered from the episode involving China's production of *Flanker*-based aircraft, including J-11, J-15, and J-16. Russian technical experts are far too concerned with Chinese technology theft to seriously entertain major cooperative defense-industrial projects. Since regimes in both Moscow and Beijing are relatively brittle and overly suspicious, they each prioritize internal security. Consequently, efforts to coordinate foreign and defense policy are lackluster and ineffectual. Neither power could count on the other one in the midst of a major national security crisis, such as a military conflict. In this scenario, the impact on U.S.-China rivalry is relatively small and mostly in the past. No major course corrections are required.

A medium scenario reflects quite different assumptions about the relationship. In this case, a firm pattern of cooperation has been developed over more than thirty years without serious disruption. Mistrust is no longer the norm, and institutions across society, from universities to health care workers to businessmen to security elites, have become much more accustomed to working closely together. Infrastructure across Siberia and the Far East remains woefully inadequate to support a major boost in bilateral trade. Still, there are distinct examples of improvement, such as the two new large and critical bridges over the Amur River. There are still rather prominent voices in Russia warning of the "China threat" to Russia, but these voices are few and far between. A consensus now exists in the Moscow foreign policy elite that Russia has no choice but to build a close and enduring relationship with China—one that avoids the ideology and condescension that plagued the former relationship. The security relationship is now established and has diversified well beyond the material benefits of selling advanced weaponry. A number of joint military development projects are underway, for example, the heavy-lift helicopter, and others are being contemplated. Strategic initiatives (e.g., early warning) are now also on the table, while regional coordination is nascent, but developing. Such a Russia-China relationship can be termed a "quasi-alliance." Still, both countries are nevertheless reluctant to move further into a "formal alliance," realizing this would be unduly alarming and could further destabilize world politics. Given such developments, the U.S. and its allies must take enhanced measures to guard against Russia "tipping the balance" unfavorably in the

looming U.S.-China rivalry. Western strategists must not only strive to fully understand the nature of the improving China-Russia relationship, but also to respond in certain new ways.

A "high scenario" for China-Russia relations also cannot be ruled out. In this future, the two powers develop in a highly synergistic fashion. Russia embraces the position of "junior partner" and China is careful not to overplay its leadership role. Moscow establishes effective "docking" with the Belt and Road, smoothing the way for massive Chinese investment across Eurasia. Indeed, Russia's experience on the ground in such conflict zones as Syria and Libya enables it to take on more of the "dirty jobs" associated with an expanding zone of China-Russia influence. In this scenario, the trilateral military exercises in South Africa, and then with Iran at the end of 2019 were the nascent shoots of full-blown efforts to work in tandem across the Middle East and Africa, as part of a greater Eurasian Union. Just as Russian military elements provide some of the muscle for this alliance relationship, Russian high-tech companies are also granted certain niche markets within the new "East Bloc" to diversify export offerings. While Moscow is anxious to preserve links with other countries, such as South Korea, China comes to dominate Russian markets. Ecosystems in Siberia and the Arctic are sure to be damaged, but full-scale exploitation of these regions begins in earnest, and bilateral China-Russia trade expands apace. History becomes a pillar rather than a hindrance in the relationship, as the two powers now consider the late 1960s as the "Great Aberration," which caused subsequent problems. Most ominously, Russia-China military exercises reach a larger and larger scale and a higher level of sophistication. Joint units are contemplated, and joint deployments are planned for various contingencies that may even include presenting Washington with "war on two fronts," so to speak. Military-industrial potentials are also increasingly integrated, so that Russia purchases Chinese destroyers, while China purchases Russian submarines.[84] The countries work together on key projects, such as hypersonic weaponry and vertical/short-take-off (VSTOL) aircraft. Quite obviously, this scenario presents "a clear and present danger" for U.S. national security, since Russia could facilitate China's genuine emergence as the world's preeminent power bar none. The possibility of this scenario, albeit quite unlikely at present, necessitates some consideration of significant defense and foreign policy reforms to address the potentially augmented threat.

## Recommendations

Elements of all three scenarios are visible in the evolution of contemporary China-Russia relations. Still, the most persuasive scenario is the "medium" situation given the available evidence. That is not to say that the scenario can't change. Indeed, it can and many of the recommendations below have the goal of avoiding the "high" scenario—a full-blown, formalized China-Russia alliance that could pose a serious threat to the global balance of power.

**Recommendation no. 1 (R1)-Enhance deterrence capabilities.** Actions (and capabilities) speak louder than words, of course, but lately, the U.S. and its partners appear to "speak

loudly and carry a small stick." Arguably, one reason why Russian actions, for example, against Georgia (2008) and Ukraine (2014), have been successful is that NATO forces could not seriously contest substantial Russian local military superiority in these particular areas. Likewise, the South China Sea military balance has been trending heavily in Beijing's favor. Allied forces must be stealthy, numerous, and well dispersed. Submarines are a prototypical example of worthy investment priorities, but VSTOL aircraft, and even well-armed infantry units could quietly present hypothetical adversaries with similarly unpalatable choices.

**R2-Improve alliance efficiencies.** Current U.S. alliance burdens fall unevenly, leading to constant frictions and substantial uncertainty, both in the Asia-Pacific and also in Europe. The U.S. has been at war continuously for decades in the Middle East, prompting weariness and skepticism. Moreover, American taxpayers also shoulder the burden of maintaining the West's main nuclear deterrent, extending that umbrella over allies. But there is no escaping the fact that the possible threats to U.S. allies are more acute than to the U.S. itself. That implies that they must make a substantially greater effort. For example, Japanese wish the U.S. to defend the Senkaku/Diaoyu Islands from a possible Chinese challenge. Yet, Japan spends less than one percent of GDP on defense. This is not a sustainable contradiction. Moreover, Western defense industrial efforts must become more integrated for greater efficiency. Finally, a logical response to a formalized China-Russia alliance, should that come to pass, could be the creation of a NATO-type alliance for the "Indo-Pacific." Still, that is unlikely given rather clear and emphatic signals that neither Beijing nor Moscow are seeking such a formal alliance, understanding such a move would provoke the West and thus be destabilizing.[85] At this time, the so-called "Quad" or Quadrilateral Security Dialogue, which encompasses Australia, India, Japan, and the U.S., may well suffice to balance increasing China-Russia security relations. Notably, the prospects for the "Quad" have increased in the wake of the June 2020 Sino-Indian skirmish.

**R3-Prioritize key regions over others.** Strategy means making choices among priorities, and the Western Allies have been rather poor at doing so. For example, the U.S. has squandered hundreds of billions of dollars in Afghanistan to no apparent strategic purpose. Likewise, campaigns in Syria, Iraq, Yemen, and across Africa have yielded few dividends for U.S. national security, nor any other country. Rather than using the blunt instrument of force to play "whack a mole" with terrorists across the Middle East, Africa, as well as Central and South Asia, the U.S. and its allies should concentrate efforts on shoring up deterrence in the vital regions of Europe and Northeast Asia. As George Kennan famously posited in the Long Telegram, these are the regions that can impact the global balance of power.

**R4-Create feasible defensive lines.** Currently, the defense lines of the U.S. and its allies are in considerable disarray, leaving them vulnerable to direct challenge, as well as "strategic nibbling." It is simply impossible to turn vague concepts, such as the "rules-based order" into concrete and defensible strategic objectives. Given the strategic geography of Eurasia, moreover, it will make sense to put maximum effort at lines that can be feasibly defended—preferably ones outside of an adversary's massive strike capabilities. In that sense, politically

and geographically vulnerable entities should be outside the defense line. For treaty allies, such as the Philippines and Japan, home islands should be defended, but not obscure locations, such as Scarborough Shoal. Clear and bright, unambiguous red lines might result in some grousing among allies, but will immeasurably strengthen deterrence. The so-called "red line crisis" that plagued the Obama Administration with respect to Syria policy in 2013 resulted from the common foreign policy error of making excessive rhetorical commitments without thinking through consequences. Thus, red lines should only be drawn in the cases when a national consensus holds that U.S. vital interests are at stake. This was not the case in Syria—nor would it concern "rocks and reefs" in the Asia-Pacific. In other words, such red lines must be drawn in a defensive, cautious, and unambiguous way.

**R5-Multilateralize foreign and defense policy.** The measures above generally aim at strengthening deterrence. Still, it must be kept in mind that the "security dilemma" dictates that such measures should be carefully calibrated and must be joined by equal opportunities to calm spiraling global tensions. The remaining measures advocated here, including this one, are aimed at reassurance, recognizing that if Moscow and Beijing are extremely on edge, they are certain to join ever more closely in a defensive crouch. Therefore, efforts to form multilateral partnerships must go well beyond the usual suspects to form new groupings. Revitalizing the United Nations Security Council (UNSC) as the principle decision-making body on international security issues will be crucial. Still, other multilateral organizations, from the Organization for Security and Co-operation in Europe (OSCE) to the Asia-Pacific Economic Cooperation (APEC), can help bridge the East-West divide and prevent a "new Cold War."

**R6-Emphasize non-traditional security.** While some additional efforts are warranted to strengthen traditional hard-power capabilities, equal if not greater effort needs to be focused on non-traditional security (NTS). At the top of this list of NTS, priorities should be pandemic disease (obviously), terrorism, conflict management, migration, and climate change. COVID-19 has been a harsh reminder that the world did not learn the lesson adequately from the Ebola Crisis in West Africa during 2014. These NTS threats are recognized equally among the West, as well as Russia and China. Therefore, they are ripe for cooperative action. Such actions will "kill two birds with one stone," by decreasing tensions among the great powers, while increasing the effectiveness of policy responses to NTS threats.

**R7-Reinvigorate UN peacekeeping for multilateral interventions.** During the Cold War and post-Cold War eras, UN Peacekeeping has been badly politicized and also plagued by inefficiencies. Yet, this tool is urgently needed to mitigate difficult conflict situations as humanitarian disasters in Syria, Yemen, Libya, and Myanmar rather clearly demonstrate. Instead of treating UN Peacekeeping as an afterthought, the Great Powers, including the U.S., Europe, China, Russia, India, Brazil, and Japan, should give the "Blue Helmets" significantly higher priority. These countries have the world's most capable militaries, and their forces should be on the front-lines, acting cooperatively with one another, in these

most challenging circumstances across the developing world. UN Peacekeeping success will dampen Cold War tendencies and build trust among the great powers.

**R8-Promote key bilateral relationships that cross the East-West divide.** A key to preventing the re-emergence of the 1950s type alignment of Russia/China versus the West will be to seek enhanced stability by facilitating cross-cutting cleavages. Unfortunately, the Western press often critiques such efforts as breaking "alliance solidarity," but that represents a failure to grasp the greater stability benefits of multi-polarity[86]—or at least a much looser bipolarity. Important existing examples of this phenomenon include Japan's unceasing outreach to Russia. Another example might be Germany's decent relationship with China. These examples of "Ostpolitik" may cause heartburn in Washington, but they should not. South Korea could also present another potent example of flexible, non-ideological diplomacy that is much needed since Seoul continues to maintain good relations with both Moscow and Beijing.

**R9-Vigorously pursue arms control.** Arms control regimes have been falling into disrepute and decline over the last decade. This is not entirely Washington's fault, but the world's strongest power must shoulder the lion's share of the blame. Withdrawals from the Anti-Ballistic Missile (ABM) Treaty, as well as the Joint Comprehensive Plan of Action (JCPOA), appear in retrospect as major strategic errors. Even if America's departure from the Intermediate-Range Nuclear Forces (INF) Accord is somewhat more excusable, one can only regard wistfully the lost potential of such regimes as the Agreed Framework with North Korea or the Conventional Forces in Europe (CFE) regime. Not only should these previous efforts be revived, but arms control methods should be applied to a new set of issues, including both hypersonic technology, as well as the world-wide naval buildup. Arms control provides one of the very best tools to mitigate the accelerating U.S.-China rivalry and prevent a New Cold War between East and West. In this respect, Russia might serve as a useful bridge in developing a new arms control framework that suits both Beijing and Washington.

**R10-Encourage the China-Russia partnership to work constructively.** Rather than seeking endlessly for sly means to break up China-Russia relations (e.g., the wedge strategy), Western strategists should adopt a more enlightened and realistic strategy.[87] The expectation should be that China-Russia relations will continue to develop smoothly. Instead of hyping the threat of an "Axis of Authoritarianism," the West may look for some silver lining in the closer relations between Beijing and Moscow. From a commercial perspective, Siberia and the Arctic may well become more fully developed within this relationship. The West can help ensure this is done in an ecologically responsible manner by becoming active participants in the process. Benefits could also be envisioned in the security domain as well. Indeed, both Russia and China have shown themselves to be implacably hostile to terrorism and jihadist ideologies emanating from the Middle East. It is not too farfetched to consider how China-Russia diplomatic initiatives could additionally calm certain tense regional situations across Eurasia. For example, on the Korean Peninsula, the "double freeze" proposal put forward by Beijing and Moscow has significantly

calmed tensions during 2017-19. Realizing certain strategic benefits of China-Russia partnership for global security, however, requires putting aside the zero-sum intellectual lens that currently afflicts strategy formulation in the West.

## Conclusion

In recent years, China-Russia relations have gone beyond simply a balancing power play within a certain geopolitical geometry. The two countries have adopted their proactive foreign policy agendas with a string of order-forming components and enhanced their multi-channel cooperation mechanism. The new model of relationship, which Russian Foreign Minister Sergey Lavrov labeled as a partnership which "even exceeds some formal alliances in terms of mutual trust, solidity and depth of cooperation,"[88] makes it hard for the West to engage one side against the other by simply making some attitudinal corrections. Sergei Karaganov, an advisor to Putin, recently said that China and Russia cannot be formal allies, but "we *de facto* need each other a lot. They strengthen us with their economic pillow, and we strengthen them with our military power."[89]

This article has endeavored to reveal the inner workings of the China-Russia relationship in the security domain to see how this key bilateral relationship might impact U.S.-China rivalry. Much more work of this kind is necessary, especially in a regional context. Yet, one can already say that real and even extraordinary improvements for both the Chinese and also the Russian armed forces are already visible across the spectrum of warfare from the ground, air, and sea domains to more strategic and geopolitical contexts as well. Whether this pattern of mutual and symbiotic improvement can continue over the coming decades is not a foregone conclusion, but Western strategists must be concerned that it might. Such a pattern could indeed threaten the global balance of power.

For that reason, the U.S. and its allies must be cautious in the present environment, neither exaggerating the contours of the China-Russia partnership nor dismissing the relationship as a brittle "marriage of convenience." The recommendations above, therefore, aim to strengthen deterrence by concentrating efforts and realizing alliance efficiencies. However, they are simultaneously seeking to embrace a genuinely multipolar world based on restraint, "smart power" diplomacy, and functioning multilateral institutions, focused on the common threats, including especially pandemics, climate change, regional conflict, and arms racing that today threaten all countries. The alternative to restraint would be confronting the China-Russia quasi-alliance across all domains. Yet, that course will not only entail likely failure on the non-traditional security issues noted above. More specifically, this would likely mean a return to the darkest days of the Cold War with the nefarious shadow of apocalyptic world war flaring up with ever greater frequency.

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# U.S. and Chinese Strategies, International Law, and the South China Sea

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**Abstract:** China and the U.S. are both heavily invested in the South China Sea, the first as the claimant for most of the islands, maritime features, and almost all the waters of the disputed sea, the latter as a defender of the rules-based order, freedom of navigation, and rights of its allies and security partners in the region. For more than a decade, China has used legal claims and low-level provocations, seizing, and building artificial islands that have been militarized. China claims the maritime features, islands, and waters as "historic rights," justifying its claims and actions as legally justified, despite the 2016 arbitration ruling the nine-dash line illegal. The U.S., though not a claimant, has similarly consistently called for the rule of law and conducted dozens of freedom of navigation operations and military exercises in the disputed waters, all in the name of international law. In this article, we argue that both states are using their legal claims and international law regarding the South China Sea as opportunities to justify their military presence in the region. For China, the legal claims and actions justify military expansion and power projection into the Pacific. For the U.S., its freedom of navigation operations and other references to international law justify its strengthened deterrence of China and its continued presence in the region. The legal status of the South China Sea is, therefore, partially a pawn in a greater power struggle in the strategic rivalry between China and the U.S.

**Keywords:** China, United States, South China Sea, international law, freedom of navigation, UNCLOS

## Introduction

Among the many tensions between the United States and China in its growing rivalry, the South China Sea disputes are increasingly impactful. This is despite the lack of any direct sovereignty claims by the U.S. The disputed islands, other maritime features, and maritime entitlements of South China Sea are no doubt a hotspot where Chinese and U.S. interests conflict. Clearly, "the South China Sea issue is becoming a strategic node in the Sino-U.S. game, and it has become the most important issue in Sino-U.S. relations, which has seriously affected the comprehensive development of the relations between the two countries."[1] If a great power war is going to happen, it would be the U.S. and China over the South China Sea.[2]

The current situation could have longstanding consequences for the Indo-Pacific region and the U.S. if Chinese strategy continues in its current state, giving China an upper hand on power projection in the region, especially as the dominant power in Southeast Asia. In addition to free access to fisheries as well as oil, gas, and other seabed resources, China would have open supply lines, and the ability to limit free trade pursued by other states inside and outside the region using the South China Sea for shipping. Given the vast amount of seafaring trade in the South China Sea, through which around forty percent of


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the world's trade passes,[3] China now has the potential to interfere with such trade, especially trade by Taiwan, South Korea, and Japan heading toward the Indian Ocean. Neither would it be ideal to allow China to threaten access to free sea lanes that involve the transportation of more than $1 trillion in U.S. trade annually.[4]

Despite the potential for war, the power struggle is being played out in the context of low-level provocations and claims rooted in international law. The U.S. uses freedom of navigation operations (FONOPs), issuing statements about the rule of law and the rules-based order, engages in military exercises justified for maritime security, and offers military support for alliances and security partners in the region. China maintains that its maritime claims and activities are legally justified, even though it has a different interpretation of what is stated in the United Nations Convention of the Law of the Sea (UNCLOS). In the game of global power politics, the role that international law and legal claims play in the rivalry is significant, with both the U.S. and China making constant efforts to frame their actions in the South China Sea in the context of international law and legal claims.

What is puzzling is that these states do not necessarily need to highlight international law and legal claims in their actions, yet they do so consistently and strongly. As an authoritarian state, with its own views on international law, China does not need to justify its actions through international law. As a democracy with a high degree of rule of law, the U.S. should always justify its actions through international law. Yet, as the global superpower, it also can use its military force for deterrence, compellence, and other strategic reasons without placing so much emphasis on international law. The purpose of this study is to explore how China and the U.S. emphasize legal claims and international law, and particularly why the U.S. is so heavily involved in the South China Sea from a legal perspective.

We argue that because the South China Sea disputes are rooted in interpretations of international maritime law, this has provided opportunities for the U.S. and China to use international law and legal claims as justifications for their strategies and actions in East and Southeast Asia. These strategies exist in the context of their significant strategic rivalry over power projection in the region. We first present our theory about how the legal justifications have provided opportunities for China and the U.S. to justify regional expansionism and power projection in terms of their strategic rivalry. We next provide an overview of Chinese legal justifications in the South China Sea concerning maritime claims, gray zone tactics and low-level provocations, and building and militarizing artificial islands. This section is followed by an overview of U.S. claims of defending the rules-based order, the pursuit of FONOPs and joint military exercises justified using maritime law, and providing support for allies and security partners in the region. We conclude with a discussion of potential policy options for the U.S.

## International Law & the Chinese-U.S. Strategic Rivalry

There is no doubt that China perceives the South China Sea and the maritime features therein as its own, and there is likewise no doubt that the U.S. wants to defend the rules-

based order in the region. Yet, the U.S. pursues these goals within the broader bilateral and regional strategies of both states in their greater strategic rivalry. Both China and the U.S. have used the South China Sea disputes in a legal context to justify regional hegemony and military activities in the sea and the broader Pacific Ocean. For China, the disputed status of the sea and its maritime features provides an opportunity to seize these features, building artificial islands with military bases, thereby extending China's reach in the Pacific. The status quo is highly convenient for China's strategy of extending power in the region because the other disputants lack leverage in halting Chinese actions. Even the 2016 legally binding UNCLOS Annex VII arbitration ruling has not stopped China from continuing to militarize its seized and artificially built up islands, nor its harassment of other states' military and civilian vessels.

