

U.S.-China Military-to-Military Relations: Policy Considerations in a Changing Environment

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The U.S. government's executive and legislative branches are engaged in a sweeping re-evaluation of the United States' policy toward the People's Republic of China (PRC). This sea change is driven by perceptions that China is approaching the status of a peer competitor and threatening U.S. leadership in critical advanced industries that underwrite the United States' national security leadership and military power. Beijing is doing so through information operations, influence efforts, and espionage designed to confuse and lower resistance as it seeks to undermine U.S. strength, acquire information to emulate U.S. sources of power, and achieve dominance in critical areas essential to U.S. leadership. While concern is outpacing consensus on what strategies and actions to take, engagement is no longer the default setting for U.S. policy. Official U.S. government and other institutional interchanges with the Chinese state and society, particularly military relations, will increasingly be scrutinized to ensure that they are not undermining U.S. interests.

Accordingly, for the United States, China's ongoing lack of transparency regarding both military capabilities and intentions, coupled with its rapid increases in defense spending and wide-ranging military modernization, generates great concern. Defense policy goes to the heart of a nation's vital interests and is necessarily sensitive and contested. This extends to

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The views expressed here represent the personal academic perspectives of the author alone. He appreciates the invaluable input of Michael Chase, Scott Harold, Conor Kennedy, Robert Sutter, Drew Thompson, and multiple anonymous reviewers. This chapter was first published as an article in *Asia Policy* 14, no. 3 (2019).

bilateral and multilateral military relationships. Military relations cannot bolster or independently stabilize Sino-U.S. relations. Typically, they serve as an indicator of the overall relationship's broader health, one that is able to influence relations only for the worse. Chinese interlocutors frequently refer to military-to-military relations as “the short stave in the barrel” of the overall relationship, but they are mistaken when they imply that the stave can be simply lengthened independently to increase the water level. Military-to-military relations are indeed a limiting factor, but not one that simply may be manipulated to achieve broader progress—at least not without a degree of reciprocity that Beijing is unwilling to provide at present.

Chinese interlocutors also frequently blame the United States for limitations in military engagement. They typically call for Washington to make several major concessions preemptively. This includes taking steps to remove what they view as unacceptable impediments to bilateral military relations by ceasing arms sales to Taiwan and terminating the Taiwan Relations Act (TRA), revising the National Defense Authorization Act (NDAA), and repealing related provisions such as the DeLay amendment.¹ Additionally, People's Liberation Army (PLA) interlocutors, including senior PLA officials, periodically state that U.S. military forces must cease “close in” reconnaissance operations.² They charge that the NDAA—and increasingly other policy documents from the Trump administration—has communicated that the United States sees China as an adversary, and that defining the relationship in this way makes it difficult for China to become more transparent and participate in some areas of cooperation.

These preconditions are all nonstarters in the mainstream U.S. policy community—and rightly so. Moreover, Beijing does not appear to be open to making any substantial concessions of its own. China's approach vis-à-vis critical issues that the United States views as vital to its security interests and military operations is therefore not currently compatible with a substantial upgrading of bilateral military relations and engagement.

This article argues that the NDAA remains a necessary oversight and safeguard mechanism for U.S. policy regarding military-to-military relations with China. It is divided into the following sections: The first section examines the NDAA, what it does and does not limit, and the

¹ The DeLay amendment “prohibits military-to-military exchanges that involve the training of the People's Liberation Army of China by U.S. Armed Forces.” H.Amdt.154 to H.R.1401, 106th Cong. (June 9, 1999), <https://www.congress.gov/amendment/106th-congress/house-amendment/154?s=a&tr=11>.

² Scott W. Harold, “Expanding Contacts to Enhance Durability: A Strategy for Improving U.S.-China Military-to-Military Relations,” *Asia Policy*, no. 16 (2013): 110.

rationale for maintaining it as a feature of U.S. policy. The second section addresses principles for the United States to better improve its own processes with respect to engaging China. The third section suggests five principal areas that offer meaningful opportunities for Sino-U.S. military exchanges and cooperation. The fourth section concludes by considering options for managing expectations and military relations with China in the Xi Jinping era.

The National Defense Authorization Act: The Situation Today

What Does the NDAA Restrict?

Policy, not law, regulates the scope of U.S.-China military engagement. Military-to-military activities are carefully vetted to ensure that they meet Department of Defense engagement objectives, do not pose a risk to the forces of the United States or its allies, and ensure compliance with the NDAA. Because the Department of Defense's appetite for engagement now clearly falls below the upper bound set by the NDAA, the current limiting factor is the department's own engagement objectives, not the NDAA itself.

Consider the specific provisions that were initiated in 2000, updated in 2010, and further revised in recent years.³ The NDAA prohibits contacts that would "create a national security risk due to an inappropriate exposure" of the PLA to twelve operational areas relating to warfare and preparation therewith.⁴ Exceptions are permitted for search and rescue and humanitarian exercises or operations. Additionally, the secretary of defense is authorized to grant waivers—even regarding the twelve restricted areas—but must explain why doing so would be in the U.S. interest. Nothing is automatic; even

³ *National Defense Authorization Act (NDAA) for Fiscal Year 2000*, Public Law 10665, 106th Cong. (October 5, 1999), 113 Stat. 779–82, <https://www.gpo.gov/fdsys/pkg/PLAW-106publ65/pdf/PLAW-106publ65.pdf>; and *NDAA for Fiscal Year 2010*, Public Law 111–84, 111th Cong. (October 28, 2009), 123 Stat. 2544–45, <https://www.gpo.gov/fdsys/pkg/PLAW-111publ84/pdf/PLAW-111publ84.pdf>. Key amendments included expanding the title and focus of the annual report to Congress to cover broader security developments and cooperative aspects, as well as new requirements for reporting and strategizing vis-à-vis bilateral military contacts.

