



## **START OF TRANSCRIPT**

SEN LAM:

Hello there. I'm Sen Lam. Welcome to *Ear to Asia*. This is a podcast from Asia Institute, the Asian research specialists at the University of Melbourne. In *Ear to Asia*, we talk with researchers who focus on Asia and its diverse peoples, societies and histories. It has been two decades since Hong Kong was returned to China, which had always insisted the former British colony was a sovereign part of the People's Republic. As for Taiwan, Beijing sees it as part of its territory too, although the island has had de facto independence from the mainland for almost 70 years and China's professed sovereignty over it has yet to be truly tested.

More recently, China has been actively asserting sovereignty over very large parts of the South China Sea, seriously upsetting Vietnam, the Philippines and other neighbouring countries. Viewed from afar, it's tempting to regard China's claims of sovereignty as expansionist and as such, a threat to regional - possibly even global - order. But what does sovereignty mean in the Chinese context? Does it really mean absolute and hard line control or perhaps a more relativist approach that seeks mainly to ensure that China's historical claims are acknowledged and accepted?

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In this episode of *Ear to Asia*, we take a look at what Chinese sovereignty means, with a political scientist who suggests that we might rethink how that term sovereignty applies to China's political behaviour in modern times. Doctor Sow Keat Tok argues that we may benefit from taking a more nuanced perspective and that Chinese sovereignty need not necessarily imply an absolutist approach to territorial control. Doctor Tok has been studying China's foreign relations and domestic politics for more than a decade and has authored books and numerous articles on these topics. He's currently a lecturer at Asia Institute. Sow Keat Tok, thank you for joining us on *Ear to Asia*.

SOW KEAT TOK:

Thank you for having me.

SEN LAM:

Before we discuss the Chinese context, let's begin with a general look at sovereignty. Where does this notion of sovereignty come from?

SOW KEAT TOK:

Well when we talk about sovereignty, we all assume that it's everywhere out there today, but in fact it is a European construct that was designed in the sixteenth and seventeenth century, where there was incessant war between different fiefs and principedoms in Europe. And in order to avoid having conflict with each other and to prevent intervention based on religious issues, they created this idea called sovereignty, which eventually stops states from having war against each other because of religious issues. And that has been something that evolved over centuries and eventually came up to something, what we see as sovereignty today.

It is a kind of inside/outside look. It's what we call a Janus-faced arrangement between states, that one shall not intervene in the internal affairs of the other. That's the basic idea of sovereignty.

SEN LAM:

So this is the Westphalian sovereignty - the Westphalian model you're talking about?

SOW KEAT TOK:

Yes, indeed. The Westphalian model was become a globalised phenomena with rapid decolonisation process in the earlier mid-twentieth century. So we all assume the world today as it is, but it really is not. For example, in Asia, sovereignty has never taken route - nor in Africa for that matter. It was the colonisation process - the colonisers from

Europe - moving to these new lands and then start implementing drawing lines across sands, across rivers and decided to implement this idea called sovereignty. And subsequently when they decolonised when they left these places.

SEN LAM:

So of course, when you talk about China, China is an ancient country. It used to be called the Middle Kingdom. They thought that they were the centre of the world. Yet, China in those days - in its earlier days - was made up of many different warring states. So has that coloured the way sovereignty evolved - the concept of sovereignty in China?

SOW KEAT TOK:

I think it is more coloured by this concept called tianxia, which is all...

SEN LAM:

Tianxia?

SOW KEAT TOK:

...which is all under heaven, effectively. In this cosmos, there is no territory, so to speak, because everything under the sun belongs to the Son of Heaven, which is the emperor in that sense. So there is no territorial concept in this Chinese cosmos. I'll put it that way. So when this Chinese cosmos meet up with this new concept called sovereignty, suddenly they have to readjust the way that they deal with territory. They introduced a new dimension to understanding what is their holdings? What is Chinese holdings and how to deal with this idea of territoriality when all around them, states are all territorial in nature.

SEN LAM:

So did the concept change with the rise of the first emperor, Shi Huangdi?

SOW KEAT TOK:

Interestingly, if you actually go back to history, the tianxia concept actually evolved in the Han Dynasty, not during the Qin Dynasty. So it was under this New Confucianist scholar - Tian Dongshu - that actually put together the idea of Heaven and the emperor. What I'm trying to really highlight here is that when China meets up with the West - when the last dynasty – the Qing (Ching) Dynasty - meets up with the West and when the New Republic was formed in 1911, there was a need to readjust China's position vis-à-vis the rest of the world, where in an international society that defines itself based on this concept called sovereignty and at the heart of it is territory, likewise the Chinese cosmos has to adjust accordingly.

