ERCCT Online Paper Series:

Party Politics and National Identity in Taiwan's Territorial and Maritime Claims

Kimberly Wilson

University of Maryland, College Park

June 2015

– Young Scholars Workshop 2015 selected collections –

The CCKF-ERCCT wishes to express its gratitude to the Ministry of Foreign Affairs (Taiwan, R.O.C.) for generously supporting the Europe-Taiwan Young Scholars Workshop.

European Research Center on Contemporary Taiwan

Eberhard Karls University, Tuebingen
Wilhelmstr. 133
72074 Tuebingen

Ph.: +49 7071 29 72717
e-mail: ercct@uni-tuebingen.de

Party Politics and National Identity in Taiwan's Territorial and Maritime Claims

Kimberly Wilson
Department of Government and Politics
University of Maryland-College Park

March 2016

1 Party Politics and National Identity in Taiwan's Territorial and Maritime Claims

1.1 Introduction

High-ranking Chinese military officials are regularly quoted in international media as stating that China cannot afford to lose even an inch of Chinese territory, as this territory has been passed down from Chinese ancestors. Chinese officials often state that an inch is worth fighting for, and is also worth dying for. Such statements are not new in Chinese politics, but recently this narrative has made an important transition. While previously applied to disputes over land borders, such rhetoric is now also applied to disputes involving islands and maritime delimitation.[1] Recent events in the East China Sea and South China Sea lend credibility to the seriousness of such statements, and also beg the question: if nations are willing to fight and die for islands and maritime boundaries, how do governments decide what belongs to them? If one inch is worth fighting and dying for, how do governments draw the boundaries of the state?

Scholars have been relatively quiet on how states form claims, although notable exceptions to this trend provide preliminary evidence of which factors may shape claims. In one of the few studies that directly addresses how claims are formed, Alexander B. Murphy, finds that historical justifications play a central role in shaping claims and disputes. Murphy argues that principles of individual property rights are routinely applied to states, resulting in the use of historical loss of property as a rationale for claims. Now it is universally recognized that "a state is not entitled to seize territory from another unless that territory itself was originally wrongfully seized."[2] Similarly, strategic value and economic value, such as natural resources, have been found to motivate territorial claims.[3]

When an area of inquiry has a limited amount of previous research, qualitative case studies are a particularly appropriate approach for further inquiry, as they are most likely to uncover potential causal variables.[4] In the same vein, this paper includes a qualitative case study of Taiwan's South China Sea claims, including evidence drawn from interviews with Taiwanese government officials and maritime experts.[5] While China's South China Sea claims and actions are frequently highlighted in media and scholarly work, Taiwan (The Republic of China or ROC) has similar claims in the South

[1] For one example, see Phil Stewart and David Alexander, "China blames Vietnam, says will not cede inch of disputed territory," Reuters, May 15, 2014.

[2] Alexander B Murphy. "Historical Justifications for Territorial Claims." *Annals of the Association of American Geographers* 80.4 (Dec. 1990), pp. 531–548.

[3] Paul K. Huth. *Standing Your Ground: Territorial Disputes and International Conflict*. University of Michigan Press, 1998.

[4] Alexander L. George and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences*. MIT Press, 2005.

[5] For the sake of brevity, the Republic of China (ROC) is referred to here as either Taiwan or the ROC.

China Sea that are often overlooked. Undoubtedly due to Taiwan's disadvantaged international status, as well as its arguably pacific foreign policy, the omission is nonetheless unfortunate, as Taiwan's domestic political environment provides a fascinating context for maritime and territorial claims to develop, particularly when contrasted with China's process of developing a claim based on the same historical record.

This article will demonstrate that domestic political dynamics ultimately dictate Taiwan's official claim within the South China Sea dispute. Similar to the median voter theorem, where government policies converge toward the political center, Taiwan's South China Sea claim largely fluctuates between two median positions, with each of Taiwan's two dominant political parties advocating one of these median positions. The Democratic Progressive Party (DPP), which emphasizes Taiwanese identity and openly questions Taiwan's Chinese legacy, articulates its position on the claim largely in terms of international law, particularly Taiwan's effective occupation of Taiping Island.[6] The Nationalist Party (KMT), which frequently underscores a Republic of China legacy and Chinese history in its policy statements, combines justifications of international law and history when articulating its position on the claim, and largely advocates a claim that includes all land features and related jurisdictional rights within the U-Shaped Line. As will be illustrated below, these positions are directly related to each party's respective bases, while at the same time pushed toward the center by practical considerations and each party's efforts to appear moderate in front of both domestic and international audiences.

With each party embracing its own position, the outcomes of electoral competition between the two major parties plays a key role in determining Taiwan's claim. Taiwan's claim has shown a surprising amount of flexibility in recent years, able to change due to the range of viewpoints entertained in Taiwan's political system, as well as the ease with which the claim can be altered through legislative and presidential actions. Amid an overarching atmosphere of ambiguity, expressions of the claim fluctuate based on electoral outcomes.

To illustrate the centrality of domestic political dynamics in shaping Taiwan's South China Sea claims, this paper will explore Taiwan's claim in four parts. First, an overview of Taiwan's South China Sea claim is provided. Next, the range of viewpoints on Taiwan's South China Sea claim is presented. Third, factors that cause each party to maintain relatively moderate positions are highlighted. Finally, the article concludes with a summary of findings.

[6]Taiwan occupies one disputed land feature in the South China Sea, Taiping Island. Other land features occupied by Taiwan are only claimed by China, and no other parties.

1.2 Overview of Taiwan's Claim

Well-documented in media and scholarship, Taiwan's and China's South China Sea claims originated from a common historical record, and still share a great deal in common. Both Taiwan's and China's claims are based on a map originally established by the Republic of China government in 1947 (Figure 1). The line included in this map, which encompasses the vast majority of the South China Sea, is frequently referred to as the "U-Shaped Line" or the "11-Dash Line." Taiwan has never altered the line in the map's original version, but over time China's versions of the map have varied, particularly in terms of the number of dashes in the map (for reference, see one illustration of China's 9-Dash Line map in Figure 2).[7] In discussions of this line which largely refer to China's claim, the claim is considered to possess a high degree of ambiguity, in that not only are competing states unclear as to exactly what the line designates, they are also unclear on the line's justification. More specifically, rival claimants and observers are uncertain as to whether or not the line is meant to designate the whole area included in the U-shaped line as historic waters, if the line is meant only to claim the islands included within the line, if the line is meant to be a maritime delimitation, or if it is meant to designate something else altogether.[8] Relatedly, the relevant basis of legal justification for the claim also has multiple interpretations.[9] Despite widely publicized calls for both the PRC and ROC to clarify the claim, both governments have yet to provide any comprehensive official explanations for the line.

Official statements of Taiwan's claim have changed over time. In 1993, Taiwan announced its South China Sea Policy Guidelines, which stated that Taiwan claimed the area designated by the eleven-dash line under the principle of historic water rights, as designated by customary international