⁴ *NDAA for Fiscal Year 2000*, 113 Stat. 779a. See also Shirley A. Kan, "U.S.-China Military Contacts: Issues for Congress," Congressional Research Service (CRS), CRS Report for Congress, RL32496, October 27, 2014, 12–18, <https://fas.org/sgp/crs/natsec/RL32496.pdf>. The twelve proscribed areas are force projection operations, nuclear operations, advanced combined-arms and joint combat operations, advanced logistical operations, chemical and biological defense and other capabilities related to weapons of mass destruction, surveillance and reconnaissance, joint warfighting experiments and other activities related to transformations in warfare, military space operations, other advanced capabilities of the armed forces, arms sales or military-related technology transfers, release of classified or restricted information, and access to Department of Defense laboratories.

meeting via the Defense Telephone Link (DTL) requires a defense contact proposal. All contacts involving Defense Department personnel are carefully vetted by the Office of the Secretary of Defense and other stakeholders to ensure policy coordination and legal compliance.

Within these parameters, the United States and China maintain a wide range of military-to-military engagements, including visits, exchanges, and exercises.⁵ The NDAA mandates issues to address in the Department of Defense's annual report to Congress on military and security developments involving China, including the aforementioned bilateral engagements.⁶ These requirements and engagements are managed through a centralized process overseen by the deputy assistant secretary of defense for East Asia in the Office of the Under Secretary of Defense for Policy. The deputy assistant secretary of defense works closely with the U.S. Indo-Pacific Command, the joint staff director for East Asia, and other bureaucratic stakeholders.⁷

As a consequence of growing perceptions in Washington that Beijing is increasingly engaging in behavior contrary to U.S. interests and values, and that previous efforts to influence China through engagement have been unsuccessful, recent NDAA revisions have further restricted bilateral military relations. The 2017, 2018, and 2019 NDAAs contain numerous references to China. The 2019 NDAA reflects the emergence of a bipartisan congressional and executive consensus that the United States must counter China's "all-of-nation long-term strategy" and "malign activities" with a comprehensive response of its own:⁸

- Section 1259 bans China from the Rim of the Pacific (RIMPAC) exercise unless it halts all land reclamation, removes weapons installations in the South China Sea, and demonstrates "a consistent four-year track record of taking actions toward stabilizing the region." All three criteria are subject to waiver by the secretary of defense.

⁵ U.S. Department of Defense, *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2017* (Washington, D.C., 2017), 85–92, https://dod.defense.gov/Portals/1/Documents/pubs/2017_China_Military_Power_Report.PDF.

⁶ NDAA for Fiscal Year 2000; NDAA for Fiscal Year 2010; and Kan, "U.S.-China Military Contacts," 12–18.

⁷ Harold, "Expanding Contacts to Enhance Durability," 136.

⁸ Robert Sutter, "The 115th Congress Aligns with the Trump Administration in Targeting China," Pacific Forum, PacNet, no. 62, August 30, 2018, https://www.pacforum.org/sites/default/s3fs-public/publication/180830_PacNet_62.pdf.

- Section 1261 declares Congress’s position that “long-term strategic competition with China is a principal priority for the United States that requires the integration of multiple elements of national power.” This section requires the president to submit a “whole-of-government strategy” for dealing with China, which he did by the stipulated deadline of March 1, 2019.
- Section 1262 stipulates that the State and Defense Departments should coordinate to report to Congress on “the commencement of any significant reclamation, assertion of an excessive territorial claim, or militarization activity by the People’s Republic of China in the South China Sea.” This stipulation may also be waived if the secretary of defense deems a public report to be contrary to the national interest.

These and other restrictions imposed by the NDAA continue to generate vocal Chinese opposition.⁹ This raises two specific questions: What does the NDAA proscribe—without the possibility of exemption or waiver—that would be in the United States’ interest to pursue? And which provisions impose an opportunity cost high enough to offset the risk of abandoning a provision outright? The following section considers these questions and presents an argument for why the NDAA remains highly useful to U.S. policy toward China.

Cases in Point

The annual report that the NDAA mandates is invaluable. The Pentagon’s annual publication provides an unmatched, highly cost-effective educational reference for U.S. and allied policymakers and experts. The awareness it fosters sends a valuable message of deterrence to the PLA and its civilian leaders while reducing harmful misperceptions. The report also offers researchers and readers authoritative unclassified details that are not available from other sources. While citations and methodological explanations are typically absent, most findings are borne out as new information emerges over time. Periodic Chinese objections to the report, while heated, do not typically challenge any of the actual data, which is further testimony to its general accuracy.¹⁰

⁹ Zhou Bo, “FY 2000 Defense Authorization Act Now Handicaps the U.S. Military,” *China-U.S. Focus*, September 14, 2015, <https://www.chinausfocus.com/peace-security/fy-2000-defense-authorization-act-now-handicaps-the-us-military>.

¹⁰ See, for example, “Washington Hypes Up Threat Theory for Its Own Agenda,” *China Daily*, May 6, 2019, http://english.chinamil.com.cn/view/2019-05/06/content_9496174.htm.

The United States and China continue to engage in many positive opportunities that are not subject to NDAA limitations. The NDAA prohibits engagement in twelve areas, leaving a long list of acceptable options for military-to-military cooperation. Leaders of both sides' armed forces have met hundreds of times over the past two decades. The two militaries maintain numerous officer, student, and faculty exchanges of limited duration.¹¹ Though these tend to yield modest results, they remain worthwhile. Some of the most substantive, if still imperfect, exchanges involve the development and employment of confidence-building measures (CBMs). Given the importance of risk reduction for maintaining strategic and operational stability, it has recently been a top objective for U.S. bilateral military engagement and a common thread in all current engagements. For instance, the United States and China signed the Military Maritime Consultative Agreement over two decades ago. This has largely been used to arrange annual, regularized safety discussions between military officials and has had less impact on enhancing their ability to manage maritime matters in real time.¹² More recently, in November 2014, during the Asia-Pacific Economic Cooperation (APEC) summit in Beijing, Presidents Barack Obama and Xi Jinping announced two memoranda of understanding (MOUs), which were later signed. The first MOU, "Rules of Behavior for Safety of Air and Maritime Encounters," is aimed at communications and maneuvering procedures for military encounters. In the second one, "Notification of Major Military Activities," the two countries agreed to broadly inform each other of political and strategic developments as well as of observations of military activities.¹³

