



Keeping Balance: Taiwan's Answer to Tensions in the South China Sea

By Li-chung Yuan / *Issue Briefings* 13 / 2016

In the face of mounting challenges in the South China Sea, Taiwan must carefully consider its options and respond accordingly in order to defend sovereignty over its occupied features and maintain a role of peacemaker in the region.

This article was first published in *Strategic Vision* 4(24). View the issue at http://issuu.com/strategic_vision/docs/sv24.

Since China started land reclamation in the South China Sea (SCS), tensions and territorial disputes have been rising in the region. The South China Sea was one of the major issues during Chinese President Xi's state visit to the United States in September 2015. However, both sides failed to reach any consensus, thus a stalemate still exists. The US reasserted its freedom to navigate the South China Sea in October 2015 when Secretary of State John Kerry and Defense Secretary Ash Carter underlined that "the US will fly, sail and operate wherever international law allows; the South China Sea is not and will not be an exception." In an effort to reconcile its territorial assertions, Vice-Chairman of China's Central Military Commission Fan Chang-long addressed the Xiangshan Forum in Beijing and stressed that China would do its best to avoid unexpected conflicts and would not resort to the use force recklessly over sovereignty issues.

In light of the recent intense situation, while receiving rather reconciliatory messages from

China and being a stakeholder and one of the claimants in the South China Sea, the Republic of China (Taiwan) has been endeavoring to advocate a peaceful resolution in the region. With the success of the 2012 East China Sea Peace Initiative, which resulted in the Taiwan–Japan Fishing Agreement, President Ma proposed the South China Sea Peace Initiative (SCSPI) in May 2015. Through this initiative, Taiwan is demonstrating to other claimants that it is willing to engage constructively in managing disputes.

Fostering Stability

Akin to its predecessor, while staunchly claiming and safeguarding sovereignty over Taiping Island, the SCSPI calls for claimants to abide by international law and shelve disputes through dialogue and consultations, while jointly exploiting natural resources. Two recent MOFA statements on April 29 and July 7, 2015¹ call on countries to respect all relevant international laws, including the UN Charter and UNCLOS. In

¹ "Statement on the South China Sea," Ministry of Foreign Affairs of the Republic of China, July 7, 2015.



addition, it promotes a maritime code of conduct and cooperation mechanisms for a range of non-traditional security issues such as environmental protection, scientific research, maritime crime fighting, and humanitarian and disaster relief. Notwithstanding the political constraints it faces, Taiwan is seeking to play a constructive role in the South China Sea, thus it has demonstrated its political will to facilitate peace and stability. An initial success has already been achieved. After years of negotiation, Taiwan signed the long-pending fishery agreement with the Philippines on 5 November, 2015. It includes three essential points: avoiding the use of violence, establishing an emergency notification system, and setting up a prompt release mechanism. The agreement is a giant breakthrough for defusing tensions over maritime territorial disputes between the two countries.

Staking Claims

As for sovereignty claims in the South China Sea, Taiwan accepts the principle that “sovereignty over land determines ownership of the surrounding waters” set out in UNCLOS, which applies to disputes concerning sovereignty over both land and the sea. The 2015 MOFA statements suggest that Taiwan’s claim on South China Sea is limited to land features and their adjacent waters. In terms of the U-shaped line, President Ma explained that it is based on the principle of inter-temporal law, which stipulates that “a juridical fact must be appreciated in the light of the law contemporary with it, and not of the law in force at the time when a dispute in regard to it arises or fails to be settled.” Therefore,

there is no need for Taiwan to explicitly abandon the U-shaped line because it is complicated politically and it could anger China because it would undermine the legitimacy of any Chinese claim to the nine-dash line as a national boundary. Another consideration is that abolishment of the U-shaped line means a change of national territory which requires an amendment to the Constitution. It would be better for Taiwan to maintain silence on the U-shaped line. Taiwan has adopted a delaying strategy and does not seek to hastily clarify the legal meaning of Taiwan’s U-Shaped Line.

The situation between China and Taiwan over Taiping Island has been calm for decades. In fact, Beijing has a relatively favorable view of Taiwan’s control of Taiping Island and has several times announced its intention to cooperate with Taiwan on the SCS issue. Nevertheless, Taiwan has rejected China’s proposal regarding a joint assertion of the common claims of both sides. Taiping Island’s important strategic value makes it a particularly valuable asset in the South China Sea. A scenario of armed conflict between Taiwan and either the Philippines or Vietnam over Taiping cannot be ruled out as Taiwan confronted the Philippines in 2013 due to the Guang Da Xing No. 28 incident. In addition, Vietnam was accused of provocatively firing several shots at the Coast Guard on Taiping Island in 2012. Thus, in light of strengthened militarization on surrounding islands, re-evaluating the defensive capability of Taiping Island becomes vital. Other claimant states may accuse Taiwan of taking action which runs contrary to what Taiwan proposed in the SCSPI.



Nonetheless, fortifying the defense of Taiping Island does not violate the spirit of the peace initiative. Expecting disputes to be resolved peacefully does not mean Taiwan should show the white feather to other claimants; only with solid capabilities can Taiwan convince other claimants in the region to behave responsibly.

Strengthening Defense

After the garrisoned units of the Marine Corps were replaced by the Coast Guard in 2000, militarization of Taiping Island has remained limited. In contrast to the under-armed Coast Guard, the Marines could not only symbolize Taiwan's sovereignty claim over Taiping Island but also deal with skirmishes more effectively. The defensive capabilities on Taiping Island should be strengthened in such a way that does not suggest obvious militarization. In support of that goal, several initiatives should be taken.

