REFRAMING THE SOUTH CHINA SEA DISPUTE: CIVILIZATIONAL MEDIATION, HISTORICAL MEMORY AND HYBRID GOVERNANCE IN EAST ASIA

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Abstract: This paper reinterprets the South China Sea (SCS) dispute through an interdisciplinary lens integrating international relations, historical sociology, and cultural-civilizational analysis. Rather than framing it as a military or legal contest, the study conceptualizes the SCS as a governance problem rooted in competing historical memories, normative orders, and political cultures in East Asia. Using the concepts of mediation regime and hybrid system, it examines governance through overlapping logics of alliance politics, regional diplomacy, and East Asian traditions of hierarchy, tribute, and negotiated coexistence—historically exemplified by the Ming Court system. The framework shows dispute management is shaped not only by power and law but also by civilizational narratives, identity, and historical grievance. China's sovereignty claims are reframed from zero-sum territorial assertions into historically grounded governance claims, enabling more flexible, culturally resonant mediation mechanisms. Sustainable conflict management requires institutional arrangements acknowledging China's historical marginalization while protecting Southeast Asian states' interests and agency. Extra-regional actors, especially the United States, face pressure to adapt to an East Asian diplomatic mode prioritizing indirect mediation, relational norms, and hybrid governance over exclusive alliance politics. By situating the SCS dispute at the intersection of history, culture, and international politics, this paper contributes to broader debates in the humanities and social sciences on managing conflicts in the Global South and East Asia. Ultimately, it argues that culturally informed and historically sensitive governance frameworks offer the most promising path toward durable regional stability and cooperative coexistence.

Keywords: Historical memory, Hybrid system, Layered sovereignty, Mediation regime, Multidimensional governance

1. Introduction

The South China Sea (SCS) dispute has persisted for over half a century, defying resolution through conventional diplomatic, military, or legal channels. Periodic escalations—naval confrontations, large-scale land reclamation, deployment of military assets on contested features, and diplomatic breakdowns—regularly capture global attention (Kaplan, 2014; Hayton, 2019). Yet paradoxically, the region has avoided full-scale inter-state war since the 1988 Sino-Vietnamese naval clash in the Spratly Islands (Thayer, 2019). This puzzle—intense conflict without catastrophic escalation—invites a fundamental rethinking of how conflict management operates in East Asia.

This paper argues that the SCS dispute is not merely a territorial or legal contest but fundamentally a problem of governance. In international relations theory, governance refers to the processes and institutions through which collective decisions are made and order is maintained in the absence of a central authority (Rosenau & Czempiel, 1992; Weiss & Thakur, 2014). The SCS case illustrates a distinctive governance arrangement: overlapping and sometimes competing logics of power politics, legal claims, historical narratives, and cultural norms interact to produce a condition of managed instability rather than open warfare.

The central argument proceeds in several steps. First, the paper critically reviews mainstream international relations (IR) approaches to the SCS, highlighting their empirical and conceptual limitations. Second, it introduces an alternative framework centered on "mediation regime" and "hybrid system," drawing on historical East Asian international orders, particularly the Ming Court system (1368–1644). Third, the paper demonstrates how reframing China's sovereignty claims as historically grounded governance claims, rather than zero-sum assertions, opens possibilities for more flexible conflict management. Fourth, it explores the implications for Southeast Asian agency and for extra-

regional actors, especially the United States. Finally, the conclusion synthesizes the paper's multiple contributions to academic debates in IR, historical sociology, post-colonial studies, and conflict resolution.

2. Literature Review: Mainstream Frameworks and Their Limitations

Analyses in mainstream international relations literature typically frame the SCS dispute in terms of power transition, maritime security, naval modernization, energy competition, and legal contestation under the United Nations Convention on the Law of the Sea (UNCLOS) (Kaplan, 2014; Hayton, 2019; Buszynski & Roberts, 2020). Within this conventional framing, the SCS appears as a theatre of structural rivalry between a rising China and a status quo-oriented United States, with Southeast Asian states caught precariously in between (Allison, 2017; He, 2018). Realist approaches emphasize the security dilemma, alliance dynamics, and the dangers of hegemonic transition. John Mearsheimer's (2014) offensive realism, for instance, predicts that as China's relative power grows, the probability of major conflict with the United States and its regional allies should increase correspondingly.

