

**CONTINUITY AND CHANGE:
MA YING-JEOU, TSAI ING-WEN
AND THE DISPUTE IN THE
SOUTH CHINA SEA**

**DENNIS VAN VRANKEN HICKEY
POLITICAL SCIENCE DEPARTMENT
MISSOURI STATE UNIVERSITY
SPRINGFIELD, MO 65897 USA**

EMAIL: Dennishickey@Missouristate.edu

Dennis V. Hickey is the James F. Morris Endowed Professor of Political Science, Distinguished Professor, and Director of the Graduate Program in Global Studies at Missouri State University. He may be contacted at dennishickey@missouristate.edu. This paper was prepared for delivery at the *The Pacific Century? The 2017 International Conference of the International Studies Association*, University of Hong Kong, Hong Kong S.A.R. China, June 15-18, 2017. This project was supported with a Faculty Research Grant from Missouri State University. The author would like to thank Mr. Eric Huang, Head of the Kuomintang International Affairs Department, for helping to arrange a series interviews and meetings in Taipei, Taiwan, Republic of China during March 2017.

The Republic of China (ROC or Taiwan) is one of the most marginalized states in the global community. However, it finds itself in the middle of a complicated quarrel in the Western Pacific—the ongoing dispute in the South China Sea. This study compares and contrasts the policies and strategies adopted by the administrations of President Ma Ying-jeou and President Tsai Ing-wen toward this territorial squabble. The paper suggests that, despite the unprecedented defeat of the Kuomintang (KMT) in the 2016 presidential and legislative elections, changes in government policy appear to have been marginal. This inertia may be traced primarily to pressures Taipei confronts in the international system. In other words, the island’s domestic political equation may have changed dramatically, but Taiwan’s foreign policy options remain severely constrained by external pressures.

I. THE SOUTH CHINA SEA DISPUTE

The South China Sea is one of the most disputed areas of sea in the world.¹ Seven states—the People’s Republic of China (PRC or China), Taiwan, Vietnam, Malaysia, Brunei, Indonesia, and the Philippines—lay claim to all or a portion of the South China Sea. With the exception of Brunei, each has sought to bolster claims by establishing military outposts in the region.

According to the United Nations Convention on the Law of the Sea (UNCLOS)—an international pact to which all claimants (except Taiwan) are party—the territorial features of a state’s claims may have a critical impact on the size of a nation’s exclusive economic zone (EEZ) and the accompanying rights to exploit natural resources.² For

¹ Ships passing through the area carry over half of the world’s trade—including vital energy resources. The South China Sea is also home to potentially rich oil and gas fields and it is a major source of fish—a crucial food stock for countries located in the region.

² Taiwan cannot sign UN agreements as it is blocked from membership in the global body.

example, according to the UNCLOS, ownership of an actual island may entitle a state to a 200 mile EEZ in all directions. But ownership of a rock or shoal only entitles a government only to a 12 mile EEZ.

With respect to the South China Sea, a key difficulty is that a lot of data on islands, islets, rocks and shoals is unavailable or incomplete.³ Given the stakes involved, some governments—most notably China and Vietnam—have built “extensive structures atop small rocks, or based troops on islets with no fresh water—actions intended to demonstrate control, and some argue even habitability.”⁴ But UNCLOS does not recognize these “artificial islands” as territory. According to Article 60, “artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.” Finally, the situation is muddied by some countries—like China—that refuse to state plainly what they claim to own.

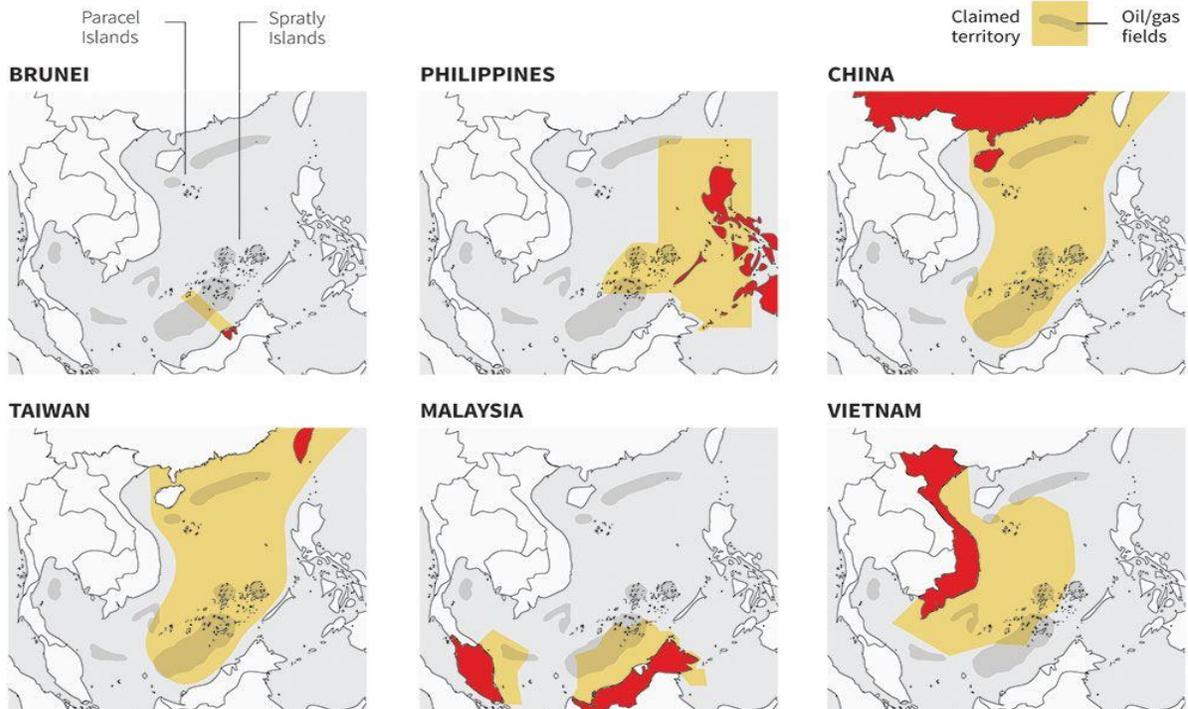
Along with the PRC, Taiwan’s claims to the South China Sea are considered by most to be most expansive (see map). The discussion below outlines the evolution of Taiwan’s policy toward the South China Sea.

