



Maintaining a Free and Open Indo-Pacific as Tensions Simmer

TRANSCRIPT

Discussion.....2

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- Tosh Minohara, *Professor, Graduate School of Law and Politics, Kobe University*
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Patrick Cronin:

Hello, I'm Patrick Cronin, Asia-Pacific Security Chair at the Hudson Institute. Today I'm honored to be joined by former National Security Advisor and Hudson Japan Chair, Lieutenant General Retired Dr. H.R. McMaster, Dr. Tosh Minohara, professor of international relations and security studies at the Graduate School of Law and Politics at Kobe University, where he also holds a joint appointment with the Graduate School of International Cooperation studies, and Dr. Yurika Ishii, Associate Professor at Japan's National Defense Academy and a leading authority on international law and maritime security.

Our subject, maintaining a free and open Indo-Pacific as tensions simmer is timely but perhaps understated. After all, in the last couple of days, we've seen major destruction of property by North Korea. We've seen the first blood spilled in combat by the PLA under Xi Jinping against India. We've seen stepped up maritime coercion in the South and East China Seas and aggressive political warfare, lawfare and even wolf warrior diplomacy against Taiwan, Hong Kong, Australia and others. As the Chinese ambassador to Sweden said earlier this year, "We treat our friends to fine wine. For our enemies, we have shotguns." And all of this while we are in the middle of a pandemic and a global economic crisis as well.

Let's begin the discussion on North Korea. This month, June, marks two noteworthy anniversaries, the hope for peace and the tragedy of war. The last week was the second anniversary of the Singapore Summit, the first ever encounter between the sitting US president and North Korea's leader. The Singapore Declaration aspired to define a new relationship, chart a course toward peace, work toward denuclearization, and account for missing soldiers from the Korean War. Next week marks the 70th anniversary of the outbreak of the Korean War, when North Korea launched a surprise invasion across the 38 parallel.

This week's demolition of a multimillion dollar joint liaison office in Kaesong, that was opened only in 2018 years close to the second anniversary, than the first. That is closer to the tragedy of war than the hope of peace. Blowing up a vacant building on your own territory is another instance of North Korean blackmail diplomacy, a way of saying emphatically that you've broken your promises South Korea and United States. That you've not given us enough. "You're not listening to us. What's mine is mine and what's yours is negotiable." It's also a way for Kim's sister Kim Yo Jong who announced the threat on the weekend to burnish her own credentials for future possible leadership.

That recalls for me Kim Jong Un's role in 2010 before he became leader and replaced his father. He oversaw the lethal uses of force against the Cheonan sinking of South Korea, and the shelling of Yeonpyeong Island on the Northern Limit Line. The first question, and beginning with General H.R. McMaster, and then moving on to Professor Minohara, and then Professor Ishii. First question is, how do you view the severity of tensions on the Korean peninsula and the growing North Korean threat? What can be done, what should be done to preserve peace on the Korean peninsula and in Northeast Asia, General McMaster?

H.R. McMaster:

Well, thank you so much, Patrick. What a privilege it is to be here with Professor Minohara and Professor Ishii. I admire your work tremendously. It's an important topic and really a critical time, I think. I think all of us realize that COVID-19 has not frozen any of these conflicts and in fact, may have catalyzed them as we've taken our eye off of really what's happening in some critical

flashpoints across the Indo-Pacific region, and particularly now on the Korean peninsula. I think it's important to note that these latest provocations by the North and these threatening words, and I think Kim Yo Jong said, that soon the army would take action to cool off the indignation of the people.

These are very threatening words and matched with threatening actions. I mean, I think until March, it was the most missile launches per year to that point than in any other previous year. There was the cutoff of communications to the South. And then of course, increasing border defenses now. I think these are signs potentially, that the North is increasingly desperate. I think they're desperate, because nobody should believe that there are no cases of corona in North Korea. We've had these prolonged absences of Kim Jong Un. I think there are signs that maybe the maximum pressure campaign is working, especially because of the effect of COVID and the shutting down of trade in the North. Of course, we've seen these reports of binge buying in Pyongyang, a disruption of the food supply chains there mainly.

I think this is happening at a time when there's I think, a complicating factor for Kim Jong Un and the Kim family regime, which is this class of new elites in Pyongyang, who may not be willing to see their quality of life plummet based on the mismanagement, the corruption of the regime in North Korea. I think what we have to really recognize now is that the regime is probably desperate to get back to the cycle of provocation, extortion of concessions, in exchange just for the willingness to talk, after which they'll drag out long negotiations, and with a weak settlement that locks in the status quo as the new normal. The status quo, they hope is the status quo of a nuclear-armed North Korea. Of course, this is a great danger to the whole world.

For the reasons not only based on the direct threat that North Korea would pose South Korea, Japan, the United States and the world, but the threat that it would pose in the form of the non-proliferation regime breaking down, as well as the fact that the North has never made a weapon and didn't try to sell to somebody. And so I think we have to really ask the question, "Okay, why? Why are they pursuing nuclear weapons at such a grave cost when they don't really have the money?" I mean, they've spent 35% of their gross national income at least on defense. They've spent \$620 million on the nuclear program in the past year. So why are they doing this?

I believe Kim Jong Un might really adhere to this Juche ideology, and believe that this nuclear capability would be the first way to push the United States off the peninsula. And then use that as the first step to unifying the peninsula, a red colored unification or under the Red Banner. I think it's extremely dangerous time. What do we do? What do we do? I think we have to demonstrate our ability to respond to this threat effectively militarily. As you know, there are exercises scheduled for August. I think those ought to be robust exercises.

I think from a diplomatic perspective, we need to resolve these burden-sharing issues with South Korea and with Japan, and show the strength of US bilateral relations, both with South Korea and with Japan. And then I think what we should do is work overtime to resolve the South Korean Japanese issues as well. Because I think every provocation from the North should be seen by the North Koreans and by the Chinese as driving us closer together and strengthening our resolve to confront this aggression from North Korea. But it is as I mentioned, a very critical time and I'm very anxious to hear what Professor Minohara and Professor Ishii think about the situation and what we ought to do.

