Ezra Vogel: Fairbank Center is very lucky to have the technical assistance of Nick Drake and Mark Grady. We have very good staff and they've helped us adapt to work on Zoom. And so they're the technical people who really make this possible for us to go about our business. So I'll wait just another minute or so. Fairbank Center is still a great place with many people who now Zoom in and talk in. And our job is to keep up our work and keep up intellectual vitality despite all the problems we have between our two countries and despite all the problems we have with the coronavirus issue. And we don't know when we'll start seeing each other in person, but in the meantime, we're determined to do everything we can to keep up the academic vitality of our community and to keep learning, keep studying, and not to give in, and to do we can to help promote better understanding between China and the United States. Nick, do you think it's time to start, should we wait another minute?

Nick Drake: We're holding at about 80 right now. So we can probably get started, I think we'll-

Ezra Vogel: We have about 80. We have 80 already?

Nick Drake: Yeah, 83 is the current number.

Ezra Vogel: Okay, well, maybe I'll wait just one or two more minutes before we start. So that's more than we used to have when we had an audience in Cambridge.

Nick Drake: That's true. Very true.

Ezra Vogel: Okay, well, now I want to welcome all of you 83 or even more who are here to hear our session on critical issues confronting China. We started the Zoom series two weeks ago, this is the third in our series. And the bad news, of course, is that we can't assemble here in Cambridge. The good news is that by using Zoom, we can reach an audience outside of Cambridge and people anywhere can tune into our session. So that enables us to have, we expect probably to be close to 100 before we finish.

Ezra Vogel: Let me introduce the speaker first, and then I will turn it over to Nick to tell how we handle the question period. Our speaker, Carla Freeman, is a graduate of Yale and then went on to SAIS for her PhD, spent a few years in Wisconsin where her husband and his family are in the architect business. And she works between Washington and Wisconsin. And she is director of the Foreign Policy Institute at SAIS. As you know, SAIS is a key place for training originally foreign policy officials. And they remained a think tank as well as a teaching institution. And they have remained in the center of activities even in the new era.

Ezra Vogel: We try in our series to keep up education about China and to use research to understand what's going on, to go beyond the emotions that many people have, and to try to get a real understanding. And Carla has been working on many issues, but one of the issues is how do we have a commons in dealing with issues like space. And I think for our series, this is a
very key issue. Because the question is, how much does China, how much are they prepared to take part in international governance and in setting global standards? And so we feel very lucky that Carla, who is still teaching, still doing research, running Foreign Policy Institute at SAIS, is willing to take the time to be with us today. About six years ago, she spent a year at Harvard, so we know her and she knows us. And we're very glad to welcome her back. And without further ado, Carla, it's yours, thanks for coming.

Carla Freeman: Thank you so much, Ezra. I think I'll let Nick, I can see he's trying to talk about logistics, so let him do that first.

Nick Drake: Yeah, I will just jump in briefly and say that we will, if you've attended some of our previous virtual sessions, this will sound very familiar to you. We're going to have a Q&A session at the end. And the way to ask a question for that is to use the Q&A tab at the bottom of your screen. If you want to be identified, please put your name and any institutional affiliation you might have on the question. If you don't, there is an anonymous question feature that you could use. So please use that.

Nick Drake: Otherwise, I'll read off whatever name pops up. We expect that we'll probably get more questions than can be answered in the time allotted. So our apologies in advance if we don't get to your question. We'll be picking somewhat at random from the questions that come in. So if you have a question that pops up during the talk, please feel free to submit it or submit the questions during the question and answer period. The last thing I will say is that you may want to switch your screen to speaker view because, since I'll be popping in to ask the questions at the end, you'll have, if you have it on the gallery view, you'll be able to see my icon up there and it may be easier to see Carla if you just hit speaker view on your screen. Thank you all and I'll be back at the end.

Carla Freeman: Well, thank you very much, thank you, Ezra, for inviting me and for the kind introduction, and thanks to the Fairbank Center staff, Mark and Nick, as well. By the way, Ezra, I've been enjoying your latest book on China and Japan's difficult relationship, and I wish I could be as prolific as you. I also wanna thank the Kluge Center of the Library of Congress, I'm actually a fellow there, the chair of the US-China program there this spring. Although because of the pandemic, I find myself unable to be in my lovely office at the Library of Congress this spring, but I wanna thank them for hosting me there and for funding my research, some of which I'm gonna share with you today. And I also wanna say a quick hello to my cousin, Rip Freeman, who is joining our program today, thank you, Rip, for attending.

Carla Freeman: Anyway, I've been working on this topic of how China is changing the global commons and how China's growing role in the global commons may be changing China for a little while, but my work is still very much a work in progress, and you're getting my first truly public talk on the topic, so I'm honored to do this at the Fairbank Center and to have such a distinguished audience. And I'm very much looking forward to your questions. Ezra mentioned I was at the Fairbank Center about six or seven years ago, and that's when I first started my research on this, it was my last sabbatical. And I've continued to write, I published a couple of articles on the topic.
Carla Freeman: And I think it's, even though six or seven years have gone by since I first started working on my research, I think the issue is more important than ever. It seems more important than ever to understand this, how China is interacting with the global commons or what I sometimes call the Earth's final frontiers, because we're on the edge of a really dramatic shift toward a much, much bigger presence by China in these global commons with all sorts of possible ramifications, some of which I'll comment on today. One recent marker, for example, of China's growing presence is the announcement just a couple of days ago on the 50th anniversary of China's first successful satellite launch by Beijing that its Tianwen-1 or Ask the Heavens 1 Mars mission is going to proceed in July 2020.