Despite the potential for armed conflict and difficulty resolving these disputes, in recent times, states are finding that war is an ineffective strategy for acquiring territorial and maritime rights. At the same time, small land grabs and rulings by international courts and tribunals are much more effective. States now find that engaging in low-level provocations can be useful as legal evidence for resolving these types of international conflicts in their favor.[5] Our analysis looks at the use of the coast guard, paramilitary, and/or civilian vessels to pursue assertive actions in a disputed area.[6] We define low-level provocations as actions that remain below the threshold of war (with casualties under one hundred). States engaging in a combination of legal claims and low-level provocations can attempt to build legal records of ownership. Under acquisitive prescription, unclear or even faulty initial claims to territorial and maritime rights can be made legitimate being by regularly sustained over time. When one state displays authority and the other state acquiesces, "those are the sine qua non of acquisitive prescription."[7] The nature of customary international law benefits challenger states because continued claims and actions can be used as legal grounds in the future. Although UNCLOS provides clear rules on many maritime issues, the Convention does not give clear guidelines about defining overlapping maritime claims, thereby leaving gaps in the interpretation of the law of the sea. Customary international law fills this gap as an additional legal means of assessing competing maritime claims. The International Court of Justice defines customary international law in Article 38(1)(b) as something which arises out of "a general practice" of states, which implies that states should exercise continuous practice to have their jurisdiction acknowledged by the international community. For instance, the issue of Pedra Branca, Middle Rocks, and South Ledge (ICJ 2008) between Singapore and Malaysia illustrates the significance of the continuing practice. The court acknowledged that, under this standard, ownership of Pedra Branca belonged to Malaysia until as late as 1980, but that it later passed to Singapore as the latter carried out various acts, such as installing naval communications equipment, while the former lacked such evidence of continuous exercising of its rights.[8]

In this context, as the provoking claimant in the South China Sea, China is attempting to use legal claims and low-level provocations to justify what it sees as sovereignty and near full control of the sea with its islands and maritime features. The idea is that, over time, these

maritime claims will change from contention to a legally recognized claim under customary international law.[9] Even if the defending states protest, a sustained claim by the challenger still gradually strengthens the challenger state's legal grounds.[10] In this context, China has been able to effectively control maritime features that may hold legal ground, despite the strong ruling in the 2016 arbitration case brought by the Philippines. In *Philippines v. China*, the Philippines deliberately avoided addressing any questions of territorial sovereignty over disputed islands. Doing so would have allowed China an opportunity to present evidence supporting historic Chinese control of the islands, and thereby establish sovereignty based on historic title, effective authority, or control of the territory.[11]

Because of UNCLOS, international law has become an essential aspect of the disputes between China and the other disputants, as well as Chinese-U.S. disagreements about the South China Sea. Regardless of their membership status in UNCLOS, states find that they still must strategize their claims with the Law of the Sea in mind, including the U.S. and China. Although states can exempt themselves from UNCLOS dispute resolution mechanisms, several states have taken advantage of Annex VII, which allows them to request a tribunal to deal with maritime issues regardless of another state's consent or participation. What this means is that Annex VII rulings, as in the case of the Philippines against China, are legally binding and compulsory on all UNCLOS member states, regardless of a member state's not wanting to comply. Although China did not participate in the *Philippines* v. *China* arbitration case, China consistently justified participation based on legal arguments, including referring to exceptions in Article 298 of UNCLOS. Article 298 allows states to opt-out of the compulsory procedures pertaining to "disputes concerning the interpretation or application of Articles 15, 74 and 83 relating to sea boundary delimitations," (Article 298. 1(a)), "disputes concerning military activities" (Article 298. 1 (b)), and "disputes concerning law enforcement activities regarding the exercise of sovereign rights," (Article 298. 1 (b)) if states issue declarations concerning these. In this regard, China made a declaration that it "does not accept any of the procedures . . . concerning all the categories of disputes referred to in paragraph 1 (a) (b) and (c) of Article 298 of the Convention."[12]

Likewise, China has consistently argued its maritime claims and control of militarized artificial islands as legal and justified, though based on its own interpretations of UNCLOS and its version of international law. Since UNCLOS allows states to make declarations or statements when ratifying, China also made declarations such that China "shall enjoy sovereign rights and jurisdiction over an exclusive economic zone of two hundred nautical miles and the continental shelf." While UNCLOS allows full sovereignty to states within their immediate territorial waters, it grants only limited jurisdictional rights over their respective Exclusive Economic Zones (EEZs). In another list of declarations, China advocates a position allowing any coastal state to require any "foreign state to obtain advance approval from or give prior notification to the coastal state for the passage of its warships" to be qualified as innocent passage. The Chinese view is different from the understanding held in the West that the right of innocent passage shall not prejudice the passage of any ship types. Such differences in opinion, according to Bernard Cole, stem from the Chinese view of

international law as "historically used by Western nations for imperialistic purposes against developing countries."[13]

We further argue that China is making use of both legal strategies and low-level provocations to demonstrate state practice as a means to demonstrate effective control and thus bolster its claims. State practice involves "diplomatic correspondence, policy statements, press releases, official manuals on legal questions, the opinions of official legal advisers, comments by governments on drafts produced by the International Law Commission, state legislation and national judicial decisions, etc.,"[14] all of which China regularly pursues. Similarly, coercive tools, including "surveillance, patrols, and response at sea," can be interpreted as actions pursued in order "to protect sovereignty."[15] International law traditionally has consisted of treaty law and customary law.[16] Although a state cannot change treaty law, it can attempt to change customary international law through continuing effective control and regular usage of disputed territory and waters. For example, "fishing reinforced by a robust maritime presence on disputed islands and features, also strengthens" the claimant state's aggressive position because "demonstrated usage, occupation, and administration are all relevant to ownership under UNCLOS."[17]

By pursuing legal claims, China justifies its continued presence in the South China Sea. Using effective control and claims of historic rights, China attempts to justify military actions, seizure of maritime features turned into artificial militarized islands and engaging in other low-level provocations. Such low-level provocations "can yield benefits to challenger states at a low cost when they are viewed as the challenger state's simple exercise of its maritime rights. Even if the defender does protest against these violations, the challenger can claim that low-level provocations are an extension of its sovereignty, gradually accumulating them in an ever-growing record of legal precedent."[18] All of these attempts to construe these behaviors as legally justified actions by China not only demonstrate the state's resolve to the other disputants but, more importantly, they effectively signal power projection and balancing against U.S. military presence in the region. Thus, the legal status of the South China Sea and its maritime features is a pretext for Chinese strategy in the much more significant strategic rivalry between the U.S. and China, determining which state will have greater relative power in the region.

For the U.S., the disputed status of the South China Sea justifies staying highly involved in the region. Based upon such justification, the U.S. is able to maintain a significant naval and air presence and, most importantly, balance against China's rise in power. Although the U.S. is not a claimant in the South China Sea, because of its strategic interests in the region, the U.S. similarly uses international law based on UNCLOS. The U.S. justifies its military presence, mainly through FONOPs, military exercises, statements about the rule of law, and supporting allies and security partners. Although the U.S. would prefer that China withdraws its legal claims in the South China Sea and waters, as well as cease its militarized actions in the South China Sea, the status quo provides continued justification for the U.S. to remain an active player in the region. Because of its alliances and relationships with

security partners, the U.S. can justify providing military support and conducting joint military exercises. Still, these relationships by themselves do not offer an adequate strategic rationale for such extensive military activities and involvement in the region. By claiming to defend the rules-based order and maintain maritime security, the U.S. has been able to stay heavily involved in Southeast Asia. This heavy involvement provides a clear deterrent against China's expansionism and rises as a major power.

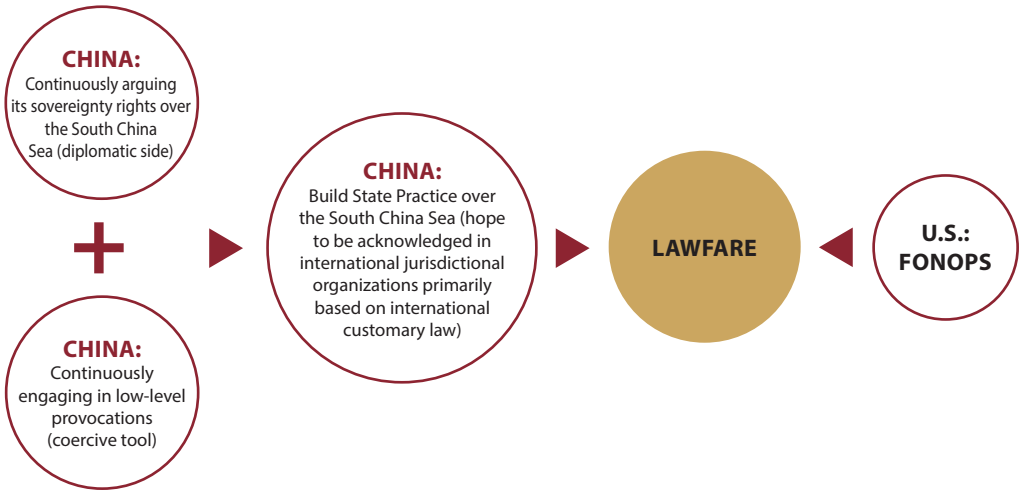


**Figure 1. Chinese and U.S. Strategy over the South China Sea: Lawfare**

In sum, we surmise that both China and the U.S. are partially playing out their rivalry by taking advantage of disputed waters in the South China Sea, making claims based on international law. In China's case, the objective is to spread influence and counter U.S. power projection in the region. For the U.S., the primary purpose of involvement in the South China Sea disputes is to deter China's expansionism into the Pacific and to maintain U.S. power projection in the region. Framing its actions as protecting the rules-based order and international law, the U.S. is able to justify its strategic actions in East Asia, providing an effective balancing strategy against China.

## China's Strategy in the South China Sea

First, we start by demonstrating how China's strategy in the South China Sea is to use legal claims to expand power projection and balance against U.S. influence and military presence in the region. It is certainly true that China's maritime claims are partially pursued to acquire resources, mainly fisheries, oil and natural gas, and seabed minerals. Yet China's long-range strategy is to create spheres of influence in the Pacific, in which China would dominate the waters around Taiwan and the South China Sea. The U.S. would dominate the areas around Japan and South Korea.[19]

In the twenty-first century, China has adopted a more assertive regional strategy using

legal claims, arguing that it has indisputable sovereignty over the entire South China Sea. These claims include all islands, features, and waters therein, by emphasizing historic rights and sovereignty over island groups and the majority of the South China Sea. The first significant use of legal claims to justify China's expansionist strategy was in 2009 when China submitted to the U.N. a *note verbale* and map outlining the nine-dash line and claiming the waters of almost the entire South China Sea. The claim was and continues to be deliberately ambiguous and not consistent at all with the rules of UNCLOS. Still, it did its job by provoking legal responses by the other disputants: Vietnam, the Philippines, Malaysia, Brunei, Taiwan, as well as by the U.S., Japan, and other major powers. By 2010, China's actions in the South China Sea had become much more assertive and high profile.[20] China's claims in the South China Sea continued to be couched in deliberately vague legal claims of historical rights with references to domestic Chinese laws and implications of customary international law regarding territorial sovereignty, which does not fall under the rules of UNCLOS. Rather than claiming individual islands and maritime features, China has claimed groups of islands based on baseline claims that are part of UNCLOS. Though these baseline claims are not valid, China nevertheless continues to claim baselines and historic rights to the islands, maritime features, and waters of the South China Sea.

In response to China's expansionist strategies, the Obama administration in the U.S. brought up the South China Sea dispute at the 2010 ASEAN meeting, with then-Secretary of State Hillary Clinton announcing the U.S. interest in the disputed waters. This move signaled that the U.S. was not willing to agree to any such spheres of influence. China interpreted this as a direct challenge to the Chinese claims for the South China Sea maritime features. As a result, China increased its maritime activity in the region and continuously worked to expand its naval and weapons systems, while continuing to maintain that its maritime claims are legally justified.

In 2011, China sent another *note verbale* to the U.N., claiming that "China's Nansha Islands is fully entitled to Territorial Sea, Exclusive Economic Zone (EEZ), and Continental Shelf,"[21] an apparent reference to UNCLOS. In response to the 2013 Philippine arbitration against China, despite its lack of participation, China nevertheless issued position papers and dozens of official statements about lack of jurisdiction, specifically with regard to UNCLOS. For example, in January 2013, the Chinese response to the Philippine Notification and Statement of Claims starting the arbitration case clearly referenced UNCLOS: "It follows that the Philippines' claims do not fall within China's Declaration of August 25th, 2006, because they do not: concern the interpretation or application of Articles 15, 74, and 83…"[22] The Chinese Foreign Ministry followed up with a statement in April 2013 arguing that the Philippine claims brought to the Tribunal could not be under the Tribunal's jurisdiction, because, "In accordance with international law, and especially the principle of the law of the sea, 'land dominates the sea,' determined territorial sovereignty is the precondition for, and the basis of maritime delimitation."[23] In December 2014, in response to the Tribunal's request for a Counter-Memorial, China similarly submitted a position paper arguing that the Tribunal could not consider Philippine claims without also considering sovereignty

questions and maritime delimitation. These were issues of which China had declared optional exception for jurisdiction using UNCLOS Article 298.

All of these, and many other statements made by the Foreign Ministry, consistently referenced international law, justifying China's legal claims, and arguing against the demands of the Philippines and other disputants. Most of China's legal claims and statements during this time justified why the arbitration tribunal did not have jurisdiction, and arguing that China's territorial sovereignty claims were consistent with international law.[24] After the arbitration award in favor of the Philippines in 2016, China continued to cite legal arguments to justify why it did not need to comply with the ruling. The typical argument was that the ruling was invalid since the Tribunal did not have jurisdiction.[25] Other forms of Chinese legal claims involve the creation of terminology about archipelagos, different than UNCLOS, that justify China's legal claim for the Spratly (Nansha) Islands and policy statements about the Chinese rule of law, avoiding mention of UNCLOS.[26]

China has also pursued gray-zone tactics and low-level provocations in its attempts to solidify the legal grounds for its claim under customary international law. By using limited, naval and coast guard actions short of force, which depend upon the operations of non-state vessels such as fishing and commercial vessels, Chinese military incursions have been limited in nature. These actions are not quite hostile enough to warrant a military response, which would escalate into conflict. Rather than war, it is likely that the South China Sea disputes will continue as a "slow boil."[27] For example, in March 2009, five Chinese vessels surrounded USNS *Impeccable*, a civilian-operated ocean-surveillance ship, seventy-five miles off the coast of Hainan Island. Two Chinese fishing trawlers stopped ahead of the *Impeccable* and dropped pieces of wood in the water to block its exit, forcing the *Impeccable* to stop to avoid a collision. During this incident, five Chinese vessels aggressively maneuvered in close proximity to the U.S. vessel. The action was considered as harassment of the U.S. ocean-surveillance ship in international waters.[28] This approach is "calibrated to expand Chinese influence without triggering conflict,"[29] also referred to as a cabbage strategy or salami slicing. Since then, China has repeatedly engaged in maritime activities in other states' EEZs, while simultaneously denying maritime access to these same states in China's own EEZ and claimed waters. Most recently, in 2019 and 2020, Chinese ships have surveyed waters in the EEZs of Vietnam and Malaysia, where Chinese Coast Guard ships protected Chinese survey ships, triggering confrontations with Vietnamese and Malaysian naval forces.

The aggressive involvement of Chinese fishing and other civilian ships in such incidents is one of many examples of China's use of non-government actors to assist the military. These actions thereby avoid Chinese military vessels having to justify any military actions legally. By avoiding Chinese naval operations, and using paramilitary forces made up of armed civilians in reserve, often referred to as a maritime militia,[30] its Coast Guard, and multiple other maritime militias,[31] China can claim not to have control over these maritime activities. As a civilian organization, the Coast Guard has the responsibility of monitoring

the area under its jurisdiction, such that employing it, and its maritime militias, is not regarded as the same as taking military action, which carries with it a danger of escalating to war. Therefore, employing the Coast Guard implies that the area in dispute falls within a state's claimed jurisdiction. Thus, Beijing uses its Coast Guard in such cases because it offers a "more official but no less challenging tactic."[32] It is an instrument for signaling a less-aggressive foreign policy, which is consistent with its legal claims for jurisdiction over maritime features and waters in the South China Sea. China employs these tactics in an attempt to accumulate legal evidence in its favor. By strengthening its legal basis, China hopes to justify its presence in the South China more fully, and more specifically, explain its military actions and militarized construction atop its islands.

This strategy is not unique to the South China Sea. In the East China Sea, China claims the Senkaku/Diaoyu Islands and waters, a claim which is disputed by Japan. The Chinese government has similarly used low-level provocations to build its legal case. For example, according to a former commanding officer of a vessel operating in the territorial waters of the Senkaku/Diaoyu Islands, "an order came directly from the central government based on a plan devised in 2006 to regularly send patrol ships to the area."[33] This position is "due to fear in Beijing that, (if China were to go to the international courts), but had never sent ships to patrol to the islands, China might lose the claimed territory."[34] In both of these statements, there is a reference to effective control and patrolling as efforts to create a legal record.

In addition to expanding its maritime fleet in the area, perhaps the most provocative aspect of China's projection strategy is its acquisition, buildup, and militarization of several maritime features, turning them into artificial islands in the South China Sea. China consistently claims these "islands" are legally within Chinese territorial waters based on historic title, again using international maritime law to justify its actions. Despite the 2016 ruling that the artificial islands are not actually islands, but rocks, reefs, and shoals, China has built up these maritime features and built infrastructure that makes them habitable in an attempt to consolidate maritime claims based on historic rights.[35] States with contested maritime territorial claims like China believe that since the islands and waters, are already theirs, protection of the islands and waters falls within their jurisdiction. Despite the 2016 arbitration ruling against China's claims on these features being designated as islands, China continues to claim them as such, with the usual attendant maritime entitlements.

China regularly conducts naval exercises that are claimed as legitimate. When the U.S. and American allies perform similar exercises in the disputed sea, China responds harshly, albeit within the context of international law. For example, in response to operations by littoral combat ship U.S.S. *Gabrielle Giffords* in June 2020, Col. Li Huamin, a spokesman of the Chinese military's Southern Theater Command, responded by stating that "This provocative conduct by the United States gravely violates the relevant international laws and rules, and seriously violates Chinese sovereignty and security interests."[36]

Although China claims these "islands" are Chinese based on historic rights, the purpose

for the militarized "islands" is to provide China with the ability to hold at bay the activities of the U.S. military, particularly submarines, surface ships, and airplanes, operating in what China sees as its maritime domain.[37] Such control and militarization allow China to not only have open access to the Pacific through the South China Sea, but also the ability to extend to the "second island chain." This access reaches to U.S. naval vessels in the Pacific, U.S. bases and airfields, and U.S. territory with long-range missiles, as well as second-strike nuclear capabilities. By extending its access into the Pacific, China is signaling to the U.S. that it is also projecting power and can launch realistic strikes against the U.S.[38] Since the U.S. and its allies took no significant steps to deter Chinese acquisition and building up of artificial islands out of shoals and reefs from 2013 to the present,[39] China essentially was granted carte blanche to build the islands and militarize them. The U.S. and its smaller allies and friends, particularly Vietnam and the Philippines, were unwilling or unable to deter the ever-creeping Chinese threat effectively.

## U.S. Strategy in the South China Sea

The U.S. strategy in the South China Sea is focused on maritime security, supporting its allies and security partners, defending the freedom of navigation, and limiting China's ability to further build and militarize outposts within the framework of international law. Under the Obama administration, many debated whether the issue was really about the disputed South China Sea or a larger U.S.-China power struggle, and whether Chinese control of the disputed sea affected U.S. foreign policy.[40] As we have argued, this predominantly legalized approach is part of a broader strategy to deter China's rise in power. Despite not being a ratifying member of UNCLOS, the U.S. government has consistently argued in favor of UNCLOS laws, and the U.S. follows UNCLOS as customary international law. All of the actions that the U.S. takes regarding the South China Sea have consistently complied with international maritime law, regardless of the political party of the presidential administration.

As China's actions in the South China Sea became more aggressive in 2010 and 2011, claimant states Vietnam and the Philippines turned to the U.S. to challenge China, given their relative power weakness vis-à-vis China.[41] Around the same time, President Obama's administration began engaging in its strategy of rebalancing toward Asia. Better known as the "Asia pivot," in late 2011, the U.S. became involved in the South China Sea dispute, with a strategy of pursuing FONOPs, strengthening alliances in the region, engaging in multilateral military exercises in the region, and issuing statements about the rule of law. Though the pivot was not explicitly targeted at any specific country, it was apparent that China was the focus. The Obama administration framed U.S. interests in policy toward the South China Sea as such: "America's policy continues to be one valued on principles of peaceful resolutions of disputes, lawful settlement of things like territorial disputes like the South China Sea, or anywhere else, freedom of navigation, freedom of commerce."[42]

Disputes in the region entered a new phase in 2015, as China began pressing its case not only regionally, but as part of a broader great-power strategy on a global scale. Since

2015, China has viewed the new U.S. maritime strategy in its "pivot to Asia" as an attempt at counterbalancing China's "Belt and Road" initiatives, proposed in 2013 by President Xi Jinping. China has interpreted the U.S. maritime strategy begun under the Obama administration, and the more aggressive strategy under the Trump administration, as a sign that the U.S. global strategy has shifted to become an all-out drive at great-power competition designed to contain the rise of China.[43]

In 2015, the Asia-Pacific Maritime Security Strategy published by the U.S. Department of Defense focused heavily on the South China Sea disputes.[44] The rebalancing strategy has continued under President Trump's administration under increased auspices of the Department of Defense. There have been diplomatic jabs at China regarding its failure to comply with international maritime law. The 2017 National Security Strategy (NSS) directly called out China for its "efforts to build and militarize outposts in the South China Sea," which "endanger the free flow of trade, threaten the sovereignty of other nations, and undermine regional stability." In July 2020, the U.S. Department of State issued a strong statement about China's aggression in South China Sea, signaling support for other disputants' positions. The 2017 NSS criticized China for militarization that limits access for the U.S. in the region. In outlining the U.S. strategy, the document stated that the U.S. would "maintain a forward military presence capable of deterring and, if necessary, defeating any adversary."[45] While it did not name these adversaries, it was implied that in addition to North Korea, the U.S. had China in mind.

The U.S. government has three primary interests in the South China Sea: 1) trade routes and free sea-lanes, 2) defense ties with allies and partners in the region, and 3) balance of power against China.[46] The official maritime objectives of the Department of Defense are to safeguard freedom of navigation for air and naval commercial and military vessels as recognized by UNCLOS, to deter conflict and coercion, and to promote the rule of international law.[47] All of these objectives are framed in the context of international maritime law, and only one of them explicitly refers to balancing against China. The U.S. position on the South China Sea has been deliberately ambiguous, taking no position on sovereign rights, but expressing concern that China does not follow the rules-based order set by UNCLOS, again emphasizing international law. Until July 2020, the U.S. policy position on the South China Sea was ambiguous. The exceptions were statements made about respect for the rules-based order and a 2019 statement by the Department of State acknowledging that the U.S. is obligated to defend against any armed attacks on Philippine vessels, forces, or aircraft in the South China Sea. The 2020 statement has provided more explicit support for the Philippines, Vietnam, and Malaysia and criticized China's actions and claims in the South China Sea.

The U.S. strategy has not made clear what exactly the red line is in the U.S. deterrence strategy, nor what the U.S. would be resolved to do in response to further Chinese actions in the South China Sea.[48] Instead, the emphasis is consistently on the rules-based order and supporting international maritime law, but not explicit deterrence or balancing of China.