Patrick Cronin:

Thank you H.R.. We're going to turn to Professor Minohara right now, and I agree with you entirely. We need to strengthen our alliances, because that's something we can actually achieve. We don't seem to be able to change North Korea's opinion very well. Professor Minohara.

Tosh Minohara:

Hello. Hello to you all. It's a pleasure to be here. It's a privilege to be with Patrick, General McMaster, and Dr. Ishii. This North Korean issue, I think is one issue that really shows you how much the world has shifted amid this corona pandemic. Because I think we've sort of forgotten that the term CVID was used. We don't talk about CVID anymore. I like to joke from CVID to COVID. Now we all talk about COVID and we've sort of forgotten about CVID. But I think it's really important to keep in mind that we now casually throw around the word New Cold War. If you were in Asia, the Cold War was not very cold. As a matter of fact, I mean, the Korean War was a very hot war.

The Korean War is referred to sometimes as the Forgotten War. I think we need to remember we cannot forget this war and the consequences that it had. Some think a second Korean War can definitely erupt on the peninsula. I think things are very unstable as things now stand. It's not just about the weapons of mass destruction, it's the fact that some South Korean policies towards North Korea, I think are very dangerous. I think what Moon Jae-in is cow tailing, and is willing to acquiesce to North Korean demands is interpreted as a sign of weakness. What I'm worried is the possible neutralization or perhaps [inaudible 00:09:41] of South Korea.

And this could happen. Who knows what the American commitment is under the current administration when it comes to South Korea? I hope no. We see what happened in Germany recently with the reduction of troops. Something similar to that could happen also in South Korea. I think in my terms, what's really important is a reassessment of American policies towards North Korea. I think President Trump's transactional approach, to approach as though he's dealing as though this is a real estate deal, I think really won't work in the long term. I think a reassessment is critical.

We talk about Japan's role, but I think compared to the United States, I think Japan's role is quite minimal. Now, Japan can apply economic pressure, but in the end, it's the United States and also probably China. But I think this situation could actually really spiral out of control, a miscalculation. I think Kim Jong Un, I call him KJ. KJ is probably a really smart guy. I think very dangerous, but I think the sister is a lot more ruthless. And they're young. When you're young, I think you lack experience. You tend to make rash decisions. You tend to I think, overestimate your capabilities, and I think this is a very, very dangerous combination. We need to really realize that even though we're focused on COVID right now, that we need to think about what's going on in the peninsula.

Now, when it comes to Japan, I think... I've lived in Japan for quite some time now. I think that the Japanese people need to realize that human rights is a universal guide. And I say this because when the Japanese look at the North Korean issue, they look at one single issue and that is the abductee issue. Recently, Mr. Yokota passed away. It was heartbreaking. He was not able to meet his daughter who was abducted Megumi-san. But it's much more than that. It's not just about Japanese who were abducted. This is a human rights issue. I think Japanese need to empathize. It's either that, the abductee issue, or it's the nuclear weapons.

But we need to look at the fact that there are many, many North Koreans who are struggling or are being tortured. You can't stand idly by. The Japanese need to open their eyes, look at the reality and say, "We need to be a positive force for change." And I just don't see that. I think Japan tends to stand on the sidelines and sort of try not to ruffle any feathers. But I think, is that possible? Now, in conclusion, I think, Moon Jae-in made his famous speech where he says, he will seek reunification by 2045. I think he very well may get his wish, but not on the terms that he had thought. He actually may be swallowed by North Korea. That's like I just threw up my ideas, and I'll give it back to you, Patrick.

Patrick Cronin:

Thank you very much, Tosh. Professor Ishii, I mean, Japan doesn't just sit on the sidelines. Obviously, it has a very sensitive relationship with South Korea and has to be careful about how it signals the role it wants to play. But it's interesting how the international law intersects so much of what North Korea does because it's essentially a gangster state. I mean, whether it's the violation of sanctions, the obstruction issue, even blowing up a South Korean paid-for building in Kaesong, I wonder it raises legal questions for me. I don't think you can cause a war by blowing up a building on your own property, but at the same time, it was paid for by South Korean money in goodwill, and it's certainly a rough signal. But how do you view this issue with North Korea right now?

Yurika Ishii:

Thank you. I'd like to start off by thanking Hudson Institute for a kind invitation. It's a great honor to join such eminent speakers. And also I just would like to confirm that I am speaking on my own capacity and not representing any organization that I belong. I realized that all of the topics we are going to discuss today is about the regional tension caused by the US-China competition. I'd like to emphasize that there are rules and norms that govern this competition and ongoing conflicts in these countries. And also, there is already established regional security architecture in East Asia, and the US-Japan alliance has been one of the pillars of that architecture. I echo both General McMaster and Professor Minohara that it is important to maintain this alliance.

However, we have seen that this system has been shaken and the threats posed by DPRK is the very symptom of the malfunctioning of regional cooperation. I think we should separate two moves here. One is North Korea's effort to sever the ties between South Korea and the United States. I think that destruction of the liaison office in Kaesong could be situated in this context. The other is the North Korea's pursuit of its nuclear programs. Here we have to think about the effects of the sanctions posed in various phase against North Korea. Here I'd like to focus on sanction enforcement issues in the process of denuclearization.

I have to say that it has now become quite difficult to achieve the CVID, complete, verifiable and irreversible dismantlement of its nuclear program. Precisely because there are faults in United Nations economic sanctions, US-North Korea negotiation, and US are okay Japan, Trilateral Coordination and Oversight Group or TCOG. There are various challenges but here I'd like to focus on two issues, but I think the most important challenge.