Yet such approaches leave important empirical and conceptual puzzles insufficiently explained. Despite recurrent crises—including confrontations at sea, land reclamation, militarization of features, and diplomatic breakdowns—the SCS has not escalated into full-scale inter-state war since the 1988 naval clash between China and Vietnam (Thayer, 2019). Diplomatic engagement persists. The ASEAN-led processes, including the ASEAN Ministerial Meetings, the ASEAN Regional Forum, and the East Asia Summit, continue to function, albeit imperfectly and often with frustratingly slow progress (Askandar, Bercovitch & Oishi, 2002; Emmers, 2018). Economic interdependence between China and Southeast Asia deepens even amid strategic mistrust. China has been ASEAN's largest trading partner since 2009, with bilateral trade exceeding US$700 billion in 2022 (Chheang, 2020). Joint development proposals and functional cooperation initiatives—such as the Joint Marine Seismic Undertaking proposed in 2005 and various fisheries management and environmental protection projects—repeatedly re-emerge despite domestic and international controversy (Valencia, 2020).

Realist approaches emphasizing power and interests cannot easily explain this pattern of managed instability. If power alone determined outcomes, China's growing military capabilities—including its anti-access/area denial (A2/AD) systems, naval modernization, and island fortifications—should have produced either Chinese dominance or a balancing war (Mearsheimer, 2014). Instead, what we observe is competitive coexistence: China has expanded its presence but not sought to expel all other claimants; Southeast Asian states have deepened economic ties with China while maintaining security relations with the United States (Goh, 2016; Kuik, 2017).

Liberal institutionalist accounts, which highlight UNCLOS and international law as conflict-resolution mechanisms, struggle to explain China's persistent rejection of the 2016 Permanent Court of Arbitration ruling, which invalidated much of China's nine-dash line claim (Orakhelashvili, 2017). From a liberal perspective, legal adjudication should provide a pathway to settlement. Yet China has maintained a consistent position that the tribunal lacked jurisdiction and that the dispute should be resolved bilaterally rather than through multilateral legal mechanisms (Thayer, 2019). Constructivist approaches have made headway by incorporating identity, norms, and historical narratives (Khong, 2019; Callahan, 2018). However, they often remain Western-centric, implicitly assuming the universal applicability of liberal legal frameworks and failing to fully account for the distinct civilizational logics that shape East Asian diplomatic practice.

This paper addresses these gaps by offering a historically and culturally grounded framework that treats the SCS not as an exception to international norms but as a distinct governance arena shaped by long-standing East Asian civilizational logics. In doing so, it contributes to the growing post-Western IR literature that seeks to pluralize our understanding of world order (Tickner & Waever, 2009; Acharya, 2018; Hobson, 2012).

3. Theoretical Framework: Civilizational Mediation, Historical Memory, and Hybrid Governance

3.1 *Governance as the Central Problem*

One of the central theoretical moves of this article is the conceptualization of the SCS disputes and their management as an effort to seek *good governance* in the absence of a central global authority. In international anarchy—the non-existence of a world government—governance refers to the processes and institutions through which collective decisions are made and order is maintained without resort to the use of force (Rosenau & Czempiel, 1992; Weiss & Thakur, 2014). The SCS case illustrates how actors negotiate coexistence through multiple overlapping mechanisms, rather than relying solely on power balancing or legal adjudication. This governance lens moves beyond the narrow question of "who owns which rock" to the broader question of "how can multiple actors with competing claims manage their interactions without sustained violence?"

The paper introduces the concept of a *mediation regime* (Oishi, 2015; Oishi, 2019) to capture this phenomenon. Unlike formal international regimes as classically defined by Stephen Krasner (1982)—which involve explicit principles, norms, rules, and decision-making procedures—mediation regimes operate through informal, process-oriented, and culturally embedded practices. They do not require centralized enforcement or legally binding commitments but rely on sustained diplomatic engagement, face-saving mechanisms, and the preservation of mutual face (Goh, 2016; Kuik, 2017). The 2002 Declaration on the Conduct of Parties in the South China Sea (DOC) exemplifies this logic: it is politically but not legally binding, emphasizes self-restraint and confidence-building, and has functioned as a framework for dialogue even without formal dispute resolution (Emmers, 2018).

