



Co-existing Differences: Towards an East Asian Way of Incompatibility Management

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Abstract:

A careful observation of the ways in which conflicts in East Asia are managed reveals a unique approach to addressing incompatibilities involved in conflict. This approach is fundamentally different from the mainstream Western approach, which is characterized by an effort to integrate the incompatible positions of the parties to conflict. According to John Burton, this integration is made possible by delving into human needs that lie beneath these positions. In contrast, an East Asian approach (in its best case scenario) seems to result in the co-existence of incompatible positions without integration. This paper investigates how such co-existence of incompatible positions is achievable. After discussing several possible ways in which incompatibility of conflict can be addressed, the paper examines three representative East Asian conflicts from the standpoint of incompatibility management, namely the Korean Peninsula, Taiwan Strait and South China Sea. It highlights that incompatible positions co-exist with each other in the management of these conflicts. While there are observable efforts to transform conflicts for better management in the three cases, a regional approach is found to manoeuvre around incompatibility. This is made possible partly by the function of the parties absorbing tension arising from incompatibility. Yet, more fundamentally, this paper argues that the Buddhist concepts of *sōsoku-sōnyū* (mutual presence and mutual merging), *shi-hokkai* (four realms of existence) and *dai'enkyō-chi* (wisdom comparable to an infinite round mirror), originating in *Kegon-kyō* or the *Avatamsaka* (Flower Garland) Sutra of the Mahayana Buddhism are key to explaining outcomes in these cases.

Keywords: *incompatible positions, Western integration, Eastern co-existence, Korean Peninsula, Taiwan Strait, South China Sea, Flower Garland Sutra*

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INTRODUCTION

It is rather odd that conflicts, which take place mostly in non-Western regions these days, have traditionally been framed and researched with approaches developed by Western research centres. As a result, considerable discrepancy exists between the diagnosis and prescription provided by Western centres of knowledge production on the one hand, and the actual ground level practice on the other. This is particularly the case for the conflicts examined in this paper, namely the Korean Peninsula, Taiwan Strait and South China Sea. They are commonly regarded as the three unsettled major conflicts in East Asia (Bercovitch and Oishi 2010: 16-19). These conflicts are characterised by their longevity and complexity. In fact, the measures to manage them are rather unique to the East Asian regional context.

This paper aims to foreground some characteristics of the East Asian way of conflict management by focusing on the ways in which the incompatibilities of the above-mentioned three conflicts have been addressed. It first discusses several possible ways in which incompatibility of conflict can be addressed. Secondly, with the results of the discussion adopted as an analytical framework, the paper looks at the three major East Asian conflicts from the standpoint of incompatibility management. Thirdly, the findings of the case studies are compared with what can be considered as a Western oriented representative approach to incompatibility management. Based on the findings of the comparison, the paper then outlines the contours of an East Asian approach to incompatibility management. Lastly, relevant Buddhist concepts are introduced in an effort to better understand incompatibility management in East Asia and to consider the potential of a Buddhist oriented approach for conflict management.

Incompatibility management

Incompatibility constitutes the core of conflict and appears typically in a clash between positions or goals that the conflicting parties take or pursue. Therefore, in the field of conflict management, it is essential to identify incompatibility in conflict and find appropriate measures to handle it. Theoretically, incompatibility can be addressed in one of the following ways or a combination of them.

1. Eliminating a conflicting party as a carrier of incompatibilities.
2. Imposing one party's position on the other.
3. Deciding who has the right to their position.
4. Turning clashing positions into new ones that are compatible to each other or are more manageable while the incompatibility remains
5. Manoeuvring around incompatibility or simply ignoring or setting it aside and waiting for its change.¹

The fifth way needs elaboration. It posits that incompatible positions of the parties to conflict can co-exist with each other if these positions do not trigger conflict behaviour, particularly crisis. This points to situations in which it is possible to manoeuvre around incompatibility or simply ignore or set it aside by the parties, who may expect the incompatibility to change or, even better, disappear on its own as time goes by. The viability of such scenarios requires an ability to absorb tensions or shocks arising from the incompatibility. Such a function operates in the space surrounding the parties and serves as a buffer or cushion between their mutually incompatible positions by preventing them from directly confronting each other. From a differing perspective, the very persistence of incompatibility means that neither party can fully achieve its goal. This implies that the parties can afford to defer or may eventually become prepared to forgo the full achievement of their goals. It is interesting to observe how such a situation can come into being in a state of continued incompatibility.