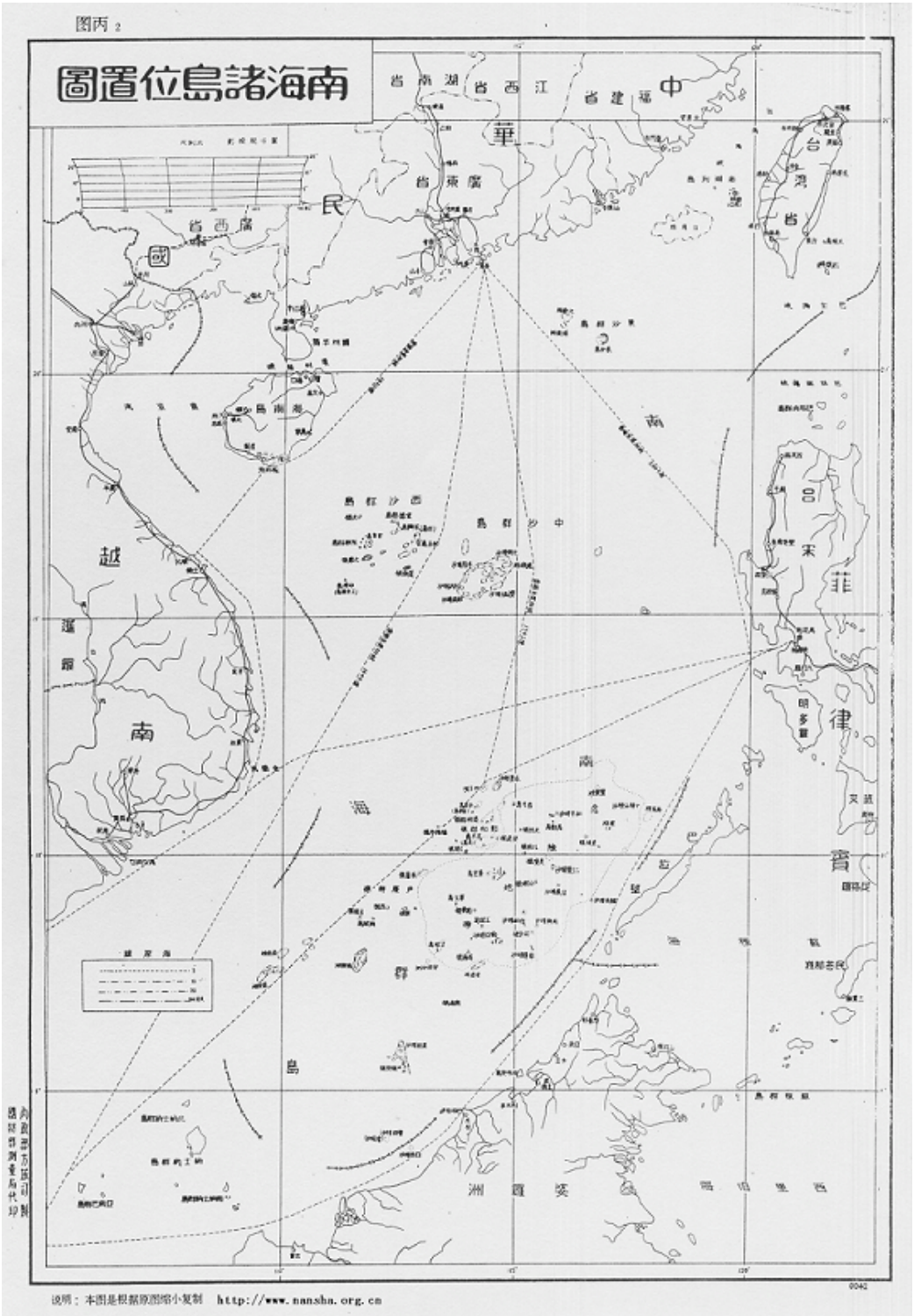
[7] China has recently moved to a version of the map with ten dashes, having previously used a version with nine dashes. During interviews with the author, many maritime experts in Taiwan noted some public misunderstanding over how many dashes are included in Taiwan's version of the U-Shaped line map. For instance, one expert noted with some exasperation that China's 9-Dash line map is periodically displayed in Taiwan's media, presented as Taiwan's claim without the public noticing any difference, Interview, Taipei, June 2014. The author has also observed similar inconsistencies in the way Taiwan's claim is portrayed and discussed, particularly among Western media and experts. In Western media it is often stated that Taiwan and China have the same South China Sea claim, although strictly speaking this is not true. The author has not found any official statements from the ROC government depicting anything less than eleven dashes with respect to the U-Shaped Line claim, and officials in Taiwan's government periodically reaffirm that Taiwan uses the original 1947 11-Dash Line map, without the PRC's changes. That being said, while some portrayals of Taiwan's U-Shaped Line claim with nine or ten dashes can be attributed solely to confusion regarding an already ambiguous claim, the author has also found that some blurring of differences between China's and Taiwan's South China Sea claims appear to reflect political identification with Mainland China, as discussed further below.

[8] Peter Dutton. "Through a Chinese Lens." *Proceedings Magazine* 136.4 (Apr. 2010), pp. 24–29; Keyuan Zou. "China's U-Shaped Line in the South China Sea Revisited." *Ocean Development & International Law* 43.1 (2012), pp. 18–34.

[9] Li Jinming and Li Dexia. "The Dotted Line on the Chinese Map of the South China Sea: A Note." *Ocean Development & International Law* 34.3/4 (July 2003), p. 287; Keyuan Zou. "Historic Rights in International Law and in China's Practice." *Ocean Development & International Law* 32.2 (Apr. 2001), pp. 149–168.

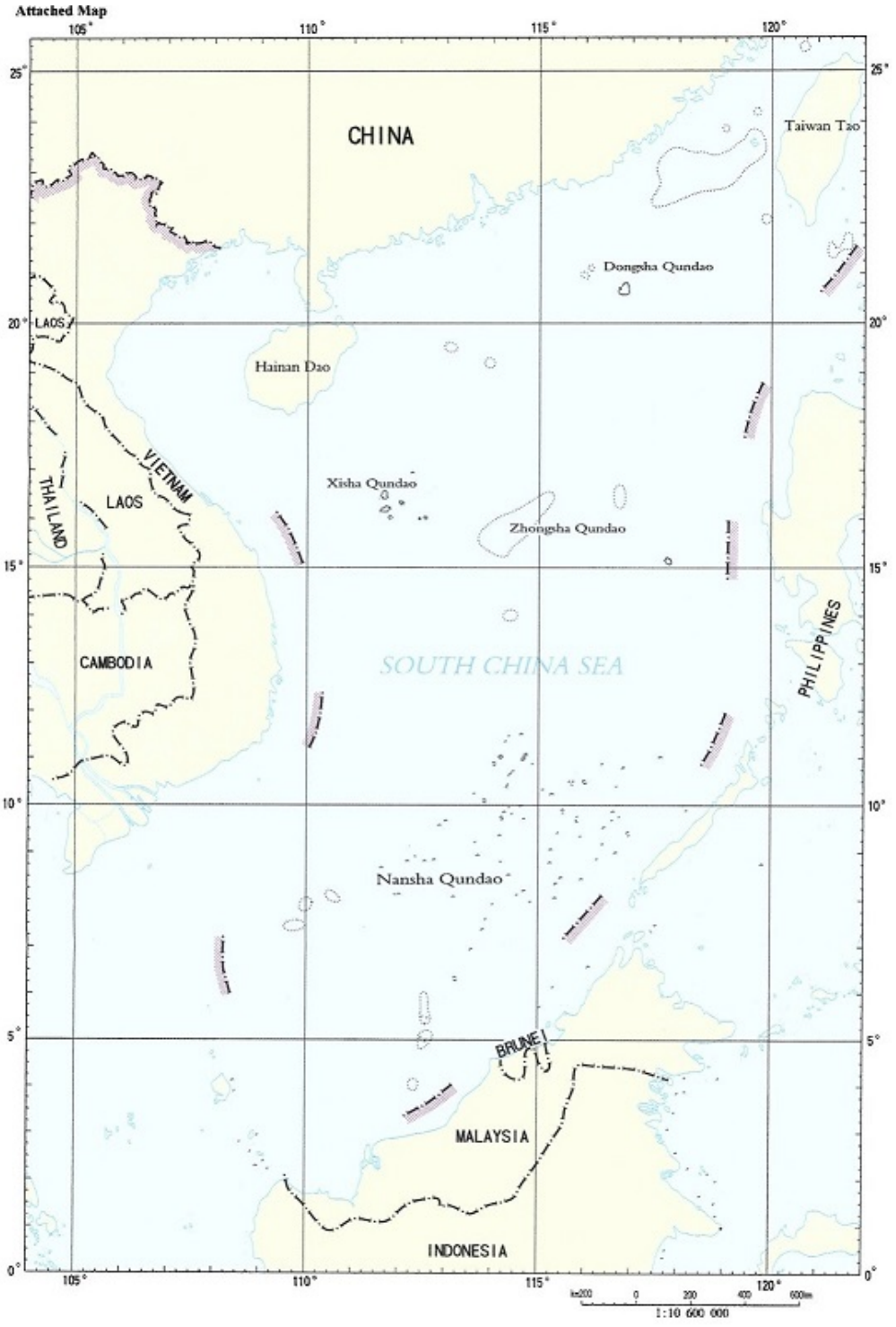
[10] China's two-page *note verbal* can be viewed at: http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf

Figure 1: The Republic of China's 1947 U-Shaped Line Map



This map was first published by the Republic of China government in 1947, and is widely cited as the first published illustration of the U-Shaped Line claim. In this depiction, the map has eleven dashes. The People's Republic of China government later adopted nine and ten-dash versions of this claim.