3.2 *The Ming Court System and Historical Memory*

The paper draws on the Ming Court system (1368–1644) as an ideal-typical model of East Asian international order. The Ming system was characterized by a hierarchical, tributary structure in which China asserted a central civilizational status while granting substantial autonomy to tributary states (Wang, 2013; Kang, 2019). This system prioritized relational ordering over fixed territorial boundaries, and ritual performance over legal contract (Callahan, 2018; Zhang, 2015). The Ming Court did not seek to directly administer its neighbors' territories but rather to establish a hierarchy of prestige and deference that facilitated trade, security, and diplomatic communication.

Historical memory of this system continues to shape contemporary Chinese strategic culture in profound ways. China's claim to the SCS is not merely about resource access, fishing rights, or strategic chokepoints. It is embedded in a longer narrative of civilizational centrality, victimization during the "century of humiliation" (1839–1949) at the hands of Western and Japanese imperial powers, and a perceived return to historical legitimacy (Wang, 2012; Rana, 2015). Mainstream analyses often dismiss these memories as irrational, instrumental nationalism, or mere propaganda. This paper, by contrast, argues that they must be engaged seriously as constitutive elements of governance preferences. Ignoring historical memory leads to policy failure because it misunderstands why China rejects legal adjudication that, from a Western perspective, appears neutral and reasonable (Callahan, 2018).

3.3 *Multidimensional Governance and Layered Sovereignty*

A further contribution of this paper is the articulation of the concepts of *multidimensional governance* and *layered, functional, or governance-oriented sovereignty*. These ideas open up alternative pathways for managing the SCS disputes beyond the traditional binary of either full sovereignty or complete renunciation of claims.

Multidimensional governance recognizes that the SCS is governed simultaneously by different logics in different domains. Security relations may follow alliance politics, with the United States conducting

freedom of navigation operations and China responding with patrols and defensive measures (Hayton, 2019). Economic cooperation, by contrast, operates through supply chain interdependence, the Belt and Road Initiative, and the Regional Comprehensive Economic Partnership (RCEP) (Chheang, 2020). Cultural and people-to-people exchanges continue through tourism, education, and diaspora networks (Beeson, 2019). Recognizing this multidimensionality allows policymakers to decouple tensions in one dimension from cooperation in others. A naval confrontation in the Spratlys need not derail fisheries management cooperation in the Gulf of Tonkin.

Layered sovereignty refers to the possibility of functionally disaggregating sovereign rights. Instead of insisting on either full sovereignty or none—a zero-sum logic that guarantees deadlock—states could agree on governance-oriented sovereignty. For instance, joint environmental monitoring of coral reefs and marine ecosystems, shared search-and-rescue responsibilities in specific maritime zones, or functional resource management arrangements for fisheries or hydrocarbon exploration could be implemented without prejudice to underlying sovereignty claims (Zhao, 2019; Valencia, 2020). This approach resonates strongly with East Asian preferences for gradual, practical, and consensus-based cooperation over absolute legal settlement. It also finds precedent in other regions, such as the Joint Development Zone established by Australia and Timor-Leste or the cooperative arrangements in the Gulf of Thailand (Buszynski & Roberts, 2020).

4. Reframing China's Sovereignty Claims: From Zero-Sum to Governance-Oriented

4.1 *The Zero-Sum Framing and Its Consequences*

Mainstream discourse in Western policy circles and much of the academic literature typically frames China's nine-dash line claim as a zero-sum assertion of exclusive sovereignty over most of the SCS (Thayer, 2019; Storey, 2021). This framing triggers predictable and self-reinforcing responses. Southeast Asian states, perceiving an existential threat, deepen their security ties with the United States. Legal challenges, such as the Philippines-initiated arbitration case, intensify. China, feeling encircled and legally delegitimized, becomes more defensive, more nationalist, and less willing to compromise. The result is a vicious cycle of escalation and mistrust (He, 2018; Khong, 2019).

4.2 *Historical Claims as Governance Claims*

This paper argues that China's sovereignty claims can be productively reframed from a zero-sum territorial assertion into a *historically grounded governance claim*. From this perspective, China's insistence on "indisputable sovereignty" is not primarily about excluding others from maritime resources—though resource interests certainly exist—but about ensuring that any governance arrangements in the SCS do not replicate past humiliations or ignore China's perceived historical role as a regional stabilizer (Zhang, 2015; Rana, 2015). For Chinese policymakers, the SCS is not a distant colonial possession but a historically integrated maritime space linked to Chinese civilization for centuries (Wang, 1968; Wang, 2012).