Multiple U.S. presidential administrations from Clinton, Bush II, Obama, and now Trump have all been wary of engaging in active deterrence of Chinese aggression and island-building. The concern has been to not rock the boat concerning U.S.-Chinese relations, or sometimes to pursue Chinese cooperation on an issue like North Korea.[49] The lack of clear policy statements and emphasis on international maritime law means that there is no clear signal to China about how the U.S. would respond militarily to further Chinese expansionism, especially in allied waters, such as those of the Philippines. The purpose of this position has been flexibility, preventing antagonizing China, and avoiding China taking military actions beyond a certain point. The proclamation of a red line would invite Chinese responses up to that point and put the U.S. in a position where it must militarily respond to Chinese actions beyond that point, a scenario to which the U.S. has not been willing to commit.[50]

The predominant strategy of the U.S. in the context of international law has been the freedom of navigation operations pursued since 2015. The 2017 National Security Strategy explicitly stated that the U.S. was committed to freedom of the seas, an apparent reference to UNCLOS Article 87 referring to the high seas, and Section 3, Articles 17-26, referring to territorial seas and innocent passage. Defined as "operational challenges against excessive maritime claims," freedom of navigation is an institutionalized program that is pursued not only in the South China Sea but in other regions of the world as well.[51] The U.S. has carried out 22 FONOPs since October 2015, with the frequency rising over time. The intensity of military operations near the South China Sea is also increasing,[52] "credibly demonstrat[ing] U.S. resolve and capabilities without being unnecessarily incendiary or provocative."[53] Although these are carried out strictly in the context of upholding freedom of navigation, U.S. policymakers understand their purpose to be a part of the U.S. deterrence strategy against China.[54]

Alternatively, according to the National Institute for South China Sea Studies in China, China is considered the main target of U.S. FONOPs.[55] China's interest in U.S. FONOPs is reflected in the number of articles written about this topic in Chinese. [56] Recently, Col. Wu Qian, a spokesman for the Chinese Ministry of National Defense, argued that FONOPs are mere excuses for U.S. interference in the region: "As a country lying outside the region, the United States has been using the excuse of 'freedom of navigation' to dispatch military-use ships and planes to make provocations in the East and South China Seas."[57]

After the Trump administration came into office, FONOPs were upgraded from the innocent territorial sea to passing through the waters 12 nm off the Paracel Islands and features and the Spratly Islands and features. In the past, this operation was performed by a single destroyer, but in May 2018, the FONOPs involved both cruisers and destroyers. This operation was the first time that a single cruiser was dispatched to perform such a mission, achieving a breakthrough in operational strength. The U.S. had demonstrated its increasingly stringent position on the issue of freedom of navigation in the South China Sea.[58] For the entire year of 2019, the U.S. Navy deployed three aircraft carriers—the U.S.S

*John C. Stennis* (CVN-74), U.S.S *Ronald Reagan* (CVN-76), and U.S.S *Abraham Lincoln* (CVN-72)—traveling to the South China Sea, accounting for thirty percent of the current U.S. aircraft carrier fleet.[59] Most recently, the U.S. sent two aircraft carrier strike groups, the *Nimitz* and *Ronald Reagan*, to conduct FONOPs and naval drills in the South China Sea in early July 2020, stating: "These efforts support enduring U.S. commitments to stand up for the right of all nations to fly, sail, and operate wherever international law allows."[60] Though it was not officially acknowledged, the FONOPs were conducted at the same time as Chinese naval exercises in disputed waters. In addition to stating that the Chinese actions were counterproductive to stability in the region, the U.S. Department of Defense specifically cited the effects as violating the 2002 Declaration on the Conduct of Parties in the South China Sea and the efforts of China "to assert unlawful maritime claims and disadvantage its Southeast Asian neighbors in the South China Sea."[61]

With its allies and security partners in the region, the U.S. Navy has also conducted several joint military exercises, and carrier group transits through or near the South China Sea. In 2019, the U.S. conducted 85 such military exercises.[62] One of the best-known military exercises is Balikatan, conducted with the Philippines, Singapore, and Thailand, signaling a united front of a U.S.-led military presence and engagement in the region. Another joint exercise is the Rim of the Pacific, held every two years, which is the largest maritime exercise internationally, involving the armed forces of multiple states, including Japan, South Korea, Thailand, Malaysia, Indonesia, and Singapore.[63] These military exercises "not only bolster the overall capabilities and capacities of ASEAN (the Association of Southeast Asian Nations) navies but make it easier for them to work alongside the U.S. military in times of need."[64]

There have also been several joint military exercises with Japan conducted in the South China Sea. In March 2018, the helicopter destroyer *Ise* of the Japan Maritime Self-Defense Forces, along with U.S. forces, conducted joint military operations in the South China Sea. In August 2018, a Japanese attack submarine conducted its first joint drills with U.S. forces in the South China Sea. From August to October 2018, the Japanese helicopter carrier *Kaga*, together with U.S. naval forces, conducted joint military exercises in the South China Sea and the Indian Ocean. In October 2018, Japanese amphibious combat troops and U.S. forces conducted joint exercises under the motto of "capture the island" in the Philippines.[65] Another joint exercise with the U.S. occurred in September 2019. The five-day exercise for the ten countries of ASEAN, which includes Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, and Vietnam, was led by the U.S. and Thailand and included eight warships, four aircraft, and one thousand two hundred and sixty personnel from eleven nations.[66]

The combined U.S. strategy of FONOPs, promotion of a rules-based order, military exercises, and support for allies and security partners are all compliant with international law. As the dominant power in the world, the U.S. has the ability to promote a rules-based order when it sees rising powers like China challenging not only the status quo but the rules-

based order itself. At the same time, these actions, strategies, and policies provide a clear opportunity to justify continued and extended military presence, activities, and support for allies and security partners in the region. As noted by former Secretary of Defense Ash Carter in 2015, "As a Pacific nation, a trading nation, and a member of the international community, the United States has every right to be involved and concerned."[67]

## Conclusion

The South China Sea represents two parallel issues, first as maritime legal disputes between China and several states in Southeast Asia, and second, as a game of power politics between China and the U.S. As maritime disputes, China and the other disputants have heavily focused on international law, specifically UNCLOS, but also what China sees as potential customary international law. China consistently claims its "historic rights" to almost all of the South China Sea, its island groups, rocks, reefs, and shoals, and the waters not only surrounding these maritime features but throughout much of the sea. While framing its claims legally, China also has pursued low-level provocations against several disputants, seizing maritime features, building artificial islands that are now militarized, and denying access to other states' military and civilian vessels. We have argued in this study that China uses its legalized maritime claims in the South China Sea as a means to expand its military power into the Pacific, much further beyond its longstanding limited control of the waters just off the coast of China. We have provided an overview of China's legal approach and how it relates to the power struggle with the U.S.

China's long-term strategy will focus on accelerating its negotiation of the "legal guidelines," giving these guidelines the force of law to resolve maritime claims.[68] If China continues its expansionism, essentially displacing the U.S. as a great power in the region, "global geopolitics will have entered a new and very different era. Southeast Asia will inevitably be rendered subordinate and compliant to China's will."[69] If China can effectively enforce its maritime claims in the South China Sea, this would be the highest level of territorial expansionism since that of Imperial Japan.[70]

Though not a claimant in the South China Sea, the U.S. has also pursued significant involvement in the disputes, mainly through pushing for a rules-based order, conducting FONOPs and military exercises within the legal bounds of UNCLOS, and providing support to allies and security partners in the region. Despite the need for stronger U.S. deterrence of China's actions in the South China Sea and the broader region, the U.S. government must remain pragmatic in its approach, which is why the U.S. makes such an effort in framing its actions as consistent with international law. To avoid the risk of escalating into armed conflict and to avoid the Chinese perception of the situation as a "long-term contest with the United States" which is "inevitable" and something that "must be won," the U.S. strategy in the region must continue to comply with international law, the code of conduct, and other agreements signed between the two powers.[71] The U.S. government must also continue to be consistent in its statements and rhetoric about the South China Sea and

Chinese expansionism more broadly, especially concerning Chinese military domination of the South China Sea. More broadly, the U.S. Congress should seriously reconsider ratifying the UNCLOS treaty, which would make the U.S. much more credible in its legal criticism of China and insistence on a rules-based order. For the U.S. to be a major factor in promoting legal guidelines, UNCLOS membership would render its strategy concerning the South China Sea more effective.

Since 2015, China has been viewing FONOPs targeting the South China Sea as a cause for concern concerning Sino-U.S. great-power competition. China sees the matter as one not only applicable to the region itself but whose subtext carries broader implications for grand strategy. While China views the South China Sea as the cornerstone on which to make concrete its ambitions to become a superpower, the U.S. uses the disputes as an opportunity to justify maintaining and expanding its military presence in the region in the context of grand-strategy competition. U.S. strategy toward the South China Sea has never been more critical than now. Despite the lack of U.S. sovereign claims to any of the islands, rocks, reefs, and shoals in the waters there, this disputed area is arguably at the crux of future U.S.-China great power relations. This dispute is "the immediate arena where two alternative geopolitical paradigms are contesting for supremacy."[72] Because of its status as the leader of the rules-based order, the U.S. can continue to justify its military presence to promote freedom of navigation, defend its allies and security partners and their maritime rights, and challenge China's power projection. U.S. strategy in this region must be steadfast, assertive, and make clear to China that the U.S. will not be giving up its power presence or leaving the region anytime soon.

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# Between a Rock and a Hard Place: Israel and U.S.-China Strategic Rivalry

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**Abstract:** This article examines China's growing trade with and investment in Israel as a case study of how China's rise affects foreign policies of U.S. allies and partners. It addresses the following questions: How does growing Chinese investment in Israel affect U.S.-Israel relations? How has Israel managed to balance its relations with China and the United States? Using the "economics-security nexus" as an analytical framework, the article examines the rationale, strategies, and significance of China's expanding exchanges with Israel and Israel's efforts to balance relations with the two powers. The article proposes that as China expands its investment in Israel, Israel finds itself stuck between a rock and a hard place as it faces a dilemma in balancing economic and security interests. Israel does not always follow U.S. policies toward China and intends to keep strong ties to China. However, further developments of China-Israel relations will be constrained by overwhelming U.S. influence on Israel and China's solidarity with Israel's hostile neighbors. The article suggests that China-Israel cooperation will only grow as far as it does not hurt U.S. interests. Israel's dilemma reflects a distinct feature of the international political economy today as the U.S.-China strategic rivalry intensifies and goes global. Third parties must exercise diplomatic and political skills to maintain good relations with both powers while defending their national interests.

**Keywords:** China-Israel relations, Chinese investment, U.S.-Israel relations, U.S.-China rivalry, economic and security interests

## Introduction

At the height of the COVID-19 crisis, U.S. Secretary of State Mike Pompeo made a rare trip to Jerusalem in mid-May 2020. He reportedly discussed with Israeli leaders issues regarding Iran, the West Bank, and the pandemic. Yet such discussions could have been conducted over the phone or via video. One wonders about the real purpose of this unusual trip. Israeli media disclosed that the main reason for Pompeo's visit at this critical moment was to warn Israel against extending economic cooperation, especially in biotech with China in the wake of COVID-19.[1] The United States has long been concerned with China using investments in Israel to give itself a technological edge and ability to gather intelligence, using reverse-engineering technology or gaining physical proximity to strategic areas.

As part of its "going global" strategy, China has expanded investment in various sectors of the Israeli economy in recent years. Its investment in key Israeli infrastructure, such as a new port in Haifa, has alarmed the U.S. and created tensions between the U.S. and Israel. As China strives to be a global leader in public health following the coronavirus pandemic, the U.S. acted promptly to warn Israel again not to cooperate with China in high-tech fields. Israel is a prime example of how U.S. allies are welcoming trade with and investment from China while maintaining traditional security ties with the U.S. However, as U.S.-China


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strategic rivalry intensifies, these countries may not be able to conduct business as usual and will find themselves between a rock and a hard place as far as their national interests are concerned.

Previously, China's outbound investments concentrated in the developing world. Since 2005, it has expanded investments to the developed world, with sizable mergers and acquisitions (M&A) in all major Western economies. After the Donald Trump administration imposed investment restrictions, China has increased commercial activities in other developed countries, many of which are U.S. allies, often as part of its ambitious Belt and Road Initiative (BRI). Though still a large developing nation, China's "going global" strategy has turned itself into a major force in the international political economy, and its investment in the West has a significant impact on recipient countries as well as U.S.-China relations.

The strong U.S.-Israel alliance is well-known. The U.S. was the first country to recognize Israel in 1948 when the Jewish state was formed. As U.S. President John F. Kennedy told then Israeli Foreign Minister Golda Meir in 1962: "The U.S. has a special relationship with Israel in the Middle East, really comparable only to that which it has with Britain over a wide range of world affairs."[2] Various U.S. administrations, Democratic or Republican, have helped maintain and consolidate the close bond between the two countries. The Trump administration deepened U.S.-Israel alliance by becoming the first foreign government to recognize Jerusalem as the capital of Israel in 2017.

According to the U.S. Department of State, the U.S.-Israel bilateral relationship is anchored by over US$3 billion in Foreign Military Financing annually. In addition to financial support, the U.S. participates in a high level of exchanges with Israel, including joint military exercises, military research, and weapons development. Through the Joint Counterterrorism Group and a semi-annual Strategic Dialogue, the U.S. and Israel have enhanced cooperation in fighting terrorism. The U.S. is also Israel's largest trading partner, and the two countries signed a free trade agreement in 1985.[3]

Meanwhile, China and Israel have a unique relationship rooted in history. The first group of Jews settled in Kaifeng during China's Northern Song Dynasty (960-1127), though some scholars date their arrival to the Tang Dynasty (618-907), or earlier.[4] The special ties between the Jews and the Chinese in the contemporary period were formed during World War II when roughly 25,000 European Jews sought shelter in China. When WWII broke out in 1939, more European Jews had taken refuge in Shanghai than in any other city.[5] At the end of the Pacific War in 1945, the Jewish refugees left Shanghai. However, they always looked upon Shanghai as their second home, calling the city their "Noah's Ark."[6] When visiting Shanghai in May 2013, Israeli Prime Minister Benjamin Netanyahu hailed the city as a "haven" for Jewish people fleeing Europe in the 1930s and 1940s. In 2015, seventy years after the end of WWII, Israel released a documentary named "Thank you Shanghai," in which Netanyahu said Israel was "eternally grateful" to China.

Israel was the first country in the Middle East and one of the first non-communist

countries to recognize the People's Republic of China (PRC) in 1950. Due to Chinese participation in the Korean War and U.S. pressure, diplomatic relations between the PRC and Israel were postponed. Israel's exclusion from the Bandung conference in 1955 and China's support for Arab nations further alienated the two countries. Trade between China and Israel started in the 1970s, and representative offices were established in Beijing and Tel Aviv respectively in 1990. Bilateral relations have boomed since diplomatic ties were established in 1992.

Despite setbacks in the relationship in 2000 and 2005 respectively, when Israel, under U.S. pressures, canceled a scheduled sale of the Phalcon early-warning radar system and upgrading of Harpy drones for China, Israel-China commercial, political, and cultural ties have continued to grow. Trade volume jumped from US$51.5 million in 1992 to US$15.3 billion in 2018. Cooperation between the two countries covers a wide range of areas including trade, agriculture, science and technology, infrastructure, tourism, etc. Today Israel has become a potential hub of China's BRI, with increasing Chinese investment flowing into the Jewish state.

This article uses Israel as a case study of how third parties, particularly U.S. allies, respond to China's rise and balance their relations with the U.S. and China. It addresses the following questions: How does growing Chinese investment in Israel affect U.S.-Israel relations? How has Israel managed to balance its relations with China and the U.S.? The article suggests that as China expands its investment in Israel, Israel faces a dilemma in balancing its economic and security interests. Israel-China relations are growing rapidly, but further developments of the relationship will be constrained by overwhelming U.S. influence on Israel and China's solid ties to Israel's hostile neighbors. The Israel case illustrates that the U.S.-China strategic rivalry is much broader and deeper than just between the two powers. It has gone global involving other parties, who struggle to maintain good relations with both powers while defending their national interests.

## The Economics-Security Nexus

Relations between economics and security are at the core of the international political economy. Most research on the economics-security nexus focuses on how a state deals with both economic and security challenges in its external relations, typically from the same source. For example, how does an East Asian country handle its complex relations with China, which offers extraordinary economic benefits while presenting serious security challenges, such as in the South China Sea?[7] Most scholars follow the liberal assumption that economic interdependence leads to security. Therefore, they conclude that the more Southeast Asian countries such as the Philippines and Vietnam are interdependent with China economically, the less likely military conflict will break out in the South China Sea.

The Israel case represents a different type of economics-security nexus in that the economic and security challenges are from various sources. Specifically, the U.S. remains Israel's most critical security partner, and China has quickly emerged as Israel's second-

largest trading partner with growing investments in crucial sectors of the Israeli economy. The tensions between the U.S. and China continue to grow as their rivalry intensifies. To defend its security and economic interests, Israel faces an increasingly difficult job of maintaining good relations with both powers.

*China's Interests in Israel*

*Yin jin lai* (bringing in 引进来) and *zou chu qu* (going out 走出去) have been an integral part of China's "reform and opening up" since 1978. From 1978 to roughly 1990, China focused on bringing in foreign direct investment (FDI) as well as foreign technology and management. Since 1990 it began going out in earnest as part of its new diplomacy. Between 1990 and 2005, China's outbound investment concentrated in the global South, particularly Africa, Latin America, and Southeast Asia. Since 2005 China has expanded its overseas investment to the developed world.

Chinese companies have a reputation for competitive pricing on infrastructure projects and finishing on time, which makes their bids highly attractive on the global market. Chinese firms have made significant inroads in Israel, such as the 2011 purchase of sixty percent controlling interest in Makhteshim-Agan, one of the world's largest pesticide production and distribution companies, by ChemChina for US$2.4 billion, and the 2014 takeover of Tnuva, Israel's largest producer of dairy products, by China's Bright Food for US$2.5 billion with a controlling stake.

Chinese companies have been involved in major transportation and infrastructure projects in Israel. For example, the state-owned China Civil Engineering Construction Corporation Ltd. (CCECC) built the Carmel Tunnels in Haifa from 2007 to 2010. CCECC was also contracted to dig tunnels for the underground sections of the light rail of the Tel Aviv metropolitan area. A group of Chinese companies were included in the draft document for building a proposed railway from Ashdod to Eilat—the Red-Med Railway, but the project was indefinitely frozen in 2019 due to high cost, environmental and other considerations. Chinese construction companies are now enlarging Israel's two major ports in Haifa and Ashdod. In 2014, Beijing-based firm China Harbor won a tender to build the new port in Ashdod. In 2015, the Shanghai International Port Group (SIPG) entered an agreement, with commitments of US$2 billion, to build and operate a new port in Haifa for the next 25 years.

China's main interests in Israel are advanced technologies and Israel's strategic location. As a developing nation, China has a lot of domestic challenges—pollution, desertification, an aging population, etc. Israel is a global powerhouse in technologies and innovation and can help China solve these problems. China is particularly interested in Israel's expertise in biotech, water tech, environmental tech, agricultural tech, IT, energy, health care, among others. It is also interested in enhancing its global presence, searching for a strategic position in the Middle East, and reaching out to U.S. allies and partners. China can either strengthen its relations with the U.S. through these U.S. allies or drive a wedge between the U.S. and its

allies in their China policies.

China is eyeing Israel as an essential node of the BRI, with Israel's strategic location and easy access to the Mediterranean Sea. When meeting with Prime Minister Netanyahu in Beijing in March 2017, President Xi Jinping proposed the two countries to "steadily advance major cooperative projects within the framework of jointly building the Silk Road Economic Belt and the 21st Century Maritime Silk Road." Netanyahu responded by saying that "the Israeli side is ready to actively participate in infrastructure and other cooperation under the framework of the Silk Road Economic Belt and the 21st Century Maritime Silk Road."[8] He called trade relations between the two countries "a marriage made in heaven."[9] He asserted that Israel would be "a perfect junior partner" to China's economy and welcomed Chinese investment in Israel. The three bilateral agreements that the two countries signed during Netanyahu's visit included one that would allow 20,000 Chinese workers to get work visas permitting them to work on Israeli construction sites.[10] Working in Israel will enable China to accumulate experience and demonstrate that it can responsibly operate, build, invest, and compete in advanced economies.

It is hard to know the exact amount of Chinese investments in Israel. A November 2018 report by Israel-based IVC Research Center suggests China invested about US$1.5 billion in around 300 Israeli companies in the previous five years. Statistics from China's Ministry of Commerce show that in 2017 alone, China's investments in Israel reached US$4.1 billion, all were direct investments.[11] According to the American Enterprise Institute, Chinese businesses invested a total of US$8.05 billion in Israel from 2005 to 2019.[12]

Compared with the U.S., China's trade with and investment in Israel are small. The 1985 U.S.-Israel Free Trade Agreement was the first one signed by the U.S. Since then, trade between the two countries had increased ten-fold to US$49 billion in 2016. U.S. firms have been a big part of the Start-Up Nation story, with U.S. companies establishing two-thirds of the more than 300 foreign-invested research and development centers in Israel. Meanwhile, Israeli firms represent the second-largest source of foreign listings on the NASDAQ after China—and more than Indian, Japanese, and South Korean firms combined. Israel is home to more than 2,500 U.S. firms employing some 72,000 Israelis, and thousands of more jobs are supported indirectly by these employers.[13] According to the Office of the U.S. Trade Representative, U.S. goods and services trade with Israel totaled about US$49.6 billion in 2018. U.S. investment in Israel was US$27.1 billion in 2018, a 1.8% increase from 2017, while Israel's investment in the U.S. was US$13.6 billion in 2018, up 13.9% from 2017.[14]

*Israel's Interests in China*

Israel's interests in China are both economic and strategic. Israel recognized China as a complete market economy in November 2005. The two countries started to negotiate a free trade agreement in 2016. They planned to complete the final round of negotiations in 2020 despite heightened tensions between the U.S. and China and pressures from the U.S.