Figure 2: The 9-Dash Line Map as Submitted by China to the United Nations



On May 7, 2009, China submitted a note verbale to the United Nations Secretary General with the above map attached. The note verbal was in response to Malaysia's and Vietnam's joint submission to the Commission on the Limits of the Continental Shelf.[10]

law.[11] However, when later drafting Taiwan's Territorial Sea Law, early drafts referred to the South China Sea as having "historic waters" but in revised drafts the term "historic waters" was dropped from the legislation.[12] There is evidence to believe the decision to remove the historic waters focus was a compromise to pacify the DPP (Democratic Progressive Party), as the DPP had expressed a desire to distance Taiwan from the U-shaped line claim and Mainland China, while the KMT (Kuomintang) and New Party advocated the U-Shaped Line.[13] Evidence gained through interviews also indicates that the change was due to disagreements between those who identified with Mainland China and those who wanted to distance Taiwan from China.[14] The 1993 Guidelines themselves were eventually eliminated by a DPP administration. During Chen Shui-Bian's administration, the original 1993 South China Sea Policy Guidelines were frozen. When the Ma Ying-jeou administration replaced the Chen administration, it did not reinstate the South China Sea Policy Guidelines, leading scholars to speculate that Taiwan has largely moved away from using historic waters as a basis to claim the entire eleven dash line area.[15]

Notwithstanding uncertainty surrounding the claim, Taiwan's government has consistently asserted Taiwan's rights in the South China Sea. Over time these expressions have varied in nature, although the Ministry of Foreign Affairs of the Republic of China has remained relatively consistent in recent years when describing Taiwan's claim. In its current version, the claim emphasizes sovereignty over South China Sea land features and maritime claims to waters surrounding those features. Whenever a major event relevant to the South China Sea dispute occurs, MOFA issues statements with this standard language included. By way of example, the following excerpt is from a public statement issued by MOFA after the Philippines replaced the previously used "South China Sea" with the

[11]The South China Sea Guidelines, announced on April 13, 1993, refer to South China Sea historic water rights. They state, "南海歷史性水域界線內之海域為我國管轄之海域，我國擁有一切權益," indicating the authors were claiming Taiwan's rights to historic waters in the South China Sea. The sentence translates to, "The sea areas within the South China Sea historic maritime boundary are all under the jurisdiction of our country, and our country has all the rights and interests." The 1993 Guidelines also state, "南沙群島，西沙群島，中沙群島及東沙群島，無論就歷史，地理，國際法及事實，向為我國固有領土之一部分，其主權屬於我國。." This language translates to: "Whether looked at from the perspective of history, geography or international law and reality, Nansha Islands (Spratly Islands), Shisha Islands (Paracel Islands), Chungsha Islands (Macclesfield Bank) and Tungsha Islands (Pratas Islands), are part of our country's inherent territory and its sovereignty belongs to our country." This phrase clearly designates claims over each group of land features in the South China Sea, and a similar version of this wording is now the standard phrasing in Taiwan's official government statements on the disputes, an example of which follows a few paragraphs below. The 1993 South China Sea Policies can be viewed at: http://www.cga.gov.tw/GipOpen/wSite/public/Attachment/f1259488571867.pdf (Accessed November 1, 2014).

[12]Zou, "China's U-Shaped Line in the South China Sea Revisited."

[13]Kristen Nordhaug. "Explaining Taiwan's policies in the South China Sea, 1988–99." *The Pacific Review* 14.4 (2001), pp. 487–508.

[14]According to multiple interviews, one person in particular was an influential advocate for the historic waters claim. Fu Kuen-chen was a member of Taiwan's legislature when the 1993 Guidelines were written, and reportedly played a key role in drafting the legislation. However, interviews indicated that opposition to Fu's positions later arose among the DPP and independence advocates (Interview. Taipei. June 2014). Fu's positions on the South China Sea will be discussed in greater depth below.

[15]Michael Sheng-Ti Gau. "The U-Shaped Line and a Categorization of the Ocean Disputes in the South China Sea." *Ocean Development & International Law* 43.1 (2012), pp. 57–69; Zou, "China's U-Shaped Line in the South China Sea Revisited."

name "West Philippine Sea" in official government documents and maps:

> *Whether looked at from the perspective of history, geography or international law, Nansha Islands (Spratly Islands), Shisha Islands (Paracel Islands), Chungsha Islands (Macclesfield Bank) and Tungsha Islands (Pratas Islands), as well as their surrounding waters, sea beds and subsoil, are an inherent part of the territory of the Republic of China (Taiwan). These archipelagoes therefore fall under the sovereignty of the Republic of China (Taiwan). The government reasserts that it enjoys all rights over the islands and their surrounding waters, and that it denies all claims to sovereignty over, or occupation of, these areas by other countries.*[16]

As illustrated by the excerpt above, Taiwan's MOFA appears to be advocating an interpretation of Taiwan's claim centered on South China Sea land features. No separate historic waters claim is mentioned, and the U-Shaped Line is also notably absent. This is arguably the most common expression of Taiwan's South China Sea claim from the current administration in Taiwan. While the official ROC claim has seemingly moved away from a historic waters claim in the South China Sea, MOFA still adamantly maintains a claim on the rocks, shoals, and islands within the U-shaped line, including waters rights based on these features.

The question remains as to why Taiwan would effectively reduce its claim in the South China Sea by focusing on the land features instead of the broader U-shaped line claim. During interviews on this topic, experts highlighted three main explanations: (1) legal weaknesses in the U-shaped line claim make it too hard to pursue, (2) many outside observers appear to believe that Taiwan and China have the same claim, but dropping the U-shaped line claim distinguished Taiwan from Mainland China in the dispute (3) many of the land features within the U-shaped line, particularly those that are further south, are very far from Taiwan and therefore difficult to feasibly protect. However, it should be noted that during interviews, experts were quick to point out that while the U-shaped line claim has been deemphasized in recent years, it hasn't been dropped or denounced. The claim could still resurface.[17]

Despite the relative consistency in Taiwan's recent South China Sea statements, ambiguity remains the defining characteristic of Taiwan's South China Sea claims. This ambiguity has several sources. First, ambiguity on South China Sea claims has been and continues to be a consciously selected policy of the Taiwanese government. As one official in MOFA's Department of East Asian and Pacific Affairs explains, disagreement within Taiwan's government produces ambiguity:

> *There are a lot of arguments about what the claim should be. Every four scholars has five different views. There is some internal discussion between MOFA, the Ministry of*

[16] *Ministry of Foreign Affairs, Republic of China (Taiwan).* "The government of the Republic of China (Taiwan) reiterates its claim to sovereignty over the South China Sea and refuses to accept any unilateral action taken by other concerned parties." (September 12, 2012)

[17] Interview. Taipei. February 2014; Interview. Taipei. February 2014; Interview. Taipei. June 2014

> *Interior, and the National Security Council, and we also need to consider the United States and cross-Strait relations. It's not easy. President Ma says that so far we haven't reached a position of agreement among all parties within the government.*[18]

Moreover, strategic considerations factor into Taiwan's policy of ambiguity. As the same official explained, Taiwan's main goal right now regarding the South China Sea is to join the Code of Conduct discussions, and upsetting any of the other parties would disadvantage these efforts. He concluded, "We have a delicate role, and so far we haven't figured out a better policy than ambiguity."[19]

In terms of challenges to the U-Shaped Line claim, the ROC government consistently responds to calls for it to clarify its claim in similar ways. In September 2014, William Stanton, former director of the American Institute of Taiwan (AIT), said at a conference in Taipei that Taiwan should drop its U-Shaped Line claim in the South China Sea. Taiwan's Ministry of Foreign Affairs immediately responded by reaffirming Taiwan's sovereignty over the Spratly Islands, Paracel Islands, Macclesfield Bank and Pratas Islands, as well as their related waters.[20] A few days after, another official within Taiwan's MOFA further explained Taiwan's claim. Jason Lien (連建辰), deputy director-general of MOFA's Department of Treaty and Legal Affairs, first pointed out that Taiwan uses the 11-dash line map, which is different from China's 9-dash line map, and that, contrary to Stanton's claims, the U-Shaped Line does have a basis in international law. Lien argued that because the U-Shaped Line was established before UNCLOS took effect, it should also be recognized as international law.[21] As illustrated here, the standard response by MOFA is to insist on sovereignty over South China Sea land features, but occasionally officials will go further in their statements on the claim. Instances such as this illustrate that while Taiwan's government generally follows a policy of ambiguity on the U-Shaped Line and emphasizes South China Sea land features only, the U-Shaped Line claim does occasionally resurface.[22]

In sum, Taiwan's South China Sea claim possesses a significant degree of ambiguity. Government officials, scholars, and analysts around the globe have expressed uncertainty as to what the line includes, the exact coordinates of the line, and the basis of justification for the line. Additionally, Taiwan's claim has changed over time. In the next section, the range of viewpoints within Taiwan regarding the South China Sea claim will be explored.

