

# RCAS Commentary

## Rhetoric of Rules: A New Fault Line

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## About RCAS

香港亞洲研究中心| The Hong Kong Research Center for Asian Studies (RCAS) is a nonprofit research organization focusing on Asian affairs. It is a newly established institution founded in February 2022 by Dr. Nian Peng in Haikou and subsequently moved to Hong Kong in September 2023. We currently have an international research team with nearly 100 resident/nonresident researchers from China and other countries.

RCAS aims to become a leading research institute and think tank on Asian affairs in the Indo-Pacific region. To date, RCAS has conducted research programs on maritime disputes in the South China Sea (SCS), China's relations with the Indo-Pacific states, the Belt and Road Initiative (BRI), terrorism/counterterrorism in the Afg-Pak region, and so on. It is committed to promoting maritime cooperation, regional integration, and regional peace in the Indo-Pacific region at large.

RCAS has published nearly ten books in Chinese and English and more than 20 papers in SSCI/SCOPUS/CSSCI-indexed journals. Recent English publications include *Populism, Nationalism and South China Sea Dispute: Chinese and Southeast Asian Perspectives* (Singapore: Springer Nature, 2022); *Pakistan's Foreign Policy: Contemporary Developments and Dynamics* (London: Routledge, 2022); *Crossing the Himalayas: Buddhist Ties, Regional Integration and Great-Power Rivalry* (Singapore: Springer Nature, 2021); *The Reshaping of China-Southeast Asia Relations in Light of the COVID-19 Pandemic* (Singapore: Springer Nature, 2021); *Territorial Disputes, The Role of Leaders and The Impact of Quad: A Triangular Explanation of China-India Border Escalations* (2023); *Managing the South China Sea Dispute: Multilateral and Bilateral Approaches* (2022); *China-Pakistan Cooperation on Afghanistan: Assessing Key Interests and Implementing Strategies* (2022); *Hedging Against the Dragon: Myanmar's Tangled Relations with China since 1988* (2021); and *China-Pakistan Conventional Arms Trade: An Appraisal of Supplier's and Recipient's Motives* (2020).

RCAS has also published hundreds of articles, and its researchers have been interviewed in various local and international media outlets, such as *The Diplomat* in the United States, *East Asian Forum (EAF)* in Australia, *Bangkok Post* in Thailand, *Jakarta Post* in Indonesia, *Lian He Zao Bao*, *Think China* in Singapore, *South China Morning Post (SCMP)*, *China-US Focus* in Hong Kong, *CGTN*, *Global Times*, *World Affairs* in China. RCAS researchers have actively participated in international conferences or study visits in the United States, India, Pakistan, Sri Lanka, Nepal, Myanmar, Cambodia, and other places.

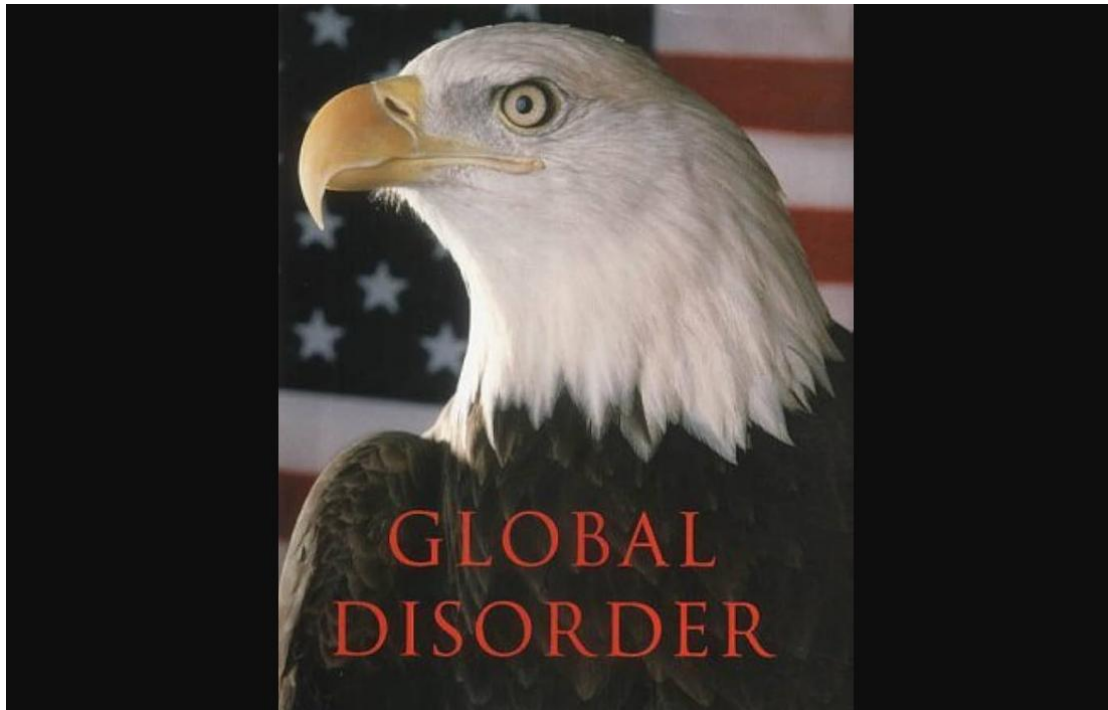
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## Rhetoric of Rules: A New Fault Line

*Sujit Kumar Datta*

The concept of a rules-based international order is as old as international relations and has served both as a moral argument for the United States and a policy tool. Nevertheless, over the past few years, particularly in light of American military operations in Venezuela and Iran, this rhetoric has become a channel of conflict rather than consensus in U.S.-China relations.