¹ For a detailed discussion on these ways of incompatibility management, see Oishi (2015a: 8-12).

This paper examines three major and long-standing conflicts in East Asia from the points of view established in the above discussion, namely the Korean Peninsula, Taiwan Strait and South China Sea. .

Case studies

The Korean Peninsula

Differences in the organising ideology of the state, i.e., the ones between the capitalist system and the communist system and the thought of both sides that either system should prevail under one government on the Korean Peninsula constituted the original incompatibility in this conflict. The devastating Korean War in which both sides attempted to expand their own systems over the peninsula through defeating or annihilating the other side failed to settle the incompatibility. While military stand-off continued after the war, international actors such as the US, China, the Soviet Union and the United Nations in addition to the two rival forces of Korea divided the peninsula into two republics, i.e. the Democratic People's Republic of Korea (DPRK: North Korea) and the Republic of Korea (ROK: South Korea). This created politico-territorial spaces in which the primary parties to conflict, could more or less freely develop and consolidate their own preferred systems, respectively. There were several attempts to unify the divided spaces by force. However, these moves were restricted by their respective allies and the military deterrence that both sides posed to each other (Bercovitch and Oishi 2010: 47-51).

Since the early 1990s, which marked the beginning of the post-Cold War era, the original incompatibility have ceased to exist with the demise of communism as a viable system of a state. Seen objectively, there is no longer the debate as to which of the rival systems can prevail over the whole peninsula. The main issue at the moment is the instability emanating from the unstable regime of North Korea, which has suffered from a series of serious economic and humanitarian crises, as exemplified by the end of economic and food aid in the late 1980s from the Soviet Union, which collapsed soon after, and floods and droughts in the early 1990s. Cases of so-called “nuclear brinkmanship” and “crisis diplomacy” by Pyongyang, such as the IAEA saga, nuclear tests and missile/satellite launches, may be understood as the regime's struggle for survival, although these

nuclear-related developments obviously have generated new incompatibilities on the Korean Peninsula (Bercovitch and Oishi 2010: 51-57).

Several mechanisms to maintain stability on the Korean Peninsula emerged as each political or military crisis unfolded, starting from the early 1990s. A major crisis in May 1994, which went to the brink of a second Korean War, resulted in the Geneva Agreed Framework, involving both Koreas, the US, Japan and the EU and initiating the “KEDO process.” The North Korea’s withdrawal from the nuclear non-proliferation treaty (NPT) regime in April 2003 precipitated the US-China-North Korea Trilateral Talks, which have expanded into the Six-Party Talks (SPTs), the main avenue to discuss North Korea’s denuclearisation, which inevitably include other issues on the Korean Peninsula. Among other mechanisms for stability are: the US-North Korea High-Level Talks, the Inter-Korean Dialogue and the Japan-North Korea Dialogue. These mechanisms, involving not only state actors but also non-state ones, such as former US presidents Carter and Clinton, the Red Cross and other relief NGOs and UN agencies, and generating various agreements, principles and rules, appear to function as instruments of institutional binding and institutional balancing for North Korea (Bercovitch and Oishi 2010: 60-72).

In such regional arrangements, China is increasingly playing a leading role. For a long time, China has maintained a strong influence over North Korea due to their “blood alliance” in the Korean War. During the Cold War period, Beijing on many occasions restrained Pyongyang from its adventurism towards the South. Since the US-China rapprochement in the early 1970s, China has been in a good position to bridge between North Korea and the US. It is therefore quite natural for China to play the host to the SPTs. While this process has been stalled since April 2009 in the wake of North’s another “satellite” launch and nuclear test, China appears to be providing North Korea with a guarantee for the survival of the Kim regime, backed up with the former’s own economic development model, which has increasingly been applied on its periphery across national borders, including the China-DPRK ones (Storey 2011: 40, 42-43). As a result, several joint projects are in progress, including development projects spanning two border cities of Dandong on the Chinese side and Sinuiju in North Korean. There is also a trilateral master plan for development in the Kwanbuk region where North Korea, China and Russia meet in the Tumen River Delta, facing the Japan/East Sea (Harden 2010; Chosunilbo 2010; Hsiao 2010: 1-3). These projects function to enhance the survival chance of the regime in the North and render military measures less significant as tools to maintain the stability of the peninsula.