³ Laura Schwartz, *Competing Claims in the South China Sea: National Bureau of Asian Research Roundtable Report*, February 9, 2014, on the world wide web at <http://www.nbr.org/research/activity.aspx?id=401>.

⁴ See Ben Dolven, Shirley Kan and Mark E. Manyin, , *Maritime Territorial Disputes in East Asia: Issues for Congress*, (Washington, DC: Congressional Research Service, January 30, 2013), p.7.

Claims on the South China Sea

China and five other Asian states contest all or parts of the Spratly and Paracel islands in the South China Sea.



Sources: U.S. Energy Information Administration, U.S. Department of State, Middlebury College, National Geographic Staff, 08/05/2015



II. TAIWAN AND THE SOUTH CHINA SEA: 1945-2000

The ROC first publicized its claims in the South China Sea following the defeat of Japan in World War II. In 1946, the government dispatched naval ships to the area and “Marines landed, raised the national flags and erected markers on these islands.”⁵ In December 1947, the ROC published the “Southern China Seas Islands Location Map” outlining its territorial claims with an eleven dash line (the PRC adopted the map in 1949, but removed two dashes bordering Vietnam in 1953).

⁵ See “America Making a U-Turn over U-Shaped Lines in Disputed Sea,” *China Post*, October 16, 2014, on the world wide web at <http://www.chinapost.com.tw/editorial/taiwan-issues/2014/10/16/419513/p2/America-making.htm>.

After losing the Chinese mainland to the forces of Chairman Mao Zedong in 1949, the ROC retreated to Taiwan where government continued to press its maritime claims. In addition to historical claims dating back over a thousand years, Taipei has long insisted that it “acquired sovereignty over the South China Sea islands by signing the Treaty of Peace with Japan in 1952.”⁶ In that document, Japan renounced claims to territories taken from China in the 1895 Treaty of Shimonoseki and restored them to the ROC.

Following the “liberation” of Hainan Island by the People’s Liberation Army (PLA) in 1950, President Chiang Kai-shek ordered his troops in the South China Sea to withdraw and retreat to Taiwan.⁷ Several years later he ordered them back. Since 1955, ROC forces have occupied Taiping Island (Itu Aba) which is located roughly 1,000 miles southwest of Taiwan and is the only island in the Spratly archipelago with its own fresh water supply. Taiwan also controls the Dongsha (Pratas), which is the largest island cluster in the South China Sea and is located roughly 260 miles southwest of Taiwan. Taipei occupies the only surfaced atoll to be found in the Pratas.

Taiwan was the first state to “militarize” its possessions in the South China Sea after World War II. At its height, the ROC stationed roughly 500 marines on its islands (these troops were replaced with coast guard personnel in 2000). Generally speaking, however, “Taiwan's policy toward the South China Sea from the 1970s to the 1990s was one that could be characterized as self-restrained and moderate.”⁸ As other claimants

⁶ Ibid.

⁷ See Stein Tonnesson, “History of the Dispute,” in Timo Kivimäki (editor), *War or Peace in the South China Sea?* (Copenhagen: NIAS Press, 2002), p.9.

⁸ See Cheng-yi Lin, “Taiwan’s Spratly Initiative in the South China Sea,” *China Brief*, Volume 8, Number 4, February 29, 2008, on the world wide web at [http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews\[tt_news\]=4731&no_cache=1#.VGovV2e0r5k](http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews[tt_news]=4731&no_cache=1#.VGovV2e0r5k).

moved gradually into the Spratly region and occupied contested territories, Taiwan did little more than complain and protest—a practice that continues to this day. Indeed, Taipei has carefully chronicled and recorded every instance involving the occupation of its territorial claims.⁹

In 1990, President Lee Teng-hui visited the Dongsha Islands. Toward the end of his term as president, the ROC adopted the Law on the Territorial Sea and the Contiguous Zone of the ROC and Law on the Exclusive Economic Zone and the Continental Shelf of the ROC. This legislation meant that Taiwan—like all other claimants—had “pursuant to UNCLOS...claimed a territorial sea, an EEZ, and continental shelf from their archipelagic baselines or along their mainland coasts.”¹⁰ It was also during Lee’s administration that ROC Marine Corps troops deployed on the Spratly Islands and Pratas Islands were replaced with Coast Guard personnel. The government explained that the change was intended to reduce regional tensions, but others speculated that it was a cost savings measure. Irrespective of motives, no other states reciprocated.

President Chen Shui-bian (2000-2008) adopted a paradoxical policy. On the one hand, he scrapped the ROC government’s “Policy Guidelines for the South China Sea,” a document drafted in 1993. This move seemed to signal a lack of interest in the region. PRC officials feared that it represented a first-step to abandoning all claims to the South China Sea and was part of Chen’s plan to achieve Taiwan’s *de jure* independence from China. On the other hand, President Chen transferred the responsibility for dealing with

⁹ See Republic of China Ministry of Interior, *Compilation of Historical Archives on the Southern Territories of the Republic of China* (Taipei: ROC Ministry of Interior, 2015), pp.106-153.

¹⁰ See Robert C. Beckman, “International Law, UNCLOS and the South China Sea,” in Robert C. Beckman, Ian Townsend-Gault, Clive Schofield, Tara Davenport, and Leonardo Bernard (editors), *Beyond Territorial Disputes in the South China Sea: Legal Frameworks for the Joint Development of Hydrocarbon Resources*, (Northampton, MA: Edward Elgar Publishing, Inc., 2013), p.60

the South China Sea from the Ministry of Interior to the National Security Council, and he was the first ROC president to visit Taiping Island. It is also significant that the Chen administration built a runway on Taiping Island (a military C-130 cargo aircraft was the first plane to use the airfield in 2007).