The first point is that the US-North Korea deal has been stalled. We knew that it has been a difficult deal, because it is an asymmetric deal. That means that the US commits to provide security guarantees to the North Korea, and in return North Korea commits to complete

denuclearization. So of course, North Korea is violating its obligation under the United Nations Charter. But because North Korea already has nuclear weapons, the stake has been quite high.

In order to make this deal happen, the United States has shown its willingness to deny the intention to attack North Korea, restrict the capacity to attack North Korea, and institutionalize the security guarantee through for instance, the conclusion of a peace treaty, and to cooperate for economic development investment. However, the last US-DPRK negotiation in Hanoi in 2019 failed after North Korea did not show its full list of nuclear facilities other than Yongbyon, and negotiate to agree on the complete process of the nuclear denuclearization.

The annual report published by the panel of experts, part of UN Security Council sanction committee in April stated again, that DPRK has violated the resolution through illicit imports of prohibited goods among others. It is reported that this could be possible, not only because of China and Russia, but other countries such as Thailand and Malaysia. This malfunctioning is nothing new, but we know that the economic sanction under United Nations regime is not working. So when this deal does not happen that the DPRK at least freezes its nuclear program, I think the only way for the United States and its allies is to put the maximum pressure against North Korea again. We knew that the worst case scenario is to allow North Korea continue its nuclear development and loosen the sanction. I'm concerned that this is what is taking place now.

With regard to the trilateral cooperation between UK... Sorry, US, United States, Japan and South Korea, there is a formal agreement, but I would say that the substantial implementation has been weak. Both US-South Korea and Japan-South Korea relations have hit the bottom recently. I think Japan's option and maybe to ensure effective implementation of the sanction regime, but it has been difficult because of the lack of the substantial amicable cooperation in the region. I'll stop here.

Patrick Cronin:

Well, thank you very much. I mean, just to put a sort of underscore what we might see with North Korea in the coming months with the US election coming up in just a few months in November, and with this demolition of the building in Kaesong as a warning sign. I mean, I think North Korea is going to seek a provocation and they're going to give President Trump a choice. That choice is going to be make a deal and be the peacemaker by giving us concessions. We won't give you anything except empty promises, but we'll give you a peace deal that will help you with your reelection, perhaps from a North Korean view in exchange for not doing more provocation.

I don't think the President will take that deal. I mean, the President's already proven that Hanoi that he was willing to walk away. And I don't think there were that many votes for making a peace deal with North Korea. I don't know if H.R. you want to just come in with that one point, but I want to just give you one second on that and then I want to turn to India.

H.R. McMaster:

I agree. I think an element of continuity in the Trump administration policy, despite the initiation of the Summits has been that not to repeat the failed pattern of previous efforts. And in particular, not to relax the sanctions until there is irreversible momentum toward denuclearization. I think it's a really important point. As you know, North Korea is conditioned to

believe they can get away with it, and I think the observations are right, that the President Moon's policies, I think have in some way encouraged that behavior as well.

Patrick Cronin:

We want to turn to the India-China sort of clash that's just happened on the border. This has been a long standing standoff because the Himalayan frontier has never been demarcated. The '62 War, of course China bloodied the Indian Army. Some people see maybe what just happened on Monday night in Eastern Ladakh next to Jammu and Kashmir, where at least 20 Indian soldiers were killed. This is the first time the PLA has been in combat under Xi Jinping's watch, where there's been lethal combat as far as I know. That's a significant milestone, especially since Xi has been pushing the PLA, "Let's show that we're ready for combat." But Professor Minohara, why don't you get us started with just a short reaction to how you see the level of India-China tensions?

Tosh Minohara:

Well, first of all, I have had the opportunity to go to India quite often. I have many friends there. My impression is that the war of 1962 has really traumatized the Indians. It really, really defines who they are vis-a-vis the Chinese. And so I think there is this inherent desire to overcome this past experience. Now, that being said, I think of course, the general would know much more than I do, but I believe the military capabilities of India is not on par with the Chinese. And the Chinese know this quite well. And so they're taking advantage of the situation, and they will take what they can get.

Because it seems to be that the Indian troops are quite disorganized, and perhaps not well-led. These are, of course, my assumptions from what I see on the ground. Now, we also have to be careful on how far is Beijing cognizant of what's going on in the Himalayas. I mean, this is way far from the center of China, and it's also far from New Delhi. Perhaps this was a random event. I was told that they were told not to fire on each other, and they did obey that. They were clubbing each other instead. So perhaps they were following orders to that regard.

But I think the Chinese understand the calculus. They understand that India is a weaker power but may not be a weaker power like a decade from now. So they have to take advantage of the situation while they have the advantage. And so if I were Indian, I would say to myself, "Okay, let's really reconsider who our friends are." Because at one point, Modi was willing to reconcile with Xi Jinping. But now I think with this post-pandemic world, I think the lines have been drawn in the sand. I think it's important for all countries, to really, to give it some hard thought as to which side they're on. And I think for India, it's definitely quiet. And so what India needs to do is to really, instead of buying weapons and missiles from the Russians, I think it's really they should really reorient themselves more to Europe, and definitely to the United States and perhaps get some serious training.

I mean, I don't know what goes on, but I think the Indians could really use American military know-how to act as a deterrent. Because if the Indians are tough, the Chinese are not going to push in. I mean, look at World War II when the Japanese fought the Soviets in the Mengjiang. I mean, the Russians were tough. And so the Japanese thought... that affected the Japanese calculus. "Okay. We're not going to go into the Soviet Union, we're going to go down south, to Southeast Asia. I mean, it's easier." You always want to grab what's easier. I think if you look at

the situation on the ground realistically, I think it's very easy to figure out what Chinese motives and intents are. With that, I'd like to conclude.

Patrick Cronin:

Yeah. It'll be interesting to see whether India doesn't take much more seriously the military preparedness that it may need. It's been focusing on some military infrastructure there on the frontier, and India has been trying to be beat back China's pressure because China doesn't want to see that military infrastructure build up.

Tosh Minohara:

Remember that airbase, right?