Economic cooperation with China brings tangible benefits to Israel, such as fine

consumer products, local jobs generated by Chinese investments, growing tourists from China, upgraded infrastructure, penetration into the Chinese market for Israeli businesses, etc. During his March 2017 visit to China, Netanyahu met with the heads of some of China's largest companies, including Alibaba, Baidu, Lenovo, Wahaha, and Wanda. "I just met with 11 heads of the largest corporations in China," he said after the meeting. "A large portion of them are investing in Israel, and a large portion of them will invest in Israel. This means jobs, the development of businesses, and a link to the major Chinese markets."[15]

During a cabinet meeting in September 2012, Netanyahu urged his ministers to multiply their visits to China while cutting their international travels to all other places due to budgetary constraints. "We want to set an example for the public. Only one place is an exception, and that's China—you can travel there as much as you like." China is a massive market for Israeli exports, so ties between the two countries must be strengthened, he explained.[16]

After Israel-China relations suffered briefly during the early 2000s due to Israel's canceled arms sales to China, the two countries have worked hard to improve ties. In June 2011, Israeli Defense Minister Ehud Barak traveled to Beijing—the first by an Israeli defense minister in a decade. Barak was Israel's prime minister from 1999 to 2001 during the Phalcon crisis, so his visit was remarkably significant and represented the resumption of high-level contacts at the governmental and personal levels. Two months later, the People's Liberation Army (PLA) Chief of the General Staff Chen Bingde visited Israel. High-level military relations were restored to some extent, though Israel continues to ban sales of advanced weapons to China.

Amid tensions between China and South Korea in 2016-2017 regarding the U.S. deployment of THAAD in South Korea, Wu Dawei, China's special envoy on the Korean Peninsula, commented that China supported South Korea's effort to defend itself from the North Korean threat, if South Korea introduced the weapons system from Europe or Israel, China would have no problem.[17] Chinese officials presume that the real target of the U.S. missile defense system in South Korea is China; they do not view Israel with such suspicion.

Strategically, developing strong relations with China helps Israel to diversify its political and economic partnerships. As China pushes forward its BRI, Israel wishes to benefit from it. It also seeks China's neutrality in Israel's disputes with its neighbors despite China's long-standing solidarity with Palestine, Iran, and other rivals and enemies of Israel. Israel is eager to engage China about its future role in the Middle East. It hopes to affect Chinese policy on issues of non-proliferation, and especially China's position on Iran's nuclear program. Netanyahu made developing Israeli-China relations "a strategic goal."[18]

## Strategies for Enhancing Relations between China and Israel

Israel and China have developed strategies to enhance bilateral relations, especially in recent years. Both governments are heavily involved in promoting friendly relations, and

businesses on both sides have been at the forefront for building ties. Cultural and educational exchanges have also contributed to the development of bilateral relations.

*Top-down*

Israel's first prime minister David Ben-Gurion predicted in the 1960s that the PRC would become the most critical power in the world within two decades. He praised French President Charles de Gaulle for recognizing the PRC in January 1964, and whenever possible, tried to convince Washington to improve relations with Beijing.[19] Generations of Israeli leaders have pursued China-friendly foreign policies. Prime Minister Ehud Olmert visited China in 2007, and President Shimon Peres attended the 2008 Beijing Olympics opening ceremony.

Netanyahu visited China twice after becoming Prime Minister again in 2009. During his second trip to China in March 2017, he and Xi announced the establishment of "a comprehensive innovation partnership"—the only one of its kind that China has established with other countries. To bolster Israel-China cooperation in several domains related to innovation, the two countries established the China-Israel Joint Committee on Innovation Cooperation in May 2014. Netanyahu is the Israeli head of the committee. The Chinese head of the committee was Vice Premier Liu Yandong until March 2018 when Vice President Wang Qishan took over.

In April 2000, Jiang Zemin became the first leader of China to visit Israel. Since 2004 at least one high-ranking Chinese official at the level of foreign minister or above has visited Israel every year.[20] Xi has not visited Israel yet as of 2020. Still, in October 2018, Vice President Wang, one of Xi's closest allies and an influential figure in the Chinese government, paid a 4-day visit to Israel. He met with government and business leaders, co-hosted the Innovation Summit in Tel Aviv with Netanyahu and signed eight key agreements in fields such as science and technology, digital health, and agriculture. Netanyahu hailed Wang's visit as "a tremendous compliment to Israel and a reflection of the growing ties between China and Israel."[21]

China is beginning to become more involved in Middle Eastern affairs. For example, the Chinese government announced in May 2013 that it would arrange a meeting between Netanyahu and Palestinian Authority leader Mahmoud Abbas when they were simultaneously visiting the country at the time, should they be willing to do so. Neither leader took the offer. However, in separate meetings with Netanyahu and Abbas, Xi urged both to re-start peace talks as soon as possible, reflecting China's intent to strengthen its diplomatic role in a region where its influence has historically been weak.[22]

*Bottom-up*

Bilateral cooperation at the local and business levels is dynamic. For example, despite Pompeo's warning to Israel in March 2019 that China's investment into the country could hinder U.S.-Israel cooperation, over 100 Israeli start-ups and companies attended the annual GoforIsrael Conference in Jinan, Shandong Province in May 2019. The conference was organized by the Cukierman & Co Investment House, a leading Israeli investment

company, and the Catalyst CEL Fund, a private Israeli equity firm. Edouard Cukierman, chair of the Cukierman, said that fears over doing business with China were overblown, and the U.S.-China trade war represented an opportunity for Israel. Avi Luvton, Asia-Pacific director at the Israel Investments Authority, noted he was not aware of any Israeli firms shying away from China because of the U.S.[23]

GoforIsrael, previously known as GoforEurope, has been one of the most influential business conferences in Israel for over 20 years. Cukierman first put together a Go4China conference in Tel Aviv in 2012 and began to bring investment conferences to China in 2014. GoforIsrael 2018 was a massive success with three conferences in Israel, Hong Kong, and Foshan. The Foshan conference was attended by over 100 Israeli start-ups and high-tech companies. The highlight were meetings between Israeli entrepreneurs and hundreds of Chinese investors, including executives from Alibaba, PingAn, Sailing Capital, Haitong, GF Securities, etc. The Israeli businesses that participated were well-established high-tech companies alongside new start-ups such as Trax, Orbotech, HearMeOut, Lamina, Valcare, Curalife, Check-Cap, PerfAction, MindUP, etc.[24]

The Jiangsu-Israel Center, an innovation hub, was unveiled in Tel Aviv in September 2019 to host Israeli start-ups as well as Chinese companies interested in partnering with Israelis firms for innovative solutions. Israel already has a presence in Jiangsu Province, via the China Changzhou Israel Innovation Park, a bi-national governmental initiative inaugurated in 2015 that provides a platform for Israeli companies to enter the Chinese market. Some eighty Israeli companies operate there that cover fields including life sciences, modern agriculture, and new materials. Jiangsu is the first Chinese province that Israel established the innovation cooperation agreement, a model followed by nine other provinces and government ministries of China.[25]

*Cultural and educational exchanges*

Cultural and educational exchanges are booming between Israel and China. Israel maintains an embassy in Beijing and consulates in four other Chinese cities: Shanghai, Guangzhou, Chengdu, and Hong Kong—the second-largest number of its diplomatic missions overseas after the U.S., which has nine.

China and Israel have established joint research and education programs. By the end of 2018, at least six joint campuses and research institutions had been set up in China, including a specialized research center for Israel studies at Tongji University between Tongji University and Tel Aviv University, a joint research center between Tel Aviv University and Tsinghua University, a joint lab between the University of Haifa and East China Normal University, a joint center for entrepreneurship and innovation for Ben Gurion University of the Negev and Jilin University, a joint agricultural training center at China Agricultural University, and the Guangdong Technion-Israel Institute of Technology. SIGNAL, a think tank and academic organization based in Israel focusing on China-Israel relations, has brought Israel studies programs to over a dozen universities across China as of 2020. China's

Ministry of Education recognized the Israel studies program in 2013.

The China Cultural Center in Tel Aviv regularly holds exhibitions of Chinese art and features Chinese artists. China opened two Confucius Institutes in Israel. The first at Tel Aviv University in 2007 and the second at the Hebrew University of Jerusalem in 2014. Despite some problems, the Confucius Institutes have worked with their Chinese counterparts and the Chinese embassy to ensure their continuous operation.[26] The Confucius Institutes have successfully disseminated the Chinese language instruction in Israel. By 2017 numerous schools in Israel had offered programs to teach Chinese, and Israel's Ministry of Education was planning to authorize Chinese as a subject in high school matriculation exams.[27] In 2018, more than 1,000 Chinese students were enrolled in Israel, and about 500 Israeli students were studying in China. The University of Haifa boasted 200 Chinese students among its student body in 2016, a phenomenal increase from 2013 when the school had just 20 Chinese students.

Israel and China signed a 10-year multiple entry visa agreement in 2016. Under the new program, Chinese businesspeople and tourists are allowed to enter Israel numerous times with the same visa. The same applies to Israeli citizens visiting China. With the new visa policy, China quickly became Israel's fastest-growing source of tourists in 2017, when, for the first time, the number of Chinese tourists surpassed 100,000, doubling the figure for 2015. The two sides hope to increase Chinese tourists to 400,000 in the next five years, and the Israeli Tourism Bureau is training Mandarin-speaking tour guides.[28] According to China's Central Bureau of Statistics, a total of 156,100 tourists from China visited Israel in 2019, compared with 114,200 in 2018, up 36.7 percent.[29]

To facilitate travel, direct flights have been established. As of 2018, over a dozen weekly nonstop flights between Tel Aviv and five Chinese cities—Hong Kong, Beijing, Shanghai, Guangzhou, and Chengdu—were provided by Cathay Pacific, Air China/El Al, Hainan Airlines and Sichuan Airlines. Hainan Airlines has been planning a new direct flight between Tel Aviv and Shenzhen.

## Major Constraints in Israel-China Relations

*U.S. Concerns*

The U.S. remains critical to Israel's security, but U.S. and Israeli interests may not always align with each other. For its national interests, Israel does not always follow the U.S. leadership. The U.S. has become increasingly concerned about expanding China-Israel cooperation. U.S. concerns are twofold: explicitly, it is worried about security, especially defense-related technology and other technologies and capabilities that could potentially be transferred to China to strengthen its military. Implicitly, it is uncomfortable with growing Chinese influence in Israel and the Middle East in general.

The U.S. government worries that Chinese companies operating in Israel may have ties to the Chinese military, according to Shira Efron, an author of the 2019 RAND report about

China-Israel relations.[30] Growing Chinese investments in crucial Israeli infrastructure, particularly the port of Haifa, have sounded the alarm in the U.S. Haifa is where the U.S. Sixth Fleet regularly visits and home to Israel's nuclear submarine force. The U.S. suspects that China may monitor the entrance to the port's military facilities in the future. Since 2017 the new Haifa port has become an issue against the backdrop of the U.S.-China trade war. It may rapidly become a problem as big as the 2000 Phalcon surveillance aircraft sale to China.[31] During their visits to Israel in January and March 2019, respectively, both John Bolton, then National Security Advisor to Trump, and Secretary of State Pompeo warned Israel of security risks from Chinese investments. They threatened to reduce security cooperation between the U.S. and Israel.

Pompeo targeted Huawei repeatedly in his comments during foreign trips, warning allies that partnership with Huawei could imperil their security. "If certain systems go in certain places, then America's efforts to work alongside you will be more difficult, and in some cases, we won't be able to do so," he told Israel's Channel 13.[32] Israeli companies operating in sensitive domains, such as cybersecurity, energy, and mobility, may find their ability to do business with individual American partners, primarily government entities, diminished if they have Chinese backers, former U.S. ambassador to Israel Daniel Shapiro said in January 2019.[33]

Trump himself warned Netanyahu during the latter's visit to Washington in March 2019 that if Israel did not curb its ties with China, its security relations with the U.S. could suffer.[34] The U.S. Senate's National Defense Authorization Act for the 2020 fiscal year raises "serious security concerns" over the Haifa port deal. A Chinese-operated new port could keep the U.S. Navy away from Haifa and imperil security ties between Israel and its closest ally, says the Act. The sponsor of the Act, Senator Jim Inhofe of Oklahoma, is an emphatic supporter of Israel. His adoption of such strident language sends Jerusalem a clear message.[35]

*China's Strong Ties to the Arab States and Iran*

China established diplomatic relations with all twenty-two Arab countries between 1956 and 1990 before it did so with Israel in 1992. China's 2016 Arab Policy Paper stated: "China firmly supports Arab national liberation movement, firmly supports Arab countries' struggle to uphold the sovereignty and territorial integrity, pursue and safeguard national interests, and combat external interference and aggression, and firmly supports Arab countries' cause of developing the national economy and building up the countries."[36] It is clear that in the Israel-Arab conflict, China will stand with Arab nations. Though the China-Israel relationship is named a "comprehensive innovative partnership" by both sides, China has forged "comprehensive strategic partnerships"—the highest level in its diplomatic hierarchy—with Iran, the UAE, Saudi Arabia, and Egypt in the Middle East.

In the Israel-Palestine dispute, China's position has been clear and consistent: supporting a two-state solution and the establishment of an independent and sovereign state of Palestine based on the 1967 borders, with East Jerusalem as its capital. China opposes

Israel's endeavors to annex large swaths of the occupied West Bank and construction of settlements and security barriers.[37] After the victory of Hamas in the 2006 Palestinian election, China acknowledged Hamas as the legitimately elected political entity in the Gaza Strip despite Israeli and U.S. opposition. In a meeting with Mahmoud Abbas during his visit to Beijing in July 2017, Xi reiterated China's firm support for a political settlement of the Palestinian issue based on the two-state solution.[38]

China is Iran's top trading partner and a key market for Iranian crude oil exports, severely impacted by U.S. sanctions. China and Iran reportedly have been negotiating a 25-year, US$400 billion economic and security agreement since 2016 when Xi Jinping visited Tehran.[39] The deal is controversial in Iran, and its details are murky, but reports in July 2020 that the two countries were at the final stage of reaching such an agreement created much anxiety in the U.S. and Israel.

## Between a Rock and a Hard Place

A RAND report in 2019 titled "The Evolving Israel-China Relationship" asserts that expanding Israel-China relations will lead to a conflict of interests between Israel and the U.S.[40] Israel and the U.S. do not always see eye to eye regarding the rise of China. Two weeks after Pompeo's May 2020 visit to Jerusalem, the Israeli government identified a local firm over Hong Kong's CK Hutchison to build a US$1.5 billion water desalination plant, yielding to the U.S. pressure. However, Israel has pressed ahead on other deals with China so far, highlighting a substantial gap in the positions of the two countries on whether commerce with China poses a security threat.[41] "Israel sees China as an opportunity," former Israeli ambassador to Washington Michael Oren remarked, "For the U.S., China is a threat—a three-pronged threat that's strategic, commercial, and technological."[42]

There are other cases in which the U.S. and Israel have different approaches toward China. Before Netanyahu's state visit to China in 2013, a U.S. court ordered Israel to send an official to testify in a lawsuit against the Bank of China for allegedly aiding in money laundering activities for terrorist groups. Though the victim of the terror attack was a Jewish-American and Israel had been involved in initiating the lawsuit, Netanyahu decided to prevent the official from testifying despite the pressure from pro-Israeli members of Congress.

Critics of the new Haifa port argue that allowing Beijing a foothold in a so strategically important location could compromise Israeli intelligence assets and even lead U.S. military vessels to avoid docking at Haifa altogether. However, some Israeli officials are countering that the concerns are overblown. "The security warnings about the Chinese are a joke, completely mad," said one senior government source. "If they want to gather intelligence, they can simply rent an apartment in Haifa instead of investing in ownership of a port."[43]

The economics-security nexus in the international political economy is illustrative of the challenges Israel faces in its policies toward China and the U.S. The U.S. is Israel's

long-standing and firmest security ally while China represents Israel's expanding economic interests and historical friendship. Israel needs to balance its security and economic interests in today's rapidly changing international political economy.

There are also internal debates about China in Israel. For example, within the Israeli government, the Ministry of Finance and Ministry of Defense often view China differently.[44] The former tends to see economic opportunities, whereas the latter is more likely to be influenced by U.S. views of China.

The U.S. government repeatedly urged Israel to establish a Committee on Foreign Investment in the United States (CFIUS)-type of an inter-agency committee to scrutinize Chinese investment. Israel was indecisive, and a government team led by National Economic Council Chairman Professor Avi Simhon and National Security Council chief Meir Ben-Shabbat recommended against the establishment of such a body in May 2019, a move that angered the U.S. In October 2019, after frequent warnings and urgings from the U.S., Israel finally decided to form a government panel that would begin work in 2020 to monitor foreign investment, but without explicitly targeting China. To the U.S. government's disappointment, scrutinizing foreign investment in Israeli technological start-ups was not included in the panel's mandate. The panel does not have the power to cancel past deals, and its recommendations are nonbinding. The panel decision "reflects Israel's overall approach to the issue: widen trade with China when possible and indulge American demands when necessary," commented one analyst.[45] It also suggests that Israel has not given in entirely to U.S. pressure when dealing with China.

The Israeli government has attempted to form a thoughtful balance between commercial and national security interests, banning trade with China in most military products while at the same time welcoming infrastructure and technology investment. China is overwhelmingly interested in civilian technologies like health, agriculture, fintech, mobility, and advanced manufacturing. In these areas of Israeli strength, Chinese companies are as free to purchase products and services as they are throughout the West, including in the U.S.[46]

Israel has to reconcile two conflicting policies: to encourage foreign investment and expand the international market for its goods and services, and to prevent strategic assets and infrastructure from being controlled or taken over by foreign governments and corporations, even if they are not hostile to Israel. Like the U.S., Israel faces the problem of espionage and theft of advanced technologies. Russia and China in recent years have enhanced their collection of information and espionage efforts in Israel, mainly, to obtain access to Israeli hi-tech companies and via them to the U.S.[47]

## Conclusion

Since 2017 Chinese overseas investment has dropped due to China's own tighter control on finance outflows and some Western countries' scrutiny of Chinese investments on national

security grounds. As Chinese companies are increasingly discouraged from investing in the U.S. and Europe, Israel is likely to grow as a new market for Chinese investment and acquisitions.

Israel, like other third parties involved in the great power competition, will be experiencing some agonizing moment as U.S.-China rivalry intensifies. In 2000 when Israel faced pressure from the U.S. regarding its arms sales to China, its reaction was relatively simple: yield to the U.S. coercion and cancel the sales. Today, as China has become a significant power with increasing investment in Israel, it is no longer so easy for Israel to simply ignore Chinese interests. Some scholars believe that Israel does not have a systematic China policy yet, and its ability to develop a completely independent China policy is still unclear. Instead, it appears to have developed "an opportunistic policy," trying to maximize its benefits by maneuvering between the two big powers.[48] It is taking a hedging strategy and not putting all eggs in one basket. Nevertheless, it is unlikely that Israel will sacrifice its alliance with the U.S. to enhance relations with China.

With China's market and capital, Israel's hi-tech industries, and both nations' innovative spirit, China-Israel relations have much room to grow. As a leading China scholar in Israel concluded, China will influence Israel "at a level that currently seems the stuff of fantasy."[49] For China, the opportunity to increase its presence and influence in a close U.S. ally has significant implications. From the realist perspective, if Israel does not bend to U.S. pressures, it would signal to other countries and the U.S. itself that its power is declining while China's is growing. China fears a "domino effect"—if Israel is forced to cancel deals with China over security concerns, other countries might begin reexamining their ties with China, including more rigorous checks of all contracts, which could endanger China's BRI.[50]

The higher tensions are between the U.S. and China, the more pressure other countries will face from the U.S. as they develop relations with China. These countries would like to maintain good relationships with both powers, but it has become increasingly difficult to do so. The close alliance between Israel and the U.S., on the one hand, and China's solidarity with the Palestinian cause and long-standing relationship with Iran on the other pose limitations to China-Israel partnership.

The China-Israel relationship reflects the reality of the international political economy today. Due to the growing strategic rivalry between the U.S. and China, third countries are increasingly facing difficulties in developing relations with China. For most of these countries, including Israel, the U.S. provides indispensable security protection, but in economic, cultural, social, and other aspects, China offers many enticing and beneficial opportunities. The worst thing these countries want is to be forced to take a side. It requires diplomatic and political skills for these countries to manage their relations with China and the U.S. simultaneously while defending their national interests.

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# An Irreversible Pathway? Examining the Trump Administration's Economic Competition with China

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**Abstract:** How has the United States' approach to economic competition with China changed under the Trump administration, and what are the possible future trajectories of the economic relationship? Increasingly, under the Trump administration, the Sino-American relationship exhibits competitive characteristics. Since the beginning of the post-Cold War era, U.S.-China economic relations arguably stabilized the bilateral relationship when military ties were shallow and political relations intertwined with concerns about human rights and China's authoritarian governance system. Economic ties tended to be the bright point in relations. Today, the U.S.-China economic relationship is at a historic turning point. Despite continued deep economic engagement between the two great powers, the United States, under the Trump administration, primarily frames economic relations with China as competitive. Also, the Trump administration increasingly links economic issues to national security threats and broader political disagreements. First, this article briefly discusses China's economic rise, U.S.-China economic relations, and tensions in relations predating the Trump administration. Next, it analyzes Trump administration policy statements about the economic relationship as well as actions, including the trade war and the spillover of economic issues into broader political and security concerns. Finally, it explores potential future trajectories of the relationship.

**Keywords:** China, United States, Trade War, Economic Competition, Great Power Competition

**Disclaimer:** Opinions, conclusions, and recommendations expressed or implied within this article are solely those of the author and do not necessarily represent the views of the Air University, the United States Air Force, the Department of Defense, or any other U.S. government agency.

## Introduction

How has the United States' approach to economic competition with China changed under the Trump administration, and what are the possible future trajectories of the economic relationship? Increasingly, under the Trump administration, the Sino-American relationship exhibits competitive characteristics. Since the beginning of the post-Cold War era, U.S.-China economic relations arguably stabilized the bilateral relationship when military ties were shallow and political relations intertwined with concerns about human rights and China's authoritarian governance system. Economic ties tended to be the bright point in relations. Today, the U.S.-China economic relationship is at a historic turning point. Despite continued deep economic engagement between the two great powers, the United States, under the Trump administration, primarily frames economic relations with China as competitive. Also, the Trump administration increasingly links economic issues to national security threats and broader political disagreements.