[18] Interview. Taipei. June 2014

[19] Interview. Taipei. June 2014

[20] Hsieh Chia-chen and Scully Hsiao. "Taiwan rejects advice to drop South China Sea claims." *Focus Taiwan News Channel* (September 13, 2014), http://focustaiwan.tw/search/201409130019.aspx?q=stanton.

[21] Joseph Yeh. "South China Sea claim legitimate: MOFA." *The China Post* (September 19, 2014), http://www.chinapost.com.tw/taiwan/national/national-news/2014/09/19/417559/South-China.htm.

[22] It can also be argued that such statements are reflective of the current administration's greater willingness to defend the U-Shaped Line than a DPP administration might be under similar circumstances.

1.3 Party Politics and National Identity

While in many countries the political spectrum is conceived of as ranging from conservatives on the right to progressives on the left, in Taiwan it is also important to integrate political contestation over issues of national identity into the range of political positions. In the case of Taiwan's South China Sea claim, evidence indicates that a Taiwanese person's conception of what the claim is or should be, both in terms of geographical area and in terms of rights claimed, varies in direct relation to their conceptions of Taiwan's relationship with Mainland China. Yet national identity is admittedly far from being the only issue dictating Taiwan's South China Sea claims and actions. In interviews with experts, academics, and government officials within Taiwan, the most dominant point of consensus that emerges regarding the South China Sea, across all interviews and all political persuasions, is the desire to be acknowledged by other claimants in the dispute, and to not be exiled from international political processes. In almost all interviews, experts emphasized the difficulties Taiwan faces in remaining relevant. National identity is particularly relevant to the points where interview responses diverged, most notably the range of area claimed or the scope of rights claimed, as well as how to explain Taiwan's South China Sea claim.

As an illustration, those experts emphasizing commonality with Mainland China tend to stress the necessity of pursuing a full claim within the South China Sea. During one interview, a scholar of international relations who meets frequently with Mainland scholars to discuss South China Sea claims stated that the ROC and PRC have "the same stake" in the South China Sea dispute, and that cross-strait cooperation within the dispute would therefore be fruitful. The same scholar consistently emphasized that Taiwan should pursue expansive South China Sea claims based on the U-Shaped Line.[23]

In a similar but conceptually distinct vein, other experts emphasize the necessity of protecting and maintaining Chinese rights in the South China Sea, although not necessarily in relation to the PRC, but rather as a more general notion of Chinese ancestry. When asked why MOFA statements only claim islands in the South China Sea and do not reference either the U-Shaped Line or historic water rights, one MOFA official explained, "We know we face challenges under current international law, on the other hand, we think this is traditional water and land our ancestors passed to us." He added, "We're still trying to develop a better way to explain; the claim is not gone." When asked if MOFA felt pressure from the US and other parties to explain the U-Shaped Line, the same official stated, "We feel pressure from ourselves. We know our explanation needs to be updated. We need

[23]Interview. Taipei. February 2014

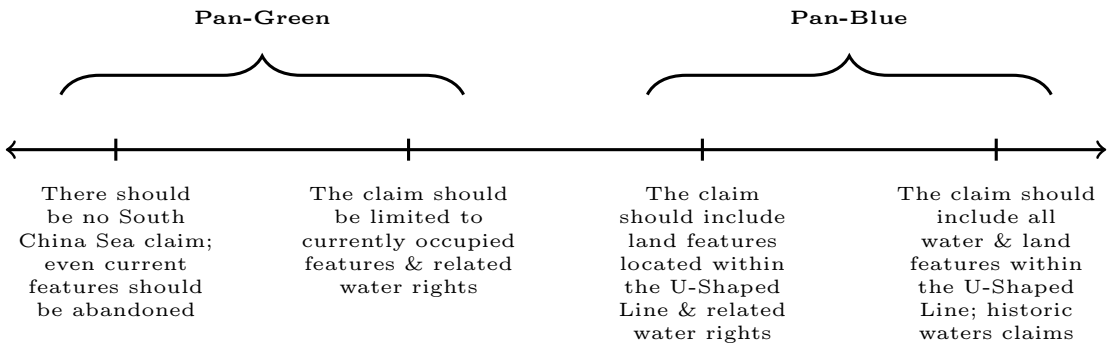


Figure 3: Range of Viewpoints on Taiwan's South China Sea Claims

a better explanation under international law."[24]

As these excerpts begin to illustrate, issues of identity within Taiwan are directly linked to one's position on the South China Sea. Yet also important is the notion that claim formation is ongoing. Due to the challenges posed when historical justifications for a claim do not readily combine with international law, the ROC government is still working on defining and explaining its South China Sea claims, and much of this process has played out and will continue to play out through political party competition.

Evidence indicates that positions on Taiwan's appropriate South China Sea claim vary along a spectrum (Figure 3). It is important to note at the outset that this spectrum only roughly maps possible positions, as a wide range of views on Taiwan's South China Sea claim are possible. On the far left side of the illustration, one possible position is for Taiwan to reject any claim in the South China Sea entirely. The next possible position, which is commonly expressed by the DPP, is to emphasize effective occupation as a legal basis for the claim, with the result of centering Taiwan's claim on Taiping Island, which Taiwan currently occupies. A third position, the one most commonly advocated by the KMT, is that the U-Shaped Line claim is properly interpreted as referring to the land features within the line. From this viewpoint, any water rights claimed in the South China Sea should be based on sovereignty over these land features. Finally, another possible position is to claim that the U-Shaped Line designates historic waters, and that Taiwan has rights to all land features and waters within the line. Figure 3 shows how Taiwan's broad political coalitions map onto such a spectrum. The Pan-Green, which includes the DPP, generally emphasizes a limited South China Sea claim, while the Pan-Blue, which includes the KMT, emphasizes broader claims.

In the following two sections, an outline is provided of the viewpoints represented within Taiwan's two main political coalitions. It is important to note, the examples provided here are only intended

[24]Interview. Taipei. February 2014

to illustrate general trends, and cannot be viewed as an exhaustive list of viewpoints on Taiwan's claim.

1.3.1 Pan-Green and Independence Advocates

Party politics in Taiwan can be roughly divided into two broad coalitions, the Pan-Green and Pan-Blue coalitions (the Pan-Blue will be discussed in the next section). Political parties and groups that emphasize independence and Taiwanese identity are part of the Pan-Green, such as the Taiwan Solidarity Union, Taiwan Independence Party, Taiwan Constitution Association, as well as the largest party in the coalition, the DPP.

Deep Green. For independence advocates in Taiwan, the South China Sea is not often a central issue of importance, so many of the Pan-Green parties, apart from the DPP, have not issued detailed statements on the South China Sea. The lack of statements by these groups, combined with the limited amount of available evidence, indicates that such groups feel less committed to South China Sea claims. People broadly grouped under this category generally question Taiwan's connections to the South China Sea, have reservations about Taiwan's broad claims based on the U-Shaped Line, and often advocate using Taiping Island for strategic purposes (as opposed to being valued inherently as an inherited responsibility). At times, they even go so far as to question whether Taiwan should continue to occupy Taiping Island.