It is notable that neighbouring countries are gradually acting in concert over the issue of the Korean Peninsula, rather than in a Cold War stand-off. This is because the Cold War rivals have come to regard the maintenance of stability on the peninsula as beneficial to their own interests, hereby generating a strong motivation among themselves to control the behaviour of the two Koreas under their own influence respectively. Apparently, the US-China rapprochement in the early 1970s marked the start of the transition from the alliance system to the system of regional “concert of powers” (The 21st Century Study Group 2014: 25-28). This transition continued well into the early period of the new millennium (Bercovitch and Oishi 2010: 48, 58-59; Xinhua 2012).

The Taiwan Strait

The conflict across the Taiwan Strait is an extension of the Chinese Civil War between the Nationalist Party or Kuomintang (KMT) and the Communist Party of China (CPC) (March 1946-May 1950). After suffering a military defeat at the hands of the CPC on the mainland, the KMT fled to Taiwan in order to recover its strength and prepare for counteroffensive. As a result, Taipei on Taiwan became supposedly the temporary seat of the KMT-led government of the Republic of China (ROC), while Beijing, the seat of the CPC-led government of the People’s Republic of China (PRC) that was proclaimed in October 1949. The two governments claimed that they represented the whole of China and its people exclusively, denouncing each other as an illegitimate regime. This constituted the original incompatibility of this conflict, which was made more striking by the involvement of rival political and economic ideologies of communism and capitalism (Bercovitch and Oishi 2010: 79-80).

Immediately after the Chinese Civil War, if not for the powerful military deterrence provided by the US, the fleeing KMT might have been eliminated on Taiwan by the CPC’s People’s Liberation Army that could have pursued to the island. The US played a decisive role again in the First and Second Taiwan Strait crisis (1954-1955 and 1958) by threatening to use tactical nuclear weapons against mainland China and dispatching its formidable fleet in defence of Taiwan. While deterring communist attacks, the US also restrained the KMT from launching a counteroffensive against the mainland, especially during the period when CPC’s Great Leap Forward campaign (1958-1961) plunged the mainland into turmoil and chaos. China was also restrained from invading Taiwan by its early ally of the Cold War, the Soviet Union, which wanted

to maintain the status quo across the Taiwan Strait in its regional power balance with the US (Bercovitch and Oishi 2010: 80, 89-90).

Starting from the late 1960s, the cross-strait relations shifted gradually from military hostility to peaceful stand-off, creating a space in which Beijing and Taipei engaged in a peaceful competition with each other. This was a competition to create a better society in the area under each other's control and to get international recognition as the government representing China. The former involved enhancing each government's legitimacy amongst the people it ruled by way of reducing poverty and improving the living standard of the people. The latter included getting or maintaining the UN seat, winning support of overseas Chinese and forming diplomatic ties with other countries, especially developing nations. While Beijing was more successful than its rival on the international front, Taipei led the competition over creating a better society until Beijing adopted the "Reform and Open Door" policy towards the end of the 1970s. Competition aside, it is also important that the space created for Beijing and Taipei allowed for two separate domains in which the two rivals were able to pursue their own goals and objectives relatively freely without external obstacles. These developments are significant in terms of incompatibility management, as they successfully shifted the arena of their conflict from physical battlefields to social, economic, political and diplomatic fields. As such, it prevented the incompatibility from imposing unacceptable damage on both sides (Bercovitch and Oishi 2010: 80-85, 92-93).

The mainland's Reform and Open Door policy contributed to changing the structure of the conflict. Firstly, by recognising the failure of the communist economic system that Beijing had adopted since the foundation of the PRC and accepting capitalism, the policy eliminated one of the incompatibilities of the conflict, i.e., that of economic system. Secondly, it opened up the way for economic interdependence across the Taiwan Strait, which has since generated self-restraint on both sides from resorting to force to achieve their respective goals (Bercovitch and Oishi 2010: 83).

In 1979, the PRC publicly abandoned the forceful re-integration of Taiwan, although it still kept open the military options on certain contingencies. This went a long way to reduce the cross-strait tension and decrease the significance of military mutual deterrence. This move by Beijing also sent a message to Taipei as to what kinds of its behaviour were acceptable to the former. This kick-started *de facto* negotiation over the rules and principles to regulate their own behaviour

towards each other. The original fundamental incompatibility of the conflict disappeared when the ROC abandoned its long-held policy of recovering the mainland towards the end of the 1980s.