Carla Freeman: Before moving, let me say that I know that talking about China and the global commons sounds far out. The global commons is not a particularly mainstream term. And then the words final frontiers may be worse, they have a sci-fi Star Treky kind of flavor. But one does hear about the global commons from strategic thinkers and military planners who think about flows of power. In the early 2000s, Barry Posen published an influential article on international security titled Command of the Commons: The Military Foundation of U.S. Hegemony. And the 2010 quadrennial defense review, the United States defense review, referenced the need to quote unquote assure access to the commons as quote, the connective tissue of the international system, as a key goal of US military strategy. And this, the global commons is also a term that's used by the United Nations to refer to these spaces. Again, these are all spaces that exist beyond the sovereign control of national governments.

Carla Freeman: So I'm gonna use the term global commons today and also in my writing based on those precedents and basically for want of a better label for those parts of our planet outside national sovereignty. The physical manifestations of these spaces, you could include cyberspace, for example, which isn't a physical space, they include the high seas, the seabed, the atmosphere, Antarctica, and sometimes people include the Central Arctic Ocean. And of course, outer space. Before I turn to my remarks, I should note that China itself does not use the term global commons, quanqiu gongyu, in its official documents, but a number of its scholars do write about the global commons and their relevance to China's rise in power. Before I get to China and the global commons, it's worth thinking about why these global commons even exist. Commons themselves are a rare phenomenon in the world. Much of their history has been, is the story of their enclosure. Yet we have these vast planetary spaces that remain outside sovereign control, or what some people call they are unterritorialized.

Carla Freeman: There are several reasons that the global commons still exist. Now, to name a few of them, first of all, they are vast, they're vast and they're uninhabited. The high seas are over, or uninhabitable. The high seas are over two thirds of our world's oceans. Antarctica, for example, is about 10% of the Earth's land area. Low earth orbit, which is the region of space nearest the Earth about, which begins about 60 kilometers above sea level and then extends another 2000 kilometers, and that's just low earth orbit, these are vast spaces. And the fact is that humans are not adapted to living in them, and so it makes controlling them very difficult. And this gets to another reason why these spaces have remained outside the sovereign control of states. It takes a certain level of technology and organization to be able to use them and to access them, and controlling them is even more difficult, because it's difficult for states to
establish and then defend borders in these global commons, at least historically. That isn't for want of trying.

**Carla Freeman:** Today, states' territorial waters, 12 nautical miles, are four times what they were just about half a century ago. And states continue to have outstanding territorial claims to Antarctica despite the treaty that was signed in 1959 to make it a global commons. And there are also contingents around the world who have designs on outer space. Asteroids, for example, as well as the moon, just a couple of weeks ago, for example, President Trump, building off a law that was actually signed by President Obama to legalize the sale and ownership of extracted resources from celestial bodies. He signed, Trump signed an executive order that recognizes the rights of private interests to claim resources in space. So things are changing very rapidly. Another reason we still have a global commons in the high seas is thanks to international law, which Ezra mentioned. Most notably, famously, the persuasive arguments and the backing that Hugo Grotius had.

**Carla Freeman:** Hugo Grotius was a lawyer who in 1609 made a very powerful case known as Mare Liberum or the free seas to resolve a dispute between the Dutch and Holland's rivals, Portugal and Spain, over whether trade routes should remain open to all on the high seas. Portugal and Spain had claimed exclusive rights to these maritime routes for trade and their links to their colonies in Asia. And their claims essentially followed an earlier precedent of European thalassocracies or seaborne empires that exercised exclusive control over areas of the sea. For example, the Hanseatic League dominated the Baltic and then, at the height of its power, Venice effectively controlled the entire Adriatic Sea. So working for the Dutch East India Company and using Roman legal precedent and other sources, Grotius effectively launched an effective legal challenge to Portugal's and Spain's claims, arguing that there was a long history of viewing the seas as quote unquote common to all, since no one had ever actually controlled all of the seas. And therefore he argued that the right to freely sail the seas and engage in commerce across the seas and to exploit its fisheries, the seas' fisheries, was part of quote unquote nature's plan, a natural right of man to share in a common benefit.

**Carla Freeman:** And subsequent powers, notably the British, followed by the United States, have seen it in their interest to preserve the high seas and this custom of open access to the high seas waters, using nimble but powerful navies with strategically positioned ports and strategic partnerships, they've been able to project power and secure what Alfred Thayer Mahan called the open highways of the sea for maritime commerce. Territorial waters until recently, again, were limited along coast to a distance defined by the so-called cannon shot rule. So that was just about three nautical miles. During the Cold War, the Soviets were developing their own blue water navy under the leadership of Admiral Gorshkov. And in Gorshkov's book, The Sea Power of the State, Gorshkov actually uses Marxist arguments to preserve the seas as a global commons. And in any case, once Moscow actually had acquired a blue water navy and a global power projection capabilities, as well as a fishing fleet capable of doing a substantial fishing operations and also the capacity to do extensive maritime research, Moscow also chose to support high seas freedoms and to endorse a strengthened legal regime that could better secure maritime mobility and to at least prevent the misuse of ocean resources by other states.
Carla Freeman: And so we see both the United States and Moscow working together during the Cold War to support an open access or global commons regime for the high seas. And together during the Cold War, the two countries were also able to agree that this idea that outer space should be a global commons and that there would be open skies for satellites that could pass over different countries' territories, because that would have significant benefits for mutual security in the age of nuclear weapons. And of course, the United States has developed incredible military technologies merged with civilian global technologies we all use every day, we're using right now, to project tremendous power of different types. And just in terms of its military power, its overseas conflicts are really to a large extent space-based wars.