Of the two CBMs developed in 2014, the "rules" MOU is focused on operational issues and has been consummated and absorbed. Its functional scope of issues is covered in recurring meetings, now led by U.S. Indo-Pacific Command. The "notification" MOU is a more strategic and living document. Annexes can be added to expand its scope to include additional exchanges of information along the lines of traditional CBMs, such as those between the United States and Russia. For example, in 2015 the two sides discussed ballistic missile launch notifications as a possible annex, but the PLA

¹¹ U.S. Department of Defense, *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2017*.

¹² Indeed, the mechanism proved to be ineffectual during the 2001 EP-3 crisis and remains considered largely a talk shop, in which familiar interlocutors recite predictable policy points.

¹³ For detailed analysis of the CBMs, see Peter Dutton and Andrew Erickson, "When Eagle Meets Dragon: Managing Risk in Maritime East Asia," RealClearDefense, March 25, 2015, http://www.realcleardefense.com/articles/2015/03/25/when_eagle_meets_dragon_managing_risk_in_maritime_east_asia_107802.html.

ultimately declined. The MOU requires an annual working-level meeting that establishes a channel to discuss its implementation, including an exchange of reports each year on the number of activities covered under the MOU, which is intended to encourage reciprocity. However, it is unclear from public sources how often and how successfully this channel has actually been employed. The meeting is also a venue in which to discuss new or future annexes in other areas.

These CBMs are voluntary, which makes it more difficult to achieve reciprocity.¹⁴ Although the U.S. Department of Defense published the English versions of the MOUs on its website, the PLA has never released the Chinese text, making it harder for outsiders to observe their level of functionality. U.S. officials' lack of access to their Chinese counterparts is another obstacle to bilateral engagement. Chinese officials must first await central policy edicts from Beijing before engaging their foreign counterparts, including accepting phone calls during times of tension or uncertainty.¹⁵ At the U.S.-China Diplomatic and Security Dialogue in November 2018, Washington and Beijing agreed to "seek to maintain communication on implementing existing Confidence Building Measures and developing a military-to-military Crisis Deconfliction and Communication Framework."¹⁶

Finally, there are many areas not prohibited by the NDAA that are arguably in both the U.S. and Chinese national interests but where the PLA still does not engage with the U.S. military substantively. Too often when Beijing criticizes the NDAA with disciplined messaging, Washington fails to publicly defend it or suggest positive alternatives. Rather than condemning the proscription of twelve areas of potential engagement, for example, China could pursue cooperation in the wide range of permissible areas.

It would be extremely regrettable if the MOUs regarding CBMs were one-way documents that limited the United States without ensuring Chinese participation. Beijing declines many opportunities to communicate during a crisis and reduce risk that Washington suggests. For example, the United States will immediately accept a call from anyone in China's chain of command at any time; Chinese defense officials will not take an

¹⁴ Mira Rapp-Hooper, "What's in a Confidence Building Measure?" *Lawfare*, February 8, 2015, <http://www.lawfareblog.com/2015/02/whats-in-a-confidence-building-measure>.

¹⁵ For further discussion of this obstacle, see Harold, "Expanding Contacts to Enhance Durability," 132.

¹⁶ U.S. Department of State, "U.S.-China Diplomatic and Security Dialogue," Media Note, November 9, 2018, <https://www.state.gov/u-s-china-diplomatic-and-security-dialogue-3>.

immediate call.¹⁷ Even though China is given 48 hours to take a call, there is no public evidence that the DTL has actually ever been used during a crisis. Before introducing new dialogues, the two sides need to make sure that existing mechanisms for communication can withstand a crisis—currently an unlikely prospect. When the Countering America’s Adversaries Through Sanctions Act went into effect in 2018, for example, China recalled Admiral Shen Jinlong from the International Seapower Symposium, withdrew General Wei Fenghe from the Diplomatic and Security Dialogue, canceled the Joint Staff Dialogue Mechanism (the premier communications path between the two countries’ joint staffs), and canceled the *Ronald Reagan* Carrier Strike Group’s visit to Hong Kong. While China later reversed two of these decisions, the situation reflected a decades-old problem: when tensions rise, which is precisely the most important time to talk, Beijing cuts communications. And when China is willing to communicate, it shuns the hotline that the two sides labored to establish in favor of going through the Defense Attaché Office at the U.S. Embassy in Beijing.

Some controversial activities continue without limitation by the NDAA. A provision requiring the secretary of defense to certify by the end of each calendar year whether any military contacts authorized that year had violated the NDAA was not retained in the 2011 NDAA. Instead, internal coordination is integral to the process of ensuring legal compliance with the NDAA so that the secretary can certify that all contacts are appropriate. Additionally, the NDAA does not limit actions by retired military officers or officials, even if they involve engagements with problematic optics. The most prominent of these activities is the U.S.-China Sanya Initiative, an annual dialogue held with retired senior officers from both militaries.