First, this article briefly discusses China's economic rise, U.S.-China economic


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relations, and tensions in relations predating the Trump administration. Next, it analyzes Trump administration policy statements about the economic relationship as well as actions, including the trade war and the spillover of economic issues into broader political and security concerns. Finally, it explores potential future trajectories of the relationship.

## China's Economic Rise and U.S.-China Economic Relations

Since China launched economic opening and reform under Deng Xiaoping in 1978, U.S.-China economic relations have served as a stabilizing base of the overall relationship. The Chinese and American economies are tightly intertwined. In many ways, through trade and investment, U.S. economic engagement with China contributed to the phenomenal growth and development the Chinese economy achieved. Despite its low GDP per capita (US$9,771 vs. the U.S. at US$62,795 in 2018),[1] in aggregate terms, China in 2010 became the second-largest economy in the world after the U.S. China is now the world's largest manufacturer, trading economy, and net oil importer. As of 2015, it is also a net provider of foreign direct investment globally.[2]

As China's economy grew, so did its economic relations with the U.S. The two countries are now important economic partners. One substantial facet of their economic relationship is trade. As of the end of 2019, China was the U.S.' number one import supplier at US$452 billion.[3] In 2019, China was also the United States' number three export destination after Canada and Mexico at US$107 billion.[4] The U.S. trade deficit with China in 2019 of US$345 billion accounted for 56% of its worldwide total. Even though this was a 17% decrease from 2018, it was still a substantial portion of the U.S. trade deficit.[5]

Another critical component of economic relations is foreign direct investment (FDI). Starting in 2011, Chinese FDI flows into the U.S. exceeded the U.S. flows into China.[6] By 2016, Chinese FDI flows into the U.S. spiked to almost US$50 billion.[7] Chinese foreign direct investment in the U.S. dropped 80% in two years from 2016-2018. The decline was due to capital controls implemented by Chinese leader Xi Jinping and fear among investors about the future of the investment climate in the U.S. for Chinese businesses. Despite this decrease, China is still a valuable source of investment for the U.S.

## Tensions Begin

Early in China's economic reform and opening, many American analysts and policymakers hoped that over time China would increasingly move towards free-market principles to manage its economy. China made great strides in transitioning from a command economy to one governed by free markets, including joining the World Trade Organization. That said, in the mid-2000s, China's economic transition plateaued. Its transition to a market economy would remain incomplete.

Due to stalled reforms and indications China was reemphasizing the role of the state in the economy, in the mid-2000s, optimism in the future of the U.S.-China economic

relationship faded. The U.S. business community and policymakers increasingly voiced concerns. Combined with China's rising economic power globally, the relationship between state and economy in China became a significant point of contention between the U.S. and China. Thorny issues included intellectual property rights violations, currency devaluation, the U.S.-China trade deficit, and China's indigenous innovation initiatives. Claims of Chinese discriminatory practices toward foreign-invested enterprises, requirements of foreign businesses to transfer technology to joint ventures, and China's anti-monopoly law that was perceived to target foreign enterprises also caused tensions.

Two Chinese government industrial policy announcements generated particular concern, the 2006 announcement of the enhanced role of the state in certain sectors and the 2015 unveiling of Made in China 2025. In 2006, China's State Assets Supervision and Administration Commission (SASAC) published a list of strategically important sectors in which the state should have full control or dominate. They included autos, aviation, banking, coal, construction, environmental technology, information technology, insurance, media, metals (such as steel), oil and gas, power, railways, shipping, telecommunications, and tobacco.[8] This publication generated skepticism among U.S. policymakers and business owners that China would ever provide the market access desired and move away from state-owned enterprise dominance of certain sectors. It appeared China had no intention of opening some segments of its economy.

In 2015, China announced its Made in China 2025 initiative.[9] This blueprint for China's global aspirations for its companies further fueled concern in the U.S. The plan listed ten critical industries in which China plans to become a world leader. Those industries are information technology, robotics, green energy and green vehicles, aerospace equipment, ocean engineering and high-tech ships, power equipment, new materials, medicine and medical devices, and agricultural machinery. Given the overlap with the 2006 directive for most of these industries to be state-dominated, the practical effect is that the Chinese government will play a significant role domestically and internationally in autos, aviation, banking, coal, construction, environmental technology, information technology, insurance, media, metals (such as steel), oil and gas, power, railways, shipping, telecommunications, and tobacco.

## Trump Administration and the Shift to Great Power Economic Competition

Despite pre-existing tensions in the economic relationship, the Trump administration's explicit focus on great competition with China in all functional areas of relations, including economics, is a significant shift in approach for the U.S. Ever since the end of the Cold War, during the George H.W. Bush, Bill Clinton, George W. Bush, and Barak Obama administrations, U.S. national security strategies encouraged both economic engagement and competition with China. The balance between those two elements varied over time, but both were emphasized.[10] Most recently, Obama's 2015 National Security Strategy stated, "The scope of our cooperation with China is unprecedented, even as we remain alert to

China's military modernization and reject any role for intimidation in resolving territorial disputes."[11] It also said,

> The U.S. welcomes the rise of a stable, peaceful, and prosperous China. We seek to develop a constructive relationship with China that delivers benefits for our two peoples and promotes security and prosperity in Asia and around the world. We seek cooperation on shared regional and global challenges such as climate change, public health, economic growth, and the denuclearization of the Korean Peninsula. While there will be competition, we reject the inevitability of confrontation. At the same time, we will manage competition from a position of strength while insisting that China uphold international rules and norms on issues ranging from maritime security to trade and human rights. … On cybersecurity, we will take necessary actions to protect our businesses and defend our networks against cyber-theft of trade secrets for commercial gain, whether by private actors or the Chinese government.[12]

The balance between engagement and competition has now shifted significantly. Under the Trump administration, over the last several years, the U.S. prioritized great power competition with China as the top threat to U.S. national security.[13] Increasingly, the U.S. characterizes China as a revisionist and rival across all functional domains. China also recognizes that strategic competition with the U.S. is rising.[14]

Several key policy statements provide insights into the Trump administration's new approach to economic competition. The 2017 U.S. National Security Strategy states, "China and Russia challenge American power, influence, and interests, attempting to erode American security and prosperity. They are determined to make economies less free and less fair, to grow their militaries, and to control information and data to repress their societies and expand their influence."[15] The document highlights the ways China economically threatens the U.S., including stealing intellectual property, conducting cyberwarfare, eroding American competitive advantages in innovation and technology,[16] and expanding its state-driven economic model globally.[17] It expresses concern about China "targeting investment in the developing world to expand influence and gain competitive advantages against the U.S.,"[18] utilizing economic inducements and penalties to persuade states to support its political and security agenda, and endangering the free flow of trade in the Indo-Pacific region.[19] It accuses China of "expanding its unfair trade practices and investing in key industries, sensitive technologies, and infrastructure" in Europe,[20] pulling Central America into "its orbit through state-led investments and loans,"[21] and increasing its economic and military presence in Africa and "locking countries into unsustainable and opaque debts and commitments."[22] Compared to past U.S. national security strategies, this document highlights a particularly negative interpretation of U.S.-China economic interactions.

U.S. Vice President Mike Pence's October 2018 policy speech on China further elaborated on the emerging rivalry in economic relations.[23] In that speech, Pence declared that "Beijing is employing a whole-of-government approach, using political, economic, and military tools, as well as propaganda, to advance its influence and benefit its interests in the U.S. The speech specifically discusses many of the economic concerns mentioned early in this article and highlights some new ones.

The 2018 Pence speech expresses disappointment in the current status of China's reform

and opening. It asserts that:

> the Chinese Communist Party has also used an arsenal of policies inconsistent with free and fair trade, including tariffs, quotas, currency manipulation, forced technology transfer, intellectual property theft, and industrial subsidies that are handed out like candy to foreign investment. These policies have built Beijing's manufacturing base, at the expense of its competitors—especially the United States of America

In Pence's words, "America had hoped that economic liberalization would bring China into a greater partnership with us and with the world. Instead, China has chosen economic aggression, which has, in turn, emboldened its growing military." The speech also expresses worries about the trade deficit. Regarding Made in China 2025, the 2018 Pence speech argues, "the Communist Party has set its sights on controlling 90 percent of the world's most advanced industries, including robotics, biotechnology, and artificial intelligence." Speaking of intellectual property, it states,

> To win the commanding heights of the 21st-century economy, Beijing has directed its bureaucrats and businesses to obtain American intellectual property—the foundation of our economic leadership--by any means necessary. Beijing now requires many American businesses to hand over their trade secrets as the cost of doing business in China. It also coordinates and sponsors the acquisition of American firms to gain ownership of their creations. Worst of all, Chinese security agencies have masterminded the wholesale theft of American technology—including cutting-edge military blueprints. And using that stolen technology, the Chinese Communist Party is turning plowshares into swords on a massive scale.

In alignment with the 2017 National Security Strategy, Pence's 2018 speech calls out China for using debt diplomacy to expand its influence. Also, it highlights a number of emerging economic issues of concern. They include the Chinese Communist Party (CCP) exploiting its economic leverage and attractive market to reward and coerce American businesses, requiring American joint ventures operating in China to establish party organizations in their companies giving the CCP a voice in hiring and investment decisions, and threatening U.S. companies that "depict Taiwan as a distinct geographic entity, or stray from Chinese policy on Tibet," and influencing Hollywood.

In December 2018, U.S. National Security Advisor John Bolton gave a speech on the Trump Administration's New Africa Strategy. It also highlighted concerns about the ways China is using its economic instruments of power. It says, "Great power competitors, namely China and Russia, are rapidly expanding their financial and political influence across Africa. They are deliberately and aggressively targeting their investments in the region to gain a competitive advantage over the U.S." It portrays China as an economic predator in Africa that is using "bribes, opaque agreements, and the strategic use of debt to hold states in Africa captive to Beijing's wishes and demands." Broadening beyond Africa, it asserts that "Such predatory actions are sub-components of broader Chinese strategic initiatives, including the 'Belt and Road Initiative (BRI)'—a plan to develop a series of trade routes leading to and from China with the ultimate goal of advancing Chinese global dominance." Ultimately, its central argument about China's economic relations with Africa is that "predatory practices pursued by China and Russia stunt economic growth in Africa; threaten the financial independence of African nations; inhibit opportunities for U.S. investment; interfere with U.S. military operations; and pose a significant threat to U.S. national security interests."[24]

One year after his first policy speech on China, Vice President Pence's October 2019 speech on the U.S.-China relationship further reflects the rapid deterioration of Sino–American economic relations. Early in the speech, it states, "As President Trump has said many times, we rebuilt China over the last 25 years. No truer words were spoken, but those days are over." In discussing developments in the relationship since his last speech in 2018, Pence states, "And in that spirit of candor, I must tell you that in the year since my Hudson speech, Beijing has still not taken significant action to improve our economic relationship. And on many other issues we've raised, Beijing's behavior has become even more aggressive and destabilizing." Again, the speech calls out China's use of an "arsenal of policies inconsistent with free and fair trade, including tariffs, quotas, currency manipulation, forced technology transfer, and industrial subsidies." The speech continues to criticize BRI as well as the CCP's economic influence over American businesses and Hollywood. As a response to Chinese economic coercion of U.S. companies regarding Hong Kong, the Vice President pointedly declares, "And far too many American multinational corporations have kowtowed to the lure of China's money and markets by muzzling not only criticism of the Chinese Communist Party, but even affirmative expressions of American values."[25]

Finally, in July 2020, U.S. Secretary of State Mike Pompeo delivered a fiery speech titled "Communist China and the Free World's Future" at the Nixon library declaring that the U.S. must now distrust but verify China. During the speech, he asks: "What do the American people have to show now 50 years on from engagement with China?" In response, he argues that despite the U.S. desire to induce change in China through engagement, "The truth is that our policies— and those of other free nations—resurrected China's failing economy, only to see Beijing bite the international hands that were feeding it….China ripped off our prized intellectual property and trade secrets, causing millions of jobs all across America. It sucked supply chains away from America, and then added a widget made of slave labor…"[26] He says, "We're seeing staggering statistics of Chinese trade abuses that cost American jobs and strike enormous blows to the economies all across America…" During the speech, he also highlights the dangers of interacting with CCP-backed companies and the national security threat posed by Huawei. Pompeo's speech clearly demonstrates how the Trump administration almost exclusively frames economic relations with China as competitive. In many ways, this official speech at the Nixon library on U.S.-China relations could be interpreted as the lowest point in relations since Nixon's visit to China is 1972.

As seen above, since the beginning of the Trump administration, the U.S. has increasingly framed its economic relationship with China as one of competition, disappointment, rivalry, and threat. Compared to past national security strategy documents and policy speeches, the U.S. is clearly moving away from words encouraging engagement and towards one of outright economic animosity and conflict. Together with this dramatic escalation of U.S. rhetoric, the Trump administration has also taken several steps to compete with China economically. The next sections of this article analyze those actions.

## Trade War Heats Up

One Trump administration response to longstanding economic grievances against China was to pursue a trade war. Before the 2017 National Security Strategy and other policy speeches discussed above were released, in August 2017, the U.S. initiated the war when President Trump ordered the U.S. Trade Representative (USTR) to launch a Section 301 investigating China's violations of intellectual property rights.[27] This action can be seen as the first significant response of the Trump administration to economic competition with China. The purpose of the investigation was to determine whether China's acts, policies, and practices related to technology transfer, intellectual property, and innovation are unreasonable or discriminatory, and burden or restrict U.S. commerce.[28]

The first tariffs implemented by the U.S. were on solar panels (30% tariff) and washing machines (20%) in January 2018. Those tariffs were not exclusively targeted at China, but China was a significant supplier of both products.[29] Next, in February 2018, the U.S. imposed tariffs on steel (25%) and aluminum (10%). The tariffs were the result of a Commerce Department investigation that concluded imported metal threatened national security by degrading the American industrial base. Again, the tariffs were not China-specific, but ultimately they had a disparate impact on China because it was unable to obtain an exemption to them.[30] On March 2, 2018, Trump tweeted the following about those tariffs, "When a country (U.S.) is losing many billions of dollars on trade with virtually every country it does business with, trade wars are good, and easy to win. For example, when we are down $100 billion with a certain country and they get cute, don't trade anymore—we win big. It's easy!"[31]

In response to these steel and aluminum tariffs, China retaliated. The back and forth between China and the U.S. escalated and continues to this day. On April 2, 2018, China responded to the steel and aluminum tariffs with US$3 billion in targeted tariffs on American fruits, nuts, wine, steel pipes, aluminum, and pork. The very next day, the U.S. announced US$50 billion in new tariffs at a rate of 25% on 1,300 Chinese goods from the aerospace, machinery, and medical industries. Those tariffs were a result of the Section 301 investigation initiated in 2017 about intellectual property rights violations. In the words of the USTR, these tariffs were "in response to China's policies that coerce American companies into transferring their technology and intellectual property to domestic Chinese enterprises."[32] In reaction, on April 4, 2018, China retaliated with US$50 billion tariffs at a rate of 25% on one hundred and six American products, including aircraft, automobiles, soybeans, and chemicals. Quickly ratcheting up threats, the U.S. on April 5, 2018 threatened another US$100 billion in tariffs, and China vowed to reciprocate.[33]

As the trade war heated up, another economic issue fundamentally shifted the dynamic of U.S.-China economic relations. On April 16, 2018, U.S. Commerce Secretary Wilber Ross announced the Bureau of Industry and Security (BIS) had imposed a denial of export privileges for seven years against Zhongxing Telecommunications Equipment Corporation (ZTE). This action was due to ZTE's violations of U.S. bilateral sanctions on Iran and North

Korea.[34] This order meant that U.S. companies were not allowed to export to ZTE until 2025. ZTE is a major telecommunications company in China with US$17 billion a year in revenues and 75,000 employees. The company is China's second-largest telecommunications network equipment provider and is well known throughout China. It heavily depends on U.S. components for its production operations, especially critical chips. As a result, this denial of export privileges quickly disabled this prominent Chinese company. The company was forced to delist from the stock market. On May 9, 2018, ZTE halted operations and laid off all of its 75,000 employees. Ultimately, ZTE and the U.S. government reached a negotiated settlement, and the export ban was lifted in July 2018. That said, in a month, the damage was already done. Although the Commerce Department clearly stated this action was a regulatory action unrelated to any ongoing trade-related actions, due to the timing of the announcement, it was seen by the Chinese leadership and people as part of the broader trade war. Arguably, this incident with ZTE highlighted to Xi Jinping that China is overly reliant on U.S. component imports and inspired him to ramp up indigenous innovation and self-sufficiency efforts.[35]

After the initial round of tit-for-tat tariffs, the U.S. sent a delegation to Beijing in May 2018 to attempt to resolve trade frictions. U.S. demands were extensive. They requested for China to reduce the trade deficit by US$200 billion over two years, halt all industrial subsidies to Made in China 2025 sectors, accept that the U.S. may restrict imports from industries under Made in China 2025, and stop cyberespionage into U.S. commercial networks. They also insisted China strengthen intellectual property rights protection, cease forced joint venture technological transfers, accept U.S. restrictions on Chinese investments in sensitive technologies, cut tariffs, and open up its services and agricultural sectors to full American competition.[36] The U.S. team departed Beijing without reaching a deal.

In August 2018, the U.S. implemented a second round of tariffs, including a 25% tariff on 279 goods originating in China worth US$16 billion, and China retaliated with a 15% tariff on 333 goods from the U.S. worth US$16 billion. A third round of tariffs in 2018 was implemented in September. The U.S. implemented tariffs on US$200 billion worth of Chinese goods, bringing the total to US$250 billion. The new portion of the tariffs carried an initial rate of 10% to be increased to 25% by January 1, 2019. China responded with additional tariffs on US$60 billion of U.S. imports. Tariff rates were five or ten percent.[37] During Fall 2018, the U.S. government threatened to tariff almost all Chinese goods exported to the U.S. if China did not meet its demands. Finally, there was relief in trade tensions when Xi and Trump agreed to a temporary truce on December 2, 2018. Tariffs scheduled to increase on January 1, 2019 would not. It was a 90-day truce scheduled to last until March 1, 2019.[38]

At the same time as the U.S. and China declared a trade tariff escalation truce, another incident dramatically escalated economic and political tension between the two countries. On December 1, 2018, Meng Wanzhou, Huawei's Chief Financial Officer and daughter of Huawei's founder, at the request of the U.S. government, was arrested in Vancouver as she

transited through the airport. Huawei is the world's largest telecommunications company and leading smartphone brand. The U.S. wanted Meng extradited on fraud charges. Similar to the issues previously discussed ZTE, the U.S. accused Meng of deceiving banks to enable Huawei to avoid sanctions on Iran. Although the official U.S. stance was that this was a law enforcement action unrelated to the trade war, in many ways, China saw the arrest as another attempt to contain China economically and part of the much broader context of economic tensions.[39]

In late February 2019, the trade truce was extended.[40] From April 30-May 1, U.S. and Chinese trade negotiators met in Beijing and drafted a one hundred and fifty-page agreement. On May 3, 2019, cables to Washington indicated that Beijing was backtracking on almost all aspects of the draft deal. In response, on May 5, 2019, Trump tweeted that he planned to raise tariffs on another US$200 billion in Chinese goods to 25% on May 10.[41] In May 2019, the U.S. also banned Huawei from buying parts and components from U.S. companies. [42] In the next month, Trump and Xi agreed to restart talks. At the G20 meeting in Osaka, Trump agreed to no new tariff and considering lifted restrictions on Huawei in exchange for China committing to purchase America farm products. Despite some progress, talks continued to stall, and in August, Trump announced 10% tariffs on US$300 billion of Chinese imports, and China halted purchases on U.S. agricultural products. China also allowed the yuan to weaken and was accused by the U.S. of manipulating its currency. In August, Trump postponed some of the 10% tariffs on US$300 billion worth of goods until December 15, and China's announced retaliatory tariffs of US$75 billion.[43] Ultimately, these increases were delayed in anticipation of a phase one trade deal.

Finally, a phase one trade deal was signed in January 2020. China pledged to increase U.S. imports to US$200 billion above 2017 levels over two years, with specific targets from manufactured goods (US$77 billion), agricultural products (US$32 billion), energy products (US$52 billion), and services (US$38 billion). China also agreed to strengthen intellectual property rules, stop forced technology transfers, and enhance market access into its finance sector. In exchange, the U.S. decided to cut some of the newly imposed tariffs on China.[44] It would reduce by half the tariff rate it imposed on September 1 on a US$120 billion list of Chinese goods, to 7.5%. American tariffs of 25% on US$250 billion worth of Chinese goods put in place earlier in the trade war remained unchanged. Tariffs scheduled to take effect on December 15 on nearly US$160 billion worth of Chinese goods, including cellphones, laptop computers, toys, and clothing, were suspended indefinitely. China's retaliatory December 15th tariffs, including a 25% tariff on U.S.-made autos, were also suspended. [45]

Even with the phase one trade deal in place, 65% of U.S. imports from China and 57% of Chinese imports from the U.S. were still subject to tariffs.[46] When the deal was initially signed, many analysts noted that the agreement's import goals were unrealistic. Chinese imports from the U.S. in 2017 were only US$134 billion and services US$56 billion, which means the target is a 100% increase over two years.[47] In light of recent events with the global economic downturn

and plunging energy prices, China meeting the targets is even less likely.

## Spillover from Economics to Security and Politics

Although it is high-profile, the U.S.-China trade war is only one aspect of the U.S.' increasingly competitive economic approach to China under the Trump administration. Concerns about China's economic behavior extend well beyond the trade deficit, intellectual property rights issues, forced technology transfers, and market access. Many aspects of U.S.–China economic relations are now framed as primarily competitive. As already mentioned, issues with ZTE and Huawei became intertwined with the trade war. This section will describe other ways the U.S. approach to economic competition with China is metastasizing into a much more confrontational approach.