III. PRESIDENT MA YING-JEOU AND THE SOUTH CHINA SEA

Following his election in 2008, President Ma Ying-jeou outlined several principles to guide government policy toward the South China Sea. These included: (1) safeguarding national sovereignty; (2) shelving disputes; (3) peace and reciprocity; and (4) joint development.¹¹ In order to meet these objectives, the Ma administration adopted a set of policy guidelines for the region: (1) seeking joint development of resources; (2) helping maintain regional peace and stability; (3) promoting research on resources in the South China Sea; and (4) working with international conservation groups to establish a peace park on Taiping Island.¹²

With respect to the sovereignty issue, President Ma Ying-jeou declared that the vast majority of land features and waters in the South China Sea region belong to the ROC. As Ma explained:

The ROC government has long maintained that from the perspectives of history, geography and international law, the Nansha (Spratly), Shisa (Paracel), Chungsha (Macclesfield Bank), and Tungsha (Pratas) Islands, as well as their surrounding waters, are an inherent part of ROC territory and waters. The ROC thus enjoys all rights over them in accordance with international law.¹³

¹¹ Yann-huei Song, "Recent Developments in the South China Sea: Taiwan's Policy, Response, Challenges and Opportunities," Paper presented at the *Center for Strategic and International Studies (CSIS) conference on Managing Tensions in the South China Sea*, Washington, DC, June 5-6, 2013, p.6.

¹² Ibid.

¹³ *Compilation of Historical Archives on the Southern Territories of the Republic of China*, p.8.

At the same time, however, Ma was quick to acknowledge the fact that regional tensions had risen and “with neighboring countries occupying difference islands, sovereignty has become a complex issue.”¹⁴

During his eight years as ROC president, Ma took an active approach toward maritime issues. Much of his attention focused on the territorial quarrel with Japan in the East China Sea.¹⁵ But there was also a discernable up-tick in ROC activities directed toward the South China Sea. The Ma administration eventually embraced similar strategies toward both of these foreign challenges.

On the one hand, Taiwan advanced a sensible diplomatic resolution to the quarrels in the South China Sea. Although the ROC government declared that it would never give up its “indisputable” sovereignty over most of the area, Taipei also suggested that disputes should be put aside and resources (fish, oil, gas, etc.) shared. This was identical to the stance that the Ma administration advanced with its East China Sea Peace Initiative.

During discussions with the author on the sidelines of the *2013 East China Sea Peace Forum*, President Ma opined that it might prove “difficult” to apply the East China Sea Peace Initiative to the South China Sea because there are “so many countries involved in that dispute.”¹⁶ By the following year, however, the President had warmed to the idea. In May 2014, Ma proclaimed that Taiwan could “play a regional role as peacemaker” and that the spirit of his “East China Sea Peace Initiative” could apply to

¹⁴ Ibid.

¹⁵ For an overview of Taiwan’s approach to the quarrel in the East China Sea, see Dennis V. Hickey, “Taiwan and the Rising Tensions in the East China Sea: A Mouse that Roared,” *Asian Survey*, Volume 54, Number 3, May/June 2014, pp.492-514.

¹⁶ Author’s Interview with President Ma Ying-jeou, Taipei, Taiwan, Republic of China, August 6, 2013.

the South China Sea.¹⁷ Several months later, he explained that Taipei's diplomatic approach toward its quarrel with Tokyo over the Diaoyutai (Senkaku) islands was welcomed by the global community and that "the same approach can be applied in resolving disagreements in the South China Sea to create a winning situation for all parties."¹⁸

On May 26, 2015, President Ma formally rolled out his "South China Sea Peace Initiative (SCSPI)." He explained that "we emphasize that, while sovereignty cannot be divided, resources can be shared, thereby replacing sovereignty disputes with resource sharing."¹⁹ He stressed that all parties in the dispute should be included in mechanisms designed to promote peace, develop resources, protect the environment and provide humanitarian assistance and disaster relief. Ma's initiative called on all disputants to adhere to five provisions:

- Exercise restraint, safeguard peace and stability in the South China Sea, and refrain from taking any unilateral action that might escalate tensions;
- Respect the principles and spirit of relevant international law, including the Charter of the United Nations and the United Nations Convention on the Law of the Sea, peacefully deal with and settle disputes through dialogue and consultations, and jointly uphold the freedom and safety of navigation and over-flight through the South China Sea;
- Ensure that all parties concerned are included in mechanisms or measures that enhance peace and

¹⁷ Frank Ching, "Taiwan Can Play Peacemaker in SCS Disputes," *South China Morning Post*, May 20, 2014, on the world wide web at <http://www.scmp.com/comment/article/1516102/taiwan-can-play-peacemaker-south-china-sea-disputes>.

¹⁸ See "Ma Reaffirms Peacemaking Role in South China Sea," *Taiwan Today*, September 2, 2014, on the world wide web at <http://taiwantoday.tw/fp.asp?xItem=221243&CtNode=1730>.

¹⁹ See "Ma Touts South China Sea Plan," *Taipei Times*, May 27, 2015, on the world wide web at <http://taipeitimes.com/news/frontprint/2015/05/27/2003619250>.

prosperity in the South China Sea, e.g. a maritime cooperation mechanism or code of conduct;

- Shelve sovereignty disputes and establish a regional cooperation mechanism for the zonal development of resources in the South China Sea under integrated planning; and
- Set up coordination and cooperation mechanisms for such non-traditional security issues as environmental protection, scientific research, maritime crime fighting, and humanitarian assistance and disaster relief.²⁰

Despite pushing the SCSPI, however, it is noteworthy that Ma always emphasized that “the nation’s sovereignty over these islands is firmly rooted from the perspective of history, geography, geology and international law, and can be sustained with historical documents such as the resolutions of international meetings.”²¹

In addition to promoting a peaceful resolution to the ongoing dispute, President Ma ordered ROC government agencies to map out all land features in the South China Sea. This “painful demarcation” of territory did not represent an abandonment of the historic nine-dash line.²² Rather, Ma and other government officials emphasized that the ROC claims sovereignty over all of the islands, rocks, shoals and reefs within the nine-dash line. That meant that the ROC is entitled to waters surrounding these land features as per relevant UNCLOS guidelines.

The “soft” or diplomatic approach to the problems in the South China Sea represented only one part, albeit an important part, of policy during the Ma administration. The ROC government also appeared to embrace a somewhat “hard” approach. While appearing to extend an olive branch to all disputants, Taiwan

²⁰ See *Compilation of Historical Archives on the Southern Territories of the Republic of China*, p.11.

²¹ See Ma Reaffirms Peacemaking Role in South China Sea.”