Carla Freeman: This is something that China took note of since the First and especially since the Second Gulf War. And the United States has provided global public goods to preserve the global commons by defending the high seas from piracy. And by, until recently, at least historically, supporting negotiations for international treaties that preserve the global commons as universally accessible spaces. Of course, the United States has, through its foreign policy mechanisms, supported these treaties. But once they get to Congress, they don't always get ratified, and so notably, the United States has not ratified the UN Convention on the Law of the Sea. And also, like all countries with manned space capabilities, it has not ratified the moon treaty either. So in some cases, the United States actually follows so-called customary law, but in fact, has not actually ratified the legal regimes that preserve these global commons as open access spaces. So now to China.

Carla Freeman: The topic of China and the global commons is interesting for many reasons, including because of China's impact on global governance. But it's also interesting because it helps us see how China's growing ability to access and exploit the global commons is reshaping them, the power dynamics within them and again, their global governance. And then how China's engagement in all of these different global commons spaces, it may be changing China itself. And that's something I find particularly interesting. I also find the whole topic interesting for a higher level reason as well. As in the early 1990s, mid 1990s, John Agnew and Stuart Corbridge wrote a book called Mastering Space: Hegemony, Territory and International Political Economy. And they were thinking about geopolitics at a time of rapid political change. And they observed that, at that moment, globalization was transforming international relations around the world.

Carla Freeman: They noted, their observation was that globalization and the technologies that we're fostering were helping to speed up globalization had made geopolitics very fluid. And Agnew and Corbridge saw that technology, as well as economic power and other national capabilities like education had, were joining conventional geopolitical attributes of power, as they put it, as sources of states' abilities to pursue their national interests. And they saw this as a part of the overall diffusion of national power that was part of globalization and was actually reducing the role, the geographical primacy of the territorial state in the international system. And so what's interesting now is you've got emerging powers like China that are particularly fierce guardians of their national sovereignty, and many emerging powers who are coming to becoming important actors in the global commons have not settled their territorial borders. And they are fiercely defensive of their sovereignty. And so their rise may be giving the Westphalian
system a reprieve. And so, not to mention what, American policy and the direction of American politics in the world right now.

**Carla Freeman:** So the mastery by China of capabilities to both access and use the global commons, they mark, be part of another change, a new change in direction in global politics that does less to actually erode notions of national power that are rooted in territorial sovereignty than really to redescribe sovereignty along global or planetary lines. And I'll try to come back to this idea in my discussion of governance of the commons, but think about extending national property rights into space and expanding and further territorializing the high seas and so forth. I should note that there is already excellent work on China's growing engagement with each of these specific global commons as discrete areas of interaction. Anne-Marie Brady, for example, published a few years ago a really pathbreaking book on China's growing engagement with each of these specific global commons as discrete areas of interaction. Anne-Marie Brady, for example, published a few years ago a really pathbreaking book on China as a polar great power.

**Carla Freeman:** And you also have people like Joan Johnson-Freese at the Naval War College or Clay Moltz at the Naval Postgraduate School who've done pioneering work on China and space security and written on various aspects of this. And then there's been a huge amount of work by people who are very familiar to this audience like Peter Dutton also at the Naval War College. And Peter for a decade at least has been probing how China's activities in the maritime arena are impacting that global commons, that global environment. What I'm doing is trying to look at the global commons as a single entity because, for a number of reasons, one is that they're naturally connected as part of their, the Earth's systems that support human life. But it's also because they tend to be linked domains through technology. And so when powerful, technologically capable states use them, they tend to use, they tend to deploy technology that brings these commons together, and I'll give you some examples of that in a minute. So looking at, but at the same time, then looking at each of the commons together side by side to see how China's interacting with each of them and then comparing them also helps me see some of the common patterns, of course, and also reveals some points where it's more difficult to generalize about China's behavior across these three different global commons arenas. So here's some, let me give you some background on China's interactions with the commons.

**Carla Freeman:** And Ezra, just to let you know, I am watching the time carefully and I'll, I'm going on a bit longer than I had planned, but I'll make sure that I wrap up no later than midway through our program so our audience has plenty of time for Q&A. So for some background, Chinese interactions with the commons have expanded particularly rapidly in the past decade. But of course, China is building on decades of groundwork that it laid. It's hard to believe that, when the PRC took power, that it inherited a navy that was a riverine navy, very poorly equipped, but within just a few years, by the late 1950s, China had already begun a nuclear submarine and ballistic missile program, quite extraordinary.