Patrick Cronin:

Yes.

Tosh Minohara:

This time the issue was creating that road that connects through the airbase. And the Chinese realized they don't want the Indians to fortify it. They get stronger. So that makes sense. Yeah.

Patrick Cronin:

H.R. McMaster, how do you see the situation between India and China?

H.R. McMaster:

Well, I think it's escalating for the reasons that Professor Minohara already mentioned. I think Xi Jinping has this combination of ambition and also fear, and fear that the window of opportunity is closing for him to realize his ambitions. What I'm concerned about, and I think we're to talk about other flash points as well here but I'm concerned that really what if the PLA is believing their own propaganda now? And is internalizing it and is acting aggressively, not only on the border here, but also in the South China Sea, also in the Senkaku. I mean, I just think that vis-a-vis Taiwan, that this is a flashpoint and large measure because of the emotional aspect of it.

I think that this is a true real opportunity for us to, I think to strengthen our military and most relationship with India. And then of course, I think the regional dynamic is important to keep in mind with Pakistan as well. I think that Pakistan has a choice to make, whether it's going to become a pariah state with a single sponsor of China, or if Pakistan is going to try to break away from that, and to develop relationships that might be much more beneficial to Pakistan in the long term. I think that there's a lot of military work to do here, but there's also maybe some diplomatic work and some opportunities as well.

But I really am concerned that the PLA might be really believing its own propaganda. And then of course for Xi Jinping, he's in an echo chamber. I mean, how many people around Xi Jinping are going to want to tell him the reality of the degree to which the PLA can control a military operation, for example on the border with India? I think all of these factors make it an increasingly dangerous time.

Patrick Cronin:

Well said. Professor Ishii, I want to give you just a chance to say something here about South Asia, but I really wanted you to focus on the maritime set of issues that I'm going to ask you just after your brief intervention on South Asia.

Yurika Ishii:

Should I comment on the India-China relations? May I? I mean, actually I have not much to add regarding the political analysis, but I just wanted to flag that the legal question remains on what happened this Monday. It's a matter of international conflict, which is subject of the international law, and specifically *ad bellum*, prescribed in United Nations Charter. Basically the use of force against another state is prohibited, even though it occurs in the disputed territory. I also would like to flag that there is a relevant case on International Court of Justice, which happened between Costa Rica and Nicaragua, which is rendered in 2015.

In this case, Nicaragua carried out military activities in the disputed territory, which the court eventually decided to belong to Costa Rica. What is important that the court held that the activities were in breach of Costa Rica's territorial sovereignty, because in the end the court decided that the territory belonged to Costa Rica. And also it tells that the fact that Nicaragua considered that its activities for taking place on its own territory did not exclude the possibility of characterizing them as unlawful use of force. There's always a risk that the truth might violate article 204 of the United Nations Charter, even though it occurs in the disputed territory. Should I move to the third point, or should I-

Patrick Cronin:

Let me just stop you there and just turn to a group of flashpoints. We've already talked about India-China, which flared up this week. We've talked about North Korea. I want to talk about China's coercion especially maritime tensions in the East and South China Seas, but also toward Taiwan in particular. Let me just frame the challenge very briefly, because in January we saw President Tsai Ing-wen of Taiwan, democratically reelected despite enormous pressure campaign from the mainland. China under Xi Jinping will be marking the centenary of the Chinese Communist Party next year. There's a lot of political pressure, if you will, to contain China's democratic movement, not to mention Hong Kong's democracy movement.

China seems to have stepped up even in the midst of the pandemic with more maritime coercion. We've seen there was indeed a report just out in Taiwan earlier this month by two scholars at the Institute for National Defense and Security Research that talked about how on March 16 the Chinese fishing boats, some 10 of them were unintentionally ramming the Taiwan Coast Guard vessel. There was also the ramming of a Japanese destroyer. And on April 2, the Chinese Coast Guard vessel sank a Vietnamese fishing boat. There have been no shortage of maritime incidents because of Chinese aggression, a lot of them by their maritime militia or their Coast Guards or their paranaul, paramilitary forces.

And yet the PLA, the People's Liberation Army and People's Liberation Army Navy, and Marine Corps are preparing, they've announced a drill that would essentially approximate the seizure of Dongsha or Pratas Island, an island I visited last year. This exercise would occur this fall. Taiwan has a sort of a nature preserve, maritime marine nature preserve on this island, and they occupy it. So this is very threatening to Taiwan. Meanwhile the United States has mobilized three aircraft carriers, the Reagan, Roosevelt, Nimitz in the maritime space around this area,

which they haven't done since 2017 when the nuclear crisis with North Korea was flaring up before the diplomacy kicked in.

Anyway, so with all of that maritime tension and in the South China Sea over Taiwan, between US and China, Ishii-san, how do you assess the situation in maritime Asia from your perspective?

Yurika Ishii:

Well, thank you so much. There are various aspects to this trends that China is pursuing its maritime interest in elsewhere, in South China Sea, East China Sea and against Taiwan's vessels. But I'd like to emphasize that it's, first of all, China is of course subject to the United Nations Law of the Sea, which obliges member states to use the sea peacefully. It is debatable whether harassing activities or provocative activities could be contrary to this obligation. But it seems that China is intentionally using this, the width of the interpretation of the international obligations.

I'd also like to flag that there's a non-binding code for unplanned encounters at sea, which China has just signed. This instrument sets the rule for navies to secure the maritime safety. The recent activities of Chinese naval vessels seems to be contrary to the rules set in this document. Having said that, I'd like to separate the situations of South China Sea, East China Sea, Taiwan, because all of them are different situations.