However, a new formidable incompatibility was already emerging, due to the rise of ethnic nationalism of the Taiwanese people. More than four decades of the “Taiwan Experience” have developed a new Taiwanese identity that is distinct from the pan-Chinese one and its inclination for separatism poses a threat to China’s national unity and territorial integrity. Thus, Taiwan’s move towards *de jure* independence caused the Third Taiwan Straits Crisis (1996), which was contained by the US dispatching two aircraft carriers to the strait (Bercovitch and Oishi 2010: 85-86). Since the inauguration of pro-PRC Ma Yoing-jeou as Taiwan’s President in 2008, cross-strait relations have stabilised. The deepening of economic integration accompanied by social and cultural exchanges and political agreements across the strait is making Taiwan’s *de jure* independence increasingly unrealistic, and this trend is expected to remain unchanged for the foreseeable future.

The mostly peaceful interaction across the strait has set in motion a process of negotiation over the ways to achieve peaceful re-unification between the two sides and, perhaps more importantly, a process of discursive interplay over the nature of, and future visions for cross-strait relations (Xu Xin 2012: 89-90). The announcement of formulas and principles, such as “One China”, “One China, One Taiwan”, “One Country, Two Systems”, “One Country, Two Governments”, “One Country, One System”, “Special State to State Relations” and “Nine Principles Concerning Taiwan’s Return to the Motherland” can be seen in this light, although some of them caused furore and protest on both sides. Currently, both sides are in agreement about maintaining the “One Country, Two Systems” formula indefinitely despite a considerable discrepancy in its interpretation between the two sides. Apparently, this ambiguity along with deepening economic integration provides the cross-strait status quo with stability (Bercovitch and Oishi 2010: 84-86).²

² The rule/principle-making efforts have been facilitated by the establishment of two semi-official institutional organs, the Straits Exchange Foundation (SEF, set up by ROC) and the Association for Relations Across the Taiwan Straits (ARATS, by PRC). Both bodies have handled technical and business matters on cross-straits issues, and contributed to new policies.

Unlike the other two conflicts discussed above, the South China Sea (SCS) conflict is not a result of a previous war nor directly related to the Cold War confrontation. As such, military measures have not played such a significant role in the SCS conflict in deterring the conflicting parties from clashing with one another as they did in the early periods of the other two conflicts in East Asia. Although the six conflicting parties of Vietnam, the Philippines, Brunei Darussalam, Malaysia, mainland China and Taiwan contend with one another in the SCS, there has emerged a pattern of four member states of the Association of Southeast Asian Nation (ASEAN) standing off against China to varying degrees. This is largely due to the weight the latter carries and its formidable presence in the sea zones of the Spratly Islands after its naval battle with Vietnam in 1988 (Bercovitch and Oishi 2010: 101-102).³ Among the several types of incompatibility in this conflict, the one over sovereignty and jurisdictional rights is the most fundamental and poses the greatest challenge to incompatibility management in the SCS. For this reason, this type of incompatibility and its management warrants closer investigation.⁴

The management of the incompatibility over sovereignty and jurisdictional rights in the SCS can be divided into two categories: (1) regulating the behaviour of conflicting parties, and (2) changing the nature of the incompatibility as perceived by the parties. The following measures or arrangements aim to achieve the objective of the first category:

1. Creating within the SCS dispute a diplomatic space in which the conflicting parties can interact with one another diplomatically after departing from potential physical battle grounds through established channels connecting the two spheres.
2. Letting the created space absorb tensions among the conflicting parties that may arise from the incompatibility by what may be called the “politics of ambiguity”.

³ Taiwan is also a party to the SCS conflict, but it has basically the same claim as mainland China’s over sovereignty issue of the SCS and in recent years, it keeps a rather low profile in this conflict.

⁴ There are three issues in the SCS conflict: (1) sovereignty and jurisdictional rights, (2) access to fishery and hydrocarbon resources and (3) free navigation, each of which has generated different sets of incompatibilities (Bercovitch and Oishi 2010: 104-106). Most of those in the second and third category, such as some claimant states not recognising free navigation in areas under their (self-proclaimed) jurisdiction, disputes involving fishing boats and patrol ships and disputes arising from exploiting undersea resources, are relatively easy to settle with mutually agreed measures. On the other hand, incompatibilities over the first category are quite difficult to settle, as the sovereignty-related issues are the matter of national pride, may evoke strong popular sentiments and may negatively affect official decision-making and negotiation process.