**Carla Freeman:** In 1970, China had a per capita income of $120 or so. And that was the year it launched its satellite into space. It sent a taikonaut into space in 2003. And an Antarctic program began with Deng Xiaoping when China launched its reforms in 1978. Deng, of course, made science and technology maybe the most fundamental pillar of his four modernizations. And China almost immediately sent scientists to Antarctica to visit a research station and set up a committee to study Antarctica. And by 1985, had already set up an Antarctic station and was
engaging in projects both scientific and some with military implications. But the most dramatic developments have really taken off since Xi Jinping came to power. And these can all be seen as activities that are part and parcel of the break from the Tao Guang Yang Hui approach to foreign policy to Xi's more assertive yousuozuowei approach to international affairs. Since 2012, the Chinese leaders have put a lot of, given a lot of attention to these different arenas. And in 2015, began talking about them, these spaces, as new strategic frontiers in which China has, they haven't used the term core, but a significant national interest.

**Carla Freeman:** And in 2015, included in China's new national security law, China created a domestic legal basis, the domestic legal basis for it to enlarge its activities in all of these spaces, the polar regions, outer space, and especially the seabed areas. One of the members of the legislative affairs commission of the NPC commented on the law while it was being drafted and was quoted in the China Daily, I think it was. She observed that, I think she observed that China's exploration and development of these new frontiers was, quote, conducive to the common interests of mankind, but also that China had the right to safeguard its activities, its assets, as well as its personnel within them. And China has since then produced extensive whitepapers on all of these different domains. It had a new, it published a new whitepaper on outer space in 2016, and for those not familiar, these whitepapers offer policy guidance. They lay out an approach and set some targets for the Chinese government.

**Carla Freeman:** China published a new whitepaper on outer space in 2016, the paper on Antarctica in 2017, and then a whitepaper on the Arctic in 2018. And these are some of the, some of these are the very first whitepapers on these frontiers. But China had previously issued a whitepaper on outer space, and just using that particular whitepaper as an example, you can see how, you can see the shift in tone and direction from the earlier 2011 whitepaper to the 2016 whitepaper. In 2016, outlining China's space policy, the paper states that the primary purpose of China's program is, quote, the realization of the Chinese dream of renewal of the Chinese nation and to make positive contributions to human civilization and progress. And that positions China as a global leader in outer space. The previous, the 2011 whitepaper, suggested that the primary purpose of China's space power objectives were to, quote, protect China's national rights and interests and build up its comprehensive national strength, national comprehensive strength. So very different tone. And of course, the state council policy documents have been accompanied by an increase in activities in all of these domains.

**Carla Freeman:** Some have, you could argue that some have been accelerated because they've been linked to the Belt and Road Initiative, for example. So now there's a polar Silk Road for, linked to the BR, as part of the BRI, as well as a space Silk Road. And in the case of the latter, one form that the space Silk Road is taking is encouraging Belt and Road participants to connect to China's indigenous global positioning system known as BeiDou. Some analysts from countries who are skeptical of China's intentions see a lot of these activities as aimed not to expand China's access to resources or to engage in scientific research, but as fundamentally aimed at shifting the strategic balance. And to give one possible example, there are concerns that China has set up a number of ground stations for BeiDou, its global positioning system, in Antarctica. And these stations expand the capabilities, among other things, that help expand the capabilities of BeiDou to give China's ballistic missile systems over the horizon targeting
capabilities, which some people see as having significant implications for the strategic balance in the Asia Pacific and perhaps farther field.

Carla Freeman: So those are all some examples, but it's really China's gambit in the South China Sea that I think is the poster child for this whole story of China and the global commons and really the source of most international concerns about China's behavior. As I think I may have mentioned, China participated in and signed the UN Convention on the Law of the Sea, which most countries agree defines the 200 nautical mile exclusive economic zone that that treaty establishes as part of the high seas. So countries are allowed to use, they have jurisdiction over the resources in those exclusive economic zones. But they do not have, they cannot control vessels entering and leaving those waters, those are high seas waters. So those high seas water, as high seas waters, the EEZ waters are freely open to transit by military as well as to commercial shipping. But China has sought to regulate access by vessels within its EEZ, on a number of occasions challenging US and also Indian naval vessels' rights to access the EEZ without prior notification. So that has been a big concern, in addition, China refused to participate in the binding arbitration process brought by the Philippines under procedures that were laid out by the UN Convention on the Law of the Sea to establish the location of its EEZ, which for the Philippines is incompatible with China's South China Sea claims. And that's a concern.

Carla Freeman: And also China, in order to further establish its maritime claims, China has engaged in dredging and other construction, which has wreaked environmental havoc as it constructed islands and built military infrastructure on top of some of the world's most diverse reefs in the South China Sea. And China has intimidated fishermen from neighboring countries with overlapping claims in what seems to be a bid to secure important fisheries in the South China Sea. And there are also concerns that China is trying to secure parts of the sea for its own national oil companies, which have moved, in some cases, truly massive deep sea drilling rigs into the area. In 2014, there was, of course, a huge deep sea drilling rig that was moved into waters that China and Vietnam contest. And China referred to that rig as Chinese sovereign territory. So those have all, those actions in the South China Sea have raised alarms on a lot of different levels. But one of them is that China's behavior in the South China Sea is seen by many as a potential encapsulation of what China's role could be in the global commons writ large.