Actually, you put into perspective, China is an even younger, modern nation state than Australia. Australia was federated in 1901. Whereas China became a modern state only in 1911-1912. That's because they adopted this idea of sovereignty. They become part of the fold of the international society and being accepted as one.

SEN LAM:

Moving a little bit earlier than that, the loss of control of Hong Kong and Macau to European powers in the nineteenth century, has long been a symbol of China's so called "century of humiliation" - and I'm quoting here - in which Japanese and Western interests were able to exert control over much of China.

It might be argued that reassertion of sovereignty is a tonic to Chinese nationalist pride. In the 1980s then, Deng Xiaoping formulated the principle of one country, two systems with regard to the reunification of Hong Kong - the taking back of Hong Kong from the British - and Macau to mainland China. Hong Kong and Macau are of course now back in the Chinese fold and they enjoy special status and autonomous powers that most other regions in China do not. What does this say, do you think, about the Chinese approach to sovereignty?

SOW KEAT TOK:

The Chinese has a very interesting way of understanding sovereignty. What they prioritise is that de jure reform of sovereignty. Now sovereignty, we tend to see it as a holistic concept, but conceptually we can actually divide it into two different parts. One is the de jure sovereignty and other part is the de facto sovereignty. So de jure is the legal sovereignty. De facto is the operational sovereignty. In the evolution of this concept of sovereignty, it first became with operational - de facto sovereignty, slowly moving onto de jure sovereignty, as we see in what happened in Europe.

A good example is Netherlands, during the sixteenth and seventeenth century. So it's able to defeat the Spanish invaders and defend itself and that crystallised to a kind of legal sovereignty that other powers in Europe started to recognise Netherlands. But today, we are looking at a reverse scenario developing, where because of decolonisation, de jure sovereignty becomes something as an a priori to de facto sovereignty. States do not need to show that they have operational control, but they are able to be recognised as a state by the international society. And that is something that China is building on. China is more focused on the de jure part of sovereignty than the operational part of sovereignty, as we see in Hong Kong and Macau.

SEN LAM:

Yet, it allows the operational side - the de facto sovereignty - to coexist with the de jure sovereignty. This is despite Deng Xiaoping's statement that sovereignty is not debateable. How did that come about?

SOW KEAT TOK:

I think sovereignty is not debateable, as in de jure sovereignty is not debateable. Moving away from Hong Kong and Macau, let me look at Taiwan. Deng Xiaoping - everyone knows who he is - and Ye Jianying - Ye Jianying was one of the elders in the party in the 1980s - one of the top generals as well. And he was in the political bureau at the time and he made a statement that both he and Deng Xiaoping agreed that if Taiwan returns to the fold of China, Taiwan can have its own political system. It can run the economy as it wishes. It can even have its own army, its own police force. That means the monopoly of violence is actually given up by Beijing and given to Taiwan. So everything operational is left to Taiwan to decide whatever they want to do with it.

SEN LAM:

So was this philosophy formalised or was it just an unsaid philosophy that the Chinese Communist Party adopted?

SOW KEAT TOK:

It was actually formalised and you can look at the string of leadership that comes afterwards. It's more or less they are repeating what Ye Jianying and Deng Xiaoping said about Taiwan. So it's about reclaiming Taiwan. It's about Taiwan being seen as this big entity called China, rather than Beijing exerting full control over the affairs of Taiwan. So this is what I meant by conceptually breaking up the de facto sovereignty with de jure sovereignty. China just made sure that Beijing is the undisputed holder of sovereignty for this concept called China, but operational wise, it's more than willing to give up to the local entities.

SEN LAM:

And is that why this very useful phrase, status quo, that is applied to cross-strait relations all the time, that...

SOW KEAT TOK:

Yes.

SEN LAM:

...to maintain the status quo at all costs.

SOW KEAT TOK:

I think status quo is the best thing that both sides across the strait can hope for, really. Taiwan - I mean anything going beyond its current state of de facto independence is probably going to incite the anger of Beijing. And Beijing - the leadership within Beijing - no one wants to get into Taiwan. There is no need to [solve] Taiwan as far as they're concerned. Currently, we have [each] China's leadership spending 10 years in office and Taiwan affairs is not going to be solved within 10 years. That's for sure. Anyone getting into that is just going to get himself or herself into trouble.