Increasingly, the U.S. characterizes Chinese economic activity as a security threat. Earlier, this article discussed how actions against Huawei and ZTE were perceived as part of the broader trade war at specific points. U.S. concerns about the role of Chinese telecommunications companies have become a significant aspect of more widespread competition between the U.S. and China. Globally, the U.S. is discouraging allies and partners from using Chinese 5G telecommunications infrastructure and equipment. Huawei and ZTE are the two most high-profile examples. In 2019, the U.S. Secure and Trusted Communications Networks Act prohibited the use of federal funds to purchase equipment from telecommunications companies that pose a national security risk to the U.S., including ZTE and Huawei.[48] As discussed above, in May 2019, as part of the trade war, the U.S. barred U.S. companies without an exclusive license from selling parts and components to Huawei when it added the company onto an entity list of companies that endanger U.S. national security.[49] As a result of those restrictions, Huawei started diversifying away from U.S. suppliers. On May 15, 2020, the U.S. Department of Commerce Bureau of Industry and Security (BIS) accused Huawei of undermining previous restrictions. It announced plans to protect U.S. national security by barring Huawei and its suppliers from using American technology and software to design and manufacture its semiconductors abroad.[50] The ruling also included ZTE.[51] According to Hu Xijin, editor in chief of the *Global Times*, "Based on what I know, if the U.S. further blocks key technology supply to Huawei, China will activate the 'unreliable entity list,' restrict or investigate U.S. companies such as Qualcomm, Cisco, and Apple, and suspend the purchase of Boeing airplanes."[52] Although the U.S. did indicate a willingness to lift some restrictions on Huawei during phase one trade negotiations, U.S.-China competition through Huawei continues and is intensifying. According to a U.S. State Department representative on May 15, 2020, the U.S. has broad concerns about Huawei, "including that it had violated American sanctions on Iran and helped the Chinese government construct a surveillance network within China and abroad. Huawei is key to the Chinese government's broad strategy of "civil-military fusion" that supports the Communist Party's global ambitions."[53]

In addition to targeting Huawei and ZTE for restrictions, the Trump administration is also

attempting to ban other technology companies it perceives as potential national security threats due to the information they collect. For example, President Trump signed an executive order in August 2020, banning the use of TikTok and WeChat phone apps in the U.S.[54]

Another area where economic concerns now bleed over into the security sphere is the scrutiny of Chinese investment in the U.S. for threats to national security. Over the last few years, the scope of the Committee of Foreign Investment in the U.S. (CFIUS) has grown substantially. CFIUS is an interagency body comprised of nine Cabinet members, two ex officio members, and other members as appointed by the President. The purpose of the committee is to assist the President in reviewing the national security aspects of foreign direct investment in the U.S. economy. The Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) expanded the scope of CFIUS.[55] It enhanced CFIUS in many ways, including broadening the scope of transactions under CFIUS purview to encompass "real estate transactions in close proximity to a military installation or a U.S. Government facility or property of national security sensitivities; any nonpassive investment in a critical industry or critical technologies; any change in foreign investor rights regarding a U.S. business; transactions in which a foreign government has a direct or indirect substantial interest; any transaction or arrangement designed to evade CFIUS regulations; and transactions that may result in compromising personally identifiable information of U.S. citizens." The FIRRMA allows CFIUS to discriminate among foreign investors by country of origin.[56] Now, an increasing number of Chinese investments are considered to pose a national security threat.[57] Combined with increasing capital controls imposed by China, CFIUS scrutiny, and the fear it instills in potential Chinese investors about the long term viability of the U.S. as an investment environment helps to explain the dramatic decline in Chinese FDI into the U.S. since 2016.[58]

Yet another bilateral economic issue that is evolving into a security concern is pharmaceuticals. In 2018, China accounted for a substantial percentage of U.S. pharmaceutical imports, for example, ibuprofen (95%), hydrocortisone (91%), acetaminophen (70%), penicillin (40-45%), and heparin (40%).[59] In 2019, there was increasing concern among Congress and some policymakers that this dependency could result in national security vulnerabilities for the U.S.[60] COVID-19 supply chain disruptions further increased the concern about this issue. As of May 14, 2020, the Trump Administration was reportedly preparing an executive order that would require more essential pharmaceuticals to be produced in the U.S.[61]

Launching the trade war, pursing restrictions on Chinese technology companies, increasing CFIUS scrutiny, and concerns about pharmaceutics are all examples of how the U.S. is approaching bilateral economic issues as competitive. The Belt and Road Initiative is another example of economic competition spilling over into security competition, but it is more global. Although it will not be discussed in detail here, as seen from U.S. policy statements discussed earlier in this article, the U.S. increasingly views BRI as a way for China to use economic leverage via debt diplomacy and economic incentives and punishments

to seek political support and potential future security cooperation with other countries. For example, the Trump administration has expressed concern that in addition to the base it already established in Djibouti, China is establishing future military bases in countries along the Belt and Road, including Cambodia, Pakistan, and Sri Lanka.[62] One concrete policy action the U.S. has taken to counteract the multilateral BRI is the Build Act that would increase investment promotion by the U.S. in Belt and Road countries.[63]

Finally, some political issues are quickly spilling over into the economic realm. Examples include Xinjiang, Taiwan, and Hong Kong. In October 2019, the U.S. blacklisted twenty-nine Chinese artificial intelligence companies for their activities in Xinjiang.[64] Some U.S. congressional representatives are pushing legislation that would impose limits on imports from Xinjiang.[65] In 2019, China announced that it would cut business ties with companies selling arms to Taiwan.[66] Also, over the last few years, China pressured many U.S. companies who portrayed Taiwan as separate from China with threats of cutting off market access, including Coach, Calvin Klein, Marriott, and Delta.[67] China has also punished several companies seen as sympathetic to Hong Kong protester demands, including the NBA, Tiffany & Co., and Apple.[68] Vice President Pence's policy speech in October 2019 explicitly calls out American businesses for bowing to Chinese political demands in the face of economic punishment. Most recently, after China announced its new National Security Law for Hong Kong, the Trump administration responded with several economic actions, including removing Hong Kong's differential treatment, suspending portions of the U.S.-Hong Kong Policy Act, and sanctioning individual Chinese and Hong Kong officials.[69]

## The Future Trajectory of the U.S.' Approach

Since the mid-2000s, U.S. concerns about China's economic reforms and behavior grew. During the Trump administration, the U.S.' approach to economic relations with China fundamentally changed. The U.S. has explicitly shifted to framing the relationship as primarily competitive in all domains. The U.S. is focusing on economic competition rather than engagement. Examples of the ways the U.S. economic approach to China is more confrontational than past administrations are the trade war as well as the spillover of U.S. economic concerns into the security and political realms with Huawei, ZTE, BRI, pharmaceuticals, CFIUS, and Xinjiang, Taiwan and Hong Kong. Although it is still unlikely to be fully realized, Sino–American economic decoupling appears to be more likely now than a few years ago.

The modest phase one trade deal from January 2020 is already in jeopardy. Even before COVID-19, many considered the terms of the agreement, especially Chinese purchases of U.S. products and services, unrealistic. Amid COVID-19, in early May 2020, President Trump started to express doubts that the trade deal would continue.[70] COVID-19 has exposed many trade vulnerabilities for China and the U.S. Given the significant increase in purchases required of China, it may be difficult for China to fulfill its end of the deal due to decreased demand and falling oil prices. That said, as of August 2020, another round trade

talks are scheduled.[71] One possible future is that after COVID-19 begins to resolve, the U.S. and China continue the phase one agreement and begin to negotiate future agreements to resolve long-festering trade tensions. Since well over 50% of U.S.-China trade is still under tariffs even with the phase one agreement, there is plenty of room for further de-escalation of trade tensions.

COVID-19 is also starting to impact broader aspects of U.S.-China relations.[72] Assuming political tensions and economic conflicts are correlated, a worsening political relationship will likely not bode well for the future trajectory of economic ties. Increasingly, the Trump administration is blaming China for the origins of the virus and the impact of the initial lack of transparency on its global spread. There is reporting that his administration plans to use a wide range of economic tools to punish China for its role in COVID-19.[73] On May 14, 2020, President Trump even told a Fox reporter that to punish China for its behavior in the COVID-19 outbreak, "We could cut off the whole relationship."[74] These actions could easily further sour economic relations.

Of course, this is a time of extraordinary uncertainty, and a number of variables could impact the future of the U.S.' economic approach to China. The upcoming election and a new president could potentially fundamentally reset U.S.-China relations. That said, that outcome is unlikely. Economic tensions between the U.S. and China predate the Trump administration. Although a new president may employ a different economic approach towards China, over the last few years, a bipartisan consensus is emerging over the threats posed by China's economic, political, and security behavior. Security concerns within the U.S. government and Congress about Huawei, ZTE, WeChat, TikTok, Chinese investment in the U.S., pharmaceuticals, and BRI will not disappear with a change in administration. Also, political concerns within Congress and the U.S. government about China's behavior in Xinjiang and Hong Kong will not fundamentally change unless Chinese behavior changes. Increasingly, across the U.S. government and Congress, China is viewed as a security, political, and economic threat. With a change in administration, the tone of official policy documents may lessen the portrayal of China as a threat. Still, the concern about China's use of its economic instrument of power is unlikely to recede.

Also, although it is not discussed in detail in this article, the Chinese reaction to the U.S. approach matters. If the change in the approach used by the Trump administration has fundamentally altered Xi Jinping and Chinese leadership's view of the potential for continued positive economic engagement with the U.S., it may be challenging for the economic relationship to shift away from its current competitive dynamics, regardless of U.S. intent.

Based on the trends in the Trump administration approach to economic relations analyzed in this article and economic concerns about China predating this administration, the most likely future trajectory in the U.S. economic approach is the continued treatment of China as an economic competitor and potential adversary. The rapid deterioration of

U.S.-China economic relations over the last several years during the Trump administration, combined with the increasing spillover of economic tensions into the security and political realm, does not particularly inspire confidence in improved relations in the near-term future. Economic ties are now wrapped up in a much broader strategic competition between the U.S. and China. Given the increasing perception of China as security, political and economic threat in many parts of the U.S. government, Congress, and the general public, it would be challenging to return to the economic engagement of the past. Changes in the U.S. economic approach to China during the Trump administration may have fundamentally altered the competitive dynamic between the U.S. and China. Opportunities for economic cooperation still exist, but China is increasingly perceived through the lens of national security, even on economic matters. Competition has become the predominant characteristic of economic, political, and security relations. If the last three years are any guide, the future of Sino-American economic ties may be in for a rocky ride for the foreseeable future.

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# Why Wasn't Good Enough Good Enough: "Just War" in Afghanistan

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**Abstract:** This article seeks to establish the ethical implications of Just War Theory's *jus post bellum* doctrine in the Afghanistan. I contend that America's failures there stem from the lack of a concrete war-termination vision. I assessed the problems of America's continued involvement in Afghanistan from the lens of the just war tradition using the Afghanistan War Papers. I contextualized the writings of three notable historical Just War theorists and two contemporary Just War theorists in *de jure* Just War theory: the Hague Conferences and the Geneva Conventions. Based on this theoretical foundation, I conclude that mission creep stems from a lack of a concrete vision for ending the war. This conclusion establishes the necessity for a war-termination vision, which can be assessed and evaluated because the United States has spent more lives than were lost on September 11, 2001, and nineteen years on a failed war.

**Keywords:** Just War Theory, U.S. foreign policy, Afghanistan, Iraq, Afghanistan Papers

## Introduction

The United States' war in Afghanistan is the longest in the history of the nation. Looking back on Operation Enduring Freedom nearly nineteen years later, it is hard to get a grasp on the *raison d'être* of the American presence there today. The problems which propelled the American nation to war as the dust settled on New York City can be distilled down to three primary issues: (1) the destruction of Osama bin Laden's al-Qaeda, (2) to topple the Taliban, and (3) to prevent future 9/11s from occurring.[1] The first two are concrete military objectives that can be verified and evaluated. The third objective, noble as it is, is less verifiable, although it is a logical consequence of the first two objectives' success. If the U.S. succeeds in the destruction of al-Qaeda and topples al-Qaeda, it would certainly help prevent another day like September 11, 2001. In the words of senior U.S. diplomat, Richard Boucher, a man closely linked to the American mission in Afghanistan: "We have to say good enough is good enough. That is why we are there 15 years later. We are trying to achieve the unachievable instead of achieving the achievable."[2] Boucher, the longest-serving Assistant Secretary of State for Public Affairs in the history of the U.S., succinctly emphasizes the problem. Good enough was never good enough.

I contend the beginning of America's crusade in Afghanistan was just. We went to war to redress the grievance of over three thousand deaths in New York City and strike at the core of our government; the U.S. had its sense of security violently stripped in mere moments—it was a nation traumatized. I will argue, however, the ethics of the U.S.' continued involvement in Afghanistan are not as clear. Now, nineteen years later, the U.S. is negotiating for peace with a resurgent Taliban. There is no better time than now for a critical evaluation of American involvement abroad because it is essential to the future of the American system, and this article reevaluates America at war beyond the time-honored tradition of *jus ad bellum* and *jus in bello*.


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In this article, I will evaluate the American war in Afghanistan through the lens of Just War Theory. I will first briefly establish the philosophical foundations for Just War Theory: Augustine of Hippo, Thomas Aquinas, and Carl von Clausewitz. Following the foundations of the Just War Theory, I will address two prominent modern impressions upon it: Michael Walzer and John Lango. Then, I will contextualize the Geneva Conventions and the Hague Conferences as Just War Theory translated into international law in the forms of treaties and agreements. The synthesis of theory and practice will be constructed using research from the recently released Afghanistan War Papers, thousands of pages of interviews conducted by the Special Inspector General for Afghanistan Reconstruction (SIGAR). Special attention will be paid to *jus post bellum* theory, and how the U.S. failed in the cessation of hostilities and the transition from war to peace.

The Afghanistan War Papers are a unique opportunity for insight into the quagmire hat America's venture into the Middle East has become. The Afghanistan War Papers confirm that the problem, fundamentally, is Mission Creep. Per Boucher, "Ultimately, we kept expanding the mission. . .If there was ever a notion of mission creep it is Afghanistan."[3] The fundamental problem of America's continued involvement is that the original objectives fell by the wayside as more and more priorities were established, and people forgot the original intent of making war on Afghanistan.

## Theoretical Framework

Traditionally, Just War Theory has concerned itself with the right reasons to fight—*jus ad bellum*—and the correct way to conduct oneself in war—*jus in bello*. However, recent developments in Just War Theory have taken into consideration the transition from conflict to peace, and the obligations of belligerents in the post-conflict state: dubbed *jus post bellum*.[4]

The just war tradition, at its foundation, is an attempt to establish the left and right lateral limits for conduct in all stages of war. These ideas are not new ones, and people have been talking about them through much of human history. Among the numerous names associated with this tradition are Augustine of Hippo, Thomas Aquinas, and Carl von Clausewitz. Within the Just War Tradition, two elements have traditionally been recognized: *jus ad bellum* and *jus in bello*. However, in this evaluation, I will consider the more recent development of *jus post bellum*. Although all three-merit individual and careful consideration, like fingers in a fist, it is the sum of the parts that matter most. The tenets of this theory at large are not static elements, implacable in their meaning.

Augustine of Hippo, Catholic Saint, and author of *City of God*, approach Just War Theory as an extension of his religion. In a letter to Boniface, Augustine states:

> Peace should be the object of your desire; war should be waged only as a necessity, and waged only that God may by it deliver men from the necessity and preserve them in peace. For peace is not sought in order to the kindling of war, but war is waged in order that peace may be obtained. Therefore, even in waging war, cherish the spirit of a peacemaker, that, by conquering those whom you attack, you may lead them back to the advantages of peace.[5]

Augustine states here that there is no place for unrestricted warfare. He establishes several requisites before the sword is drawn. Firstly, the ultimate end to your violence is peace: for both you *and* your opponent. This directly speaks to *jus ad bellum* theory and hints at *jus post bellum*. Secondly, "even in waging war, cherish the spirit of a peacemaker," which places limits on conduct as a combatant—the just war of Augustine was not a war of annihilation.[6]

Further developing the *jus ad bellum* aspect of his philosophy, Augustine wrote "a just war is wont to be described as one that avenges wrongs, when a nation or state has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly."[7] War ought to be the act of redressing a grievance. These two quotes illustrate that Augustine did not see war as anarchy and that there are expectations for conduct in war—expectations for going to war and for engaging in combat within.

In the same tradition, Thomas Aquinas is one of the most prolific writers on peace and war among the Christian canon. In considering war, he asserts that three explicit criteria must be met, with a fourth via implication. The criteria are sovereign authority, just cause, and right intent.[8] In right intent, there is a positive and negative component: positively, the aim of peace, negatively, the avoidance of a wrong intention.[9] Aquinas' emphasis on a sovereign authority is significant because it separates the private individual from the ruler who has been entrusted with the protection of the commonwealth.[10] War is not for the good of an individual or private party but rather for furthering the common good of society.

The subsequent development of justice and war, using words borrowed from Augustine, Aquinas wrote "True religion looks upon as peaceful those wars that are waged not for motives of aggrandizement, or cruelty, but with the object of securing peace, or punishing evil-doers, and of uplifting the good."[11] This statement further affirms intent is critical to justice.

A third pillar in the construction of Just War Theory is Carl von Clausewitz. In his *magnum opus*, *On War*, he develops war as a science. Augustine and Aquinas wrote in the Christian tradition, while Clausewitz diverges from this entirely. Although Clausewitz ruminated over war to a far greater extent than either Augustine or Aquinas, his conclusions on war are not so different.

Clausewitz, writing on war, rigorously analyzed interstate conflict in the eighteenth and nineteenth centuries. A necessary consideration must be made when reading Clausewitz: the world in which he is writing is a far cry from contemporary society. Clausewitz's philosophy on war is based on country pitted against a country, but some lessons apply to the new style of decentralized, non-state warfare being waged around the globe. Clausewitz's theories cast aspersion on modern warfare: he sought to close with the enemy at their strongest point and defeat them.

However, with regard to America in Afghanistan, his emphasis on the political objective as the foundation for war remains critical. An oft-quoted aphorism of his is that war "is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means."[12] Throughout *On War,* he emphasizes the importance of politics. For example, he writes, "Politics is the guiding intelligence and war only the instrument."[13] Almost *ad nauseum*, Clausewitz stresses that it is the political objective that should guide action. A crucial qualifier for the political aim comes in the ninth chapter of Book Eight: "We would emphasize the essential and general; leave scope for the individual and accidental; but remove everything *arbitrary, unsubstantiated, trivial, far-fetched* or *supersubtle*."[14] Although he recognized that political aims might change in war, he also entreats leaders towards concrete and evaluable courses of action with a focus.

Clausewitz, without explicitly stating it, develops here that there must be an overriding and consistent political aim to war. War, the tool of the political body, needs a steady objective to be effective and prevent blowback. In Afghanistan, a consistent political aim seems to have been elusive. Moreover, a constant political objective *in conflict* would lend to less friction during the transition from conflict to peace.

These three authors have thoroughly developed *jus ad bellum* and *jus in bello* as concepts with regards to what the reasonable limits for conduct in war ought to be. However, *jus post bellum* theory sorely lacks for development in comparison to its sister terms. The transition to peace from conflict is an afterthought for most. The change is an expectation; unfortunately, this expectation does not always come to fruition.

It is necessary to evaluate the three pillars of Just War Theory as independent from one another. The question of the right reason for going to war is, in many ways, distinct from the issue of the right way to wage war. The way war is waged cannot be considered in a vacuum because if the means employed will be a matter of consideration at the end of the conflict.

The ultimate failure of the U.S. in Afghanistan is not found in its lack of martial prowess. The U.S. was brutally effective in closing with and destroying the enemy. In fact, "the world's lone superpower had pounded Afghanistan's Islamist occupiers into the ground" by January 2002.[15] *Jus post bellum* doctrine would dictate that we move on and bring sustainable, just peace to Afghanistan and leave a budding flower in the arid deserts of Central Asia.

But we didn't. Richard Boucher, in a Lessons Learned Interview conducted by SIGAR on October 15, 2015, explains the problem: "First, we went in to get al-Qaeda, and to get al-Qaeda out of Afghanistan, and even without killing bin Laden we did that. The Taliban was shooting back at us, so we started shooting at them and they became the enemy."[16] For America in Afghanistan, good enough has never been good enough.

## Just War Theory Today

Just War Theorists today, Michael Walzer and John Lango notable among them, have

helped further construct concepts such as the "sliding scale," which Walzer introduced in *Just and Unjust Wars* in 1977. Lango's work *Ethics of Armed Conflict: A Cosmopolitan Just War Theory* in 2014 took a broader approach to Just War Theory, from interstate conflict to wars on terror. These two authors helped reinvigorate the study of the Just War tradition. Of critical importance is the implication of Walzer's sliding scale: just war theory is a bed of shifting sand that is continually moving. There are few constants, and evaluation needs to be ongoing.

Of manifestations of Just War Theory in law, the Hague Conferences and Geneva Conventions are the two most recognizable. The Hague Conferences of 1899 and 1907 were the first multilateral treaties to engage in limiting conduct in war.[17] The Geneva Conventions have dictated the terms of significant conflict across the world since their ratification. Both series of treaties were intended to restrict the conduct of nations at war and the treatment of non-combatants. Importantly, these international treaties do not apply to belligerents not engaged in interstate conflict. Furthermore, neither the Hague Conferences nor the Geneva Convention directly addresses the ethics of ending a war. As valuable as they are, a critical element of the trinity of modern Just War Theory is missing: *jus post bellum*.

To create a reasonable working definition for the least understood aspect of this trinity, we will consider *jus post bellum* as the synthesis of three separate ideas: *jus*, *post*, and *bellum*. There are two implications of *jus*: a system of laws, or justice itself.[18] These "laws" are separate from transitional justice or the responsibility to protect.[19] Instead, they focus on "sustainable peace" and "democratic inclusion."[20] Sustainable peace and democratic inclusion for Afghanistan did not seem to figure high on the U.S.' priorities during the shift in focus from Afghanistan to Iraq. Paul Wolfowitz is emblematic of the issue of America's political aim and lack of focus. Wolfowitz, under President George W. Bush, was the outspoken champion of America's pivot into Iraq. Wolfowitz's actions and recommendations, in the broadest sense, show the most glaring example of Mission Creep in the American intervention in Afghanistan. His drive towards Iraq and out of Afghanistan was Mission Creep in the extreme.