Members of Taiwan's recent Sunflower Movement are prime examples of such a perspective. The Sunflower Movement was a student-led protest movement that occupied both Taiwan's Legislative Yuan and Executive Yuan (the government buildings for both Taiwan's legislative and executive branches of government). The protests were an effort to block the Cross-Strait Service Trade Agreement (CSSTA) between Taiwan in China, as participants in the Sunflower movement were concerned about the effects of the trade deal on Taiwan's economy as well as potential vulnerabilities to political pressure from Beijing.

When asked about how Taiwan's younger generation views disputes between China and other claimant states in the South China Sea, one leader in the Sunflower Movement explained:

> *Every time China has a problem, people think Taiwan is involved. We think, why are we involved in it? The young generation will always think, why us? What happened that people think Taiwan is China? Why are we the same in other people's eyes?*[25]

During the Sunflower Movement occupation of Taiwan's Legislative Yuan, the demonstrators invited a scholar to speak about the East China Sea dispute, but did not invite a speaker on the South

[25]Interview. Washington DC. December 2014

China Sea dispute. The same leader explained this difference is because the occupiers generally do not have a strong sense of the South China Sea dispute. She said they are aware of Taiping Island, because there are coast guard members stationed on the island, but in terms of Taiwan's territorial reaches, most of them think of Taiwan as consisting of "Tai Peng Jin Ma" (台澎金馬). "Tai Peng Jin Ma" is a short Chinese expression used to refer to Taiwan, Penghu, Jinmen, and Matsu.[26] She reasoned that "Tai Peng Jin Ma" resonates with young people because domestic tourists in Taiwan can travel to all four of these places without restriction, while conversely, "people will not know" a place they cannot visit.[27] Similarly, during a group interview, five Taiwanese graduate students who study in America and are each self-proclaimed Taiwanese independence advocates all emphasized occupation in their conceptions of Taiwan's territory. For instance, in response to the question of where Taiwan's boundaries should be drawn, one student answered, "Where has Taiwan stationed troops? That is where Taiwan's territory is."[28]

The Formosan Association for Public Affairs (FAPA) is a nonprofit organization with primarily Taiwanese-American membership that strongly advocates Taiwanese independence, and presents another example of thinking among the independence-minded. FAPA has been clear about its position on the East China Sea, but has been less vocal on the South China Sea. Gerrit van der Wees, Senior Political Advisor of FAPA, noted that FAPA has no formal statement on the South China Sea, but that there is a concern the Ma Administration's portrayal of Taiwan's claims in the South China Sea has been too close to that of Mainland China. As van der Wees explained, "Taiwan is not a discussant at the table, and can only be one with an approach that distinguishes it from China." Taiwan should be allying itself with other claimants in the South China Sea, and together, "draw a common line vis-à-vis China." On the claim itself, van der Wees noted it would be best if Taiwan "just stays with the islands occupied, not making claims to the blue waters of the South China Sea."[29]

One maritime scholar living in Taiwan who openly identified himself as favoring independence for Taiwan questioned Taiwan's continued occupation of Taiping Island, and also questioned any strategic value in maintaining Taiping. As he stated:

There was recently an interesting meeting at MOFA. They said they need to spend a

[26]台澎金馬 refers to Taiwan, Penghu, Jinmen, and Matsu. In this expression, Taiwan refers to the main island of Taiwan. Penghu refers to an archipelago of roughly 64 islands and islets located between Taiwan and Mainland China. Jinmen is a small archipelago of islands close to China's Fujian Province, but administered by the Republic of China (Taiwan) government. Matsu is another small archipelago of approximately 36 islands that is also in the Taiwan Strait and governed by the ROC. Absent from this definition of Taiwan's territory are the disputed land features located in either the East China Sea or South China Sea.

[27]Interview. Washington DC. December 2014

[28]Interview. College Park, Maryland. August 2014

[29]Interview. Washington DC. December 2014

> *lot of money on Taiping personnel because security is so intense lately. The concern is with the Vietnamese, but they could have taken Taiping by force already. Vietnam has (decided not) to do that because of fear of China... I'm thinking, what's the point for Taiwan to have this [Taiping Island]? There is the argument that Taiwan should take part in negotiations and processes, and should join the COC, [Code of Conduct] but for me this is an illusion. Taiping is not a key factor.*[30]

In the above excerpt, the scholar is questioning the logic, commonly expressed by those in the DPP and among the independence-minded, that Taiping can be used to Taiwan's advantage in international forums. He openly questions whether Taiwan should maintain Taiping, and this position is related to his ideas about Taiwanese identity. As he stated:

> *If one day Taiwan really got its independence, it could get rid of this nationalistic, old thinking that really makes no sense, including the current constitution and the two branches of government... The constitution was written for China. How this country [Taiwan] is run is not decided by its people, but by ancient thinking and ancient doctrine.*[31]

The DPP. The Democratic Progressive Party (DPP), Taiwan's current minority party, has a position on Taiwan's South China Sea claim that directly maps to DPP positions on cross-strait relations and Taiwanese identity, and ultimately reflects an effort to combine Pan-Green concerns with moderate approaches. The DPP has consistently advocated defending Taiwan's sovereignty rights in the South China Sea, particularly in relation to Taiping Island, yet the DPP has not promoted the U-Shaped Line or related land feature claims in the South China Sea. In stating their positions on Taiwan's claim, DPP officials consistently emphasize a reliance on international law as a guideline in shaping Taiwan's claim, particularly the principle of effective occupation. Indeed, evidence indicates the DPP will continue to distance itself from the U-Shaped Line claim, with important implications for Taiwan's South China Sea claim if the DPP regains a legislative majority or the presidency in 2016.

The DPP has made the defense of Taiwan's sovereignty in the South China Sea a priority. On February 2, 2008, the DPP's Chen Shui-bian became the first Taiwanese president to visit Taiping Island, his visit commemorating the opening of a new runway on Taiping Island.[32] The 1,150-meter-long runway was commissioned by his administration, with the express purpose of humanitarian purposes. While Chen was visiting Taiping, he announced his "Spratly Initiative," which the DPP still cites as foundational to their policies on the South China Sea.[33] Emphasizing

[30] Interview. Taipei. June 2014.

[31] Interview. Taipei. June 2014

[32] Taiping Island is often described as the largest land feature in the South China Sea, although recent land reclamation efforts by China may have caused Chinese-occupied land features to eclipse Taiping Island in size.

[33] During one interview, a former DPP official that worked on the Spratly Initiative explained that in drafting the Spratly Initiative, then DPP government officials debated the name extensively. Reflective of their views on the dispute, they joked that they could not name the initiative "The South China Sea Initiative," because then the title

environmental and humanitarian cooperation, Chen framed his visit and infrastructure improvements on Taiping Island as part of Taiwan's humanitarian and environmental efforts in the region. On February 10, Chen visited Pratas Island, in the Pratas Archipelago (Dongsha Archipelago). During this visit he reaffirmed his "Spratly Initiative" and highlighted his administration's efforts at environmental conservation in the region, such as the previous year's establishment of Dongsha Marine National Park. Throughout its time in office, the Chen Administration was quiet on the U-Shaped Line as well as the South China Sea land features that are not currently occupied by Taiwan.

Since Chen's Administration left office, DPP statements and actions have continued support for defending Taiwan's claims in the South China Sea. Yet diverging from the KMT and other blue coalition groups, the DPP emphasizes that Taiwan's and China's claims in the South China Sea are not the same. For instance, Tsai Ing-wen, the current DPP Chairperson and Taiwan's president elect, has consistently maintained that Taiwan's position on the South China Sea is different from Mainland China's, and therefore multilateral approaches are more appropriate for addressing the dispute than a cross-strait bilateral framework.[34] DPP Secretary-General Joseph Wu has said that Taiwan should "clarify its claim of sovereignty" in the dispute. As Wu explains, "Taiwan's adherence to the UN Convention on the Law of Sea is clear with regard to its sovereignty claim; it is in active control and administration of Taiping, the largest island in the South China Sea."[35]

Such viewpoints are also reflected in DPP internal documents. In the DPP's internally distributed South China Sea Policies and Positions (民進黨對南海政策及主張), the English translation states, "Taiwan has its own viewpoint regarding the Spratly Islands – one that is founded on sovereignty originating from Taiwan, and which is different from China's [claims over the territory]."[36] Throughout the document, emphasis is frequently placed on following UNCLOS and allowing for freedom of navigation in the South China Sea. As one DPP scholar explained, this DPP internal South China Sea policy document intentionally refers to "South China Sea exclusive economic zone" to indicate that the DPP disagrees with a historic waters claim in the South China Sea. Moreover, the same document refers to South China Sea "high seas" (the original Chinese version refers to 公海 or "high seas" while the English translation says "international waters"), which was carefully worded to indicate a DPP skepticism regarding the ability of most South China Sea land features to qualify

would have the word "China." The former official added, we joked about it, "but actually we all thought about it." Interview. Taipei. June 2014

[34] *Democratic Progressive Party (Official Website).* "DPP statement regarding the South China Sea." (July 24, 2011), http://english.dpp.org.tw/dpp-statement-regarding-the-south-china-sea/.