SEN LAM:

So the Beijing leadership is actually quite happy to leave it alone, only because it's such a difficult issue?

SOW KEAT TOK:

Yes, I think so. And there is no need for them to burden themselves with more issues than they currently have domestically.

SEN LAM:

You're listening to *Ear to Asia*, with Doctor Sow Keat Tok, who has been studying China's foreign relations and domestic politics for more than a decade. So what happened then, Sow Keat, at the turn of the century in 2000 under Chen Shui-bian, the Taiwan democratic leader, who kept pushing the envelope and in fact mentioned the I word - independence - quite often. How did the Beijing leadership contend with that?

SOW KEAT TOK:

The problem with Taiwan issue is that status quo is fine, but once someone is trying to push the envelope and talk about independence, that will definitely incur the wrath of Beijing. Under Beijing's construction of its nationalism, of its memory, as far as they're concerned, Taiwan is part of the whole, big China family. And any attempt to break away from that reality will be deemed undermining this whole national construct. As you mentioned earlier on, China's very much defined in terms of the century of humiliation. Taiwan was ceded to the Japanese after the first Sino-Japanese war in 1895. In this case, it was part of that humiliation construct - humiliation memory - and any attempt that Taiwan is leaving this family is blasphemy to this whole national imagination. Otherwise China will not be whole.

What really matters here is that no Chinese regime can afford to lose Taiwan.

SEN LAM:

What about Hong Kong? Where does Hong Kong sit in terms of the Beijing leadership

and also in terms of Hong Kong's continuing attempts, certainly amongst the people, at pushing for greater self-determination, if nothing else in administrative terms? How does that sit with Beijing and is that different from how Beijing views Taiwan?

SOW KEAT TOK:

I think Hong Kong is no different from Taiwan, except for the fact that it has been returned to China and titularly it's under the sovereignty of China.

SEN LAM:

So is the Chinese leadership quite comfortable with even grassroots organisations pushing for greater freedoms?

SOW KEAT TOK:

Now, there is a gradual change in the situation in Hong Kong. When Hong Kong was returned to China in 1997, Beijing actually [withdrew] its presence from Hong Kong. But it was subsequent activism within Hong Kong's society through crises like the avian flu crisis, the SARS crisis and the slow mobilisation of the society against Beijing, that Beijing started to take note of what is going on in Hong Kong. So you see Beijing moving back into Hong Kong from 2003 onwards. One can argue it's earlier, but the dividing point was really 2003.

and subsequently you see increasing antagonism between Hong Kong and Beijing and that antagonism actually increased the anxiety of Beijing, because they couldn't afford to have a Hong Kong that is going run away, because they still have unresolved issues in Taiwan. That's where the link between Hong Kong and Taiwan comes in. And slowly you see a more assertive Beijing putting itself in Hong Kong and make sure that everything in Hong Kong remains in control. What I understand is that Beijing - at least the leadership side - they are happy with whatever Hong Kong is going to do, except for the independence part.

When they inherited Hong Kong in 1997, they actually froze the time in Hong Kong to actually 1994, when the Sino-British Declaration was done. So they expect Hong Kong to remain unchanged, but that wasn't the case. Hong Kong has changed so much since 1994 and indeed after 1997. So there was this expectation of Hong Kong not changing, but it has changed and that increased the anxiety of Beijing as a result.

SEN LAM:

Let's bring in the South China Sea, Sow Keat.

SOW KEAT TOK:

Okay.

SEN LAM:

The South China Sea issue is not a recent issue.

SOW KEAT TOK:

No.

SEN LAM:

It may surprise many people to know that. So what do you think are China's attitudes - its pronouncements on the South China Sea - the fact that it's commandeering certain atolls in the Spratlys? What do you think that says about how China is approaching sovereignty in contemporary terms?

SOW KEAT TOK:

Well as far as the Chinese maps and memories are concerned, South China Sea has been part of China's territory since the founding of the People's Republic. As early as the second decade of the twentieth century, already we have publications of Chinese textbooks and maps that includes the entirety of South China Sea as part of China. And that was brought over when the People's Republic was formed. Indeed in the first geography textbook published by the People's Republic in 1954, they actually drew the map where they claimed the entirety of South China Sea. To put it in context, Vietnam didn't really become an independent state until the 1940s. Philippines was earlier, in the 1920s, but it was still an American protectorate up until after the World War and so are the other claimants in South China Sea.