Carla Freeman: And so there's concern that China might use its capability to engage in resource grabbing, whether it's fish or oil or minerals from Antarctica, the seabed, or even celestial features. And critics point to the fact that, although China participates in international treaties governing most of the commons, the South China Sea case and other examples, for example, China's participation in fisheries agreements. I had a student do a dissertation on that. And she studied China's behavior and said, China sort of adheres to the terms and sort of doesn't. She described China's behavior as playing the edge ball and ping pong. Just going, skimming the edge of compliance, but also not fully, not really complying. On the other hand, China's been doing really well meeting its nationally determined contributions to the Paris Agreement with respect to trying to reduce greenhouse gas emissions in the atmosphere, another global commons.
Carla Freeman: So there are positive examples of China's behaviors. But there are other concerns as well. The concerns, big concerns about the security implications of China's growing role, concerned that China will use its military muscle in other commons like it did in the South China Sea to intimidate the Philippines, for example, to shift the global strategic balance. And people will point to the 2007 ASAT test, which generated a whole bunch of debris, for example. Or to BeiDou, which is China's global positioning system that is far larger than the United States', it has, it already has I think 20 more satellites than the United States' GPS. And that has, that's shifting the strategic balance. And then, and there's so many other concerns, of course, there's an industry of people in Washington working on these. But also, there's signs of growing cooperation between China and Russia in these arenas, and that raises concerns as well. But again, the greatest immediate international concern is that China, relates to China's effort to extend effectively sovereign jurisdiction into the global commons by changing the rules of the game that apply to the EEZ, trying to regulate military vessels.

Carla Freeman: And by doing that, violating this long held customary, this long tradition of freedom of navigation in the high seas. And many people see this as a part of a long game by China to challenge and change global norms and rules to essentially territorialize the global commons, whether it's in Antarctica or outer space. Space law protects celestial bodies from national appropriation. But as you could see with the, with Trump's executive order that I mentioned earlier, it doesn't actually adjudicate ownership of resources that are extracted from celestial bodies. And there are some, there's some in China, for example, Ye Peijian, who's the head of China's lunar exploration program, he has actually compared the moon and Mars to the Senkakus and Spratly Islands and warned that, if you don't explore them and you don't essentially explore and assert your ability to claim them, it might result in the usurpation of China's space, rights, and interests by others.

Carla Freeman: So these kinds of comments raise a lot of questions about China's intentions in other places like Antarctica, which will have a treaty review in 2048. Or how China might try to itself change space law and so forth. So I'm wrapping up here, let me just conclude with a couple of messy thoughts on how China's technological reach into these global commons, its planetary future may be changing China itself. I mean, one way is that I, and if you go to a Chinese bookstore, you'll see a lot of kids’ books that talk about becoming an astronaut. That's a new thing. Chinese kids can now dream of being taikonauts, which is quite remarkable, and of course, I also mentioned the ways in which it's changing China's domestic policy infrastructure, lots of new policies. And with that, I have been building out some organization charts associated with all of these new initiatives.

Carla Freeman: And so you have a whole array of new think tanks and other bodies involved in planning and channeling resources to try to expand China's technological and other capabilities in these arenas. And I'm still trying to figure out exactly how this may be reshaping China specifically. But one of the things that's really clear is that, like other great powers, China sees these different global commons as interconnected frontier spaces that are really a laboratory for its further technological advancement that are literally gonna deliver a universe of new opportunities for China through the pursuit of scientific and technological development. And you can read about some of this vision specifically in China's S&T roadmap to 2050, I think came out a couple of years ago. So China's, in my, as I, I'm starting to think that China's
reach into these frontier spaces, into the global commons, have become integral to China's embrace of technology as the engine of its future, and maybe it's even part of a new dream of perpetual technological revolution, or I've been reading Walter McDougall's amazing 1985 book on the space age.

**Carla Freeman:** He calls it a salutation, a saltation, a leap into, in the relationship of the state to the creation of new knowledge. I think when I, the question is, will China embrace this technological driven future by opening its own technological development to international cooperation, maybe technoglobalism with Chinese characteristics? Or will it become a techno nationalism that will harden lines between China and other countries and in competition in the global commons and maybe increase the impulse by China and other powers in response to expand sovereignty or at least property rights into the global commons. That will just, I think, shift the balance between the, in the global commons from open access spaces to zones of intense security competition, which will give international rivalry truly planetary proportions. So I think I’ll stop there and take some questions. Thank you, Ezra.

**Ezra Vogel:** Maybe I can start off with one question before I ask Nick to add or expand for other questioners. Given the great tension between the United States and China now, do you think the possibility of getting some agreements about space are now impossible, or if you were in a new administration in the United States and you wanted to work with China in a positive way to try to keep the commons commons and not to get too territorialized in Arctic and Antarctic particularly. It sounds like there are the areas where that, and beyond the South China Sea, where China might be territorializing the common. Do you think it's now impossible to have some kind of cooperation in getting new international agreements? Or if you were in charge of a new administration, what would you do to try and, now that you've done such amazing amount of work on all these issues, what would your strategy in a new administration be for responding to China?

**Carla Freeman:** Well, that's an ambitious question. And I really should be able to try to answer it. But I think, let me just wander into it by starting with the change from the George W. Bush administration to the Obama administration. The George Bush administration had really hardened lines on an intensified competition in the global commons and had policies that were designed to outcompete other powers and a lot directed toward China and Russia in these spaces. When Obama came into office, he and his administration focused much more on working with China to strengthen the legal regime around these global commons. And that was one area for cooperation, there's still parts of those agreements that the United States itself doesn't want to agree to because of its own concerns about resource extraction.