²² For more information, see “Joining the Dashes,” *Economist*, October 4, 2014, on the world wide web at <http://www.economist.com/node/21621844/print>

simultaneously bolstered its defenses. For starters, Taiwan made improvements to the 3,940 foot long runway on Taiping Island and constructed a port capable of handling 3,000 ton warships. Authorities acknowledged that the US \$110 million naval facility could serve as a permanent base for armed vessels.²³ Heavy mortars and 40 mm anti-aircraft guns were also placed on both Taiping and Dongsha Island.

In 2014, the ROC marines returned to Taiping Island via six ROC warships for a large-scale amphibious assault field drill. The live-fire maneuvers were described as “the ROC’s largest military exercises in the South China Sea in recent years.”²⁴

In April, 2015, the Ministry of National Defense (MND) confirmed that it was dispatching P-3 Orion maritime patrol craft to conduct surveillance missions in the region. Furthermore, the MND drew up a contingency plan for conflict in the area named “Operation Wei-Chiang.” That same year, Taiwan completed the Taiping Island Transportation Infrastructure Project that included the renovation of the island’s wharf and lighthouse.²⁵

Finally, it is noteworthy that the number of visits by delegations of lawmakers, educators, students and others increased markedly during the Ma administration. The most significant visit came in 2016 when President Ma visited Taiping Island. Ma had planned to journey to the South China Sea in November 2015, but canceled the trip after the US voiced concerns about it. In January 2016, the president traveled to Taiping Island

²³ “Armed Vessels May Stay on Itu Aba,” *Taipei Times*, October 17, 2014, p.3, on the world wide web at <http://www.taipetimes.com/News/taiwan/print/2014/10/17/2003602283>

²⁴ See “ROC Marines Hold Exercises n South China Sea,” *Kuomintang Official Website*, April 29, 2014, on the world wide web at <http://www.kmt.org.tw/english/page.aspx?type+article&mnum+112&anum+14458>.

²⁵ See *Press Release, Minister of the Interior, Republic of China, December 12, 2015*. Document provided to the author courtesy of Jack J.C. Yang, Director General, Taipei Economic and Cultural Office, Denver, Colorado.

despite what some scholars describe as “unusually harsh” criticism from Washington.²⁶ During an interview with the author, however, Ma explained that some officials stationed at the American Institute in Taiwan (AIT) had simply misunderstood the purpose of the visit—it was intended as a journey of peace to promote a sensible and negotiated resolution to the ongoing maritime dispute. The AIT was concerned that the journey would set a precedent and “afraid other heads of state will visit their claims.”²⁷

As the Ma administration wound down in early 2016, it ramped up efforts to influence an upcoming ruling by the Permanent Court of Arbitration in The Hague in a case brought by the Philippines against PRC claims in the South China Sea. Due to its unique status in the international community, ROC representatives were locked out of the legal proceedings (they were not even allowed to attend as “observers”).²⁸ Nevertheless, Taiwan extended an invitation to representatives from the Philippines and the five arbitrators on the court to visit Taiping Island to determine whether it was an island or a rock.²⁹ The invitation was rejected. In a highly unusual move, however, the tribunal permitted a private Taiwan based group (with links to the ROC government) to submit several hundred pages of evidence in April 2016. An *Amicus Curiae* brief submitted by the Chinese (Taiwan) Society of International Law concluded that “it is clear that Taiping Island is an island which can sustain human habitation and economic life on its own

²⁶ See Dean P. Chen, *US-China Rivalry and Taiwan's Mainland Policy: Security, Nationalism and the 1992 Consensus* (New York: Palgrave MacMillan, 2017), p.15.

²⁷ Author's interview with Ma Ying-jeou, former President of the Republic of China, Taipei, Taiwan, Republic of China, March 16, 2017. Tape Recording.

²⁸ Taiwan's exclusion led the Ma administration to warn that a ruling would not be binding on the ROC unless it was allowed to participate in the tribunal's deliberations.

²⁹ See Joseph Yeh, “Philippines Rejects Invitation to Taiping: Foreign Minister,” *China Post*, May 14, 2016, on the world wide web at <http://www.chinapost.com.tw/print/466118.htm>.

under Article 121(1) and (3) of the UNCLOS.”³⁰ It is not known why the tribunal permitted the submission—there is speculation that Beijing played a role. Responding to the media queries, China’s Ministry of Foreign Affairs (MOFA) replied only that, “Chinese people on both sides of the Taiwan Strait all have a responsibility to jointly protect the ancestral property of the Chinese people.”³¹

IV. TSAI ING-WEN AND THE SOUTH CHINA SEA

On January 16, 2016, Taiwan’s voters went to the polls to elect a new president and legislature. After counting the votes, it was clear that the independence-leaning Democratic Progressive Party (DPP) had won a convincing victory. The fact that the island’s voters had elected their first female president was big news. But the presidential election was overshadowed by the DPP’s victory in legislature, where it handed the KMT its first legislative defeat since the ROC retreated to Taiwan in 1949.

During the presidential campaign, Tsai hammered away at the Ma administration’s economic record and made sweeping promises to increase social welfare and defense spending, protect the environment, diversify trade, and somehow find new momentum for Taiwan’s economic development. With respect to cross-strait relations, Tsai refused to endorse the 1992 Consensus. This understanding—an arrangement whereby Beijing and Taipei agree that there is one China, but differ on what that means—had reduced cross-strait tensions to their lowest level since the country was split by civil war in 1949.

³⁰ See Chinese (Taiwan) Society of International Law, *In the Matter of an Arbitration under Annex VII to the 1982 United Nations Convention on the Law of the Sea on the Issue of the Feature of Taiping Island (Itu Aba) Pursuant to Article 121 (1) and (3) of the 1982 UN Convention on the Law of the Sea*, March 23, 2016, p.22.