On South China Sea, I would say that there is a real danger that China is gaining its maritime supremacy, considering the recent development of Fiery Cross and Mischief Reef. But here I have to repeat South China Sea arbitration finding that was rendered in 2016. The arbitral tribunal held that China's land reclamation and construction of artificial islands at Fiery Cross Reef, among others, caused severe irreparable harm to the coral reef ecosystem. And that's filed in UNCLOS's obligation on environmental protection. It also held that Mischief Reef is a low tide elevation. Everything [inaudible 00:36:22] and low tide elevation is not capable of appropriation. It is hard to justify China's recent activities from that perspective.

I'd like to also note that there are limits in the arbitration decisions. The tribunal is established under UNCLOS, United Nations Convention Law of the Sea. It is only capable of deciding on the interpretation and application of this convention. So that means that the tribunal did not have jurisdiction on the territorial dispute. And thus, it did not hold anything about the legality of the reclamation of rocks or islands itself. Also, I'd like you to note that in this kind of international relations workshop, it is often emphasized that the China ignored the award after it was rendered.

I should note that Chinese government did not completely ignored or abandoned the judgment. The judgment had some effect. For instance, China stopped using the term nine-dash line, which the tribunal said had no basis under UNCLOS. Also in 2018, Chinese Society of International Law published a report of 500 pages criticizing the award. It means that the experts in China studied this award very well, and tried to justify Chinese activities based on international law. I think that those moves should count.

I mean, this does not mean that the actions in South China Sea could be justified, but I think it requires some reservation to say, China totally abandoned the judgment. Turning into the East China Sea, I did not see it as a maritime supremacy. But as a matter of fact, China is increasing

its naval powers, especially to Senkaku Islands. And also it continues the unilateral development of the continental shelf in East China Sea where Japan has a potential entitlement.

Again, this could be resolved under UNCLOS. The harassing activities against another ship would be a violation of the established rules and also the unilateral development of the constructions where Japan has potential entitlement. It could be arguably against Japan's sovereign rights to the area. Also regarding to Taiwan, which is quite complicated. It's not really a matter of maritime law, because the dispute recently has occurred when PRC is threatening Taiwan by its force.

What worries me is that the escalation could be in this fight when the United States increases its engagement with Taiwan to send a message to Beijing that, threatening Taiwan by force is dangerous. The United States maintains its capability to defeat Chinese potential invasion or a Chinese [inaudible 00:40:55] against Taiwan. Of course, it is important to send that message to Beijing. I think the alliance and partnership with the United States in the region should play an indispensable role here. But the recent move shows the provocative actions on both sides. I think the deescalation, import and potentially the building up of the confidence building measures are necessary. I will stop here.

Patrick Cronin:

Well, thank you very much, Professor Ishii. Now Professor Minohara, looking at how Japan and the United States have tried to stand up to these kind of lawfare and gray zone sets of operations, and preserve a rules based system in all of these areas despite China's assertions is a real challenge. I'll just mention one thing on issues I mentioned that the limitations of going to the Permanent Court of Arbitration when the Philippines had their ruling go their way.

Well, just recently, just this past month in fact, a very alarming article coming out of Peking University, out of an elite institute focused on marine and maritime security, a Chinese professor, of course, working closely with the government, inseparable from the Government of China, arguing effectively that if Vietnam goes the route that Philippines does and tries to pursue arbitration, here's a list of bad things that could happen to Vietnam. It was a veiled threat, and not very thinly veiled. That's how China plays the game here. With all respect to Professor Ishii as the expert of international law, the problem is that international law and law and norms only cover a sliver of international discourse and behavior. And the question is, what can Japan and the United States do in a place like maritime Asia on these issues?

Tosh Minohara:

Japan is quiet on the arbitration issue too, because it doesn't suit them. The outcome doesn't necessarily suit Japan's interests as well. I mean, Japan has these rocks that they call islands. I don't want to get into that lest I be censored. But it's a delicate issue. Dr. Ishii, I really respect your work as an international legal scholar, and I understand that the legal framework is quite important. But that being said, I mean my perspective, I'm not a legal person. I look at powers and how they act. I think the very definition of great power is that you redefine international law, so that it suits your own needs.

When I speak with the generals and admirals from China, and they're very clear, their ambition is not hidden in any way. They want to be able to create the new norms, the new legal framework that suits their own country. And so I think it's important that we have these frameworks, but yet we can't just try to bind China to what we have, because China believes

inherently that these frameworks are unfair. There is a historical analogy to this. I mean, the 1930s Japan. I mean, when I meet Chinese diplomats, Chinese officers, I mean, their rhetoric resonates with what Japan was saying in the 1930s. How it's unfair and it's this Anglo US-led system that's inherently working against us, so you want to change the system.

I can understand the Chinese motivations and the Chinese drive, I just don't agree with collaborative democracy, human rights and whatnot. But you can understand the reason why China is doing what it's doing. Going back to your question, I like to look at the big picture what's happening. I think what I'm really afraid is because of the slow American response to the COVID and what happened to the US Navy. There was a momentary vacuum which the Chinese wanted to fill, but I'm more worried about the Chinese rhetoric that's coming out right now from their country. And that is they are making a mockery of democracy. They see America as being weak with the protests, the Black Lives Matter. I mean, it's a big joke now, how America is no longer as omnipotent as it once was.

But I think such rhetoric can consciously or subconsciously leads to an underestimation of American power. And so I think the Chinese could miscalculate. They could say, "Oh, America is not that strong. They're pushovers." And this would be a terrible mistake. If you look at American history, you know that's not the case. That when push comes to shove, the Americans will stand up, stand up for what it believes in. And so this is why I think the situation is very dangerous that the Chinese are not really grasping the true nature of America.

Now, I think there are a lot of issues. The South China Sea I think is particularly important, because it shows you that the Chinese changed the railways on the ground. I'm not going to say overnight. I mean, we knew what they were doing, but we let it happen. And now they're there. I have friends in the US military who told me, "No, no. It's not a worry. We can knock out those bases with our missiles." And I'm like, "What? The fact that we're firing missiles means that we're at a state of war." So short of war, they have to change the realities. And they've won.