**Carla Freeman:** And that's one reason, because of our concerns about turning over our rights to an international authority, our rights to exploit our seabed, we have never been able to ratify the UN Convention on the Law of the Sea. But there is a lot of the, a lot of work is particularly around the outer space regime for China and the United States to engage together to strengthen that regime. And there's obviously a pressure to be able to, now that we have the technology, emerging technologies to do this, to exploit celestial resources, there needs to be a regime to govern that so that we can do that in a way that isn't disorganized. Also, I didn't mention it, but outer space is getting pretty crowded, surprisingly, there are just too many satellites. And we
have a lot of private actors, not just on the US side but internationally, including China, who are deploying new types of satellite technologies. Elon Musk, for example, is using cluster satellites, these little tiny satellites, and that just clutters up space even more. And so we need regulations beyond the ones that exist to manage some of that. So there's a lot of room for discussion between the United States and China. And I think discussion that would be welcomed by the Europeans, who have their own space program, but also by other emerging powers, whether it's Turkey or Saudi Arabia, others who would want to be able to regulate this environment, because it enables them to make better choices about where to put their resources as they learn to, as they develop the technology to access these various commons.

**Carla Freeman:** So I think I would start at, I mean, obviously, bilateral discussions are extremely important, because we need, we aren't doing those. But having, strengthening our military to military conversations or our tech, our conversations between the folks in government who work on science and technology, such an important part of the US-China relationship. All of those bilateral facets of the relationship could be restarted, but we can also do that with international law and global governance in mind. And there's a big demand in the international system for that. And the United States, if it wants to continue to be seen as a country that contributes to global public goods, it really needs to be doing that. We're not doing that right now. We need to get back to that.

**Ezra Vogel:** Thank you very much, before I turn it over to everybody else, she mentioned, Carla, you mentioned Peter Dutton. If Peter Dutton is in the audience, Nick, could you let him ask the first question or make the first comment? And then we'll turn it over to everybody else. Is Peter Dutton in the audience?

**Nick Drake:** I haven't seen any questions come through from him, but if he sends in a question, I will make sure to read it.

**Ezra Vogel:** Here he is, here he is going.

**Peter Dutton:** Yeah, hi, Carla, thanks very much for a great presentation. Can you hear me?

**Carla Freeman:** I can, I can.

**Peter Dutton:** Terrific. Very kind of you to mention those of us who are also working on this. I'm curious whether you've seen any, you've talked about some of the different shifts that China has made over the last several years in terms of their approach to strategy. And I'm wondering if you are seeing the way that they're shifting in their approach to the maritime domain. As their maritime power is growing, it seems as though they're becoming a bit more comfortable with rules that allow for more open access, because it preferences now their own power. And I'm wondering if you're seeing that sort of shift in other domains.

**Carla Freeman:** Yeah, so I haven't seen that in other domains, partly because we just aren't at the same point in these other domains that we are in the oceans. So it's, but I think we may see some, we're seeing some signals and interest in strengthening property rights in outer space by China. But that doesn't necessarily, that won't necessarily be incompatible with an open access
regime, it just depends on their scope and how they are designed. I, yeah, I think you're suggesting that in the high seas, it's, we probably, we may see China do what the Soviets did once they had a blue water navy, which is embrace the ability to sail the seas, and we've already seen China in, I think it's in the US territorial waters, was that in 2014 and it's, the Chinese vessels, naval vessels, are sailing all around.

Carla Freeman: But whether China will decide that those, if the United States wants to have its EEZs and territorial waters open to military vessels, that's the US prerogative. But if China chooses not to, that's its prerogative, that might be a different way of interpreting these international regimes. And that would be interesting to see that kind of approach applied to the interpretation of other regimes for the global commons. But I really, I am your student here, so I'd really love to have your thoughts.

Peter Dutton: Well.

Ezra Vogel: Thank you, comment.

Peter Dutton: Yeah, if you don't mind it, just a quick comment. It's very interesting to see that China's doing two things at the same time. In the maritime domain, they're relaxing their approach to access for their own navy, but doubling down on their own near seas claims to have prerogatives of control. So I dunno, it's an interesting approach to the commons. Defense at home and offense away. And it's just, my question was geared towards whether that sort of thing was being observed in other domains.

Carla Freeman: Yeah, I think we may see some of that in outer space, but soon, but not yet, because right now it's still, China still hasn't been able to exert that kind of control, but there are some things happening in orbital space. Their people have all kinds of interesting notions about ideas of even choke points in outer space and things like that. And it may be that we'll see some of this play out where, in the orbital space sooner rather than later, but something to watch.

Peter Dutton: Thanks for a wonderful talk.

Carla Freeman: Thanks. Thanks for joining.

Ezra Vogel: Nick, back to you end our questions.

Nick Drake: Okay. So as I said, we're getting a lot of questions here. So we'll try to get to as many as we can. Adam Hersh says, in governing the commons, Elinor Ostrom writes about embedding conflicts in institutions with mutual ownership and peer monitoring and enforcement. How might this look given the current state of US-China relations and the hegemonic rivalry?