Track 2 dialogues are not inherently limited by the NDAA and can offer an excellent opportunity to improve mutual understanding and share ideas without committing governments to specific policy decisions. But they are also susceptible to China’s potent propaganda and perception management efforts. The Sanya Initiative is one example of a Track 2 dialogue that poses such risks without offering commensurate rewards for U.S. interests. First, the backgrounds of U.S. and Chinese participants are not always comparable: U.S. participants have included many high-ranking retired flag officers, while Chinese participants, led by former PLA chief of intelligence General Xiong Guangkai and later Admiral Sun Jianguo under the auspices

¹⁷ Ministry of Foreign Affairs officials, by contrast, typically remain accessible but are often kept out of the loop regarding crisis events. For example, Ministry of Foreign Affairs representatives learned of the 2009 *Impeccable* incident from the U.S. embassy. Author’s discussion with U.S. official, Newport, RI, June 2019.

of the China Association for International Friendly Contact, have included high-ranking intelligence officers, including many focused specifically on Taiwan.¹⁸ At the inaugural February 2008 meeting, Chinese participants “asked the U.S. participants to help with PRC objections to U.S. policies and laws: namely the Taiwan Relations Act, Pentagon’s report to Congress on PRC Military Power, and legal restrictions on military contacts in the NDAA for FY2000.”¹⁹ Second, some U.S. defense experts “worry that the venue is a Chinese intelligence effort to woo a cohort of high-ranking ex-officers who could lend legitimacy to the PRC’s preferred policy positions,” rather than being a productive give and take.²⁰ The very persistence of this widely criticized initiative underscores the fact that the NDAA’s purview has limits.

Some NDAA restrictions merely reflect limitations that would exist anyway. The status of China’s armed forces, as well as U.S. interactions with their leaders and personnel, makes it abundantly clear that the PLA is not empowered to take policy in a direction more favorable to U.S. or mutual Sino-U.S. interests, regardless of the degree of bilateral military contacts.²¹ Engaging with Chinese military leaders and personnel, while sometimes useful for other reasons, is unlikely to generate substantial strategic trust or operational value.²² Neither the area and intelligence officers that China authorizes to interact with foreigners nor the students that China’s armed forces have previously sent to U.S. professional military education institutions are likely susceptible to substantial ideational socialization in accordance with U.S. approaches to military relations. Those who might actually benefit from such exchanges by obtaining new perspectives and reducing misperceptions—i.e., field officers and personnel with the most

¹⁸ According to U.S.-China Economic and Security Review commissioners Carolyn Bartholomew and Larry Wortzel, the China Association for International Friendly Contact is “a front organization for the International Liaison Department of the People’s Liberation Army’s General Political Department, which is responsible both for intelligence collection and conducting People’s Republic of China propaganda and perception management campaigns, particularly focused on foreign military forces.” U.S.-China Economic and Security Review Commission, *2011 Report to Congress of the U.S.-China Economic and Security Review Commission* (Washington, D.C., 2011), 365, https://www.uscc.gov/sites/default/files/annual_reports/annual_report_full_11.pdf. See also Larry M. Wortzel, *The Chinese People’s Liberation Army and Information Warfare* (Carlisle: U.S. Army War College Press, 2014), 34; and Larry M. Wortzel, *The Dragon Extends Its Reach: Chinese Military Power Goes Global* (Washington, D.C.: Potomac Books, 2013), 154.

¹⁹ Kan, “U.S.-China Military Contacts: Issues for Congress,” 32.

²⁰ Harold, “Expanding Contacts to Enhance Durability,” 129.

²¹ James Nolan, for example, contends that while U.S. flag/general officers have the most decision-making autonomy of any military leaders, their Chinese counterparts are significantly less empowered than even Russian flag officers. James P. Nolan, “Why Can’t We Be Friends? Assessing the Operational Value of Engaging PLA Leadership,” *Asia Policy*, no. 20 (2015): 67–68.

²² See *ibid.*, 67–68, 78.

sensitive and isolating responsibilities (e.g., in the PLA Rocket Force)—are unlikely to be released for substantive interactions with U.S. personnel.²³

Some opportunities that might have prompted reconsideration of certain NDAA limitations have faded over time. Chinese sources, including the most demonstrably authoritative, show an acute real-time awareness of U.S. and allied forces and capabilities.²⁴ Thus, even what has been promoted as a useful objective for U.S. military exchanges with China in the past is now unconvincing: there are few, if any, opportunities left to deter by engagement.

In sum, the NDAA brings bureaucratic focus, organization, and discipline to an important and challenging issue. It does not preclude bilateral activities in the United States' interests but does bar those activities contrary to them. Determining that an activity is the former and not the latter requires a cautious, deliberative process through which bad ideas are weeded out. Possible areas for improving this process include additional training and counterintelligence briefings ahead of engagement and post-engagement reviews for U.S. military staff.

Rethinking the Fundamentals

The abovementioned realities suggest that caution in military-to-military engagement is needed and that bilateral progress is likely possible only at the margins—particularly given a more capable PLA, a more assertive Chinese foreign policy, and a potentially even more conflictual military relationship. As a guiding principle, the Hippocratic oath, “first, do no harm,” is useful here and suggests that bilateral relations should not help the PLA improve anti-access/area-denial (A2/AD) or power-projection capabilities. There is considerable room, however, for the United States to better improve its own processes with respect to military exchanges; and there may be room for further achievements in specific areas. To ensure that military-to-military activities proceed in accordance with its national security interests, the United States should pursue an approach that is (1) clear and cogently communicated, (2) conditional and credible, (3) comprehensive, and (4) consistent.

²³ Harold, “Expanding Contacts to Enhance Durability,” 121.

²⁴ This formidable Chinese awareness has been documented extensively by the PLA-watching community. See, for example, Lyle J. Goldstein, “How China Sees the U.S. Navy’s Sea Hunter Drone,” *National Interest*, January 31, 2017; and Andrew Scobell, David Lai, and Roy Kamphausen, eds., *Chinese Lessons from Other Peoples’ Wars* (Carlisle: U.S. Army War College, 2011).

Clear and Cogently Communicated

U.S. officials must formulate and deliver messages effectively. While its rhetoric and actions often diverge, China is often clearer about its strategic intentions than its capabilities (e.g., operations, tactics, and force levels). The United States' decentralized democracy, by contrast, is relatively open at all levels, although more confusing to Chinese and other outside observers at the strategic level. Washington would benefit greatly from further clarifying its strategy. This would help advance several objectives: better informing U.S. policies, reassuring U.S. allies and security partners, and providing stability for relations with China, particularly in the military realm. Such an organizing principle could greatly strengthen Sino-U.S. military relations, and the 2019 NDAA's requirement for the president to submit a strategy offers a useful impetus. The dedicated chapter in the Pentagon's annual report on China and high-level presentations, such as the secretary of defense's speech at the Shangri-La Dialogue, reflect U.S. objectives for bilateral military engagements, but officials should make additional authoritative speeches and public statements.