3. Resorting to regional norms, values and principles, which can be shared by the conflicting parties, China included, in order to regulate their behaviour towards one another in orderly and peaceful manners.
4. Economic integration between China and ASEAN countries with the result that the stakes of maintaining peace among the conflicting parties has been raised and self-restraint, generated among them.
5. Changing the identities of the conflicting parties as defined in their relations with one another, especially between ASEAN parties and China, from the Cold War rivals to mutually beneficial friends to even members of an extended family.⁵

These measures and arrangements constitute mechanisms to prevent the outbreak of hostile action among the conflicting parties despite the existence of the incompatibility mentioned above. In other words, it can be said that they have learnt to live with this incompatibility.

On the other hand, certain endeavours to change the nature of the incompatibility over the sovereignty and jurisdictional rights in the SCS seems to be underway, particularly on the part of China. To understand the significance of China's move, it is appropriate to look at the basic nature of this type of incompatibility. While Malaysia, the Philippines and Brunei Darussalam claim for themselves Exclusive Economic Zones (EEZs) and continental shelves (CSs) over some parts of the SCS as jurisdictional rights provided for in the United Nations Convention on the Law of the Sea (UNCLOS), China, Taiwan and Vietnam appear to claim the sovereign ownership of most of the SCS on historical bases. China, in particular, do so by drawing the so-called "nine dotted line" in the sea. Its claimed zone within this line overlaps to varying degrees with the EEZs, CSs and perceived historical sea territory as claimed by other disputants, constituting the incompatibility over sovereignty and jurisdictional rights in the SCS conflict.

There are signs that through discursive interaction with other disputants, China is adjusting its long-standing and historical view on the SCS to the current reality on the ground, where other five parties equally claim their rights to the sea. As a result, China's claim seems to be shifting from the exclusive ownership of the SCS to "historical rights" over it (Oishi 2015: 176, 192). This emerging position may make it possible for China to recognise the same rights for other claimant states due to its essentially inclusive nature. This change may give rise to a situation in which

⁵ For a detailed discussion on these measures and arrangements, see Oishi (2015b: 163-171).

historical rights of respective parties co-exist with each other without causing tensions in what may be called a “pooling of jurisdictional rights”. Joint developments of hydrocarbon and fishing resources and other joint projects on scientific research, environmental protection and non-conventional security issues, which have already been proposed or implemented to certain extents, may reflect the new trend, which may eventually dissolve the original incompatibility.

Comparative reflections on incompatibility and its management in the three cases

The three cases of conflict in East Asia under investigation reveal several interesting features in terms of incompatibility management. They reflect certain aspects of what could be termed an East Asian way of incompatibility management.

Firstly, several mechanisms have been developed to prevent the incompatibilities from causing military clashes between the conflicting parties through the regulation of their behaviour. These mechanisms may be of a military nature, such as military deterrence exercised through war time or Cold War alliances, but there seems to be a tendency that non-military mechanisms are gradually put in place and reducing the significance of military ones. Among these non-military measures are: channels to shift conflict from potential physical battle grounds to diplomatic spaces, institutionalised peace talks, the enhancement of self-restraint through economic interdependence, concert of powers-like mechanisms, function of absorbing tensions, regional norms, values and principles, and forging mutually beneficial national identities among the conflicting parties. Moreover, as identified in the SCS case in particular, absorbing tensions among the parties arising from incompatibilities apparently contributes to the prevention of military clashes. The overall effect of such functions is that the conflicting parties have learnt to live with incompatibilities.

Secondly, once the incompatibility is neutralised in the sense that it does not cause any serious harm, several options become available for the conflicting parties to deal with the incompatibility without feeling any strong sense of pressure or urgency. In the Korean Peninsula, the original incompatibility dissolved with the ideological and practical demise of communism as a political and economic system. The current instability on the peninsula stems from the struggle of the government of North Korea for survival, which should not constitute any particular incompatibility if it were not for Pyongyang’s nuclearisation programme and the US reaction to it.

Interestingly, both Koreas and neighbouring countries seem prepared to live with the instability. In the Taiwan Strait, the original incompatibility arising from rival claims over the whole of Chinese historical territory and governmental legitimacy has been replaced by the new incompatibility over the mainland's official nationalism and Taiwan's ethnic nationalism. This incompatibility is being managed by the "One Country, Two Systems" formula and different interpretations on it. In the SCS, the original incompatibility has remained, but China is gradually re-formulating it in such a way that it can be managed in an innovative manner. As a result, in all the three cases, the political will to maintain the status quo on the ground seems to be operating, bringing about stability to each conflict. There are many ambiguities in the situation and management of these conflicts, but they seem to contribute to the maintenance of the status quo in what may be called an East Asian way of incompatibility management.