I think it's a case where it's game over and now they say that's it's a vital core interest. Now, mind you, in World War II or before World War II, the Japanese referred to Manchuria as a vital national interest. What that means is that they'll go to war to protect that. And so I think that's game over. Hong Kong, unfortunately, I think is game over. I'm a historian, I like analogies. I think it's Sudetenland, it's Hitler going into a Czechoslovakia. And as Hitler did that the world stood by. I think with Hong Kong, no one's going to go to war over Hong Kong. I think the critical issue would be Taiwan.

I think Taiwan will be the Poland, will be the 1939 Poland. That this will be a moment where we will all stand up and say that that's enough. But mind you, when Poland was invaded by Hitler, France and Britain did declare war, but yet they did not act. So what's going to happen to Taiwan? Because in Taiwan, there's no American base, this is not Okinawa. But of course, a military logic dictates that if China were to integrate or strike Taiwan, then it would make sense to strike Okinawa first, which would automatically involve not only the Americans, but also the Japanese. And so I mean, this is the thing, I think the Japanese do not see the Taiwan issue as intrinsically linked to their own national security, when the reality is that it's very linked.

And so I think it's just generally the Japanese need to reassess their security identity. It's no longer about being protected by the Americans, it's about what can we do together? We had the rugby match last year. It's that one team concept. We are one team. I think we need to really strengthen that. When it comes to again China's rhetoric, the Chinese remember how they used

to always say peaceful rise? I never bought it, because I've never seen a major power rise peacefully. But the Chinese don't say that anymore either.

You know how they used to say peaceful unification with Taiwan? Well, the recent People's Congress the term peaceful was dropped. Now, it's just unification. If you're Xi Jinping you want to be the greatest leader in modern Chinese history, if not prehistory. In order to do that he needs to overcome the legacy of Mao. What did Mao fail? He failed to unify Taiwan. So that's the ultimate price. If Xi Jinping can do this, he will be the hero of the Han people for ages. And so I think this is the drive. I mean, his ambitions are great.

I think when we are in democracies, we tend to again, underestimate the ambition that these leaders, dictators in parentheses have. There are no turn moments. I mean, look at Putin. Now he has drives, he has motivations, and we just can't... We need to, I think, factor that in. And so, I'm very wary. I'm worried about the exercises that will take place in north of Taiwan in August. We're talking about all these flashpoints, and all these flashpoints happen to be in Asia. I think Japan needs to step up, really step up. I say this because I lecture to Japanese college students, and they have no concept of security whatsoever. The Japanese military is seen basically as a force that comes in after a national disaster.

Now, that's Japan security identity. I would say that's not a very good secret identity to have. I don't want to jump to the end on what Japan should do, but obviously we know what Japan needs to do. How do we define security identity? Well, there's only one way. You have to revise your constitution. Now, another thing that is very worrisome is what Japanese scholars, a few scholars, and also a prominent LDP [inaudible 00:50:28] member said is that, "Japan should act to work between the United States and China. That we should be the middlemen. We should be able to negotiate." I'm like, "What? From when does Japan have that status?"

I thought this was nuts, and I spoke to a very prominent Japanese former diplomat. I told him about this and he laughed, he says, "How ridiculous? Have we forgotten that we have an alliance with the United States? What does an Alliance mean?" It sure as heck means that we can't be in the middle. So the fact that people can say this, that Japan act as a go between, to me it really shows you that a lot of people have not really grasped the reality. And so I think it's fair that we wake up now.

When we talk about the Constitution, it's better to revise the constitution during peacetime than it is during wartime. That's the big thing. But again, Japan is a country that often reacts to the international situation does not act proactively. So no matter what I say or what we say, I think in the end, Japan will only change when it's really forced. It's like apparently knocking on Japan's doors, except this time, it might not be Paris black ships, it could be somebody black missiles.

Patrick Cronin:

Well, very poignant set of remarks. I'm sure a lot of thoughts there for Professor Ishii. She's thinking about the Japanese perspective in terms of how this plays. But turning to H.R. McMaster on these issues, there are two basic facets here that I think really are on the table H.R.. One of them is how effectively we can work with Japan as an ally. You were masterful at working with the National Security Secretariat of Japan and working with the Abe administration on really pushing forward a strong alliance. The question is, where do we go with that?

The other question though, that Tosh is raising is the potential calculus of Beijing and of Xi Jinping. You alluded to it in your opening remarks on Korea, but there really could be what we

might call a miscalculation, but they might think is the right calculation, that this is the time to act. This is the need to act. They may confuse the protests in the streets in America with weakness. As somebody who grew up in California in the 60s and watched these protests, I see it as a sign of strength. It's the resiliency of a democracy.

We are so comfortable with disorder. We don't need the Chinese style and the years of complete hierarchy in order to feel comfortable. We can put up with some disorder, because that's voicing democracy. That's allowing everybody to participate, and trying to improve and constantly reform and aspire to be the best we can. None of our system give us the one message that we have to hue to, and we must follow the party line or else, and that's it. But anyway, I'm digressing. H.R., your response to this set of challenges with China, especially in Taiwan and the maritime domain.

H.R. McMaster:

Well, Patrick, I agree that we are much more comfortable with disharmony than the Chinese Communist Party is. I think that they are fearful and ambitious at the same time, as I mentioned already. I think the point that's already been made that, hey, we don't want to underestimate how ambitious they are. We didn't think "Oh, they don't really want to do that. Do they?" Of course they do. I think what they want to do is they want to subjugate Hong Kong and Taiwan as the first step, of excluding the United States from the entire Indo-Pacific region.

This is why I think that we have a North Korea strategy, China has a US strategy. How do you use the situation in North Korea to your advantage to get the US off the peninsula and all that? What's the immediate goal of that? It's to isolate Japan, its main regional rival. And so what do we do? I think right now, it's exactly as we've been suggesting, is everybody has to be strong and strong together. And just to tie this together, we really do need... I mean, President Moon, his overtures to the North have been spurned. And so I think it's time for President Moon to take a much tougher stance and to show that he's not going to be able to be coerced by North Korea.