Per Jennifer Easterday, "one of the real difficulties in discussing *jus post bellum* is the concept of '*post*' When does *jus in bello* end and *jus post bellum* begin?"[21] *Jus post bellum* theory should encourage "coherence in justifications for courses of action that have post-conflict consequences."[22] What justification was there for leaving Afghanistan's wounds to fester and giving al-Qaeda a vacuum to recover in?[23]

*Jus post bellum*'s considerations are essential to the way modern war is waged because the war of today is often not a war of nation-states locked in an intimate and deadly embrace. The war of today requires a clear political objective that can be evaluated, and for the belligerents to be held accountable for their conduct and to be mindful of the implications of their actions beyond the first and second order. In this case, the U.S. toppling the Taliban without consideration for what would come next proved to be a painful misstep for which

the U.S. suffered and suffers still.

## An American Leviathan in the Middle East

In this section, I will address several examples in which the U.S. violated the just war tradition's expectations for the cessation of hostilities or the responsibilities for an ethical transition from conflict to peace.

America's 2001 foray into Afghanistan was not its first, and more, unfortunately, has not been its last. As a result of the American presence in Afghanistan during Operation Enduring Freedom, the U.S. came out of the shadows of its covert legacy and brought American primacy into the light. In the days, months, and years since September 11, 2001, the U.S. has been guided by two overarching imperatives: to destroy al-Qaeda and to bring the Taliban to heel.

In drawing its sword, America sought to redress a grievance that an enemy had not dared to impose upon them since Pearl Harbor. Americans across the country had a reason to rally around the flag. In the days following September 11, the objectives for America's retribution campaign shifted, but two core visions remained: bringing al-Qaeda to justice and punishing the Taliban for harboring them.[24] How these common denominators translated into action was less than intuitive; instead of targeted strikes on al-Qaeda utilizing America's Special Operations Forces, the Taliban would bear the brunt of the American counterstroke.[25] The decision to focus on the Taliban guaranteed a far more significant endeavor and a far higher risk of collateral damage. The U.S.' response rated as a flashlight as opposed to a laser pointer. The American response raises critical questions: "If the Taliban were removed, who or what would follow them? And what would be the effect on stability in Afghanistan and the surrounding region?"[26] The U.S. gave up the initiative by opting for a more extensive response as opposed to a focused, targeted, and deliberate strike against bin Laden's al-Qaeda.

As many of their key leaders lay dead or fled from major cities like Kabul, the Taliban were in no position to make demands by January 2002. Many of them were ready and willing to capitulate, according to Barnett Rubin, a leading expert on Afghanistan in his Lessons Learned interview: "Key Taliban leaders were interested in giving the new system a chance, but we didn't give them a chance."[27] The Taliban, bloodied and broken, had little choice. This is a problem of paramount importance to evaluating the justice of American actions in the Middle East and returns to the question of mission creep once again.

In established *jus post bellum* doctrine above, this does not satisfy a war-termination vision that would promote a sustained peace after the conflict. There was no plan or consideration for the cost of toppling the regime or the aftermath which would follow. Even after toppling the Taliban, the U.S. did not capitalize on the opportunity for diplomacy—for politicking—to take the reins and find peace. Good enough was not good enough.

According to the World Bank, Afghanistan's GDP was US$4.055 billion in 2002, while America's over 2,700 times larger, at US$10.986 trillion.[28] When the U.S. began pouring money into Afghanistan, a whole new slew of problems percolated. Namely corruption. In an interview conducted by SIGAR, a former U.S. Agency for International Development official used an analogy to describe the money erupting into Afghanistan: "It's like pouring a lot of water into a funnel; if you pour it too fast, the water overflows that funnel onto the ground. We were flooding the ground."[29] The intense economic intervention proved to be another policy for which the U.S. did not thoroughly plan or fully consider. Infusion of capital into Afghanistan could have been critical to rebuilding the country. Still, without a thorough evaluation of the policy's execution, it was able to become a festering wound in the Afghanistan.

Various interviewees repeatedly address the idea of the money injected into Afghanistan being too much too fast in Lessons Learned: "You just cannot put those amounts of money into a very fragile state and society, and not have it fuel corruption. You just can't."[30] This injection of funds was occurring concurrently with the American military effort in Afghanistan, another example of mission creep. Noble, but still contributing to the overall problem of America's lack of focus.

Gert Berthold, the former forensic operations manager for anti-corruption in Afghanistan, painted a stark picture in a Lessons Learned interview with SIGAR on October 6, 2015: of the 3,000 active contracts operating in Afghanistan, an average of 18% of contract money went to either the Taliban or other radical Islamist groups in the country.[31] Further estimations revealed that of US$106 billion in contracts, 25% went to transnational crime and insurgency, and an additional 15% went to transnational crime and government corruption.[32] Chris Kolenda, retired Army Colonel and strategic advisor, asserted that the issue of Afghanistan's corruption was that a full-blown kleptocracy had developed in Afghanistan. In this flawed system, positions were being bought with "the expectation that you'd recoup the costs, through cuts from assistance programs, selling ammo or uniforms on the black market, drug trafficking, or kidnapping" as opposed to national service.[33] Afghanistan had established operating procedures in which classic patronage was not taboo; the transition to a system in which government positions were bought, sold, and rented severely undermined any sense of legitimacy the interim government might have been able to garner.[34]

The kleptocracy, which the U.S. was aware of, was directly antithetical to sustainable peace. The fact that the U.S. tolerated—and through its inaction condoned—the corruption is of much greater concern. Worse still, the fact that "The strategy became self-validating. Every data point was altered to present the best picture possible," according to U.S. military advisor, Colonel Bob Crowley.[35] Capital infusion is not inherently just or unjust, but as part of an ongoing war effort, it needs to be critically evaluated. Could American dollars in Afghanistan have helped build a better country? Absolutely. However, the infusion of funds became problematic because there was no consideration for where the funds were going or

how they being used.

Military leaders in the U.S. gave their citizens half-truths and equivocations. The U.S. politico-military structure in Afghanistan stifled its members from criticizing the mission. This problem is remarked upon by former Colonel Crowley, who worked as a military advisor in Afghanistan:

> Bad news was often stifled, there was more freedom to share bad news if it was small—we're running over kids with our MRAPs [armored vehicles]—because those things could be changed with policy directives. But when we tried to air larger strategic concerns about the willingness, capacity or corruption of the Afghan government, it was clear it wasn't welcome.[36]

Leadership opted for quick-fixes and simple solutions in lieu of taking a long, hard look at the real issues. Supplementing the unwillingness to address more pressing issues, there was an excess of small metrics that were used to validate the American presence in Afghanistan. These metrics, however, lacked any explanation as to how they equated to something concrete and positive on a larger scale:

> There was not a willingness to answer questions such as, what is the meaning of this number of schools you have built? How has that progressed you towards your goal? What is the meaning of the number of students who are, in some way, shape or form taking an English language class? What is the meaning of laudable of the number of girls in schools? How do you show this as evidence of success and not just evidence of effort or evidence of just doing a good thing?[37]

Schools could have been critical to rebuilding Afghanistan. The question above, posed by John Garofono, forces evaluation as to what "success" should have constituted. What would "justice" have constituted? In any situation, let alone in an occupation eight time zones away from its command apparatus, any group would be hard-pressed to succeed if they do not have an objective to work towards. This raises the question at the core of Just War Theory: what is just? I contend that in the U.S., a secular country, there is no objective justice towards which their leadership aspires. Justice in the U.S. is a derivative of the democratic foundations of the body politic and is liable to change. Therefore, the justice (or injustice) in the actions of the U.S. is political. Justice is just until the moment the checks and balances in the system decide it is not.

Another problem that was pervasive through the Afghanistan conflict is that America was "devoid of a fundamental understanding of Afghanistan—we didn't know what we were doing."[38] The fact that Douglas Lute, a lieutenant general who went on to serve as the U.S. Ambassador to NATO, lacked an understanding of Afghanistan shows the glaring issue which the reconstruction and nation-building present: Afghanistan is not the U.S. This fact may seem culturally and historically insignificant, but the former governor of Kandahar province, Tooryalai Wesa, remarked upon this issue in a Lessons Learned interview. Reflecting on a directive from an American contractor who sought to distribute tractors in Kandahar, Wesa said, "the social structure is complicated, you will never know to whom you should give these tractors."[39] Due to the social complexities in the region, Wesa recommended a mechanized agri-center which would loan out the farm equipment at a rate lower than the market, and he felt that the contractor understood his stance; much to Wesa's dismay, the contractor, distributed the farm equipment despite his recommendation.[40] Shortly after that, one tractor was burned by insurgents, one

"broke," and one had been stolen.[41] Wesa's small example shows a more significant problem: the U.S. did not understand Afghanistan.

The humanitarian mission in the Middle East, which the U.S. embarked upon, is a compelling reason for the prolongment of the war. The issue with the humanitarian mission is that it was not a primary directive in the American military's riposte in the wake of September 11. The humanitarian mission was critical to much of the successes the U.S. had. Still, I contend that the humanitarian mission interfered with the military one, and both suffered for it.

A problematic reason for extending the war, but an altogether legitimate one, is the military-industrial complex's lobbies and draw on American politics. Under President George W. Bush, one of the clearest examples of the complex's subversion of the American will is Dick Cheney, himself, the former head of defense contractor Halliburton. America's ongoing participation in the Middle East (and elsewhere) needs to be evaluated. A war in Afghanistan, which Bush and his cabinet were careful to call the ongoing fight against terrorism, expanded budgets and mobilized the U.S. Those inflated budgets and mobilized funds went directly to the seemingly numberless contractors that comprise the complex. How much of America's involvement is the byproduct of the war industry? How much of it is related to legitimate threats to American interests and national security? These questions cut to the core of the U.S. involvement in the war through military industrial complex's lobbyists.

Everything afterward—Iraq, Afghanistan again, Libya, Syria, Yemen, and so on—needs to be critically evaluated. What were the inherent risks to American interests? Risks to allowing an enemy to control geopolitical assets? These questions, and others like them, seem to push closer and closer to the fact that the military-industrial complex, a leviathan lurking beneath the surface of American politics, has a role to play.

More difficult to assess is the mission to prevent the continued evolution of terrorist organizations in the Middle East after the U.S.' rapid withdrawal from Afghanistan. Had the U.S. maintained its focus in Afghanistan, it is entirely likely that a lawful and popular government could have filled the vacuum left by the American withdrawal. Essentially, the issue of terrorist groups in Afghanistan is a symptom of the deeper problem, which was America moving on from Afghanistan before "getting the job done," so to speak. The prolongment of conflict there to fight terrorism is legitimate, but had the U.S. done its due diligence in its first foray to Afghanistan, it is reasonable to assert that the problem would be significantly diminished.

The issues in this section stem from one fundamental problem: no war-termination vision. This underlying problem manifested itself as Mission Creep. Had the U.S. remained steadfast in its initial objectives—destroying al-Qaeda and toppling the Taliban—and said good enough is good enough, the whole slew of problems above could have been avoided.

With regards to *jus post bellum* theory, had the U.S. stuck to their initial plan—revenge

against al-Qaeda and their Taliban allies—and said, "Mission Accomplished," Afghanistan would be a far different place today.

## Conclusion

The American war in Afghanistan raises some difficult questions—ones that will not be answered easily. Representative Eliot Engel, Chairman of the House Foreign Affairs Committee, addressed the problems of Afghanistan and did not shy away from the dismaying reality of Afghanistan today. Engel invokes Bush's speech to the Virginia Military Institute, in which he says, "the history of military conflict in Afghanistan has been one of initial success, followed by long years of floundering and ultimate failure. We're not going to repeat that mistake."[42] Among the issues he cites explicitly, foremost among them is a distraction or mission creep by any other name; the U.S. took its eye off of the ball in Afghanistan.[43] This distraction has costed the U.S., and of greater importance Afghanistan, a chance at sustainable peace.

The failure of the U.S. to broker peace in Afghanistan has resulted in "more than 2,000 American lives lost and thousands more wounded. More than 60,000 Afghan deaths. And more than US$900 billion spent on a war that has dragged on for almost two decades."[44] Worse still, the ones trusted to bring peace and liberty to a nation eight time zones away told bald-faced lies for the better part of those two decades.[45] In light of the failures and the lies, of the lives lost and treasure spent, a time for reflection and reevaluation has come. This is the time to consider *jus post bellum*'s obligations: a war-termination vision suited to bringing sustainable, just peace chief among them. As the U.S. hopes to close this painful chapter of its history and begin the next with, perhaps, more scars and wisdom, the questions raised by the SIGAR investigation *must* not be forgotten.

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# Ukraine and Russia Conflict: A Proposal to Bring Stability

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**Abstract:** Fighting in eastern Ukraine has been ongoing since 2014 despite multiple attempts to end the conflict. This article presents a multilateral cooperative policy proposal to help ease tensions in Ukraine and create a stronger, independent nation. Continued conflict in the region presents strategic concerns for the United States and European allies. However, active measures to mitigate the conflict by Western powers are challenged, given the strained relations with Russia. After reviewing the history of the conflict, Russian involvement, and western concerns, a comprehensive policy is proposed that focuses on political, economic, and military mechanisms. These policy proposals do not guarantee peace in Ukraine, but we look into how the implementation of this strategy can create a positive future for the people of Ukraine.

**Keywords:** Ukraine, Russia, European Union, foreign policy, intervention, cooperation.

## Introduction

Since February 2014, due to internal and external political forces in Ukraine, Russia has been actively involved militarily in eastern Ukraine. Although Ukraine is not a major international actor, such involvement has significant repercussions throughout Europe. The resultant international humanitarian, political, and economic problems captured the attention of major western powers, including the European Union, the North Atlantic Treaty Organization (NATO), and the United States. All have recent diplomatic stress and a history of confrontational relations with Russia within the past fifty years with concern about Russia's expanding sphere of influence. Other actors involved in this conflict include rebel groups in the Ukrainian regions of Donbas, Luhansk, and Donetsk. They often took part in outright armed actions to separate from Ukraine with the support of the Russian government.

Due to the negative impacts that conflict in the region causes, several questions arose about how to solve the issue and bring peace to the region. How can one bring involved actors to the negotiating table? What incentives will they have? How long will the process take? What requirements will need to be met for incentives to be awarded? What actions may involve a step back in progress? Will this halt the chance to bring peace to the region at all? How can the international community support the region? What actors may cause strife between involved actors? Because of the constant uneasiness of the conflict and the fact that one wrong move may create the entire proposal to fall apart, this proposal needs to be cognizant of all actors involved.

To understand the current situation between Russia and Ukraine, this article provides a review of the Ukrainian situation from both historical and comparative perspectives. After assessing the conflict through the analysis of Ukrainian history, Russian involvement, Western concerns, policy recommendations to resolve the dispute are presented. The


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purpose of these policy recommendations is for Ukraine to become a stronger, independent nation, free from Russian interference, with greater reliance and orientation to Western Europe. Considering the history of conflicts between Russia and Ukraine, there are other actors or states interested in future involvement, like the U.S. and the EU. After examining the problems shown in these areas, cooperative policies are proposed to help resolve the conflict in Ukraine. The policies are a combination of economic, political, and military aspects that reinforce each other. Each component builds off the other and presents the best options to minimize damage and mitigate future conflicts. While the implementation of these recommendations will not guarantee peace in Ukraine, the article will conclude with thoughts on how these recommendations would positively impact the future of Ukraine. The primary question is whether Russia will understand that the proposed policies could provide advantages economically and politically, as well as bring about increased security in the region. Ukraine must also develop internal stability to interact as a fully sovereign influence in the region.

## Ukrainian Crisis: A Brief History

Ukraine's history since independence from the Soviet Union in 1991 has been tumultuous in attempting to stand alone in a region that has not seen Ukraine independent for nearly seventy-five years. Russian customs, language, and governmental influence in the region led to conflict among the Ukrainian people as they struggle to identify with a Ukrainian identity. After gaining independence, Ukraine survived despite its instability and numerous changes of government because Russia's government was weak and unstable, limiting Russia's ability to influence Ukraine or other former Soviet satellite countries. With stabilization, mainly because of oil wealth, Russia regained political and economic influence in the world. Particularly, Ukraine's dependence on Russian oil to support its economy makes resisting Russian influence in the region difficult.

With independence, Ukraine sought to create a government that was impenetrable to outside influence to avoid another Soviet Union-like coalition. Early presidents of Ukraine believed an orientation toward Western Europe would help establish an economy based on private, independent businesses instead of the Soviet model of government ownership. However, Ukrainian leadership became corrupt and overbearing, leading to the Orange Revolution in 2004, which brought Western and democratic ideals to the Ukrainian government. Viktor Yushchenko emerged from the Orange Revolution as the democratically-elected president in Ukraine and attempted to align Ukraine with the West.[1] Like many countries, the 2008 economic recession hit Ukraine hard, affecting vital economic sectors, including steel and chemical production.[2] Due to the failing economy, Ukraine was unable to pay the market price for Russian oil that the nation desperately needed. In 2009, a stalemate between Ukraine and Russia interrupted Ukrainian access to Russian gas for nearly two weeks and severely hurt Ukraine and the EU because Ukraine transports twenty percent of Europe's gas supply from Russia.[3] The stalemate ended with a ten-year deal between Ukraine and Russia, forcing Ukraine to pay higher gas prices.[4]

This deal temporarily settled the issue of gas sales between the two countries, but Russia continues to use gas to threaten Ukraine politically and economically.

Following the gas crisis and seemingly improved relations created with Russia, Viktor Yanukovych was elected president in 2010, favoring pro-Russian relations instead of pro-European relations. Instead of accepting an association agreement with the EU, Yanukovych signed a deal with Russia, which led to protests among Ukrainians that were similar to those during the Orange Revolution. Such protests increased police violence with a call for Yanukovych's removal in February 2014.[5] Russia took the opportunity to spread influence.

With the distraction of the positive media image of Russia created by the Sochi Winter Olympics, Russia's non-uniformed military units infiltrated the Ukrainian-held Crimea, which has always identified more with Russia than Ukraine. The annexation took less than two weeks.[6] After the Crimean population voted to join Russia in March 2014, the local government made a declaration of independence and accepted Russia.[7] The occupation of Crimea was reinforcing Russia's motivation to bring previously held Soviet regions, mainly where a majority of ethnic Russians lived, e.g., Eastern Ukraine, back into a sphere of influence if not outright control. Controlling Eastern Ukraine, however, would prove difficult for Russia.

Unlike Crimea, a majority of the Eastern Ukrainian population does not share the same desire to join Russia, even though the population often speaks Russian and relates to Russian ideals of culture and religion.[8] Russia's military and political influence in the Eastern Ukrainian regions of Donbas, Luhansk, and Donetsk were met with resistance by not only the Western Ukrainian population but also from within the affected eastern regions. A surge in violent conflict ensued as Russian troops sent into the eastern regions provided separatist groups with supplies and training, and the Ukrainian military-backed local pro-Ukraine militias in the region resisted such movement. This increase in violence on the Ukrainian side ultimately led to the shooting down of Malaysian Airlines Flight 17 by Russian surface-to-air missiles held within the separatist regions, escalating the situation to a broader global impact.[9] A meeting to end the conflict in Minsk, Belarus (The Minsk Agreements) that called for a cease-fire on September 5, 2014, failed.[10]

## Russian Involvement

Ukraine is a pivotal state for Russia because of its strategic location and cultural-historical connection. Vladimir Putin stated, "Russians and Ukrainians are one people, they are the backbone of the broader 'Russian World.'"[11] Russian involvement in Ukraine is crucial and has critical aspects that can be viewed from several perspectives. Although the Soviet Union collapsed, Russian geopolitical and economic interests remained the same, and the new country sought to maintain its influences, especially in Russian speaking regions or where Russian culture remained dominant. Many Russian government functions and bureaus changed in name only even though a quasi-capitalist system developed. This transition lasted close to a quarter of a century, and the transformation process is still happening.

Since its founding, Russia promoted an authoritarian government, and such an approach is consistent through its recent formation as a Russian Federation.

Russia's influence is most significant in the region. Stability and accord would seem to benefit both Russia and Ukraine, as well as other nations of the immediate region. For Russia to accept the proposals in this article will indeed be tedious. Outsider's perspective, as presented in this article, assesses that if Russia comes to terms with these policies, they could only benefit economically and politically from increased regional stability. Nevertheless, this is a tall order.

Russia focused on trying to follow the path of multipolar global world order.[12] Russia rejected the Western hegemonic discourse of "universal values." The nation preferred a "civilizational" approach, championing the vision of the world as one consisting of civilizational blocs, which include Putin's concept of "an emerging Eurasian Union."[13] Many of the once subservient realms of the Soviet Union were not cooperative in this view, and Putin made it clear that the current problems were a result of Ukrainian actions and philosophy. Russian nationalism has always been intense in eastern Ukrainian regions, and Russia believed that the true separatists were Ukrainian because they were trying to fracture the close historical relationship with Russia. Accordingly, Russia viewed Ukraine as a failed state. It believed that "relations would improve (and support for sanctions would collapse) if realists and nationalist populists were to come in power in the 2016 presidential elections."[14] Ukraine was viewed as being enticed and oriented into a Western European or EU sphere instead of a focus toward Moscow.