The theorisation of an East Asian way of incompatibility management

The case study of East Asia's long-standing and representative conflicts has identified several incompatibilities as constituting the core of these conflicts and highlighted the ways in which the incompatibilities have been handled. How can these features of incompatibility management in East Asia be understood? Before answering this question, it is beneficial to compare a Western approach to incompatibility management, against which to consider the findings of the 3 case studies.

The Western approach to incompatibility management

Western Centres of Peace and Conflict Studies have played a large role in developing the ways in which we understand and address conflict. Originally advocated by Robert Fisher and William Ury (1983), the practice of differentiating between "positions" and "interests" of conflicting parties is representative of a so-called Western approach to conflict management. In the Fisher and Ury (1983) scheme, conflicting parties clash with each other over positions (or goals) that are incompatible to each other. However, beneath these positions are the interests of the parties. The interests are what the parties really want to fulfil, while positions are considered as merely the means or tools to satisfy the interests. For example, take two people arguing over the possession of an orange. There is an incompatibility between them if each of them insists on getting the whole orange without cutting it into halves. This shows a zero-sum situation in which one person's gain

is the other person's loss. However, if it is found through speaking to each other that one person actually needs only the flesh of the orange to enjoy fresh juice while the other person wants to use only the orange peel to make good marmalade, the incompatibility is dissolved by them taking the parts of the orange that they really use. This shows a non-zero-sum solution. This example suggests that clashing positions can be addressed by the parties delving deeper to identify each other's interests and adjusting their positions in such a way that they no longer clash with each other while satisfying the underlying interests.

John Burton's "Human Needs Theory" goes further (Burton 1993). He distinguishes among interests, (human) needs and values. His "interests" are equivalent to Fisher and Ury's "positions", and his "needs" correspond to the latter's "interests". According to Burton, human needs are intrinsic to humanity, and must be satisfied through need-satisfiers, i.e. interests. To cite another example, imagine that a local ethnic community seeks independence from a country while the central government suppresses such a move. There is a clear incompatibility between the community's independence and the territorial integrity of the country. However, what both sides really want may be security and identity for each of them. Fortunately, security and identity are not zero-sum. More of them on one side does not mean less of them on the other. There can be a number of ways to satisfy these human needs on both sides simultaneously. The minority community and the central government can act as dialogue partners in the process of defining these human needs for each of them and choosing interests as satisfiers of these needs in such a manner that they do not clash with each other.

In this Western approach, incompatibility can be dissolved through integration. It is an integration among Fisher and Ury's positions or Burton's interests by opening a deeper or higher dimension of interests (Fisher and Ury) or human needs (Burton). According to Burton, values are considered as something that defines the range of need-satisfiers that are acceptable to both sides.

Towards an East Asian approach to incompatibility management

It appears that what the Western approach to incompatibility management prescribes is not easily discernible in the three case studies. In the management efforts of these 3 case studies, there are very few which can be construed as exploring for needs or interests that are supposed to lie beneath incompatible positions of the parties. Granted, China is apparently re-formulating its position in its discursive interaction with other claimants in the SCS. Moreover, China and Taiwan has for

quite some time been engaged in re-interpreting the reality on the ground in a similar discursive interaction with each other. At first glance, such exercises resemble what the Western approach regards as the joint effort to explore beneath the incompatible positions for a common ground. However, what appears to be happening is in actuality unilateral or bilateral re-interpretations of the reality, which need not necessarily converge with each other as long as the status-quo is stabilised as a result.

Besides the discursive interaction, what is prominent in the case studies is co-existence of incompatible positions without causing serious harm. As was already pointed out, this has been made possible through: military deterrence, channels to shift conflict from potential physical battle ground to diplomatic space, institutionalised peace talks, the enhancement of self-restraint through economic interdependence and valued relations, de-facto formation of the concert of powers, absorption of tensions, regional norms, values and principles, and creation of mutually beneficial national identities among the conflicting parties. The indications are that these various elements function like glue to stick together the incompatible positions so that they may exist side by side without the need of integration. This fact points to the possibility that differences including incompatibilities can co-exist as they are, without the overall, underlying, transcendental or universal qualities regulating these differences.