This could be a way to bring us back together in terms of the US, Japan and South Korea. China would take notice of that, hey, US and its allies are reacting in a way that cuts against Chinese influence. And maybe this is a first step toward restoring deterrence by denial. I think the quad forum really invigorating that India should be an easier sell right now to join the quad forum along with Australia. They are based on the aggression, the aggressiveness of China on their borders. I think it's time for us to really set an agenda, a positive agenda. A positive agenda around the opening of Indo-Pacific. For example, we talked about India. Hey, everybody needs India to succeed. Because of the size of India, even a little provenance is a really big problem. I think what we really need to do is work together to strengthen India, help India succeed from a geostrategic standpoint.

And then, of course, it really has a lot to do with military capabilities as we're talking about to convince China, the PLA, the Chinese Communist Party. You cannot accomplish your objectives through violence. I think what we ought to do is point back to June of 1950. What was the calculation issued in 1950? Well, it was the wrong calculation. And so I think making that historical analogy is appropriate. But Patrick as you've mentioned, and as we've all discussed, especially in the context of international law, it's not just really deterring a direct conflict, it's also dealing with the Chinese Communist Party's more and more effective efforts to accomplish its objectives below the threshold of what might elicit a direct military response.

This is the greatest land grab, so to speak in history in the South China Sea. It's also the use of the maritime militia. And more broadly, we haven't really talked about this yet. I'd love to hear what everyone's thoughts are on this as well. It's also this campaign of cooption by the Chinese Communist Party. Co-opting countries to support their worldview and their agenda, and companies to do that as well. What this calls for it calls for us to act together, so that the party cannot divide and conquer between us. This gets to the point of really, we can't see Japan as a go between here and it's okay. Japan can be friendly with China, when we're having a rough time and vice versa.

No. Now's the time for us to really work together and to send a very strong message. I think the markets going to do it, too. I mean, I can't imagine US companies having a stomach for staying in China much longer now. I mean, especially with what we've seen as Xinjiang, what we've seen with each station of the Orwellian surveillance police state, the actions in Hong Kong, the aggressive actions vis-a-vis Taiwan in the South China Sea. I think companies are going to start voting with their feet and are going to try to minimize the course of power that the party has over them.

And then of course, what's the reaction on China's part? Well, I mean, maybe the Chinese Communist Party leadership gets the message, "Wow, maybe this isn't working. Maybe we should try a different approach and be less aggressive." But I don't think so. I think what is likely to happen is they're going to see that window of opportunity closing more rapidly. I think there's a risk that they could become more aggressive. So I think everything has to be done together. There's a saying that, of course, we don't know the saying but, "Japan wants to be loved, and China wants to be feared." I think what we should do is try to magnify the love in the region.

Japan has a tremendous leadership role in the region, as a counter to some of the below the military threshold activities of China. And then I think what we ought to do is try to make everyone less fearful of China and do so with real military capabilities among allies and partners to convince China they can't accomplish objectives through the use of force.

Patrick Cronin:

Well, these have been great answers and we're out of time. I'm just going to give each of you a minute to give a final repast or thoughts. I apologize. I'm going to start with Professor Ishii, who has been a very good sport here listening to a lot of generalizations being made about security in the region, and she's been very precise about the rule of law. But I just would underscore the work you do Professor Ishii, reading in the Straits Times of Singapore this week, a speech that was probably meant to be given at the Shangri La dialogue that was cancelled because of COVID-19.

The Secretary of defense, Asper, gave a very articulate discussion of how the US working with allies and partners can maintain a free and open Indo-Pacific. He emphasized very much the rule of law. Whether we achieve our own objectives and aspirations or not, that's ultimately what we're trying to do. We're trying to do exactly what you are helping guide Japan, the Alliance and sort of international community to follow. I just want to say with deep respect for what you're doing, even if that's not the behavior that we're seeing out of other actors. They don't give it as much gravitas as it deserves. But your final comments here about what Japan or the Japan-US alliance can do that might really benefit regional security across the Indo-Pacific in the coming months and years.

Yurika Ishii:

Thank you. I have two comments. One is a response to Professor Minohara. I totally agree that the rising power would like to create a new norms. States do create norms. That's what international law is about. I would have to say, however, that once there is a commitment to certain promises, then it has to be respected, and United Nations charters and the UN Convention on Law of the Sea are the most important instruments that China has been quoted too. It is fine that China reinterprets the provisions in the documents, but it has to respect what the constitutional setting is under those conventions.

Regarding the Japan's way in this situation, I also have to agree with Professor Minohara that Japan is taking a responsive attitude, which was also demonstrated in the issue of Hong Kong's national security law. Well, if Japan wants to keep its status in the region, I think it is important to take its position even though the mother seems to be a bilateral or regional issues. For instance, if there is a real issue concerning the regional security or even human rights, then I think it is the role of Japan to express that concern and let the situation fix to maintain the peace and security in the region. Thank you.

Patrick Cronin:

Professor Minohara, final thoughts or recommendation?

Tosh Minohara:

Okay. Thank you very much. Dr. Ishii, I'm a real broad stroke guy so I'm actually learning a lot from you. Don't get me wrong. I totally agree that we need to respect the law, but just too bad a lot of countries don't adhere to that. I think in the United States needs to act responsibly also. Reneging on the Iranian nuclear deal doesn't really send a positive message when it comes to following international law and whatnot, is what I would argue. This goes to my thing about America. America needs to lead more by example, and I think I would like to see more stronger American leadership, especially when it comes to promoting alliances. Who knows what President Trump thinks about NATO and whatnot? To me, it seems to be very... It doesn't really grasp the geopolitical nature and the importance of alliances.