[35] Paul Berry. "No Opposition Party is an Island: Taiwan's Defense and Domestic Politics." *Chicago Policy Review* (July 14, 2014), http://chicagopolicyreview.org/2014/07/14/no-opposition-party-is-an-island-taiwans-defense-and-domestic-politics/#prettyPhoto.

[36] 民進黨對南海政策及主張 (The Democratic Progressive Party's South China Sea Policies and Viewpoints)

as islands under the UNCLOS definition of an island as included in Article 121. This is because if each land feature in the South China Sea qualified as an island, the resulting EEZs, when combined with the EEZs of coastal states, would completing encompass the area, leaving no high seas in the South China Sea.[37]

In their public statements, DPP officials consistently cite a desire to keep Taiwan's claim consistent with international law. A particular emphasis is placed on basing Taiwan's claim on the legal principle of effective occupation. For example, in an Op-Ed on the future of US-Taiwan relations, Joseph Wu argued Taiwan should not invest itself in strengthening relations with "an expansionist power which claims unsubstantiated historical rights," a clear reference to China and its claims. Wu went on to include a policy point specifically on the South China Sea, as follows:

> *South China Sea issue: Taiwan should make it clear that it follows the UN Convention on the Law of Sea, article 121 specifically, in defining its territorial claims based on the actual ownership of Itu Aba (Taiping islet) and adheres to the principle of the freedom of navigation; Taiwan should also make it very clear that it will not cooperate with China on the sovereignty issue against any other claimants.*[38]

The omissions in Wu's statement on Taiwan's South China Sea policy are noteworthy. Immediately after criticizing Beijing for its claims based on "historical rights," Wu limits his legal references to UNCLOS Article 121 and the principle of actual ownership in describing Taiwan's claim. The only land feature mentioned is Taiping Island and there is no mention of the U-Shaped Line. In other words, Wu's statement clearly articulates what is a consistent expression of Taiwan's South China Sea claims among the DPP – an emphasis on applying principles of international law to the defense of Taiping Island, and nothing beyond Taiping Island.[39]

During an interview, Michael Tsai, former Secretary of Defense during the Chen Administration, stated that, "Taiwan should only claim Taiping Island and the surrounding waters, areas with actual control. If Taiwan made this claim, it would be relatively undisputed. Only China would challenge ROC control of Taiping." Tsai also pointed out that when Chaing Kai-Shek was in power, no one else was strong enough to claim the South China Sea. Therefore, the ROC claimed the area. Yet time has put distance between those events and the present. As Tsai concludes, "this [ROC actions

[37] Interview. Taipei. June 2014

[38] Accessed on July 29, 2014 at: http://dpptaiwan.blogspot.com/2014/05/dpp-us-representatives-5142015-op-ed-in.html. Also available at http://thediplomat.com/2014/05/the-future-of-u-s-taiwan-relations/

[39] While there are prominent examples of the government and members of civil society reaffirming and pursuing Taiwan's South China Sea claims, there is also an interesting degree of ambivalence reflected within Taiwan regarding the claims. When reporting on China's May 2012 passport change, the passport update that included a new map with a dashed line claim in the South China Sea, the Taipei Times reported on DPP criticisms of the Ma government for perceived failures in protecting the ROC's sovereignty. However, the article mainly seems to portray concern with Taiwan itself falling under Beijing's influence rather than the South China Sea. Without at any time pointing out Taiwan's similar claims in the South China Sea, the article ends by pointing out, "China maintains it has ancient claims to all of the South China Sea, despite much of it being within the exclusive economic zones of its Southeast Asian neighbors" (Taipei Times).

in the aftermath of World War II] is not real to me" or to the people of Taiwan.[40]

In a similar statement, former Deputy Secretary General of the National Security Council during the Chen Administration, Parris Chang (張旭成), told Voice of America in September 2014 that if the DPP regains the government in 2016, the DPP will consider changing Taiwan's South China Sea claim. According to Chang:

> *After the 2016 change of government in Taiwan, there is this kind of possibility [changing the claim], because DPP members, including myself, have already said Taiwan should adjust our territorial claims in the South China Sea. After World War II, the Kuomingtang government in 1947 put forward the 9 or 11 dash line position, which has no relationship with Taiwan's government today. If we have a DPP government, I believe, we are willing to reconsider. We believe that Taiwan, in the capacity of an independent country, is in the Asian and world democratic camps. Our position and our obedience to international law are different from China, which emphasizes its history and sovereignty.*[41]

The DPP has also expressed a desire to alter the way in which Taiping is being used. In a December 2014 defense policy blue paper, New Frontier Foundation, a DPP think tank, outlined DPP plans for humanitarian assistance and disaster relief. The report includes a letter signed by Tsai Ing-wen stating that the DPP aims to deemphasize military uses for Taiping and instead use the island as a base for foreign humanitarian assistance and foreign disaster relief. The DPP plans to build a 10,000 ton hospital ship and to use Taiping Island as a base for hospital ship operations.[42]

Recent statements by DPP leaders have reaffirmed that the DPP will continue to make defending Taiping Island a priority, but will continue to distance itself from the broader U-Shaped Line claim. In May 2015, immediately after Ma Ying-jeou announced his South China Sea Peace Initiative, DPP Chairperson Taiwan's incoming president Tsai Ing-wen told reporters that the DPP will not abandon Taiwan's claim to sovereignty over Taiping Island. Tsai expressed surprise that anyone would question the DPP's commitment to defending Taiping. It is notable that Tsai did not make any statements about Taiwan's South China Sea claims beyond Taiping Island. Tsai also took the opportunity to emphasize the DPP position that the South China Sea dispute should be handled in accordance with international law, particularly the United Nations Convention on the Law of the Sea.[43] Similarly, in response to Ma's South China Sea Peace Initiative announcement, DPP

[40]Interview. Taipei. February 2014

[41]Author's translation. The original text reads: " 台湾2016年换了政府之后就有这种可能。因为民进党的人，包括本人，都已经表示台湾应该调整我们对南海领土的主张。国民党政府1947年在二次战后所提出的九条线或十一条线的立场，跟今天台湾的政府没有关系。如果民进党执政，我相信，我们愿意重新考虑。我们认为台湾作为一个独立的国家，我们在亚洲和全世界民主阵营里，我们的立场、对国家法[sic] 的遵守跟中国强调历史、强调中国的主权是不一样的。"黎堡，"台湾前高官称应放弃南中国海主张," 美国之音(VOA) (September 1, 2015), http://www.voachinese.com/content/taiwan-20140913/2449107.html.

[42]Humanitarian Assistance and Disaster Relief, New Frontier Foundation Defense Policy Advisory Committee. Defense Policy Blue Paper No. 8. December 2014. http://english.dpp.org.tw/wp-content/ uploads/PUB-08.pdf.

