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## Strategic Insights: The "U.S. Factor" in China's Problems

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October 25, 2016 | Dr. David Lai

There is a widely-shared view in China that the United States has ill will toward China and is always looking for opportunities to make trouble for China. The Chinese believe that this was the case when China was a poor developing nation; and they particularly believe it to be the case today as China is rapidly becoming a great power. The Chinese claim that U.S. influence on every aspect of Chinese foreign and domestic relations is so ubiquitous that they have a name for it: “U.S. factor/shadow/specter” (“美国因素/阴影/幽灵”).

The Chinese view, however, is largely based on unsubstantiated speculations, erroneously-formed impressions, and poorly-staged analyses; and cannot stand up to close scrutiny. The Chinese assertion that the Philippines vs. China arbitration of 2016 is a U.S.-orchestrated, directed, and supported farce is an excellent example.

### **“The Lead Lawyers Are All Americans!”**

Therefore, the Chinese believe that the arbitration is, in essence, a U.S. case against China. It is true that the lead lawyers are Americans. However, the Chinese assertion is wrong for a number of reasons. First, the Chinese cannot provide any evidence that the lawyers were compelled by the U.S. Government to work on this lawsuit.

Second, the Chinese apparently do not understand a special aspect of U.S. political culture—the relationship between individuals and the government. Individualism is a core political ideology in the United States. Distrust of and disassociation with the government are others. Individuals generally do not take direct direction or orders from the government except as outlined in the law. This political culture is very different from that of China where the community and the nation are valued above the individual, and following government directives is a duty rather than a choice. One can easily see the impact of this difference in the efforts by the Chinese and U.S. governments to promote business abroad, especially in Africa—whereas the Chinese Government can rally and

push Chinese firms to do business there, the U.S. Government is powerless in this respect. Consequently, the assertion that American civilian lawyers are carrying out U.S. Government missions is sheer ignorance.

Third, the Chinese fail to note that the lead legal counsel, Paul S. Reichler:

has earned the description of being a 'giant-slayer,' having humbled the United States in the case filed by Nicaragua against the superpower's low-intensity conflict campaign in the Central American country [1986].<sup>1</sup>

It is truly a fundamental misunderstanding of U.S. political, civic, and individualistic culture to assume that Reichler is merely acting as a puppet of the U.S. Government in litigating this case.

### **“The U.S. Government Supports the Case!”**

While it is true that the United States has consistently supported the Philippines' effort to bring the dispute to arbitration. The Chinese fail to note that an official U.S. position is not evidence of “orchestrating” the case, instead, it is a policy that is consistent with the long-standing U.S. political culture and principle of the rule of law. Although the United States is far from perfect with respect to the rule of law in its domestic and international conduct—evidenced by the rampant domestic gun-related violence, for instance, and refusing to abide by the ruling of the International Court of Justice on the Nicaragua vs. the United States case—it is nevertheless an ardent advocate of conflict resolution through legal processes. Then-Secretary of State Hillary Clinton's remarks at the July 2010 Association of Southeast Asian Nations (ASEAN) Regional Forum in Hanoi, Vietnam, stating that the “claimants should pursue their territorial claims and accompanying rights to maritime space in accordance with the UN [United Nations] convention on the law of the sea”<sup>2</sup> is a case in point.

It is also true that the United States has supported the arbitration case all along, even though the United States is not a signatory to the United Nations Convention on the Law of the Sea (UNCLOS) and therefore not allowed to attend the Tribunal's hearings. Moreover, after the July 12, 2016, ruling by the Tribunal, the United States was the first to stress that: “The Tribunal's decision is final and legally binding on both China and the Philippines.”<sup>3</sup> Finally, while the arbitration is over, the United States has continued to urge China to accept the Tribunal's ruling and modify its position over the disputes in the South China Sea. Indeed, President Obama has persistently engaged with Chinese President Xi Jinping on this issue, even during the limited time at the recent G-20 summit in China.

However, it is wrong to say that these U.S. efforts are evidence of the United States instigating the Philippines to challenge China and orchestrating the arbitration.

## **“The U.S. Strategic Rebalance Is the Trouble-Maker!”**

Almost all Chinese foreign and security policy analysts hold the belief that the U.S. strategic rebalance toward the Asia-Pacific is an ill-advised U.S. foreign policy, designed to encircle China, and calculated to slow down China's rise by interfering with China's foreign relations.

Based on this conviction, Chinese analysts routinely claim that the United States encourages its allies and partners in Asia to challenge China. The Chinese insist that the main reason the Philippines “provoked” China and eventually initiated the arbitration is due to a combination of the U.S. backing of the Philippines and the latter operating under an illusion of U.S. support. Chinese analysts have pointed to an increase in U.S. military assistance to the Philippines, and U.S.-Philippine joint military exercises coupled with the U.S. strategic rebalance as evidence of their claim. However, the Chinese position is wrong on at least two counts. First, the United States seeks to prevent a war between China and a third party, especially if the third party is a U.S. ally. Second, although the United States has strengthened its relations with the Philippines, it has also made it clear that the U.S. security commitments to the Philippines are limited and at no time has any U.S. official indicated that the military assistance is provided to embolden their fight against China.

The U.S. strategic rebalance is an understandable response to the rise of China and an appropriate foreign policy adjustment to face the challenges in the Asia-Pacific region for decades to come. The policy may have shortcomings, and its implementation is far from satisfactory, yet it is by no means an attempt to instigate a fight with China either directly or via the Philippines.

### **Efforts to Avoid Confrontational Measures**

The Chinese are witty and profound. It is not a joke to say that almost every Chinese is a Sun Tzu of some sort. However, Americans are straightforward and single-minded. The Chinese should bear this difference in mind and avoid reading too much into the individual actions of American citizens. Indeed, the Chinese have apparently given too much credit to the Americans for staging, crafting, and directing what they consider to be a farce concerning the South China Sea arbitration process.

Along the same line, the Chinese should consider President Obama's continued efforts to press China to respect and abide by the arbitration ruling and settle the South China Sea disputes in accordance with international legal practices as an act consistent with U.S. cultural tradition and principles of diplomacy. It may not provide the best solution for the underlying disputes between the Philippines and China in the South China Sea, but there is no ill will or conspiracy.

A prejudice-free and solidly-grounded understanding between China and the United States is key to reducing distrust between the two nations and moving the two along constructive paths in the future.

## ENDNOTES

1. Ellen T. Tordesillas, "How Much Did PH Pay for Foreign Lawyers in Case vs China?" ABS-CBN News, VERA Files, July 21, 2016.

2. U.S. Department of State, Hillary Rodham Clinton Secretary of State, "Remarks at Press Availability," Remarks at the National Convention Center Hanoi, Vietnam, July 23, 2010.

3. John Kirby, Assistant Secretary and Department Spokesperson, Bureau of Public Affairs, "Decision in the Philippines-China Arbitration," Press Statement, Washington DC: U.S. Department of State, July 12, 2016.

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