In the past, I had a peace of mind because he had very capable advisors. He had Mattis, he definitely had you, General McMaster. I think I disagree in politics with Bolton, but his approach to North Korea I can completely sympathize with. But these so-called breaks or minds that really restrained in a positive way the President's decisions, I think, are now gone. And so if in fact President Trump is reelected, it worries me who will really rein in on this president? He has nothing to lose. This is his last term. In many ways, I think the ball is in America's court. I mean, what are you going to do and how is America going to lead? Two more small points.

The other one is decoupling. I think, General McMaster referred to this, how American companies should decouple, and I totally agree. But when you look at the reality of what's going on, because American companies are not ruled by the United States unlike China. Because in China, the companies have to listen to the Communist Party. Their allegiance is there. This is not true for American companies. That the Chinese are actually decoupling much quicker. I read a recent report about the latest Huawei cell phones, smartphones. In just a year, their content of the US products have decreased drastically.

Another interesting point is part of components of Korean and Japanese components have increased. So you see the Chinese decoupling with the United States, but increasingly coupling with China and Japan to make them dependent on their economy. And so because the Chinese government can order their companies to do this, naturally their decoupling is much quicker. Which so I think we need to realize this, and we need to coax these companies, American companies, and to say, "Hey, this is what's happening. And so we also need to do the same, or else China will have more leverage over us." This is what I fear is that the pace is different.

My final point is I talked about how revising Article 9 was important because it changes Japanese security identity. I stress this because I have a lot of colleagues here in Japan who say, "Oh, no. We don't need to revise the constitution. It's a hassle. It's a pain. We've already reinterpreted the national security laws. That's enough." But that's not enough because these laws are complex. 99% of the Japanese don't understand these laws. Whereas if you change the constitution, it really changes who you are as a nation. And that's why it's very important to do this.

Once a secured identity changes, I think Japan needs to become a security provider. Now Japan is a member of G7, the third largest economy, a formidable military force, even though most Japanese don't realize this, but yet, it's always been provided security from the United States. Why can't Japan be as a good provider in the region? And of course, it's because Article 9 prohibits this. But Japan needs to sort of jettison its middle power mindset and realize that we are a big country. Right now, Japan has a very large body but on arms and legs like twigs. This is not balanced.

And so, I like to see Japan... I don't think Japan needs to send troops to the Middle East. But if it's in your corner, if it's in your backyard, Japan should do a lot more. About this FOIP, why is it in Japan the free and open Indo-Pacific concept. I call it FOIPS, and that S is there for a reason. It's a strategy. But yet the Japanese government refuses to refer to the strategy because the strategy is directed towards somebody we know, this is China. And then Taiwan. Japan needs to defend Taiwan. If some something happens on the streets, Japan cannot stand behind and say, "Oh, we'll send money. We'll support you financially." That's not enough.

There's a colonial legacy. I think it's Japan's moral responsibility to defend a democracy. But as it now stands, Japan can't do that. I think it's both up to the United States and Japan, to realize what's going on, and how the world is shifting dramatically after COVID. And that we need to sort of rise up to the challenge and act together. Thank you very much.

Patrick Cronin:

Well, thank you very much. You've provoked both Japan and the United States here. I think just before I give H.R. the final word, the substance of the program, I just want to quote from an outstanding article that was published in the latest issue of Foreign Affairs called the Retrenchment Syndrome by a fellow named H.R. McMaster. It ends by saying, "Retrenchment may hold emotional appeal for Americans tired of protracted military commitments abroad, but blind adherence to an orthodoxy based on emotion rather than reason, would make Americans less safe and put the United States further in the red."

General McMaster, you have argued eloquently both when you were in office and out of office and in uniform and out of uniform, for both alliances and for forward engagement. You're

sticking to your principles, but your final recommendation or thoughts on what might be done here for US and Japan to preserve a free and open Indo-Pacific.

H.R. McMaster:

Well, Patrick, thanks so much, and really thanks for your leadership Patrick over the years in strengthening our alliance in so many ways. What a privilege it is to be at Hudson with you. I just want to point out that Professor Minohara sounds a lot like Donald Trump to me, in terms of [burden sharing]. And so I would worry about the US-Japanese alliance. I think President Trump and perhaps Robbie have had a very strong relationship from the very beginning.

As everybody knows, this burden-sharing arguments, I mean they're not new. I mean, they go back at least to the 70s, and in connection with NATO as well as with Japan. And so I think President Trump would agree with everything Professor Minohara said, and I really felt as if when I was National Security Advisor, we were so completely aligned with... I think we should pad. That whenever I met with my National Security Advisor counterpart Yachi-san, we'd just say, "Okay, well, how's your family?" Because there was really nothing to talk. We really agree on everything. And so I really think we can't take it for granted though. The one thing I'd like to say at the end is we have to work on the relationship. The way to do it because we're democracies, is Japan and the United States both need to explain to our people the mutual benefit of this wonderful relationship.

I just would like to end by quoting a former Japanese ambassador to the United States, Ryozo Kato. He called the relationship. He said, "The US-Japan relationship requires gardening." He went on to say that this relationship is one of the most beautiful gardens in the world. But a garden requires constant thoughtful and skillful care with a grand plan, which is what Professor Minohara was saying. It should be FOIPS with a strategy. I know we're working on it together. We're working together all the time.

There is this narrative of the US is going it alone. But what I see is a high degree of coordination and cooperation with our Japanese allies. And so we just have to continue it. I think build on it, and don't take it for granted. Treat it like a garden. What a wonderful discussion and what a wonderful pleasure to be with all.

Patrick Cronin:

Great discussion. Thank you Professor Ishii, Professor Minohara. General McMaster, terrific discussion. I want to thank also Ben Gilman for prompting me to put us together online. I want to especially shout out to Philip Hegseth, Patrick Thomas, and the whole Hudson public affairs team headed by Ann Marie Hauser, who are working late tonight here in Washington, DC to make sure we are able to put this program together and put it online tomorrow. Thank you all, and we'll see you soon.

H.R. McMaster:

Thank you.