Such reframing does not require accepting China's maximalist claims. The nine-dash line, as the 2016 arbitration ruling made clear, has no legal basis in UNCLOS (Orakhelashvili, 2017). Rather, the reframing suggests that mediation mechanisms should be designed to acknowledge China's historical narratives as legitimate starting points for negotiation, not as illegal assertions to be struck down and dismissed. This shift from legal adjudication to historical-cultural mediation opens space for more flexible, face-saving outcomes. It transforms the negotiation from a courtroom battle over rights into a diplomatic process over governance arrangements.

Empirical precedents exist for such governance-oriented approaches. The 2002 Declaration on the Conduct of Parties in the South China Sea (DOC) and ongoing negotiations for a Code of Conduct (COC) reflect, albeit imperfectly, this logic (Emmers, 2018; Buszynski & Roberts, 2020). They

prioritize process over final settlement, mutual reassurance over legal enforcement, and incremental functional cooperation over comprehensive dispute resolution. The COC negotiations, despite their slow progress, have maintained dialogue even during periods of acute tension, such as the 2016 arbitration aftermath and the 2020–2021 COVID-19 pandemic disruptions (Thayer, 2019).

5. Southeast Asian Agency and the Limits of Alliance Politics

A further argument of this paper is the emphasis on the agency of Southeast Asian states in shaping SCS governance. Mainstream accounts often portray ASEAN states as passive victims of Sino-U.S. rivalry, caught between two giants with little room for maneuver (Kaplan, 2014). In contrast, this paper argues that Southeast Asian actors have actively cultivated a *hybrid governance system* that blends ASEAN-led diplomatic processes, bilateral engagement with China, and strategic hedging vis-à-vis the United States (Goh, 2016; Kuik, 2017; Emmers, 2018).

The hybrid system operates through three overlapping layers. First, the ASEAN-China relationship provides a multilateral framework for dialogue, confidence-building, and functional cooperation. ASEAN has successfully socialized China into participating in regional institutions such as the ASEAN Regional Forum and the East Asia Summit, creating habits of diplomatic engagement that moderate conflictual impulses (Chheang, 2020). Second, individual Southeast Asian states manage bilateral relations with China through economic interdependence, elite-level exchanges, and informal dispute avoidance mechanisms. Vietnam and the Philippines, despite being the most vocal claimants, have also pursued high-level visits, trade agreements, and party-to-party exchanges with China (Thayer, 2019). Third, the U.S. alliance system provides a security backstop, but Southeast Asian states have carefully calibrated their alignment to avoid being forced into zero-sum choices. Even close U.S. allies like the Philippines and Thailand have deepened economic ties with China while maintaining military cooperation with Washington (Storey, 2021).

This hybrid system explains why the SCS has not spiraled into war despite recurrent crises. It absorbs shocks through redundancy and multiple channels of communication. When bilateral relations deteriorate, multilateral forums provide alternative venues for dialogue. When legal disputes escalate, economic interdependence offers incentives for restraint (Goh, 2016). However, the hybrid system remains fragile, particularly as U.S.-China strategic competition intensifies. The growing pressure on Southeast Asian states to "choose sides" threatens to undermine the hedging strategies that have sustained governance stability for two decades (He, 2018; Kuik, 2017).

6. Implications for Extra-Regional Actors: Adapting to East Asian Diplomatic Culture

The paper further argues that extra-regional actors, particularly the United States, face growing pressure to adapt to an East Asian mode of diplomacy that prioritizes indirect mediation, relational norms, and hybrid governance rather than exclusive alliance politics (Khong, 2019; Kang, 2019; Goh, 2016). American policy toward the SCS has traditionally emphasized three pillars: legalism (upholding UNCLOS and international law), freedom of navigation operations (military patrols to challenge excessive maritime claims), and alliance solidarity (strengthening ties with the Philippines, Thailand, and other regional partners) (Hayton, 2019; Kaplan, 2014).