So that part of the waters was pretty much unclaimed by anyone else, except for China. And as far as China is concerned, they never have to assert that claim over those waters, until very recently. In fact the South China Sea issue didn't really become an issue until the United Nations Convention on the Law of the Sea come into act.

SEN LAM:

So in terms of complexities, is the South China Sea issue totally different from Taiwan and Hong Kong and perhaps a totally different approach might be needed?

SOW KEAT TOK:

I wouldn't say that they are totally different. There are certain similarities. There's still a lot of potential for China to work with the other claimants of South China Sea, to jointly explore and - what Deng Xiaoping has said earlier on in the 1980s - just shelve the sovereignty issue and just pursue joint exploration. Everyone has a stake in the resources and the fruits in South China Sea. So I think that mentality still holds within Beijing. The question is, they are slowly becoming more and more assertive as we go,

because of a more confident China, because of a China leadership that is increasingly besieged by internal problems.

SEN LAM:

So Sow Keat, how should we interpret the construction of runways and other structures in the Spratlys, in the South China Sea?

SOW KEAT TOK:

Well to put it simply, within the current international legal structure, to occupy an island or to occupy a particular feature - land feature - means that one has sovereignty claims to those features. Based on United Nations Law of the Sea, that will extend the exclusive economic zone. So because China saw those islands as theirs, as far as they're concerned and with this introduction of United Nations Law of the Sea, those reefs and islands all become more important than they used to be. That means that China can claim exclusive ownership of whatever resources that lies beneath those sea bed.

SEN LAM:

So is there a concept of who gets there first? I'm thinking of perhaps the Singaporean practice in some food courts, where if you put a packet of tissues on an unclaimed table, it's yours and you can feel free to go and get your food and when you come back, the table is still free.

SOW KEAT TOK:

Yes. In a way...

SEN LAM:

It is the "chope" concept.

SOW KEAT TOK:

In a way, yes. That's how international laws work. Whoever is there first get to claim it. China wants to make sure that it has first claims over those reefs and features, were it [to] come to a clash of international legal opinion. To be fair, China was not the first one to reclaim any of those reefs. Taiwan started first and then we have the Philippines also reclaiming some of those islands. The Vietnamese have started reclaiming those islands. It was only in the last 10 years or so that mainland China became part of this competition, to claim those islands and started reclaiming those reefs.

SEN LAM:

So what does the Chinese approach to asserting sovereignty - or the way it goes about

contesting with other nations - what does that say about China as an international player?

SOW KEAT TOK:

China is actually quite contradictory in its behaviour in that sense. On the one hand, it's holding onto a very traditional view of sovereignty that mixes the old cosmos with the new concept of sovereignty. On the other hand, it was required to play this game, based on the rules of modern international society. And we are seeing that very conflictual approach that Beijing has adopted, with regards to South China Sea, with regards to Hong Kong, with regards to Taiwan. But it's really struggling with itself about how to deal with all these issues, with all those previous concepts all coming into play and yet China has to behave like a modern nation state within this new international society.

SEN LAM:

Well it's certainly a fascinating subject, but what are the challenges of researching this area?

SOW KEAT TOK:

The biggest challenge is that sovereignty is a very emotional subject in Chinese nation. It's not easy to talk about sovereignty to a Chinese audience, for example. My research - if I were to frame it out - it might actually offend some of the more hard line nationalists in China. That notwithstanding, it is also quite difficult to extract information, to collect data on issues of sovereignty. Not that it's just a security issue, but also every official that you meet up with, they will actually tell you an official line rather than a personal view of how things are, so you have to kind of like navigate your way very carefully.

SEN LAM:

Before we let you go, what are some of the real-world implications of your research, do you think?

SOW KEAT TOK:

I think that if we have a more nuanced understanding of how China sees sovereignty, we can actually formulate policies that engage China and take into account that kind of view in disputes like South China Sea, for example.

SEN LAM:

Sow Keat Tok, thank you very much.

SOW KEAT TOK:

Thank you.

SEN LAM:

We've been speaking with Asia Institute Political Scientist, Doctor Sow Keat Tok about rethinking China's sovereignty, in context of contemporary politics. *Ear to Asia* is brought to you by Asia Institute of the University of Melbourne, Australia. You can find more information about this and all our other episodes at the Asia Institute web site. Be sure to keep up with every episode of *Ear to Asia* by following us on iTunes, Stitcher or SoundCloud. If you've enjoyed this or any other episode in the series, it would mean a lot to us if you'd give us a generous rating on iTunes or like us in SoundCloud and of course let your friends know about us on social media.

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