The conflict occurring in the eastern Ukraine regions is supported by Russian-centric "imperialists" and "ethno-nationalists" due to a centuries-long military interest. These groups enthusiastically endorsed the annexation of Crimea. Still, for different reasons, "while the former sees the move as a step towards the rebuilding of the empire, the latter is an example of the successful Russian ethnic irredentism."[15] The eastern Ukraine regions are composed of ethnic Russians, have abundant natural energy resources, and possesses some of the most agriculturally productive soils in the world. Russia has been accused of many violations, including the Convention for Suppression of the Financing of Terrorism, which Kiev accuses Russia has violated in the Donbas region. The most intense charges were leveled against Russia for having a role in the "downing of the Malaysia Airlines Flight 17 over the occupied territory on July 17, 2014."[16]

Along Ukraine's eastern border, Russia regularly performs large-scale military exercises with Ukrainian concerns that a Russian military invasion is likely and easily facilitated.[17] Military involvement includes Russian incursions of tactical troops into Ukraine, non-state actors including organized crime figures, mercenaries, and other volunteers.[18] The disruption of the populace, including wanton killings, within these regions, is surprising—the Ukrainian death toll is thought to be more than 10,300 people, and the Russian death toll is estimated to be nearly the same.[19]

The Minsk Agreements included two major cease-fire agreements, the first being September 5, 2014 with a follow-up memorandum signed two weeks later, and the second cease-fire was February 12, 2015. However, widespread armed violence continued. "On May 7, 2015, Putin opened the door for negotiations by announcing that he had ordered a pullback of troops, requested that the separatists delay a referendum set for May 11, 2015, and that Russia was willing to work with whoever won the May 25th elections so long as autonomy was respected for the eastern republics."[20] Ukraine again announced a cease-fire to occur on June 19, 2015 to allow the Organization for Security and Co-operation in Europe (OSCE) observers into the region to assure legitimate elections. With U.S. Vice President Biden's announcement of a support package for Ukraine, Russia rejected the cease-fire. With Washington and the EU's support toward Kiev, the Kremlin believed Ukraine would continue its interests toward alignment with or even membership in NATO.[21] The situation escalated dramatically. Ukrainian President Poroshenko attempted to push the cease-fire for June 20, 2015, but it ended on July 1, 2015.[22]

## Western Involvement and Concerns

After the fall of the Soviet Union and the creation of Russia, the U.S. rose as a global superpower. From the ashes of the Soviet Union, the new state of Russia came to be with the same authoritarian regime as its predecessor. The Russian authoritarian ruler, Vladimir Putin, restored Russia's internal strength during his tenure as president. The country then began to turn its focus to international affairs to regain its former global status and influence over previous satellite states. Russia's new foreign policy, along with the 2004 NATO expansion into the former Soviet Union territories of Estonia, Latvia, and Lithuania, led to the start of Russia's hostility towards Western involvement.

At first, NATO had not considered Russia a global threat even though Russia identified NATO as an enemy in their 2003 and 2004 military doctrines.[23] Russia saw NATO as an enemy after its expansion into former Soviet territories because it contradicted Russia's foreign policy of regaining its sphere of influence and the prior status during the Soviet Union with the implementation of expansionist policies in the 2000s.[24] Russia's expansionist policies were once again undermined during the Rose Revolution in Georgia and the Orange Revolution in Ukraine. These revolutions "were the very first signals of the future eastward expansion of the EU and U.S. interests."[25] During these revolutions, the countries of Georgia and Ukraine fell under the power of elites who supported pro-Western governments. The 2003 Rose Revolution in Georgia was a peaceful protest demanding change from a Soviet-era communist party leader to a pro-Western leader. In Ukraine, the Orange Revolution from 2004-2005 also helped bring about a pro-Western leader. Ukraine and Georgia's new presidents were not anti-Russia, but pro-Western democracy. They wanted to gain membership into the EU and NATO, thus removing the "buffer zone" between NATO territory and Russia.[26] These "buffer zones" prevent the encirclement by NATO member states and protect Russian borders.

Due to the superior strength western actors like NATO have economically and militarily, Russia resorted to nonlinear warfare in retaliation for NATO and EU expansion. Nonlinear

warfare consists of the aggressor state, in this case, Russia, attacking the defensive state, which would be the U.S., NATO, and the EU through political, military, and economic tools during peacetime since no war is officially declared. With the expansion of technology, Russia has been able to go beyond those three forms of warfare by targeting the defensive state's government, populations, and social functions.[27] A prime example of Russia using nonlinear warfare tactics can be seen with the creation of frozen conflict zones within Ukraine and Georgia because both countries share a border with Russia. To make sure Ukraine and Georgia never join NATO, Russia created frozen conflict zones in both countries since internal stability is one of the requirements to join NATO and obtain their protection. Georgia and Ukraine find themselves in a constant state of conflict and internal chaos due to Russia's nonlinear tactics through political, social, and economic infiltration. In Georgia, Putin "gradually instituted policies to punish Georgia, end Abkhazia's isolation, and change the balance of power in the conflict."[28] Putin's actions towards Georgia resulted in the August War, which was fought between Georgia, Russia, and Russian-packed self-proclaimed republics of South Ossetia and Abkhazia. Similarly, Russia's need for a frozen conflict zone in Ukraine resulted in the war in Donbas, which is being fought between Ukraine, Russia, and the separatist forces of the Russian-backed and self-declared Donetsk and Luhansk People's Republic.

As a result of resorting to nonlinear warfare, Russia has raised the stakes of confrontation to deter the West from any direct harmful action against Russia and its allies. Nonlinear warfare has created a sense of uncertainty throughout the U.S., NATO, and the EU as to when, how, or even who will be behind Russia's next political, economic, or military attack. The uncertainty of nonlinear warfare makes it hard to attack the aggressor state first as no one is sure what Russia can do in retaliation for such actions. Despite the uncertainty and the fear of Russia's retaliation, something must be done to bring an end to Russian–Ukrainian conflict and to the expansion of the use of nonlinear warfare as a way of attacking western state actors to enforce a country's foreign policy agenda. This resolution will come in the form of three components operating simultaneously, political, economic, and military.

## Political Policy Proposal

Russia's nonlinear warfare approach demands a political policy that focuses on preventing further aggression from the Russian government. As a way of regaining stability, the political aspect of the policy proposal focuses on the reintegration of rebel groups in the Ukrainian regions of Luhansk, Donetsk, and Donbas. It would begin with a total cease-fire within all conflict zones of Ukrainian territory being overseen by the OSCE. OSCE is qualified to monitor this cease-fire because it is the world's largest security-oriented intergovernmental organization. Some of its responsibilities include arms control, promotion of human rights, freedom of the press, and fair elections. State actors that would play a primary role in OSCE are Germany, France, Estonia, and Poland. These countries would all directly benefit from the resolution of the Russian–Ukrainian conflict. For Germany and France, they both depend on Russian oil that is transported through gas pipelines running through Ukraine.

As countries that were previously under the control of the Soviet Union, neither Estonia nor Poland would like to see the expansion of Russian sovereignty into Ukraine as they both run the risk of being the next country to fall under Russian control. Under the terms and conditions for the total cease-fire, the only state actors involved would be OSCE, Ukraine, and the rebel groups. Since Russia benefits from the war in Donbas, they would not be included in any part of the political-strategic policy resulting in the resolution of the conflict between Ukraine and its eastern separatist region.

Once the cease-fire occurred, there would be a removal of the temporary self-rule law that is currently in place. The removal of the interim self-rule would not guarantee the reintegration of Luhansk, Donetsk, and Donbas under the Ukrainian government. The high amounts of Russian influence in those regions have caused them to be more pro-Russia instead of pro-Western expansion, which is the direction Ukraine is going in. The removal of the temporary self-rule would, however, limit the rebel group's reliance on Russia as it removes the rebel groups' sovereignty and allows them to be reincorporated back into Ukraine. Otherwise, they would still be under the protection of self-government. In addition, Ukraine would approve a constitutional amendment to establish an electoral court to oversee elections and the approval of political parties after the reincorporation of the rebels, using Costa Rica's model as an example. During the election year, parties would have to submit their political party proposals to the electoral court, and it is the court's responsibility to monitor the ideals of the proposed political parties and where the monetary funding comes from. The monitoring of political party ideals would prevent the rebel groups from forming a pro-Russian interference political party and receiving financial funding from Russia while still having a voice in the Ukrainian government.

After the removal of the temporary self-rule, a conference would be held in Warsaw, Poland. The conference would review the terms and conditions of the reintegration of the rebel groups into Ukraine. The state actors involved would be Ukraine, the rebel groups, and the OSCE as the mediator. During this conference, the Ukrainian government would provide the rebel groups with incentives and deterrents to persuade the rebel groups to reintegrate. Incentives include an Amnesty Law that would forgive all terrorist, violent acts committed against the country and a regional council to understand the rebel groups' wants and needs regarding language, religion, eligibility to vote, and political party status. Before the rebel groups would be able to gain political party status, the Carter Center would train all political party leaders to ensure fairness within all upcoming elections. The Carter Center is an organization founded by former American president Jimmy Carter that focuses on preventing and resolving conflicts, while also enhancing freedom and democracy.

These incentives would persuade the rebel groups to join Ukraine because they would be able to voice their concerns and needs democratically without having to give up their Russian identity. A majority of the inhabitants within the rebel group regions identify more with Russia than Ukraine because of its proximity to Russia. Also, the majority of its inhabitants are directly from Russian descent. The deterrents that would be discussed in

the conference include the lack of international recognition as a state. This deterrent would prevent rebel groups from ever obtaining territorial and political sovereignty. They would not be able to gain any protection from major international actors like the EU or NATO, nor borrow money from international institutions. Once the rebels are incorporated, incentives will be removed if any form of treason, including, but not limited to, inciting violence, domestic terrorism, and/or coup attempts occurs. Through this policy, Ukraine would come out as a strong independent nation, which is why the Ukrainian government should oversee all interactions between the rebel groups. The EU and NATO will also not be directly involved because any direct involvement from outside parties could be viewed as a threat to Ukrainian sovereignty, and actions from either party could be seen as an immediate threat or act of war against Russia.

## Economic Policy Proposal

The second component of the policy proposal concentrates on solving economic issues within Ukraine, creating an economic environment mutually beneficial to all. Currently, both sides of the conflict receive support from Russia and Ukraine and politically motivated groups like non-governmental organizations (NGOs).[29] The first recommendation is to infuse Ukraine with foreign capital to prop up its economy, which relies heavily on oil. Hosting an international donor conference to attract humanitarian and economic support for the region would kickstart external economic influence in Ukraine. A neutral location, like Warsaw, Poland, would ensure that other international disputes would not interfere with attendance, therefore promoting cooperation. External donors are incentivized to join due to potential profit opportunities, and humanitarian groups would be interested because they can advance their agendas. By bringing in companies and humanitarian groups instead of governments directly, diplomatic disputes may be averted, including those between Russia and the U.S. By developing other industries, Ukrainians can work, new money can flow into the region, and Ukraine's economy can diversify instead of depending heavily on Russian oil.

Ukraine's three main oil pipelines previously carried upwards of 80% of the total output of Russian gas in 2015. Still, the opening of Nord Stream under the Baltic Sea decreased Ukraine's transport of Russian oil to only 50%.[30] As oil transports decrease, so does Ukraine's opportunity for profit, preventing them from receiving the proper funds to help their people. Russia continues to look for more alternate routes, like Nord II, under the Baltic Sea, decreasing their dependence on the decaying Ukraine pipelines.[31] Another pipeline that diverts oil away from Ukraine would put Ukraine in an even worse situation financially, so the need to diversify the economy through international business enterprising would help Ukraine be less dependent on Russia. Diversification through investment does not eliminate Ukraine's need for Russian oil. Still, it may help loosen Russia's iron grip on Ukraine's economy, allowing Ukraine to grow economically and improve numerous other sectors of their country.

New business interests and a diversified economy in Ukraine will also help pay debts

acquired since gaining independence and through the 2008 recession. Russia is still able to hold billions of dollars in debt over Ukraine, threatening to shut off Ukraine's gas, forcing Ukraine to abide by Russia's policies, and making them look weak on the international stage.[32] The repayment of debt to Russia may ease some tensions between the two countries. However, the amount they owe would not resolve the conflict overnight. Not only is Ukraine indebted to Russia, but they are also indebted to international and European institutions and private banks for over US$22.5 billion, and a diversified economy could help repay some of these debts.[33]

A remaining question, though, is how to incentivize external businesses to enter the region, given the exponential debt and conflict zone. External money would be invested in new industries and enterprises in Ukraine, providing a profit margin to investors and putting Ukrainians back to work. It allows the Ukrainian government to collect taxes, rebuild its infrastructure, pay off debts, and help its people. By expanding its economy, Ukraine can depend less on Russian oil. Investors would need insurance for their investments in these unstable areas, which would need to be provided by the European Bank for Reconstruction and Development (EBRD) or the European Investment Bank (EIB). These two entities have already loaned incredible amounts of money to Ukraine, but they would now be investing in private businesses directly. Insurance would incentivize new private companies, industries, and investors to move into the region.

The first part of the economic policy proposal incentivizes Ukraine and the rebels for following the cease-fire agreement. Still, the second part includes consequences if either side were to violate the cease-fire previously mentioned in the political policy proposal. If Ukraine violates the cease-fire agreement, new businesses that were brought into the regions would be removed, forcing Ukraine back to reliance on Russian oil. Since oil has ultimately been the cause of their downfall now, they will avoid this outcome as much as possible. To remove these businesses, insurance from the EBRD or the EIB would have to be removed, which would make it risky for them to operate within the region. Removing insurance and having businesses pull out would put Ukraine back into the situation they were previously in before this plan.

If Russia were to violate the cease-fire, the U.S. would increase tariffs against Russian goods, supplementing current sanctions. While sanctions against Russia have not been entirely successful in the past, studies show that sanctions placed on Russia by the EU and the U.S. caused a 1.5% drop in Russia's overall GDP in 2015.[34] Declines in GDP would drive Russia to change its behavior, as it prevents them from expanding their influence because they cannot support these new regions, as is seen in Crimea. Since the annexation, Crimea's economy fell apart when they lost Western investments, exports, and tourism due to a Western boycott of the peninsula.[35] As a result of this, Crimea rely solely on limited Russian support. If the rebel regions were incorporated into Russia, this would cause a similar boycott of industries in the regions, creating more economic strife than already exists. Russia would then be forced to financially support the rebel-held regions as well

as Crimea independently, which is already proving difficult. Russia's response to more sanctions may not include increased retaliation, considering many sanctions are already in place. However, the financial strain may wear on Russia enough to force them to give up on the conflict or find a way to make concessions.

Similar to Ukraine's consequences, if the rebel groups violate the cease-fire agreement, trade and business interests would be cut off from the rebel groups, forcing them to rely solely on Russia for support. Any contact that is made with the rebel groups by outside countries would include sanctions or fines by both the U.S., the EU, and Ukraine. Decreased Western support may seem like an advantage for the rebel-held areas because they want to be accepted into Russia and not Ukraine. Still, Russia does not have the economic capacity to support the rebels, mainly if sanctions placed on Russia due to violating the cease-fire would decrease Russia's GDP. Overall, the sanctions against Russia, Ukraine, and the rebels are meant to be used only if any of the groups violates the cease-fire, as happened with the Minsk Agreements. However, these consequences are intended to deter each group from violating the cease-fire, continuing the conflict, and possibly escalating the issue further.

## Military Policy Proposal

Solving the eminent problems in Ukraine and Russia involves economic and political approaches first. Military strategies should be thoroughly planned and developed, but only implemented as a last resort. The first part is to set up an EU Training Mission (EUTM) and EU Border Assistance Mission (EUBAM) to support Ukrainian troops moving into eastern Ukraine, specifically the separatist or rebel-held areas. EUBAM will happen within four to six months after the cease-fire and will only occur if the military proposal is enacted.

The EU has seen success in these types of missions in other areas. Mali is an example of the EUTM in which EU troops were deployed to "train, educate, and advise the country's Armed Forces" to help create a "safe and secure environment within their borders."[36] EUTM had four central tenets: "Training of Malian military units, advise all levels to the Malian Armed Forces, contribution to the improvement of the Military Education System from schools to ministerial level, and advise and training to the G5 Sahel Joint Force headquarters."[37] The whole mission consisted of about six hundred soldiers from about twenty-five European countries. The goal was to help Malian forces become a self-sustained force to protect their territory and population. This same type of mission could be replicated in Ukraine.

Indeed, the military plan would be more difficult in Ukraine due to Russian power and strategic influence. The reliance and dependence for military success would need to originate with the EU forces. Eastern Ukrainian areas must be able to create political and economic viability and safety apart from Russian interference, i.e., they cannot be autonomous regions. The integrity of Ukraine is paramount. The forces that would be used need to come from "non-aggressive" European countries that do not have an anti-Russian history, e.g., Norway, Italy, France, and Greece. Training with Ukrainian troops and

teaching tactics that were taught in Mali would be replicated in Ukraine. Ukraine would need to acquire capable military equipment, most likely using support from either the U.S. or EU. For reinforcement of agenda and effect, training would occur in Ukrainian regions unaffected by Russian interference, or outside Ukraine if necessary. The main goals would be the support of a peaceful and economically productive existence of the regions' residents and support for Ukrainian forces to be effective for integrity at their borders and security within the country.

A temporary border between Ukraine and rebel-held areas is required, mostly focusing on Donetsk and Luhansk. EUTM and EUBAM would support Ukrainian troops. The goal of the border with the rebel regions would be to set a clear and firm limit at the current line of demarcation between Ukraine and Russia. A temporary border would be accomplished with Euro Corps troops and equipment support to bolster the Ukrainian military to defend their borders. The Euro Corps is a "highly experienced headquarters, having been engaged in NATO stand-by-periods and operations from the Balkans to Afghanistan as well as EU stand-by periods and training missions in Africa."[38] A Black Sea military border would be also enacted. Navies from EU member states (France, Italy, or Poland) could protect the sea border. However, this is likely not as critical as the land border region security strategy.

The final component of the military approach emphasizes cease-fire and inspections. To ensure that these aspects will work, all parties must meet and agree to a set of terms, similar to the Minsk agreements. Cease-fires have not worked. The new conditions for violating the cease-fire or involvement with rebel groups, Ukrainian, or Russian participation would lead to sanctions against products coming into or out of the Black Sea. Thus, they do not sell the products in the EU market. Banking or other financial transaction sanctions may be imposed for violations.

Inspections would monitor and secure products and transactions through Black Sea ports or on land border regions. Ukraine would remain able to trade to the West in all circumstances. These measures are designed to reduce tensions in the area. Although Russia will certainly not give up its naval facilities in the Crimea, economic sanctions will increase the impact on Russia. The main foci are the eastern Donetsk and Luhansk regions under the control of Russian-influenced paramilitary and separatist groups. A crucial aspect of any military solution to reduce tensions and separate combatants is a stable and influential government in Kiev. At the same time, "carrots" may work to reassure and increase the economic viability of the entire region.

## Conclusion

Developing a policy response from political, economic, and military aspects provides a comprehensive approach to deescalating the Ukrainian crisis. The crisis in Ukraine has been going on for over five years. Even with advancements toward stability, nothing is working for Ukraine or Russia. This crisis leads politicians and scholars alike to believe something new needs to be done for the conflict to end and for all involved parties to put down their

weapons. Due to Ukraine's short time as an independent country, they are still trying to stabilize not only their government, but also their economy, and global events and outside influences are not helping progress. With Russia's thirst for power looming over Ukraine, Ukraine is under constant fear that Russia will cut off oil supplies, and the whole country will go dark. Ukrainian challenges are compounded by the Russian military influence at the borders, supporting and propping up separatists, and interfering with the Ukrainian government. As a solution, Western support for Ukraine would work best. Still, because Russia is firmly against the U.S. and NATO getting involved, these parties should remain on the outside of the conflict to make sure there is a cooperation between Ukraine and Russia.

The three aspects of the policy proposal are meant to be a multifaceted approach to this complex issue that involves many different parties with conflicting interests and goals in mind. The political aspect of our proposal is meant to provide a path for the reincorporation of the separatists into Ukrainian life. Even though the separatists want to be part of Russia, the conflict between the population within the region proves that not everyone in Luhansk, Donetsk, and Donbas wants to secede and join Russia. The conflict could continue without end if something is not done to make the separatists feel like they have a place in Ukrainian society. Only the Ukrainian government can address this issue, and there should be no outside influence from the West or Russia, allowing Ukraine to prove that they can create stability in their own country. Creating a stable government is an essential step on Ukraine's path to standing on its own in the international community.

The economic aspect of our policy proposal is meant to help diversify Ukraine's economy and help them reduce dependence on both the EU and Russia. By supporting new and old businesses and industries within Ukraine, their people and government can thrive, allowing them to be less dependent on oil and its fluctuating price. With independent economic sectors, Ukraine will be able to pay off debts, grow their economy, and stabilize their country. New interests, businesses, and jobs in not only the separatist regions, but Ukraine as a whole, will take the pressure off those involved in the conflict. Ukrainians will see new options and a brighter future not only for their businesses but for their neighbors and their country.

Lastly, the military aspect of the proposal is meant to be used as a final resort if political and economic strategies fail to bring peace in Ukraine. The EU Training Missions and EU Border Assistance Management operations worked in the past to stabilize a war-torn country, and they would work in Ukraine if needed. The fact that they are not excluded from the West, and they are removed from actual combat operations helps avoid additional conflict with Russia and can prevent the conflict from expanding. These operations would create military stability in Ukraine, as well as assisting them to become more self-reliant in the international community.

Stability in Ukraine will not only help the country, but it will help the rest of Europe and Russia, who have lent Ukraine billions of dollars, and who rely on Ukraine's pipelines

to transport their oil. However, for stability to occur, Ukraine, the separatist groups, and Russia, need to settle their disagreements, and compromises need to be made for death tolls to stop rising and peace to endure.

**Research note:** Although this research was done in early 2019, before the Ukrainian presidential election and the COVID-19 pandemic, the Ukrainian crisis remains constant today. The areas of Luhansk and Donetsk are still in a conflict zone, as they await movement from either side to accept them into society fully. The seeming "pause" that has occurred since the COVID-19 outbreak has not provided any side an opportunity to advance, but it could change the course of the conflict in the future. While international conditions have changed since the start of the conflict, violence remains, which brings about the need for a solution. This three-part proposal still offers the chance for Ukraine, Russia, and the rebels to work together to end the conflict in a way that benefits all involved, while still attempting to mitigate previous disputes among the actors.

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Feldman, Germany's Foreign Policy of Reconciliation, 73-78.


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