First, military exercises based on an island recovery scenario should be held on a regular basis (e.g. annually) in order to sharpen the tactics and combat skills of the armed forces. In April 2014, the ROC Navy dispatched a Marine Corps unit to conduct an amphibious landing exercise on Taiping Island. One battalion of marines in more than 20 AAV-7 assault landing vehicles carried and escorted by a naval flotilla (4 frigates, 1 combat support ship and 1 dock landing ship) launched an amphibious landing on the shores of Taiping Island to simulate the recovery of the island. It was the largest live-fire exercise conducted by the military on Taiping since the withdrawal of the Marine Corps, and it

demonstrated Taiwan's determination of defending the island to surrounding claimants.

Second, in the event that Vietnam or the Philippines attempts to take control of Taiping Island by force, devising a contingency plan is crucial. It would require a quick response force incorporating a team of special operation forces transported by an air force C-130 and airdropped on the occupied island within four hours, along with portable missiles launchers, artillery and assault vehicles. This kind of contingency plan requires coordination and collaboration between Army's special operation paratroopers and the Air Force; hence a similar exercise should be carried out in the near future.

Third, as other claimant countries keep accelerating and fortifying construction activities on their islands in the South China Sea, Taiwan should follow suit. A 320-meter long pier able to accommodate 3,000-ton ships has been finished. Other important facilities include an improved runway and a newly constructed lighthouse. After completion of these facilities, the ROC Minister of the Interior presided over the inauguration ceremony on December 12, 2015, the 69th anniversary of ROC control over Taiping Island. These facilities allow C-130 and P-3C aircraft to operate from the island. The newly acquired P-3C anti-submarine and maritime patrol aircraft can dramatically boost Taiwan's anti-submarine warfare (ASW) and surveillance capability in the South China Sea. The MND has confirmed that P-3C patrol missions will be extended from Taiwan's air defense identification zone to territorial islands in the South China Sea. Although President Ma did not preside over the



inauguration ceremony due to pressure from the US, it is highly recommended that he visit Taiping before he leaves office in May 2016.

Expanding Capacity

It needs to be emphasized that the facilities on Taiping Island are dual-use and also intended for humanitarian purposes. In case of an emergency or natural disaster, rescue vessels and airplanes can be swiftly deployed to respond. Most importantly, the construction of piers and the extension of the airstrip are also strengthening Taiping Island's status as inhabitable according to Article 121 of UNCLOS. The construction of an airstrip and pier provides a forward base to operate Taiwan's transport, patrol and surveillance aircraft and stake its sovereignty claim over the island. Taiwan neither aims to change its strategic position in the Spratly Islands, nor seize control over the region. However, the expansion can likely to be seen a double-edged sword; on one side, Beijing may view Taiwan's claim as politically useful because it will keep Taiwan distant from the Philippines and Vietnam. On the other, Beijing may also feel the need to bolster its own presence as a counterbalance, a development not necessarily favorable to Taipei.

Fourth, let us not to ignore the existence of Dongsha Island (Pratas Island) where Taiwan holds solid control and maintains a well-developed airstrip. It is less controversial as there is no territorial dispute over Dongsha. C-130s are stationed at Dongsha on a regular basis and a civilian chartered flight operates weekly from Kaohsiung Airport. Geographically speaking, Taiping Island is 860 nautical miles south of

Kaohsiung whereas the distance between Taiping and Dongsha is only 640 nautical miles, which is within the cruising range of C-130 and P-3C. Therefore, modernizing the facilities on Dongsha Island can efficiently provide transportation and logistical support to operations on Taiping Island. At the same time, the sea lines of communication for Taiping can be ensured. These two important islands serve as Taiwan's bargaining chips in the South China Sea.

With regard to surveillance and reconnaissance capability, Taiwan's National Security Bureau and Ministry of National Defense both closely monitor stepped-up construction and land reclamation activities by China in the region. However, the current radar range on Taiping Island only falls into commercial grade between 12 and 18 nautical miles, and thus should be upgraded to extend the range in order to provide the coast guard with early warning capability in adjacent islands and waters. The need for upgrades is underscored by the fact that Vietnam has been constructing facilities and deploying heavy artillery on Sandy Cay, just a few nautical miles away. Thus, maintaining vigilance on Taiping Island is a crucial necessity.

Last and most important, since Taiwan needs assistance from the US, while maintaining political détente with China, taking sides in the SCS could incur an impact on Taiwan. It is in the best interest of Taiwan to maintain a peaceful, neutral role in the region, and neither ally with the US nor cooperate with China. Another important issue worth observing closely is the arbitration case filed by the Philippines against China.



Taiping Island was reportedly included in the memorial submitted by the Philippines. In October, the arbitration court in The Hague ruled that it has jurisdiction. Therefore, the award of arbitration will have a profound impact on Taiwan's position. Taiwan is seriously concerned

about the Philippines' claim that describes Taiping Island as a rock. Taiwan needs to continue clarifying to the international community that Taiping, the largest natural island, has all features of an island.

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CITATION:

Li-chung Yuan, "Keeping Balance: Taiwan's Answer to Tensions in the South China Sea," *Issue Briefings* 13, 2016, Taipei: South China Sea Think Tank. <http://scstt.org/issue-briefings/516/>

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