To facilitate an understanding of how such a situation is possible, this paper proposes to adopt the concept of *shi-hokkai* (四法界 four realms of existence), which consists of (1) *ji-hokkai* (事法界 realm of phenomena), (2) *ri-hokkai* (理法界 realm of principle), (3) *ri-ji-muge-hokkai* (理事無礙法界 realm of non-obstruction between principle and phenomena), and (4) *ji-ji-muge-hokkai* (事事無礙法界 realm of non-obstruction between phenomena and phenomena), along with other concepts of *sōsoku* (相即 mutual presence), *sōnyū* (相入 mutual penetration) and *dai'enkyō-chi* (大円鏡智 wisdom comparable to an infinite round mirror). All these concepts originated in the *Kegon-kyō* (華嚴經) or the *Avatamsaka (Flower Garland) Sutra* of the Mahayana Buddhism. The concepts tells us the different ways in which the world is perceived by the human mind. *Ji-hokkai* shows the world in which individual objects act and react with one another often with struggle and conflict. In *ri-hokkai*, universal principle dominates the world, submerging individual objects. In *ri-ji-muge-hokkai*, there is positive mutuality between universal principle and individual objects. In *ji-ji-muge-hokkai*, there is positive mutuality between individual objects.

On the other hand, *sōsoku* and *sōnyū* explain how the positive mutuality in *ji-ji-muge-hokkai* works in two ways, stating that: (1) individual objects exist side by side peacefully, i.e., without causing clashes or tensions, and (2) these objects penetrate into each other, hereby possessing or reflecting the qualities of one another. *Sōsoku* and *sōnyū* are considered to take place on *dai'enkyō-chi*, which like an infinite mirror reflects the images of all objects in the world (Kamata 1988).

Utilising these concepts as an analytical framework provides insight and perspective about an East Asian approach to incompatibility management.

1. *Sōsoku* and *sōnyū* suggest that incompatible positions of conflicting parties can exist side by side as they are, without causing clashes or tensions. These positions should be able to co-exist in a stable manner due to *sōsoku*, and benefit each other from mutual penetration because of *sōnyū*. Very little is known yet about exactly how these two concepts function to address incompatibility in conflict. Prospects are that a deeper understanding of these concepts and a rigorous application of them to the incompatibilities in East Asian conflicts may bring about fruitful results.
2. *Dai'enkyō-chi* provides the incompatible positions with existential basis. Several functions to enable their co-existence, as has been found operating in the three representative conflicts in East Asia, may be placed in the scheme of *dai'enkyō-chi*. Thus, it may be argued that *dai'enkyō-chi* was present when military deterrence was applied to the incompatibility management of the Korean Peninsula and the Taiwan Strait to achieve the co-existence of incompatible positions of the parties, and that it was also present when non-military functions, including tension-absorption, were applied for the same purpose in all the three conflicts. As the awareness of *dai'enkyō-chi* increases among the parties, the need of military deterrence, and even the need of non-military functions as have been made operational so far may be reduced due to the intrinsic power of *dai'enkyō-chi*.
3. *Dai'enkyō-chi* has always been present like an infinite canvas which sustains individual figures painted on it. It is not the existence facing objects, but something that embraces them from behind. It is a matter of each object like each of us getting aware of its presence. Returning to its original meaning of a mirror with an infinite size, *dai'enkyō-chi* reflects

the images of all the objects in the world. Conflicting parties and incompatible positions that they take are merely images on the mirror and lack real substance – what exists is relationships, not substance. This leads to the thought that incompatible positions are constructs of the human mind and the result of relationships, and as such, they appear to be what they are, without real substance.