³¹ “Taiwanese Group Enters South China Sea Legal Fray,” *Taipei Times*, May 11, 2016, p.1, on the world wide web at <http://www.taipeitimes.com/News/front/print/2016/05/11/200036455986>

Rather than state plainly her position toward relations with the PRC, Tsai preferred to duck the issue. Whenever asked to clearly explain her policy, she claimed to support the “status quo” and pledged to conduct relations with Beijing in accordance with “the will of the Taiwan people” and the ROC constitution. This led Ma Ying-jeou to criticize Tsai’s position as little more than “slogans,” while Eric Chu, KMT chairman, described it as “gobbledygook to take people in.” At the opposite end of Taiwan’s political spectrum, Koo Kwang-ming, a leading independence activist and founder of the think tank, *Taiwan Brain-Trust*, opined that the DPP embraced the “status quo” because it was unable to come up with a better policy and “it is the policy that would bring the least trouble.”³² He blasted the DPP position as “meaningless.”³³ Mainland scholars appeared to agree and complained that Tsai was engaging in “rhetoric and wordplay” throughout Taiwan’s election cycle.³⁴

Given Tsai’s opaque position toward relations with Beijing, it comes as little surprise that she appeared to embrace a vague approach toward other issues—including Taiwan’s maritime disputes. This led the KMT to warn voters that Tsai would “surrender” Taiwan’s claims in the South China Sea. Tsai responded that she could not understand why anyone would suggest that her administration would abandon Taiping Island if her party was returned to power.³⁵ The DPP charged that the party “had never

³² Loa lok-sin, “DPP’s China Policy Draws Fire,” *Taipei Times*, April 30, 2015, p.3, on the www at <http://www.taipeitimes.com/News/taiwan/print/2015/04/30/2003617140>.

³³ Ibid.

³⁴ As one mainland scholar complained, Tsai “indulged in rhetoric and word play” throughout Taiwan’s election cycle. See “Mainland Scholar Calls for Clear Stance from Incoming Taiwan Leader,” *China Daily*, May 10, 2017, on the world wide web at http://www.chinadaily.com.cn/china/2016-05/14/content_25268272.htm

³⁵ See “DPP has No Plan to Give Up Taiping Sovereignty: Tsai,” *China Post*, May 27, 2015, on the world wide web at <http://www.chinapost.com.tw/print/437001.htm>.

advocated giving up the South China Sea territory.”³⁶ DPP officials even went so far as to threaten the KMT with a lawsuit if they continued the “smear tactics.”³⁷

During the presidential campaign, Tsai seemed to embrace a moderate, albeit vague, position toward the South China Sea dispute. She declared that “all parties should put forth their proposals and state their stances based on the legal principles of the UNCLOS.”³⁸ Like her calls to support the “status quo” in cross-strait relations, however, Tsai’s position toward the South China Sea lacked policy specifics.

After assuming office on May 20, 2016, the new administration did not pay much attention to the South China Sea. Perhaps this was because Tsai had to cope with a series of mistakes and near-catastrophes ranging from her administration’s mishandling of an accidental launch of a supersonic missile toward the Chinese mainland to a flood at the island’s chief international airport. Given such considerations, it should come as little surprise that media outlets reported that the ROC government appeared to be “caught off-guard” by the ruling of the Permanent Court of Arbitration in The Hague on July 12, 2016.³⁹ The international tribunal broadly rejected the PRC’s historic claims to the region and ruled that Taiping Island (along with other features in the Spratly archipelago) was only a rock. The decision effectively limited Taiwan’s claim to only 12 nautical miles of territorial sea surrounding Taiping Island.

The tribunal’s ruling elicited an immediate response from Taipei. The Presidential office declared that “we absolutely will not accept [the tribunal’s decision] and we

³⁶ See Stephanie Chao, “DPP, KMT Clash Over South China Sea policy, DPP Demands Apology,” *China Post*, January 6, 2016, on the world wide web at <http://www.chinapost.com.tw/print/455379.htm>.

³⁷ *Ibid.*

³⁸ See Dean Chen, *US-China Rivalry and Taiwan’s Mainland Policy*, p. 164.

³⁹ Lawrence Chung, “Trouble in Taiwan: Hague Ruling on Taiping Island Gives Tsai Her Biggest Headache,” *South China Morning Post*, July 30, 2016, on the world wide web at <http://www.scmp.com/news/china/diplomacy-defence/article/1994841/trouble-taiwan-hague-ruling-taiping-island-gives-tsai>.

maintain that the ruling is not legally binding on the ROC.”⁴⁰ Taiwan’s MOFA called the verdict “completely unacceptable” and blasted its description of the ROC as the “Taiwan authority of China” as “inappropriate” and “demeaning.”⁴¹ It also argued that the tribunal had overstepped its authority as the Philippines had not requested that judges determine the status of all territories in the Spratlys. Interestingly, a high ranking official representing Taiwan’s Mainland Affairs Council (MAC) cited the expansive historical claims to the South China Sea when he asserted that “the ROC enjoys the rights to various South China Sea islands and relevant waters in line with international law and the UNCLOS and *the locations of those South China Sea islands are based on the map [the ROC] had drawn in 1947* [emphasis added].”⁴² As described, this same map—the Southern China Seas Islands Location Map—had introduced the world to the controversial eleven-dash line (later reduced to nine dashes by the PRC) in 1947.

With respect to concrete actions, Tsai immediately ordered a naval warship to the South China Sea and boarded the ship to address the crew before its departure. The president proclaimed that the deployment was “highly significant” and declared that the arbitration ruling had “seriously hurt our rights to the South China Sea islands and their relevant waters. This naval mission is to demonstrate the resolution of Taiwan people in defending our national interests.”⁴³

On July 19, 2016, President Tsai called her first formal meeting of the ROC National Security Council (NSC) to discuss developments in the South China Sea.

⁴⁰ See Shannon Tiezzi, “Taiwan, South China Sea Ruling ‘Completely Unacceptable,’” *Diplomat*, July 13, 2016.

⁴¹ *Ibid.*

⁴² Lawrence Chung, “Tsai Ing-wen Tells Warship Crew to Defend Taiwan’s Interests as They Set Off for Island in South China Sea,” *South China Morning Post*, July 13, 2016, on the world wide web at <http://www.scmp.com/news/china/diplomacy-defence/article/1989282/tsai-ing-wen-tells-warship-crew-defend-taiwans>.