Carla Freeman: I think I'd have to work on that one for a few days before I could answer that question, but I, and then, so I'm gonna answer it really poorly, which is to say, I think that Ostrom's thinking about the commons is something that is well known in China and there are Chinese thinkers who are, who have advocated some solutions to some of these global
commons, especially resource challenges. And to draw on the lessons that she drew from her study of global commons and how you can prevent the tragedy of the commons in common spaces if they have appropriate regulations. And so all I can say is that there is a, this is all fairly new, but there are some, the, I've met at least two or three young Chinese international legal experts who are, or who have written about this and put forward some proposals, whether they've shared these in easily accessible articles, I don't know, but I've attended a number of round tables where they've presented papers that talk about how Ostrom's ideas could be applied to some of the, to even some of the challenges that China has with its neighbors in the South China sea.

**Nick Drake:** Thank you. All right, so the next question we have is from, oh, just lost. Don't hit the spacebar when you have the question highlighted. Okay, so China has a distinct legal tradition from that of the West, i.e. the US, the UK, Grotius. How has this influenced their conception of the global commons and how may it try to push against existing international laws and norms regarding these, and that's an anonymous question.

**Carla Freeman:** So this is, again, a better question for people who are legal scholars than for me, but I have had to try to get to this a little bit. And right now, I'm actually working on understanding how Marxist interpretations of international law may be shaping China's perspective on international law. But I don't feel like I can be very articulate on that right now, but I, what is interesting is China has increasingly elevated some of its own legal traditions in challenging interpretations of UNCLOS, or at least interpretations of how legal, how China's own legal rights in some of these commons should be defended, for example, just tradition and so forth that the UNCLOS doesn't allow for historical rights.

**Carla Freeman:** When you sign the UN Convention on the Law of the Sea, you basically give up on, you accept your EEZ, but you give up historical rights to fisheries and so forth and so on. And it's interesting to hear in Chinese legal systems circles, the argument that China has its own legal traditions and that the UN Convention on the Law of the Sea is just, is a Western legal tradition and it draws on a long Western tradition and maybe we need to rethink these legal traditions, this legal approach to managing the global commons. So it, this discussion, although it's not official, is certainly out there in legal circles in China and has been used in official statements. You can hear this in some official challenges to US, to international criticisms of China's actions in the South China Sea.

**Carla Freeman:** There was one other point, I think the other point that your question raises, reminds me to make is that, in addition to China's legal traditions, there's also a whole other way of looking at the global commons as the commonwealth of mankind. And this is a view of the commons that developing countries in particular feel very strongly about. And it's something that China has also supported historically. And this is the idea that you need to preserve the commons so that, when countries have the capabilities to access them and to use their resources, they will be available to them. And therefore the preservation is in part, preservation as global commons is in part securing these resources for future use by developing countries.
Carla Freeman: Of course, then you would need some kind of regulation, some sort of regime to distribute these resources. So that's another set of ideas about the role of the global commons that China has also been connected to since the 50s, really, and since discussions on some of these international regimes, whether it's, that developing countries have been part of, in particular, the negotiation around the UN Convention on the Law of the Sea.

Nick Drake: Thank you. Next question comes from Michael Sutherland from the Congressional Research Service. And Michael says, does China's leadership see Russia as more of a long-term partner or more of a long-term competitor in the Arctic?

Carla Freeman: In the Arctic. So hello, Michael. Michael was one of my students, so it's nice to have a question from him. And he knows much more about Russia than I do, so I should put him on the spot and have him answer this question. But the, that's a great question. I have not been looking at the Arctics very much, I've been focusing on the Antarctic. And I've been looking just, I've just begun to look at China-Russia cooperation, partly 'cause it's not a new thing. I mean, one of the reasons that China has been able to move so quickly in developing technology for its outer space program is that it, after the Cold War basically ended, Russia's space, and Russia, and the Soviet Union collapsed, Russia's space program, which had been very robust, fell apart, and China was able to acquire a lot of technology as a result because, with other military and other technology from Russia.

Carla Freeman: But now that the two countries are cooperating more, including in the international legal arena, where they have proposed changes to some international legal regimes governing some of these commons together. And so I just would say, I think we're gonna see more cooperation, but remember, these two countries have, or still at heart are wary of each other. So we will see them cooperate against things like, against other countries like the United States and against issues. But when there isn't something to cooperate on that isn't against something, I think we will see much less cooperation between the two.

Nick Drake: Thank you. Our next question comes from Isaac Kardon at the US Naval War College. He says, you noted that Chinese officials often cite PRC rights and interests in the high seas, outer space, cyberspace, et cetera. How do you understand the relationship between rights and interests? Do generally recognized rights under international law limit China's conception of its interests or do its interest dictate what China believes to be its rights, or is there some other relationship?

Carla Freeman: Oh my goodness, okay. So I think, again, I'm going to answer this poorly, but I would say that China itself is not, those are, those concepts are still, so they're, those concepts of rights and interests are still empty boxes or it's still boxes that are, they're not, that are, that have a lot of space left in them to fill by China and that it's still figuring out exactly what its rights are. I think defensive rights are absolutely part of its interests. And so the ability, the capacity to defend its rights, whatever they may, China may, however China may define those rights is in China's interests. And so I think, as elsewhere, China is trying to promote an international and now maybe planetary environment that is conducive to its pursuit of the China dream to its rise. And so its interests, I think that's an elastic concept. And with that, I think how it defines its rights will change as well.
**Nick Drake:** Great. This next question comes from Jason Chan from the Scott Polar Research Institute at the University of Cambridge. Jason says there have been many discussions in Europe and the UK on the growing pressures on the Arctic and Antarctic regime. Many are still observing China's pushing the buttons to experiment how different parties might react to their revisions as China is still an emergent power. However, I reckon a better gateway to understand their intentions might actually be to observe the global commons where there is a lack of existing legal regimes and institutions. It's especially the case that when China is trying to promote notions like cyber sovereignty in alignment with their domestic policies. And in fact, cyberspace may be the cornerstone of what you call techno globalism with Chinese characteristics. From this point, I wonder if you think China's mimicking, is mimicking 20th century big science approach to global commons to establish legitimacy, only then to establish new norms when it is ready for vital domains?