[43]Tsai was explicit in her statement regarding Taiping Island. In the original Chinese, she states that the DPP will not abandon or renounce Taiwan's Taiping Island sovereignty: "民進黨不會放棄太平島的主權." She also directly

Secretary General Wu questioned how South China Sea claims of sovereignty related to Ma's plan aligned with international law. Although Wu does not explicitly mention the U-Shaped Line in his statements, the implication is to question the legal basis of South China Sea claims apart from Taiping Island, mainly the U-Shaped Line claim.[44] When taken together, Tsai and Wu's statements present a clear picture of the DPP position on Taiwan's appropriate claim in the South China Sea – Taiwan has sovereignty over Taiping Island but claims to other land features in the South China Sea have a questionable legal basis and Taiwan ultimately should conform to standards of international law in its claims. These positions correspond with the DPP's characteristic suspicions of Mainland China, and DPP statements on the South China Sea predictably do not contain references to Chinese heritage as a reason for maintaining the South China Sea, but instead advocate the application of international law and using Taiwan's position in the dispute to improve its relations with other claimant states. As one scholar closely affiliated with the DPP explained, the DPP sees occupation of Taiping Island as an opportunity to work with other nations. When explaining the differences between KMT and DPP views on Taiping Island, he said, "the KMT says this is traditional territory, but the DPP thinks it is just leverage to do something with South China Sea countries."[45]

1.3.2 Pan-Blue

Taiwan's Pan-Blue Coalition is an alliance between three political parties: the Kuomintang (KMT), the People First Party (PFP), and the New Party (CNP). As a whole, the Pan-Blue Coalition tends to emphasize Chinese national identity, as opposed to a separate Taiwanese identity, and is more accepting of economic connections with Mainland China than its political opponents, the Pan-Green Coalition. Taiwan's current ruling party, the KMT, will be discussed first in this section. The section concludes with an outline of how groups and individuals that can be loosely grouped as Deep Blue tend to view Taiwan's South China Sea claims.

The KMT. The KMT, also known as the Chinese Nationalist Party in English, is Taiwan's current ruling party and the same party that fought the CCP in the Chinese Civil War and fled to

linked the DPP's position on sovereignty in the South China Sea to international law, as demonstrated in the original statement in Chinese: "民進黨主張的是說, 對於南海各方所作的主權主張...我們應該要依據國際法來處理." In statements one might infer were directed at China, Tsai said that the DPP insists on the right of freedom of navigation and that the DPP does not accept any act of provocation. In the original Chinese, she stated: "不接受任何挑釁的行為." CNA, "DPP has no plan to give up Taiping sovereignty: Tsai." *The China Post* (May 27, 2015); 綦守鈺, "蔡英文：不會放棄太平島的主權," 即時報導, (May 26, 2015).

[44]When criticizing Ma, Wu specifically said, "同時任何南海方面的主權主張，都要依據國際法，尤其是聯合國海洋法公約." In English, this translates to "At the same time, any aspect of [Taiwan's] South China Sea sovereignty claim must be in accordance with international law, particularly the United Nations Convention on the Law of the Sea." Shih Hsiu-chuan. "S China Sea claims in line with law: Ma." *Taipei Times* (May 28, 2015); 林修卉, "總統提南海和平倡議　吳釗燮：須說明是否與中國聯合," 蘋果日報 (May 26, 2015)

[45]Interview. Taiping. June 2014

Taiwan under the leadership of Chiang Kai-shek. As the current ruling party, many official actions by the ROC government might be used as evidence of the KMT position on the South China Sea. Even more narrowly, President Ma's views on the dispute are particularly telling of KMT thinking on South China Sea claims. A legal scholar specialized in maritime disputes, President Ma wrote his thesis at Harvard Law School on Taiwan's position in the East China Sea dispute. His views are therefore highly relevant when examining Taiwan's South China Sea claims. When taken as a whole, the KMT position reflects an identification with the Republic of China, meaning that the KMT still identifies with having a Chinese legacy, but that legacy is of a government separate from the People's Republic of China. Such a position emphasizes Chinese ancestry, but will not rely on China's 9-Dash Line claim when justifying the claim and will rarely highlight any commonality in the claims made by both China and Taiwan. President Ma's views on Taiwan's South China Sea claim are a prime example of how this distinct ROC identity shapes KMT positions on Taiwan's claim.[46]

In a 2014 interview with the New York Times, President Ma said, "In 1947, the Republic of China published a map of its territories in the South China Sea, so our claim is very clear."[47] Here, President Ma is referring to the U-Shaped Line map, which was published in 1947. One might infer from Ma's wording that he views the map as a claim over territory, and not necessarily a historic waters claim. That impression is strengthened when combined with Ma's other statements on the subject.

In September 2014, President Ma spoke at the opening ceremony for "The Exhibition of Historical Archives on the Southern Territories of the Republic of China." During the ceremony Ma outlined Taiwan's activities and claims in the South China Sea. After listing recent activities, Ma stated, After listing recent activities, Ma stated, "Our government's actions in the South China Sea area are all peaceful, are not military, the purpose is to let our compatriots better understand our territory, the islands in the South China Sea."[48] Specific to the U-Shaped Line Map, Ma said:

> *As early as year 24 of our republic, that is, in 1935, (we) announced the 'The Islands in the South China Sea Map.' After victory in the War of Resistance, in year 36 of our republic (1947), we recovered many of the islands occupied by the Japanese. At that time,*

[46]The statement by MOFA's Jason Lien (連建辰), deputy director-general of MOFA's Department of Treaty and Legal Affairs, that Taiwan uses the 11-Dash Line and not China's 9-Dash Line is also reflective of this type of thinking (see footnote 10).

[47]Transcript of New York Times Interview With President Ma Ying-jeou of Taiwan. *The New York Times* (October 31, 2014), http://www.nytimes.com/2014/11/01/world/asia/transcript-of-new-york-times-interview-with-president-ma-ying-jeou-of-taiwan.html?gwh=A8284DC3C560DAF774AEB60854D7A757&gwt=pay&_r=0.

[48]Author's translation, original statement in Chinese: "我政府在南海地區的作為是和平的，不是軍事的，目的在讓國人更加瞭解我國的領土南海諸島。" Video available at: http://www.president.gov.tw/Default.aspx?tabid=131&rmid=514&itemid=33125.

we announced 'The Positions of the South China Sea Islands Map,' so our sovereignty claims over the South China Sea islands can be said to have started very early.[49]

The map President Ma refers to as 'The Positions of the South China Sea Islands Map' is the now famous U-Shaped Line map, published in 1947 as the ROC sought to map land features in the South China Sea that were previously occupied by the Japanese. In Ma's description of the claim and of the map itself, he only emphasizes sovereignty over islands. There is no evidence in his speech of a historic waters claim, at least in relation to his description of the U-Shaped Line map. Moreover, Ma's explanation of the claim cites the actions of the ROC government in establishing the claim, as well as referencing that ancient people used these areas, an apparent reference to Chinese sovereignty over these areas since 'ancient times.' These statements demonstrate a KMT proclivity toward identifying with a Chinese legacy and the ROC, making this Chinese legacy distinct from that associated with the People's Republic of China.

During a May 2015 speech at the opening ceremony of the 2015 ILA-ASIL Asia-Pacific Research Forum, President Ma announced his South China Sea Peace Initiative (南海和平倡議). During his speech, he clearly and succinctly detailed his position on Taiwan's sovereignty claims in the South China Sea. His explanation is as follows:

With respect to issues in the South China Sea, as I have repeatedly stressed in the past, the ROC government maintains that from the perspectives of history, geography, and international law, the Nansha (Spratly), Shisha (Paracel), Chungsha (Macclesfield Bank), and Tungsha (Pratas) Islands, as well as their surrounding waters, are an inherent part of ROC territory and waters. It is indisputable that the ROC enjoys all rights over them in accordance with international law. On this position, we have never wavered. In fact, the ROC has stationed personnel on Taiping Island, the largest natural island in the Nansha—the Spratly group—and the only island in that group that has fresh water, proving that it is fit for human habitation, and able to maintain its own economic life. We have thus demonstrated the exercise of ROC sovereignty in this region.[50]

In this most recent statement, Ma again emphasizes an ROC claim over the land features included in the U-Shaped Line, but does not refer to the line itself, or to any historic waters claim. He

[49] Author's translation, original in Chinese: 我們早在民國24年，就是1935年，就公布「南海各島嶼圖」，以及在36年抗戰勝利後我們收復了許多遭日本占領的島嶼，那麼再公佈得「南海諸島位置圖」，所以我們對於南海群島，主權的主張，可以說在很早就開始了。