⁴³ *Ibid.*

Arguing that the award rendered in the South China Sea ruling was “totally unacceptable” and had “no legal binding” on the ROC, Tsai announced that the government would take five actions as follows:

- Step up patrol missions to safeguard the rights and safety of Taiwan fishermen operating in the South China Sea;
- Enhance multilateral dialogue with other relevant parties on collaboration and consensus;
- Direct the Ministry of Science and Technology and related agencies to invite international scholars to Taiping Island to conduct scientific research on climate change, earthquakes, geology and meteorology;
- Collaborate with international organizations and develop Taiping Island into a base for providing humanitarian aid and supplies, and
- Encourage more local talent to study maritime law so as to strengthen the nation’s preparedness in response to international legal issues.⁴⁴

Due to the legal and political problems associated with overlapping claims, the president also outlined four principles that would guide ROC policies toward disputes in the contested region:

- All disputes should be resolved peacefully in accordance with international law and UNCLOS;
- Taiwan must be included in any multilateral dispute settlement mechanisms;
- Other relevant parties are obligated to ensure freedom of aviation and navigation in the South China Sea, and
- The ROC calls for other relevant parties to set aside differences and resolve disputes through joint development

⁴⁴ “Tsai Holds 1st NSC Meeting, Unveils South China Sea Approach,” *Taiwan Today*, July 20, 2016, on the world wide web at <http://taiwantoday.tw/news.php?unit=2,23&post=3932>.

and remain committed to promoting regional stability and protecting maritime resources.

Almost a year has passed since President Tsai outlined her administration's policy toward the South China Sea dispute. Since that time, several actions stand out as noteworthy.

In August 2016, Yeh Jiunn-rong, ROC Minister of the Interior and Lee Chng-Wei, Director General of the ROC Coast Guard Administration, journeyed to Taiping Island along with a group of Kaohsiung city officials, experts on climate change and researchers from the Ministry of Science and Technology. In keeping with policy as outlined above, the government claimed that the mission was intended to boost momentum for scientific research. As Alex Huang, Presidential Office spokesman, explained, Yeh's trip was "part of the plans that Tsai announced during a recent high-level national security meeting to boost momentum for scientific research on the island and promote global cooperation on ecological research and climate change."⁴⁵ When pressed, Huang would not rule out a future visit by President Tsai. Moreover, when a MOFA official was asked by reporters whether the US had approved Yeh's visit, he replied, "is it necessary for the minister to notify our ally of such a visit? I do not think so."⁴⁶

In November 2016, the ROC conducted its first-ever cross-agency humanitarian rescue drill in waters near Taiping Island. Code-named "Nanyuan Number One," the exercises involved the ROC Coast Guard, Navy and Air Force. The exercise squared with Tsai's call to turn Taiping Island into an international rescue center. During a post-drill press conference, officials bristled when questioned whether the ROC had

⁴⁵ Stacy Hsu, "Interior Minister Pays a Visit to Itu Aba," *Taipei Times*, August 17, 2016, p.1, on the world wide web at <http://www.taipeitimes.com/News/front/print/2016/08/17/20003653278>.

⁴⁶ Ibid.

intentionally timed its exercises to coincide with drills being conducted by the PRC. Hsu Kuo-yung, Cabinet spokesman, denied the accusation claiming, “we conduct our own drills.”⁴⁷

In December 2016, the opening of a special exhibit marking the 70th anniversary of the ROC’s “recovery” of territories in the South China Sea provided President Tsai with an opportunity to “reiterate ROC sovereignty over the South China Sea Islands and all rights over their relevant waters.”⁴⁸ Tsia announced that “I once again reiterate that the government will staunchly safeguard our country’s territorial sovereignty in the South China Sea, and insists upon all legal rights over the relevant waters in accordance with international law and the law of the sea.”⁴⁹ At the same time, however, Tsai acknowledged that several nations have overlapping claims in the region and pledged that “the government will continue to cooperate and negotiate with these nations.” The president also used the occasion to repeat the “four principles” she claims now guide ROC policy toward the South China Sea.

In March 2017, the Tsai administration responded to reports that China and the ten-member Association of Southeast Asian Nations (ASEAN) were moving slowly toward the completion of a code of conduct to ease tensions in the South China Sea. True to form, MOFA announced that no guidelines would be binding on the ROC unless it was included in negotiations. Officials were miffed by Manila’s claim that Taipei was represented by Beijing as all ASEAN nations adhere to the “one China” policy.⁵⁰

⁴⁷ Stephanie Chao, “Taiping Humanitarian Drills Draw to a Close,” *China Post*, December 1, 2016, on the world wide web at <http://www.chinapost.com.tw/print/485526.htm>.

⁴⁸ See *Press Release*, Foreign Press Liaison Office, Ministry of Foreign Affairs, Republic of China (Taiwan), December 9, 2016.

⁴⁹ *Ibid.*

⁵⁰ See “If Taipei Not Involved, S. China Sea Code Futile: MOFA,” *Taipei Times*, March 19, 2017, p.3, on the world wide web at <http://www.taipetimes.com/News/taiwan/archives/2017/03/19/2003667065>

Finally, in April 2017, media outlets reported that the ROC was moving ahead with plans to beef up military defenses on Taiping Island. In September, Taiwan’s Ministry of National Defense (MND) confirmed that it had requested that Google blur satellite images of “important military facilities.”⁵¹ Defense analysts believed the images showed the construction of new military installations, including anti-aircraft gun blockhouse towers. MND officials are now requesting reinforcements. According to media accounts, the Tsai administration is reviewing plans to deploy a remote-controlled multiple rocket launcher with anti-landing capabilities and a short-range automated defense XTR-102 weapons system that includes two T-75 20mm automatic guns.⁵² Both weapons were developed indigenously by Taiwan’s Chungshan Institute of Science and Technology. Responding to press reports, a MND spokesman said only that the ROC military possesses a “well rounded and comprehensive plan” to protect its territory.⁵³

V. ANALYSIS

On October 27, 1986, the world financial community was rocked by the deregulation of the securities market in London. Economists began to refer to the overnight transformation of the London Stock Exchange as the “Big Bang.” It wasn’t long before the term was appropriated by scholars in other fields—including history, political science and international relations. Eventually, momentous events ranging from the Treaty of Westphalia in 1648 to the enlargement of the European Union by 10 countries in 2004 came to be branded with the term.⁵⁴

⁵¹ Christopher Mele, “For Taiwan, Google Images of Disputed Island Are Too Clear,” *New York Times*, September 23, 2016 on the www.

⁵² Elizabeth Shim, “Taiwan to Increase Military Presence on South China Sea Island,” *UPI*, April 18, 2017, on the world wide web at <http://www.upi.com>.