While these remain important elements of a comprehensive strategy, a pure legal-military approach is increasingly insufficient. China does not respond to legal pressure as a liberal democratic state would; instead, legal challenges are perceived as civilizational humiliation and neo-imperial intervention (Callahan, 2018; Rana, 2015). Freedom of navigation operations, while legally defensible, risk accidental escalation if conducted without careful diplomatic coordination (Buszynski & Roberts, 2020).

The United States can productively supplement its current approach by supporting ASEAN-led mediation processes, encouraging joint development initiatives, and signaling openness to governance-oriented solutions that accommodate China's historical narratives (Beeson, 2019; Valencia, 2020). This does not mean abandoning liberal principles or core security commitments. Rather, it means recognizing that governance in East Asia operates through multiple normative orders. The most sustainable conflict management will emerge not from imposing a single framework—whether liberal legalism or realist balancing—but from building a *hybrid system* that synthesizes Western legalism with East Asian relationalism (Ramsbotham, Woodhouse & Miall, 2016; Acharya, 2018; Kang, 2019).
Some steps in this direction are already visible. The United States has expressed support for the ASEAN-led COC negotiation process. It has also engaged in Track II dialogues and confidence-building measures. However, these efforts remain secondary to the dominant legal-military approach. A genuine strategic adaptation would require elevating diplomatic and governance-oriented instruments to equal footing with military and legal tools (Thayer, 2019; Storey, 2021).

7. Conclusion

This paper has reinterpreted the management of the South China Sea dispute through an interdisciplinary lens integrating international relations, historical sociology, and cultural-civilizational analysis. By conceptualizing the SCS primarily as a governance problem—decision-making without recourse to force in international anarchy—rather than as a purely military or legal contest, the paper has illuminated how overlapping logics of alliance politics, regional diplomatic practices, and long-standing East Asian traditions of hierarchy and negotiated coexistence shape contemporary conflict management.

The reframing of China's sovereignty claims from zero-sum assertions to historically grounded governance claims opens space for more flexible and culturally resonant mediation mechanisms. The introduction of multidimensional governance and layered sovereignty concepts offers practical pathways for decoupling functional cooperation from sovereignty disputes. Moreover, the paper has demonstrated that sustainable conflict management requires acknowledging China's historical experiences of marginalization while protecting the interests and agency of Southeast Asian states. Extra-regional actors, particularly the United States, must adapt to an East Asian mode of diplomacy that prioritizes indirect mediation, relational norms, and hybrid governance.

Beyond these specific findings, this paper makes several broader contributions to the humanities and social sciences. It contributes to post-Western international relations by demonstrating how non-Western historical experiences and civilizational traditions generate concepts—civilizational mediation, hybrid governance, layered sovereignty—that travel beyond the specific case of the SCS. It advances the historical sociology of international orders by showing how historical memory actively structures contemporary governance preferences, with the Ming Court system operating not as a relic but as a living cultural resource. It contributes to conflict resolution studies by offering a third path beyond legalism and realism—civilizational mediation as a culturally embedded, process-oriented, and historically sensitive approach applicable to other protracted conflicts in the Global South, including the Kashmir dispute, the Korean peninsula, and territorial conflicts in the South Caucasus. It extends governance studies by applying the concept of hybrid governance to inter-state dispute management at the regional level, moving beyond its traditional focus on domestic post-conflict settings. Finally, it engages with post-colonial studies by taking seriously the grievances of a rising power that experienced historical marginalization, arguing for a dialogical approach that acknowledges the lived reality of these memories for Chinese policymakers and publics.

By situating the SCS dispute at the intersection of history, culture, and international politics, this paper contributes to broader debates on how conflicts in the Global South and East Asia can be managed through culturally informed and historically sensitive governance frameworks. Future research should explore comparative cases—such as the East China Sea, the Kashmir dispute, the Arctic governance regime, or maritime disputes in the Eastern Mediterranean—to test the generalizability of the concepts of mediation regime and hybrid system developed here.

References

Askandar, K., Bercovitch, J., & Oishi, M. (2002). The ASEAN way of conflict management: Old patterns and new trends. *Asian Journal of Political Science*, 10(2), 21-42.

Acharya, A. (2018). *The end of American world order* (2nd ed.). Polity Press.

Allison, G. (2017). *Destined for war: Can America and China escape Thucydides's trap?* Houghton Mifflin Harcourt.