4. The Western approach to incompatibility management represents and indicates the world view of *ri-ji-muge-hokkai*, i.e., the realm of non-obstruction between principle and phenomena. In this realm, incompatible positions (*ji*) are re-arranged, adjusted and integrated by the regulating power of principle (*ri*). On the other hand, the East Asian approach to incompatibility management represents and indicates the world view of *ji-ji-muge-hokkai*, i.e., the realm of non-obstruction between phenomena and phenomena. In this realm, incompatible positions (*ji*) are reconciled to each other as they are. This takes place without the regulatory power of overall principle. Instead, the above-discussed *dai'enkyō-chi* embraces them from behind and provides them with existential basis. Comparing the two approaches, the Western approach contains a hierarchy between universal principle and phenomena, while the East Asian approach horizontally connects objects that constitute phenomena, without resorting to universal principle. *Dai'enkyō-chi* is qualitatively and functionally different from universal principle.
5. The above arguments lead to the following reflection on the fundamental difference between the Western and East Asian approach to incompatibility management: In the Western approach, human beings and their groups are considered to act (*doing*), while in the East Asian approach, human beings and their groups are considered to exist (*being*).⁶ In the Western tradition, action presupposed goals or objectives of different actors. They inevitably clash with each other. In the East Asian tradition, existence, not action, is essential. Humans and human groups may act, but existence is more important than action. In the Western approach, incompatible positions or goals are assumed to clash with each other, but in the East Asian approach, incompatible positions or goals are not necessarily assumed to clash with each other, as existence is more important than action.

⁶ For an in-depth discussion on two modes of human existence, i.e., “having” and “being”, see Fromm (1976).

Conclusion

This paper traced the contours of an East Asian approach to incompatibility management using the three representative cases of conflict in East Asia. The identified patterns of incompatibility management do not conform well to the patterns that are envisaged by a more Western orientated approach. Interestingly, in the management of East Asian conflicts, incompatible positions tend to co-exist rather than to be integrated or regulated by a superior principle. It is as if a seemingly disparate aggregate of items are assembled together with glue or solder irrespective of their qualities or mutual adaptability. Compared with the consistent and logical neatness of the Western approach, such an East Asian situation looks rather messy and disorganised. However, the evidence suggests that it works. The Buddhist concepts enumerated in this paper assist in justifying and explaining an East Asian approach. They highlight fundamental differences from a Western approach. That is, while the latter in *ri-ji-muge-hokkai* seeks to bring about vertical integration with universal principle controlling individual objects, the former in *ji-ji-muge-hokkai* allows horizontal co-existence of such objectives as they are. This augurs a promising new research area that demands further and more systematic investigations.

Reference List

- Bercovitch, J. and Oishi, M. (2010). *International conflict in the Asia-Pacific: Patterns, consequences and management*, London: Routledge, pp. 16-19.
- Burton, J. W. (1993). *Conflict: Human needs theory*, London: Palgrave Macmillan.
- Chosunilbo (2010). 'N. Korea, China grow ever closer', *Chosunilbo*, Seoul, October 21. http://english.chosun.com/site/data/html_dir/2010/10/21/2010102101079.html (Accessed 23 April 2011).
- Fisher, R. and Ury, W. (1983). *Getting to yes*, London: Hutchinson.
- Fromm, E. (1976). *To have or to be?*, New York: Harper & Row.
- Harden, B. (2010). 'Overtures to China may signal opening of North Korea's economy', *The Washington Post*, Washington D.C., April 2. http://www.washingtonpost.com/wp-dyn/content/article/2010/04/01/AR2010040101244_pf.html (Accessed 23 April 2011).
- Hsiao, R. (2010). 'Strategic implications of China's access to the Rajin port', *China Brief*, 10(2): 1-3.
- Kamata, S. (1988). *Kegon no shisō (Thought of the Flower Garland)*, Tokyo: Kodansha.
- Oishi, M. (2015a). 'Introduction: The ASEAN Way of conflict management under challenge', in M. Oishi (ed.), *Contemporary conflicts in Southeast Asia: Towards a new ASEAN Way of conflict management*, Singapore: Springer, pp. 1-17.
- Oishi, M. (2015b). '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*, Singapore: Springer, pp. 157-180.
- Storey, I. (2011). *Southeast Asia and the rise of China: The search for security*, London: Routledge.
- The 21st Century Study Group (2014), 'A twenty-first century concert of powers: Promoting great power multilateralism for the post-transatlantic era', Frankfurt am Main: Peace Research Institute Frankfurt. http://www.hsfk.de/fileadmin/downloads/PolicyPaper_ATwentyFirstCenturyConcertofPowers.pdf (Accessed 25 September 2015).
- Xinhua (2012). 'China urges early Six-Party Talks', *Xinhua*, Beijing, September 13. http://www.chinadaily.com.cn/world/2012-09/13/content_15755155.htm (Accessed 04 November 2012).

Xu Xin (2012). 'One China, Two Worlds: Taiwan and Chia's quest for identity and security', in P. J. Katzenstein (ed.), *Sinicization and the rise of China: Civilizational processes beyond East and West*, London: Routledge, pp. 65-96.