Furthermore, Washington should greatly improve its strategic communications and messaging to prevail in a battle of narratives by more clearly and forcefully rejecting Chinese slogans in public statements. Political-organizational factors have made this an area in which Beijing enjoys particular strengths, while Washington (if it even acts in full coordination) suffers from significant weaknesses. To strengthen the U.S. approach to communications, it is important to review negative and positive examples from the recent past, particularly regarding U.S. military visits and related communications.

In a negative example, U.S. military officials have repeatedly expressed disproportionate enthusiasm about strengthening ties and overstating the value of engagement, miscalculations that China encourages and exploits. Related excesses and inconsistency over the past decade arguably motivated China to use military relations as a lever. It also helped generate unmet expectations that were more damaging when dashed than they would have been if they had never been raised to begin with.

In a positive example, while the U.S. government overall appeared to embrace China's concept of a "new type of great-power relations," the U.S. military (and the navy in particular) appears to have declined to embrace related variants, including the "new type of military-to-military relations." Thanks to a well-established pattern of Chinese government organizations implementing overall leadership guidance within their specific issue areas,

attention to broad Chinese policy approaches and slogans can help U.S. military leaders anticipate loaded policies and terms and prepare to avoid such traps.

But circumventing pitfalls is not enough: Washington must do a better job of articulating its own concepts and policies and supporting military personnel at all levels in such efforts. This will further reduce the risk of Chinese interlocutors driving interactions and policy conversations in a direction that could undermine U.S. and allied interests. A good next step would be to press the PLA to explain why the two sides have been working on communications (e.g., the DTL) for decades, yet are no closer to an executable crisis communications methodology. U.S. officials should ask their PLA counterparts to outline on the record how they think this should work, as well as how they perceive that the United States will communicate in times of urgency.

Conditional and Credible

U.S. engagement with China in military exchanges should hinge on the principle of reciprocity (or, at least, the concrete reality of transactionalism). Chinese unwillingness or inability to reciprocate equitably remains one of the greatest impediments to effective military relations. Chinese professional military education represents a microcosm of this problem. Whereas the United States integrates foreign officers directly into its facilities and curriculum, China segregates them—to the extent of providing different instructors, curricula, and even campuses, regardless of the students' linguistic abilities.²⁵ As Scott Harold correctly assesses, “Such a situation undermines the basic reciprocity that undergirds and legitimizes military exchanges.”²⁶ China inaccurately blames the NDAA for restrictions on educational exchanges. During a 2014 visit to Harvard University, for

²⁵ Unlike the United States and its allies and partners, the PLA segregates foreign students from its own (with rare exceptions for very friendly states, such as North Korea). China has, and is increasing, invitations to foreign students, but these invitations are to “foreigner courses” with only a few PLA colonels and senior colonels participating. Foreigners do not attend the courses where the PLA educates its own at the National Defense University and Academy of Military Science. Whereas foreign students at the U.S. Naval War College take core curriculum classes and most electives with their American counterparts and use its main library and electronic databases, foreign students at China's closest analogue—the Naval Command and Staff College in Nanjing—take separate classes and must use a separate section of the main library and separate electronic databases (author's onsite observations). Moreover, the Chinese Communist Party does not trust PLA officers (save those with significant vetting for loyalty purposes) to socialize, converse, or engage in education with a foreign pool of officers, which would entail a dangerous discussion of values. The party also does not enable foreign insight into PLA doctrine and strategy, which would undermine PLA advantages in warfighting capabilities—most importantly in strategic concepts and developments.

²⁶ Harold, “Expanding Contacts to Enhance Durability,” 121.

example, then PLA Navy commander Admiral Wu Shengli expressed frustration that, in his opinion, the NDAA effectively prohibits PLA officers from studying at U.S. institutions, particularly professional military education schools, under officially sanctioned exchanges.²⁷ In fact, this is a policy decision. U.S. concerns about the lack of reciprocity and PRC opposition to Taiwan students' presence there are what in practice prevent PLA students from studying at U.S. institutions and limit facility visits and exercises to some extent. In another example of the disproportionate benefits that exchanges have had for China, then minister of defense General Chang Wanquan asked for help mastering the art of carrier-based air operations, and the nature of a PLA Navy delegation tour aboard the USS *Ronald Reagan* at RIMPAC in 2014 reportedly triggered concerns that China was being afforded excessive knowledge to an area in which the United States possesses the undisputed gold standard, without equivalent offerings from China in return.²⁸

Recent events risk the appearance that Washington is saying one thing and doing another, ceding narrative space to Beijing. As the region worries about the long-term U.S. commitment, the United States has appeared to undermine its opposition to China's actions in the South China Sea with a series of underexplained actions. For instance, in April 2018 the United States took the dramatic step of disinviting the PLA Navy from RIMPAC with a public statement objecting to the militarization of the islands in the South China Sea. However, only a few months later, in September 2018, the United States invited the PLA Navy commander to the International Seapower Symposium on a naval counterpart visit, and in November it hosted the commander of the PLA Hong Kong Garrison on the USS *Ronald Reagan* to observe cyclical flight operations. Meanwhile, conditions worsened in the South China Sea with the Chinese destroyer *Lanzhou's* harassment of the USS *Decatur*. Indeed, even during the USS *Ronald Reagan* visit, open press reporting indicated additional Chinese land-building activity in the South China Sea. Moreover, it is not in the U.S. interest to help the PLA improve its ability to engage in A2/AD operations or project power.