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The question is not whether rules should exist, per se, but about who rules and whether the rules are applicable everywhere. The United States continues to claim preeminence as the designer and insurer of an order founded on liberal values, democracy and security collaboration. However, critics note that Washington gets very particular about implementing the rules when its strategic interests are involved.

This view is colored by new U.S. interventions in Venezuela and Iran. Legal scholars and analysts have indicated, in both cases, that the United Nations did not issue any special mandate for the U.S. military's operations, raising serious concerns that the operations were not in compliance with international law and the UN Charter. These activities—widely viewed by others as a kind of self-justification by Washington,

which cites security and stability—have been seen as a form of looting by the U.S., destroying the very order it has claimed to defend.

This perception is not new, but it is becoming more apparent as its impact widens. The same game appears to be underway in both Latin America and the Middle East, culminating in the use of real military force. In Venezuela, and Iran (and, at one time, Cuba) rules have been bent or demolished to serve the national interests of the United States. What is emerging is a sense that the rules-based order is becoming increasingly focused on sustaining strategic advantage rather than being guided by universal principles.

To most of the observers, this points to a larger change in global politics. The order established under rules thought to be stabilizing is increasingly being replaced by a more fluid system typified by power politics. It is being traded and is becoming a major tenet of sovereignty, a geopolitical bargaining chip. It is in this context of change that the human impact is set aside: Civilians are bearing the brunt of sanctions, war and anarchy.

China never agreed to such an approach and has consistently called for a world order that complies with the UN Charter and international law. The concepts of sovereignty, non-intervention and the equality of norms regardless of a state's size and power, are emphasized in Beijing's official rhetoric. China insists on multilateral solutions and condemns unilateral measures that do not involve multilateralism in traditional diplomatic arenas.

It is no easy rhetorical job. The growing role of China in the world order, the Belt and Road Initiative, its involvement in UN peacekeeping operations and its mediation of conflicts in the region are oriented toward developing another image of order. This vision does not emphasize coercive measures but rather economic collaboration, infrastructure development and negotiated solutions.

However, the situation in China is also complex. Although China declares support for a rules-based system, it is likely to interpret those rules in a way different from the way the United States does. Beijing is more interested in state sovereignty and political stability, in line with Western requirements. But it may also trade with governments it believes are authoritarian.

Irrespective of such contradictions, the difference between the two powers is striking. China has focused on flexibility, strategic discretion, consistency and non-interference. Washington can bend the rules in certain situations; Beijing perceives the rules as absolute and extended to all.

This division is becoming a point of dispute in relations between the U.S. and China. It is not so much a policy argument as a fundamental juxtaposition of worldviews. The United States is a “juristocracy” that balances law and political expediency to the extent of making exceptions in the interests of security or other expedients. China takes a more dogmatic view of sovereignty and legal equality in pursuit of its key interests.

The ramifications of this split extend well beyond bilateral relations. The issue of an international order based on rules has immediate implications for the independence, security and development of middle powers and developing countries. Many of these states are growing increasingly skeptical of a system that appears to be applied unequally. They also fear being sucked into the fray of the great powers, with rules subject to change at any moment according to the will of the mighty players.

These are issues of special concern in Asia. The area is at the crossroads of the U.S. military and Chinese economic hegemony and, therefore, is a victim of conflicting notions of what order means. Events in remote theaters, such as the Middle East, influence perceptions of credibility, reliability and intent. The United States can unilaterally change the rules, thereby undermining its legitimacy as the defender of the rules and providing China with an opportunity to offer an alternative that is more stable, or at least less perilous.

In the meantime, the fact that China has been extremely low-key in responding to U.S. policy on Iran and Venezuela indicates that it is strategically oriented. Instead of challenging Washington, Beijing has mostly limited itself to diplomatic censure and demands for moderation. It also foreshadows a long-term policy that carries diplomatic capital, assuming a stance opposite that of the United States.

This dynamic elevates the argument to great importance—that is, the United States and China do not compete in military or economic power only. Their respective concepts of world order loom large. China considers its view to be more valid, more stable and more just. In this sense, rhetoric becomes a battlefield in itself.

The issue is that the two different stories are beginning to fray, and the cohesive factors on which the international system is built may be broken as a result. There is hardly any chance that the U.S. and China will be diplomatically united, unless they can agree on some basic principles under which the behavior of all states should be managed. Rules that seem optional or that are applied selectively cannot be binding. Less cooperation will be the natural result, with a greater likelihood of war, unless some common frame of reference is established.

The current moment marks a turning point. A rules-based order is no longer an authoritative concept; it has become controversial. In the case of the United States, the

question is how to balance its actions with the values it professes to hold, and how to regain its leadership credibility. The question to be asked about China is whether its adherence to international law is not mere rhetoric but also material and real.

The future of the world order will be determined by how these competing visions play out—whether they will somehow merge or just fragment the world further and establish parallel systems of control and influence. The current status is that the very concept of rules, once a topic of agreement, has turned into a topic of disagreement. And that is where a distorted reality of U.S.-China tensions lives. It is not only power that is at stake but the meaning of order itself.

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## About Author



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