**Carla Freeman:** Well, this is the big debate. Is China using incremental behaviors to, a series of tactics to change facts on the ground and then move to change international laws? Or I think it was Samuel Kim who talked about how the mini/maxi principle that China subscribes to international agreements to maximize its rights but to minimize its obligations. And so once it, and to use those as a way of stable, use those and be part of those to help provide it with a set of stable relationships that it can then use opportunistically to grow its power or pursue other interests. And then, once it has more capabilities, it has the capabilities to change the regimes and to change the international environment that may require changes to those regimes, that it will do that. We're just, this is, these are open questions, they're really important questions We are, I think it's very difficult, because there is so much ambiguity surrounding all of these questions.

**Carla Freeman:** It's, there are some, I think, in the US security establishment who already know the answer to these questions, they believe they know the answer to these questions. I am not as sure. But what I will say is it's absolutely clear that China is going, as it sees itself as a great power, that it has rising capabilities, that it is a pure competitor in some arenas with the United States, that it is frustrated with US behavior in the international system and sees the United States as a destabilizing power these days. And so China is already establishing, finding what Mike called exit strategies from the current international regime by setting up its own international organizations, whether it's the AIIB or this SCO or other, or even it has its own space organization in Asia that has membership that mostly doesn't have space capabilities. But it's doing these things I think as a sort of insurance policy, even though the current system in many ways works really well for China, the fact is that it's dominated by the United States. And China would like to be able to appeal to other countries and establish its own, establish international regimes that suit its objectives better and maybe those of other countries, especially emerging powers.

**Carla Freeman:** I think that is something we can say is true, because there are some examples of that already happening. We haven't yet seen China propose an alternative to the UN Convention on the Law of the Sea, but there are a number of scholars who have suggested that you need something new. For example, one scholar proposed, I've forgotten his name, although he's very famous, so I'm embarrassed. But anyway, he proposed that China have a marine
cooperation organization like the SCO to govern maritime relations, a maritime cooperation organization to govern maritime relations, particularly focused on the region, but one could imagine something like that on a global scale. So this is, these are, the Chinese are thinking about this. They have, they've given themselves some exits and some opportunities for leadership in different organizations, new organizations around the world. And we may see them set up parallel regimes or pursue the development of parallel regimes to those that we, that are established to govern some of the global commons. The thing is that so far, China has been strongly supportive of the United Nations. And so, as long as these regimes have legitimacy in the United Nations, it's more likely to try to modify them than to throw them out entirely if it had the capacity to do that.

Nick Drake: Thank you. We may have time for I think about one more question here. Just before we jump into that, I've been asked by our director, Michael Szonyi, who's in the audience, to remind everyone that we have many events going on and there's one directly after this, Scott Kennedy will be speaking. So please feel free to join us after that if you're enjoying this session. And without further ado, onto our last question, which is from Rahul Pandit from the Jawaharlal Nehru University in New Delhi, India, I'm sorry for my pronunciation there. What are the foreign policy and the PLA related components in growing China's engagement in these global commons?

Carla Freeman: Well, that is, so that is a huge question and that's part of the book that I'm writing here. And so I hope I'll be able to elucidate some of that better. But I mean, I think, rather than tackle, try to tackle it and think out loud as I just did with the previous question, let me just say, I think one of the things that the new developments under Xi Jinping that has made that question particularly important is that we have civil-military fusion, this policy of civil-military fusion. It's really unclear what it means exactly in the Chinese context. But what it does mean is that that there's a recognition that technologies in, especially as they apply to these technological frontiers, are more often than not dual use. And so it also gives China an opportunity as the United States government has had an opportunity, to tap innovations that emerge from private firms and also to make available more resources to these private firms who were working on new technologies that broadened China's access to all of these different global commons. So I think it's, you're seeing a set of new funding channels, new research and development think tanks, new think tanks, and a whole new array of institutions to support research and development around these global commons or these frontiers. And those will, those, the technologies and the research that emerges from those will have both civilian and, both, it may have both civilian and military application.

Ezra Vogel: Carla, I wanna thank you for coming with us today. It's very clear that you've done an extraordinary amount of research and thinking and how complicated these issues are and how many borderline issues are between what's in common and what has been decided by international rules and what still allows room for individual efforts to improve their own situation. And raises just a lot of these basic questions, and so we're very appreciative of you taking the time and we look forward to your new research publication. Thank you very much, Carla.
Carla Freeman: Thank you very much, Ezra, thank you. Thank you for the great questions, it's a reminder that this, that I am audacious in trying to take on this topic, but I appreciate them and I will follow up in my research, thank you.

Ezra Vogel: Well, I think we're fortunate in having a wonderful audience and a lot of very bright people with a lot of good questions. And we're glad we challenged you to stretch what's your thinking about all these important issues. Thank you, Carla, bye bye.