Beeson, M. (2019). *Environmental politics in East Asia*. Cambridge University Press.

Buszynski, L., & Roberts, C. (2020). The South China Sea dispute: Navigating diplomatic and strategic tensions. *Asian Security*, 16(3), 241–258.

Callahan, W. A. (2018). *China dreams: 20 visions of the future*. Oxford University Press.

Chheang, V. (2020). ASEAN and China in the South China Sea: Managing disputes through functional cooperation. *Journal of Current Southeast Asian Affairs*, 39(2), 187–206.

Emmers, R. (2018). The South China Sea dispute: Still a geopolitical and diplomatic flashpoint. *Asian Survey*, *58*(4), 601–625.

Goh, E. (2016). *The struggle for order: Hegemony, hierarchy, and transition in post-Cold War East Asia*. Oxford University Press.

Hayton, B. (2019). *The South China Sea: The struggle for power in Asia*. Yale University Press.

He, K. (2018). *China's rise and its strategic implications for East Asia*. Routledge.

Hobson, J. M. (2012). *The Eurocentric conception of world politics*. Cambridge University Press.

Kang, D. C. (2019). *East Asia before the West: Five centuries of trade and tribute*. Columbia University Press.

Kaplan, R. D. (2014). *Asia's cauldron: The South China Sea and the end of a stable Pacific*. Random House.

Khong, Y. F. (2019). The United States and Southeast Asia: A constructivist view. *International Relations of the Asia-Pacific*, 19(1), 1–30.

Krasner, S. D. (Ed.). (1982). *International regimes*. Cornell University Press.

Kuik, C. C. (2017). The South China Sea dispute in the age of strategic hedging. *Asian Security*, *13*(3), 217–233.

Mearsheimer, J. J. (2014). *The tragedy of great power politics* (Updated ed.). W. W. Norton.

Oishi, M. (2015). The South China Sea dispute: Formation of a mediation regime and challenges for management. In M. Oishi (Ed.). *Contemporary conflicts in Southeast Asia: Towards a new ASEAN Way of conflict management* (pp. 157-180). Springer.

Oishi, M. (2019). Introduction: Current conflict in Southeast Asia and their management in the region's globalization. In M. Oishi (Ed.), *Managing conflicts in a globalizing ASEAN: Incompatibility management through good governance* (pp. 1-15). Springer.

Orakhelashvili, A. (2017). The South China Sea arbitration: A critique. *Journal of International Dispute Settlement*, 8(2), 256–285.

Ramsbotham, O., Woodhouse, T., & Miall, H. (2016). *Contemporary conflict resolution* (4th ed.). Polity Press.

Rana, A. (2015). *The colonial and postcolonial transformation of Asia*. Routledge.

Rosenau, J. N., & Czempiel, E. O. (Eds.). (1992). *Governance without government: Order and change in world politics*. Cambridge University Press.

Storey, I. (2021). China's maritime strategy and the South China Sea. In S. H. Lim & S. R. Joey (Eds.), *Maritime security in East Asia* (pp. 45–68). Routledge.

Thayer, C. A. (2019). *The South China Sea dispute: The need for a new diplomatic initiative*. Asia Pacific Bulletin, No. 472. East-West Center.

Tickner, A. B., & Waever, O. (Eds.). (2009). *International relations scholarship around the world*. Routledge.

Valencia, M. J. (2020). *The South China Sea: Conflict and cooperation*. Institute of Southeast Asian Studies.

Wang, F. L. (2012). *China's century of humiliation and its foreign policy*. Harvard University Press.

Wang, K. H. (1968). Early Ming relations with Southeast Asia: A background essay. In J. K. Fairbank (Ed.), *The Chinese world order: Traditional China's foreign relations* (pp. 34-62). Harvard University Press.

Wang, Y. K. (2013). *Harmony and war: Confucian culture and Chinese power politics*. Columbia University Press.

Weiss, T. G., & Thakur, R. (2014). *The United Nations and global governance*. Lynne Rienner.

Zhang, F. (2015). *Chinese hegemony: Grand strategy and international institutions in East Asian history*. Stanford University Press.

Zhao, S. (2019). The South China Sea dispute and the future of regional governance. *Journal of Contemporary China*, 28(116), 234–250.