To ensure credibility with China and U.S. allies alike, Washington should pursue a thoughtful, tailored approach and impose consequences and costs—including ones that limit future activities—for any failure

²⁷ Wu Shengli made these comments in a discussion with the author and university administrators, faculty, and students at Harvard University, September 20, 2014.

²⁸ Jeremy Page, "China Pushes Limits to Closer Ties with U.S. Military: Beijing's Navy Chief Seeks Greater Access to U.S. Aircraft Carriers," *Wall Street Journal*, July 21, 2014, <http://online.wsj.com/articles/china-pushes-limits-to-closer-ties-with-u-s-military-1405964884>.

by Beijing to honor its commitments. To support this approach and maintain its leverage, Washington must not be an “ardent suitor”: it should not appear to want progress in the relationship any more than Beijing does.²⁹ Instead, a transactional negotiated approach is needed. If the United States wants something (e.g., progress on the Military Maritime Consultative Agreement agenda, crisis communication dialogues, or the Joint Staff Dialogue Mechanism), it must be clear about what it wants, understand what China wants, and hold something that China wants at risk (e.g., disaster-management exchanges that portray China as a peer).

Comprehensive

The United States must be careful to avoid the trap of pursuing risk reduction only in the areas and with the actors with which China seeks to reduce risk. Arguably, China has made air and maritime encounter rules agreements with the U.S. military because it fears the U.S. capabilities in these areas. Yet elsewhere (with foreign militaries or paranaul forces, for example) Beijing has avoided risk-reduction measures that would decrease its ability to leverage its asymmetric advantages. In this regard, one area that has received insufficient U.S. attention is a mismatch in its interactions with China that confers excessive focus, credit, and sometimes even new initiatives regarding all relevant parties’ adherence in practice to norms and safety measures that are already internationally mandated (for example, by customary international law and the International Regulations for Preventing Collisions at Sea). In a sign that the United States is now moving away from such duplicative focus on areas that China should be addressing anyway, the Pentagon’s 2019 report on China’s military power emphasized three interconnected priorities for bilateral military contacts that transcend risk aversion: “(1) encouraging China to act in ways consistent with the free and open international order; (2) promoting risk reduction and risk management efforts that diminish the potential for misunderstanding or miscalculation; and (3) deconflicting forces operating in close proximity.”³⁰

The U.S. Navy engages in extensive exchanges and has some bilateral protocols with the PLA Navy, and the U.S. Coast Guard engages in some exchanges with the China Coast Guard. Yet there are currently no shore-based contacts whatsoever with China’s third sea force—the People’s

²⁹ For further discussion of the term “ardent suitor” as it applies to Sino-U.S. military relations, see Randall Schriver, “Bound to Fail,” *Washington Times*, July 25, 2017, <http://www.washingtontimes.com/news/2011/jul/25/bound-to-fail>.

³⁰ U.S. Department of Defense, *Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2019* (Washington, D.C., 2019), 107.

Armed Forces Maritime Militia. Moreover, no bilateral commitment to safe practices and professional seamanship specifically covers China's coast guard and maritime militia, even though they are the major actors in the near-seas activities that are at variance with international law and U.S. and allied interests. Washington should work to close this loophole and link the future of bilateral naval relations to the positive participation of China's other two sea forces. For example, the Code for Unplanned Encounters at Sea (CUES) was endorsed almost unanimously at the 2014 Western Pacific Naval Symposium in Qingdao. All U.S. and Chinese sea forces should always be following CUES—a relatively simple but valuable set of safety procedures.³¹ At the U.S.-China Diplomatic and Security Dialogue, the U.S. and Chinese officials “discussed the importance of all military, law enforcement and civilian vessels and aircraft—including those in the PLA Navy, Chinese Coast Guard and PRC Maritime Militia—to operate in a safe and professional manner in accordance with international law.”³² To be sure, advancing deliverables related to China's coast guard and maritime militia will likely require senior advocacy from at least the secretary of defense, as well as pressure on Xi himself.

There are other important areas in which a Track 1 dialogue is not occurring but could be useful for the United States. Communication and deconfliction could become important in Korean Peninsula scenarios. Apparently considering a Korean contingency at sea, Senior Colonel Zhang Guochen, chief of staff of the Dalian Military Subdistrict, suggests that in the event of major incidents involving “neighboring coastal countries,” such as invasion and civil strife, China would employ geographically layered maritime blockade and control operations. He promotes the maritime militia as ideally suited for this task, in cooperation with China's coast guard and navy. Zhang calls for the differential engagement with and processing of ordinary refugees, military and political figures, and armed personnel and their vessels and equipment by their identity and status, as well as by their location and activities. A “combat mission” under joint theater command could conceivably employ such weapons as sea mines. While Zhang stipulates that militiamen should adhere to international law, such activities could bring militia forces into close proximity to U.S. and allied forces with

³¹ Thus far, the PLA Navy has not always been willing to follow CUES in practice when encountering U.S. Navy vessels, including in the South China Sea. However, some adherence is arguably better than none. Author's discussion with U.S. Navy officer, Newport, RI, December 2016.

³² James Mattis (statement at a press conference for the U.S.-China Diplomatic and Security Dialogue, Washington, D.C., November 9, 2018), available at <http://www.andrewerickson.com/2018/11/secdef-mattis-calls-for-prc-maritime-militia-to-operate-in-a-safe-and-professional-manner-in-accordance-with-international-law>.

different missions, communications standards, and rules of engagement.³³ As Roy Kamphausen documents, PLA authors articulate a similar tiered system for interception, neutralization, and sorting along China's land borders with North Korea. While suggesting caution about entering North Korea, given the risks of escalation and precedent for U.S. and allied intervention, they "indicate that the best choice for the holding camps would be outside Chinese territory" and "claim that the setup of camps within the borders of the refugee source country is legal."³⁴

The evolution of China's nuclear triad and advances in missiles and missile defense by both sides are further increasing the salience of strategic deterrence issues. The Pentagon assesses that China is "developing advanced cruise missiles and hypersonic missile capabilities that can travel at exceptional speeds with unpredictable flight paths that challenge our existing defensive systems."³⁵ Within a decade, such advances are likely to mean that neither nation's homeland is a sanctuary fully defensible from the other's nuclear or conventional strikes. In fact, this is generally true already with respect to China's and even the United States' inability to defend completely against the other side's nuclear strikes, as well as with respect to China's inability to defend itself fully against U.S. conventional strikes. As for Chinese conventional strikes against the United States, U.S. defense capabilities are limited, but China currently lacks the ability to reach out and strike conventionally at that range. At some point soon, however, it will be able to strike the U.S. homeland with conventional weapons. Before these dynamics fully transform deterrence relations, it would behoove the two powers to discuss the potential implications and reduce the risk of misunderstanding and miscalculation where possible.