⁵³ *Ibid.*

⁵⁴ For example, the former is now described by some academics as the “Westphalian Big Bang.”

Changes in government policies—ranging from health care to foreign affairs—may be classified into four categories that differ according to the degree and speed of change.⁵⁵ Large scale and fast paced change can be described as “big bang” shifts in policy. Large scale and slow-paced change may be described as “blueprint” transformations, while multiple small-scale changes occurring simultaneously can be classified as “mosaic” changes. Finally, small-scale and slow-paced changes may be labeled as “incremental” adjustments in policy. Others might describe such slight modifications as “evolutionary.”

As described, the Ma administration directed a lot of attention to regional maritime disputes. The key components of the Ma administration’s approach to the South China Sea quarrel may be summarized as follows:

- Calling for all parties to share resources and protect the environment;
- Promoting scientific research that will help protect the environment;
- Using Taiping Island as a base to provide humanitarian and disaster relief;
- Calling for all parties to “respect the principles and spirit of relevant law, including the Charter of the UN and the UNCLOS;”
- Citing the 1947 Southern China Seas Islands Location Map to bolster Taiwan’s claims in the region;
- Arguing that the ROC is not bound to follow any international agreements in the region unless it is included in multilateral negotiations;

⁵⁵ See Carolyn Hughes Tuohy, *The Patterns of Policy Change*, September 9, 2015, on the world wide web at <http://policyoptions.irpp.org/magazines/september-2015/election-2015/the-patterns-of-policy-change/>.

- Mapping out islands, islets and territories in the South China Sea to make Taiwan's claims to waters and territories consistent with UNCLOS guidelines;
- Sending academic and government delegations to the South China Sea, and
- Boosting ROC defenses in the South China Sea

A cursory review of these points reveals that the Tsai administration has made only incremental changes to the Ma administration's policies in the South China Sea. In other words, there has been no "big bang" shift in policy. In fact, there is almost no change to the policy positions listed above.

President Tsai's policy looks a lot like the policy crafted by her arch rival, President Ma Ying-jeou.⁵⁶ But there are subtle changes in policy. When asked during an interview to outline differences between the two administrations, Ma identified three modifications in policy:

They support [the ROC] claims to Taiping Island, but that's all. They seldom mention the maritime zones in the South China Sea—that's one thing. The other is that they never mention the eleven-dash line. And they sometimes shy away from the historical record of the South China Sea.⁵⁷

However, it should be emphasized that the Tsai administration has not formally declared that it has abandoned any claims to the South China Sea or relevant maritime zones. And it has not formally junked the eleven-dash line. Rather, it prefers to sidestep the issue by not mentioning them. In this respect, Tsai's position is similar to her administration's elusive approach to relations with the Chinese mainland. The administration still claims

⁵⁶ In 2012, Ma defeated Tsai decisively in the presidential election. Ma received roughly the same number of votes that Tsai received in the 2016 election.

⁵⁷ Author's interview with Ma Ying-jeou, former President of the Republic of China, Taipei, Taiwan, Republic of China, March 16, 2017. Tape Recording.

that it must “safeguard” its “territorial sovereignty in the South China Sea” and maintain “legal rights over the relevant waters,” but it never explains what this means. In other words, the administration is intentionally vague and ambiguous.

One must search to find evidence (or hints) of a change in policy, but it is there. For example, when discussing the ROC’s territorial possessions during the Ma administration, the official *ROC (Taiwan) Yearbook* stated that the “islands and surrounding regions in the South China Sea claimed by the ROC include the Dongsha (Pratas) Islands 東沙群島, the Nansha (Spratly) Islands 南沙群島, the Xisha (Paracel) Islands 西沙群島 as well as the group of reefs and shoals called the Zhongsha Islands 中沙群島 (Macclesfield Bank).⁵⁸ However, in the *2016 ROC (Taiwan) Yearbook*—a document crafted in the first year of the Tsai administration—one finds a change. With respect to ROC’s territories, the document states only that the “islands claimed by the ROC in the South China Sea include the Dongsha (Pratas) Islands 東沙群島, the Nansha (Spratly) Islands 南沙群島, the Xisha (Paracel) Islands 西沙群島 and the Zhongsha Islands (Macclesfield Bank) 中沙群島.”⁵⁹ It appears the new administration quietly jettisoned any mention of “surrounding regions” or “reefs and shoals.”

To be sure, the Tsai administration prefers to avoid references to 1947 Southern China Seas Islands Location Map (and its eleven-dash line). On occasion, however, the document is still trotted out to bolster Taiwan’s claims. And despite the reticence to employ the map when staking out its position, the Tsai administration’s policy toward the sovereignty dispute is actually not very far from the KMT’s position. During interviews

⁵⁸ See Executive Yuan, *Republic of China Yearbook, 2013* (Taipei, Taiwan ROC: Executive Yuan, 2013) on the word wide web at <http://www.ey.gov.tw/en/cp.aspx?n=5776024635D354A6>

⁵⁹ See Executive Yuan, *Republic of China Yearbook, 2016* (Taipei, Taiwan ROC: Executive Yuan, 2016) on the word wide web at <http://english.ey.gov.tw/cp.aspx?n=1082F2A7077508A4>.

with the author during the Ma administration, KMT heavyweights claimed that the dashes in the Southern China Seas Islands Location Map—rather than a full line—were intentional and significant. This is because the dashes signify that the ROC does *not* claim all waters in the region (only land features and surrounding waters). In fact, President Ma now believes that elements within the Chinese mainland may be warming to this interpretation of the historical document.⁶⁰

As Tsai explained when kicking off her presidential campaign in 2015, “I am not Ma Ying-jeou.”⁶¹ Despite overarching similarities, there are always differences in policy when comparing administrations. For example, some complained that Tsai’s response to the arbitration ruling was too weak and that she should have followed in Ma’s footsteps and traveled to Taiping Island. However, others argued that Tsai was too strong and belligerent and overreacted to the tribunal’s decision. Jerome Cohen, an American specialist in Chinese law, charged that “today’s response openly rejecting the [tribunal] ruling is a big mistake and different from what even Ma would have done.”⁶² The DPP criticisms of America’s alleged role in the tribunal also raised some eyebrows.⁶³

When choosing which type of policy change to pursue, a decision-maker normally will be influenced by the domestic and international environment s/he confronts at any given time. This helps explain why President Tsai Ing-wen has pursued only incremental and opaque shifts in policy toward the South China Sea dispute.