Consistent

The NDAA provides important guidance from the U.S. Congress on what the Department of Defense can and cannot do. The two decades of meteoric rise in Chinese military power since the inception of this act makes it look even more prudent in retrospect. The NDAA helps promote

³³ Zhang Guochen, "Haishang minbing canjia haishang feng kong xingdong yanjiu" [Study on the Participation of Maritime Militia in Sea Blockade and Control Operations], *National Defense*, November 2016, 41–43.

³⁴ Roy Kamphausen, "The DPRK in Distress: Potential PLA Intervention in North Korea" (paper presented at the PLA Conference organized by the National Bureau of Asian Research and the Strategic Studies Institute of the U.S. Army War College, Carlisle, March 2015).

³⁵ U.S. Department of Defense, *2019 Missile Defense Review* (Washington, D.C., January 2019), <https://media.defense.gov/2019/Jan/17/2002080666/-1/-1/1/2019-MISSILE-DEFENSE-REVIEW.PDF>.

policy coordination by constraining overly enthusiastic individual officers and officials who might otherwise be misled into embracing the unrealistic premise that they can personally achieve a breakthrough in bilateral relations.³⁶ It is part of a larger vetting process run by the Office of the Secretary of Defense that helps ensure consistency and the ability to implement a strategic approach rather than an approach centered on a service or combatant command, and thereby prevents seams from being exploited. The NDAA can strengthen the hand of U.S. officials in negotiations and other interactions by making clear that the sort of personal cultivation at which Chinese governmental organs and operatives excel cannot catalyze precipitous changes in U.S. policy or bilateral military relations. Certainly there is room for improvement, and the Defense Department must speak with one voice. While Beijing will not embrace all U.S. points, or even the majority of them, each side expressing its respective views is far more productive and sustainable than Washington ceding the narrative initiative to Beijing. Perhaps more than ever, U.S. officials will need to “agree to disagree” in many areas with their Chinese interlocutors, even as genuine mutual interests allow them to cooperate in an evolving but limited set of areas.

Productive Areas for Engagement

Despite the problems and limitations discussed in the preceding section, at least five principal areas offer meaningful opportunities for Sino-U.S. military exchanges and cooperation: public goods provision, negotiated CBMs, waterfront-wide inclusion, operational trust, and mutual restraint. Several of these even offer opportunities for growth and development.

First, as both the United States and China continue to share substantial interests in international security and prosperity, and China’s interests and capabilities continue to expand globally, the two sides could expand cooperation on nontraditional security threats and the provision of public goods. Xi has highlighted “terrorism, cyber-insecurity, major infectious diseases, and climate change” as “common challenges” that merit international cooperation.³⁷ In particular, the significant medical expertise resident in the U.S. and Chinese militaries makes combating infectious

³⁶ For documentation of this sort of risk, see Harold, “Expanding Contacts to Enhance Durability,” 109.

³⁷ Xi Jinping, “Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era” (speech delivered at the 19th National Congress of the Communist Party of China, October 18, 2017), 53.

diseases another potentially productive area for cooperation, especially given the continued risk of pandemic influenza.³⁸ All could be pursued without altering the NDAA. Additionally, the United States could consider increasing its emphasis on military engagement with China in multilateral forums, which may offer important opportunities and avoid some of the pitfalls of bilateral engagement.

Second, while *pro forma* exchanges are unlikely to increase dramatically, there is room for further functional interaction that brings more components of the countries' armed services into contact with one another. As detailed above, China's coast guard and maritime militia regularly operate in international waters, in part to promote China's disputed sovereignty claims. Any bilateral maritime interactions and exchanges are simply incomplete without these groups' representation. While the U.S. Coast Guard is not employed to advance disputed sovereignty claims, it could participate more extensively in maritime discussions as well.

Third, while open-ended engagement faces major limitations, and China does not seem to have cooperated fully with some existing CBMs, there remains some potential for the further pursuit and implementation of negotiated CBMs.³⁹ For example, as noted above, CUES and related protocols will be incomplete—and of limited efficacy—without the inclusion of all three Chinese sea forces. A comprehensive protocol to include all Chinese and U.S. maritime forces merits consideration. Other potentially productive areas include high-level or joint issues, such as crisis communications.

Fourth, even though improving strategic trust appears unrealistic for now, there is considerable potential to improve operational trust.⁴⁰ Differences in national interests, as well as enduring differences in historical experience, culture, and political institutions, have produced a significant lack of strategic trust on both sides at the broadest level.⁴¹ While strategic trust remains elusive in critical areas and cannot be readily improved through military exchanges, increasing operational trust and reducing the risk of unintended escalation are realistic goals for bilateral

³⁸ Andrew S. Erickson, "Combating a Truly Collective Threat: Sino-American Military Cooperation against Avian Influenza," *Global Health Governance* 1, no. 1 (2007), http://ghgj.org/Erickson_1.1_Combating.htm.

³⁹ Kurt M. Campbell, *The Pivot: The Future of American Statecraft in Asia* (New York: Twelve, 2016), 248–50.

⁴⁰ Dale C. Rielage, "An Imperative to Engage," *Proceedings* 141, no. 4 (2015), <http://www.usni.org/magazines/proceedings/2015-04-0/imperative-engage>.

⁴¹ Michael D. Swaine et al., *U.S.-China Security Perceptions Survey: Findings and Implications* (Washington, D.C.: Carnegie Endowment for International Peace, 2013); and Kenneth Lieberthal and Wang Jisi, *Addressing U.S.-China Strategic Mistrust* (Washington, D.C.: Brookings Institution, 2012).

military relations. Dale Rielage, U.S. Pacific Fleet director for intelligence and information operations, explains that “operational trust is built over time through demonstrated competence, predictability, and reliability.... [It] is often expressed in minute detail and well-worn procedures.” For example, “despite being political adversaries, the U.S. and Soviet navies achieved a degree of operational trust that allowed both to work in close proximity during the Cold War with a limited number of incidents.”⁴²

Fifth, even absent related agreements, it is possible to pursue some measure of mutual restraint in the most dangerous and volatile areas. On the positive side of the ledger, some degree of cooperation is possible even when both parties face a security dilemma, although factors such as offense vs. defense, technology, and geography must be considered with particular care.⁴³ Yet negotiating durable agreements under a great-power security dilemma can be extremely difficult, as both sides have incentives to cheat, and no outside party can adjudicate effectively.⁴⁴ Each side’s belief that the other will simply pocket any concessions without reciprocal actions or benefits strongly disincentivizes unilateral restraint or accommodation. Fortunately, effective arms control and deterrence relations need not be limited to formal treaties; they simply require arranging forces in such a way that neither side has the incentive to act adversely toward the other. Thomas Schelling and Morton Halperin’s explication of this issue is worth considering in depth.⁴⁵

A broader, more flexible form of engagement that applies Schelling and Halperin’s conceptual approach to focus on reducing the incentives to use capabilities rather than reducing the capabilities themselves can thus address U.S. and Chinese concerns that would render aspects of formal agreements deal-breakers. China appears absolutely unwilling to accept technical inferiority, and any agreement that attempts to keep the PLA in such a position will fail; nor will the United States voluntarily relinquish capabilities that it has labored and invested to develop, particularly in the face of a security dilemma. Informal understandings may evolve over time through informal communication, and may even lead to more explicit agreements.⁴⁶

⁴² Rielage, “An Imperative to Engage.”

⁴³ Robert Jervis, “Cooperation under the Security Dilemma,” *World Politics* 30, no. 2 (1978): 167–214.

⁴⁴ Kenneth A. Oye, “Explaining Cooperation under Anarchy: Hypotheses and Strategies,” *World Politics* 38, no. 1 (1985): 1–24.

⁴⁵ Thomas C. Schelling and Morton H. Halperin, *Strategy and Arms Control* (New York: Pergamon-Brassey, 1985), 2–3.

⁴⁶ Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984), 74–87, 181; and Robert Axelrod and Robert O. Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions,” *World Politics* 38, no. 1 (1985): 226–54.

The overall strategic positions of the United States and China are relatively clear; it may be difficult to justify extensive dialogues that fail to go beyond policy platitudes. What could be useful to discuss are operational and perhaps even tactical specifics, which remain far less clear. The most realistic possibility to pursue over time is therefore some form of implicit, non-treaty-based understanding between the United States and China that even if the use of certain lower-end capabilities may be impossible to rule out, other types of capabilities are primarily for deterrence rather than actual operational use. This would help clarify thresholds, an important aspect of risk management.⁴⁷ As explained previously, however, this approach will only be effective to the extent that both sides restrain themselves. It will fail if Beijing expects preemptive or unilateral concessions from Washington.

Managing Military Relations and Expectations in the Xi Era

Amid mounting U.S. concern about Chinese actions, Xi has arguably initiated the most difficult extended period in U.S.-China relations since rapprochement in the 1970s. This period is likely to become even more challenging, with no relief in sight. As either a trailing indicator or a source of harm to bilateral relations, military relations cannot escape the constraints of the bilateral relationship at large. Given the gravity of the issues at stake, unrealistic expectations and the risk of disruptive disappointment should be minimized. It is better to proceed steadily, if slowly, rather than to grasp at a breakthrough only to have it unravel amid bitter recriminations.

The NDAA is important, but it does not define the bilateral military relationship, nor is it a hindrance to engagement. It has not prevented much in the way of military exchanges, and there are many potential areas of cooperation not affected by the NDAA in which China remains unwilling to engage. Should Beijing's paradigm radically change (that is, by sharing greater values, embracing greater transparency and collective security, accepting and supporting the U.S. alliance system and international norms, and so forth), then engagement activities could expand to more operationally relevant capabilities. For now, however, rather than risk harm to U.S. interests and Chinese disappointment from false expectations, the United States should retain the NDAA with its limited exceptions and possibility of

⁴⁷ Forrest E. Morgan et al., *Dangerous Thresholds: Managing Escalation in the 21st Century* (Santa Monica: RAND Corporation, 2008), xiii, http://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG614.pdf.

waivers and focus both its military exchanges and broader relationship with China in the five areas outlined above. Doing so would enable the two sides to pursue some form of “competitive coexistence.”⁴⁸

The United States welcomes a strong, developing, stable, and open China committed to observing the norms and rules of international society and peacefully resolving its differences with neighbors in accordance with international law. This approach builds on areas of mutual interest even while recognizing that the two countries differ in important areas. It acknowledges the complex realities outlined above and rejects a simplistic binary choice between full agreement on sensitive issues (which is unrealistic) and the threat of an inevitable drift to war (which is similarly unlikely given its unacceptable cost). In the Xi era, this is both the best approach available and the key to entering a new era with U.S. interests and regional peace intact.

⁴⁸ Andrew S. Erickson, “Competitive Coexistence: An American Concept for Managing U.S.-China Relations,” *National Interest*, January 30, 2019, <https://nationalinterest.org/feature/competitive-coexistence-american-concept-managing-us-china-relations-42852>.

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