⁶⁰ Author’s interview with Ma Ying-jeou, former President of the Republic of China, Taipei, Taiwan, Republic of China, March 16, 2017. Tape Recording.

⁶¹ “DPP Chair Tsai Ing-wen Announces Presidential Bid,” *Taiwan News*, February 14, 2015, on the world wide web at <http://www.taiwannews.com.tw/en/news/2689396>.

⁶² See Debra Mao, “China Finds Ally in Taiwan,” *Bloomberg News*, July 12, 2016.

⁶³ See Lawrence Chung, “Trouble in Taiwan,” *South China Morning Post*, July 30, 2016,

With respect to domestic constraints, public opinion polls consistently show that most Taiwanese support the government's claims to territories in the South China Seas. Important constituencies—particularly the local fishing industry—are vocal in their support. In contrast to the low approval rating of President Ma's economic policies, there is no evidence to support the argument that his approach toward the dispute in the South China Sea was unpopular among the Taiwan people. Indeed, Ma's handling of external relations generally received high marks. For example, scientific polls (not the nonsense polls employed by Taiwan's partisan think-tanks or political activists) show that a solid majority of Taiwanese supported his approach to relations with the mainland and most still support it.⁶⁴

With respect to external pressures, Taiwan might best be described as “a shrimp between whales.” This is because “the major powers of the world (particularly the US and China) have long conspired to limit Taiwan's foreign policy options.”⁶⁵ Any dramatic shift or “big bang” in Taiwan's policy toward the South China Sea dispute could generate a lot of fallout. It is likely that these pressures play the paramount role in shaping ROC policy toward the South China Sea dispute—irrespective of who occupies the presidential palace.

On the one hand, if Taipei leans too close to Beijing, it will antagonize Washington—Taiwan's only potential security partner and most powerful friend in the global community. The move would also irritate other external actors—particularly the

⁶⁴ See Dennis Hickey and Emerson Niou, “Taiwan in 2016: A New Era?” *Asian Survey*, Volume 57, Number 1, January-February 2017, pp.111-118, and Dennis Hickey, “President Tsai: Respect the Will of the People and Accept the '1992 Consensus,’” *Center for Strategic and International Studies (CSIS) PacNet*, Number 6, January 19, 2017.

⁶⁵ Dennis V. Hickey, *Foreign Policy Making in Taiwan: From Principle to Pragmatism* (London: Routledge, 2007), p.106

governments in Southeast Asia—and jeopardize one of Tsai’s biggest foreign policy initiatives (the latest incarnation of the “Go South” policy).

On the other hand, if Taipei accedes what some claim are “unofficial” requests by Washington to abandon the eleven-dash line and its claims in the South China Sea, the move will infuriate Beijing.⁶⁶ One western analyst has suggested that, “while China might not go as far as to attack Taiwan if it dropped its claim to the South China Sea, it would nevertheless react hysterically.”⁶⁷ During an interview with the author, Dr. Su Chi, Chairman of Taipei Forum, a prestigious think-tank, asserted that the eleven-dash line holds “sovereignty implications” and any administration in Taipei that abandons the historic demarcation “will turn the entire 1.3 billion Chinese people against it.”⁶⁸ Chiu Yi, a former Taiwan lawmaker, has gone further. He predicted that such a move would likely ignite a “cross-straits conflict” that would hold “disasterous consequences” for Taiwan.⁶⁹

VI. CONCLUSIONS

Like all other states in contemporary world politics, Taiwan confronts many complex foreign policy changes. Not surprisingly, policy making is often a complicated process as numerous forces from both within and outside the island seek to play a role in

⁶⁶ Former US officials and academics with close links to the US government have voiced hopes that Taipei will drop the 11-dash line. Some PRC analysts contend that these requests reflect official US policy. However, during an interview with the author, President Ma said the US never asked him to abandon the 11 dash line. For more information, see Dennis Hickey “In the Eye of the Typhoon: Taiwan and the Growing Dispute in the South China Sea,” *Asian Perspective*, Volume 40, Number 4, October-December, 2016, pp.731-751. Also, author’s interview with Ma Ying-jeou, former President of the Republic of China, Taipei, Taiwan, Republic of China, March 16, 2017. Tape Recording.

⁶⁷ Joel Atkinson, “Taiwan on the Fence as South China Sea Tensions Mount,” *EastAsiaForum*, May 25, 2011, on the world wide web at <http://www.eastasiaforum.org/2011/05/25/taiwan-on-the-fence-as-south-china-sea-tensions-mount/print/>

⁶⁸ Author’s interview with Dr. Su Chi, Chairman, Taipei Forum, Taipei, Taiwan, Republic of China, July 8, 2014.

⁶⁹ See Chiu Yi, “Taiwan Abandoning Nine-Dash Line in South China Sea Would Be Disastrous,” *Global Times* (PRC), September 24, 2014, on the world wide web at <http://www.globaltimes.cn/content/883219.shtml>.

shaping policy. This observation applies with special force to Taiwan's maritime claims in the South China Sea. Taiwan—a small, weak and isolated state—occupies the most valuable piece of real estate in the region. This places Taiwan in an unenviable spot—squarely in the middle of an international dispute. As Su Chi observed, Taiwan finds itself in the “the eye of the typhoon.”⁷⁰

A conjunction of factors—both domestic and international—prompted the Tsai administration to make only incremental adjustments to the previous administration's policy toward the South China Sea. Thus far, all calls to fundamentally change ROC policy toward the South China Sea have proved unsuccessful. This is because any “big bang” transformation in policy will yield few, if any dividends. A dramatic shift in policy could destabilize domestic politics and/or jeopardize relations with important external actors (Beijing or Washington). Indeed, a “big bang” could prove catastrophic by igniting a “bigger bang” that undermines peace and stability in the Western Pacific. It is for these reasons that it is likely that the Tsai administration will continue to pursue a moderate, albeit ambiguous, policy toward the South China Sea dispute.

⁷⁰ Author's interview with Dr. Su Chi, Chairman, Taipei Forum, Taipei, Taiwan, Republic of China, July 8, 2014.