[50] This excerpt of President Ma's speech comes from the official transcript on the Office of the President Republic of China (Taiwan) website. The transcript was posted in the news releases section and titled, "President Ma's remarks at opening ceremony of '2015 ILA-ASIL Asia-Pacific Research Forum.'" The transcript can be viewed here: http://english.president.gov.tw/Default.aspx?tabid=491&itemid=34796&rmid=2355. Although the speech was given in English, a Chinese version is also available on the Office of the President website. It can be viewed here: http://www.president.gov.tw/Default.aspx?tabid=131&itemid=34788&rmid=514. Although the Office of the President has at times posted versions of Ma's speeches which vary in content across the Chinese and English versions, for this excerpt the Chinese matches the English: 關於南海問題，如同本人過去一再強調的，中華民國政府的基本立場是：無論就歷史、地理及國際法而言，南沙群島、西沙群島、中沙群島、東沙群島及其周遭海域係屬中華民國固有領土及海域，中華民國享有國際法上的權利，不容置疑。此一堅定立場，從未改變。事實上，我國持續在南沙群島最大自然島太平島駐有人員，說明南沙群島唯一擁有淡水資源的太平島能維持人類居住並能維持其自身之經濟生活，是中華民國在此一區域行使主權的明證。

does note that the ROC claim to these land features is based on international law, but does not explain how they are claimed under international law, apart from his description of the occupation of Taiping Island. The characteristics of Taiping Island cited by Ma, that Taiping has fresh water, is fit for human habitation, and is able to sustain economic life, is a clear reference to UNCLOS Article 121.[51]

The legal basis under which Ma claims Taiping Island appears to have some similarities to the DPP rationale. Ma is arguing that Taiwan's stationing of personnel on Taiping Island indicates ROC sovereignty over a land feature that fits the definition of an island, with the full maritime rights granted to an island. However, what is less clear from Ma's statement is under what basis Ma believes Taiwan has indisputable rights under international law to the other land features in the South China Sea. In fact, after Ma announced his South China Sea Peace Initiative, the DPP criticized his initiative for being vague. DPP Secretary General Joseph Wu emphasized that Ma must clarify his plan on two points: (1) whether or not the plan is a collaboration with Mainland China, with the potential to alienate Japan and (2) how the claim of sovereignty in the South China Sea conforms to international law. Ma responded to DPP criticisms by arguing that Taiwan established its claims before Mainland China, and therefore Mainland China follows Taiwan on this issue.[52] He further elaborated, "[e]specially on the South China Sea, the 'Location Map of the Islands in the South China Sea (南海諸島位置圖)' published in 1947 clearly states our claims." Ma added, "The claims remain unchanged."[53] This short exchange very clearly illustrates the differences between Taiwan's two main political parties on the issue of South China Sea claims. While their legal explanations for sovereignty over Taiping Island have important commonalities, they differ on land features beyond Taiping. President Ma believes Taiwan has a legal claim under international law to the land features within the original 1947 U-Shaped Line claim, and he cites an ROC legacy in defending that claim. At the same time, the DPP questions the legal basis for any such claim. Finally, KMT rationales for keeping Taiping differ from DPP rationales. While the KMT views

[51]UNCLOS 121 provides the definition of an island under international law. UNCLOS 121 is as follows: Article 121: Regime of islands: 1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide. 2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory. 3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf. UNCLOS 121 can be viewed here: http://www.un.org/depts/los/convention_agreements/texts/unclos/part8.htm.

[52]Wu's first criticism is arguably little more than politicking. There is scant evidence of collaboration between Mainland China and Taiwan on the issue of Ma's South China Sea Peace Initiative. In fact, when China's Foreign Ministry Spokesperson Hua Chunying was asked about Ma's initiative during her regular press conference, she gave a neutral if somewhat cold response. From the official English-language transcript: "We have noted the relevant "initiative" brought up by Taiwan. Chinese people across the Taiwan Straits are obliged to jointly safeguard national territorial sovereignty and maritime rights and interests, and maintain peace and stability in the South China Sea." Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on May 26, 2015 can be viewed at: http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/t1267054.shtml.

[53]Shih Hsiu-chuan. "S China Sea claims in line with law: Ma." *Taipei Times* (May 28, 2015)

Taiping as an inheritance, valuable in its own right, the DPP emphasizes the strategic opportunities presented through Taiping.

It is worth noting, other observers paying close attention to President Ma's statements on the South China Sea have concluded that Ma believes the U-Shaped Line applies to land features and related water rights, as opposed to historic waters rights. The Philippines' Supreme Court Justice Antonio Carpio, an expert on the South China Sea dispute, has stated, "President Ma's interpretation of the 9-dash lines drastically reduces the area of dispute from nearly the entire South China Sea to only the Spratly islands and their surrounding territorial seas, comprising less than 5% of the waters of the South China Sea."[54] However, it is also worth noting this investigation has not found evidence that President Ma's interpretation is only limited to the Spratly land features and territorial waters surrounding them, rather than all the land features within the U-Shaped Line and other water rights based on land features such as an EEZ.

Deep Blue. In many ways, those to the right of center in Taiwan's political system, who might be grouped loosely as the Deep Blue, tend to hold views of the South China Sea that are very similar to viewpoints held in the Mainland, particularly the views held by those who emphasizing historical justifications for a South China Sea claim. Beyond ideological similarities, professional and in-person connections between these two groups also tend to be close. Professor Fu Kuen-chen (傅成), a prominent Taiwanese scholar closely associated with the historic waters interpretation of the U-Shaped Line, is a prime example. Fu is currently a law professor at Shanghai Jiao Tong University Law School and an adjunct professor at Xiamen University Law School, both located in Mainland China. Before moving to the Mainland, Fu was a professor at National Taiwan University and a politician with the New Party, serving as national legislator and in government advisory roles.

Fu is an advocate of a historic waters claim in the South China Sea, and argues that Chinese naval expeditions, migration patterns, and the dominance of Chinese pirates in the South China Sea help establish Chinese traditional rights in the area.[55] In terms of the qualities of the 1947 U-Shaped

[54]Victor C. Agustin. "COCKTALES: Carpio cites Taiwan leader in fight to stop China's territorial grab." *Interaksyon* (August 31, 2015)

[55]During one conference presentation, Fu explained that after the Yuan Dynasty, of Mongol ethnicity, "the Han people returned to the government and created the Ming Dynasty. Beginning from the Ming Dynasty, China entered a new era of glory, and Zheng He (郑和)... sailed with a fleet of 100, more than 100, vessels from China to East Africa, through all these areas, for seven times." Fu also highlights the migration of Chinese people to Southeast Asia, as well as rampant Chinese piracy in the South China Sea. Fu argues that Chinese pirates preferred the South China Sea because they had connections with the Chinese communities of Southeast Asia. Later, in 1933, the Republic of China government was motivated to put Chinese South China Sea claims into writing after French warships invaded nine South China Sea islands. The ROC eventually drew the 1947 U-Shaped Line map as part of the "blue enclosure" movement ignited in response to the Truman Proclamations of 1945. Fu explains, "Obviously as a feedback, as a response to the Truman Proclamation, the Chinese government had in its mind, in 1947, that some exclusive rights on the natural resources should be preserved for the Chinese people." Kuen-chen Fu. "The Chinese U-shaped Line & Its Historic Water in the SCS." *Canada, US & China: Maritime Security Issues International Conference* (University of Alberta, Edmonton, Canada, September 22, 2011)

Line map, Fu maintains that dashed lines were used to designate national boundaries at the time of the map's drawing, and that all later maps have referred to the line as a national boundary. In a recent commentary, Fu argued against scholars who say the line only designates South China Sea islands. He argues that the broken line was used to designate disputed national boundaries, and that saying the line only refers to the islands implies the islands themselves might be disputed (with the implication that this clearly cannot be the right interpretation).[56] In terms of how to define China's South China Sea historic rights, Fu provides a list of Chinese traditional rights in the South China Sea, including: "fishing, navigation, security control, anti-piracy, scientific research, environmental and resources, and other related ones." Fu says it may be possible that other countries in the region have their own historic water claims, even overlapping with China's, and therefore the countries should have bilateral negotiations and agreements, similar to the agreements China has negotiated for its land boundaries.[57]

Fu's explanations of the U-Shaped Line also make clear his own sense of identity. When explaining why the U-Shaped Line should not be considered a designation of internal waters, Fu says, "The Chinese government, from the Ming Dynasty, or even early Yuan Dynasty, when Mongolians were in Beijing, we never hindered the freedom of navigation, of any people, any country." Fu is from Taiwan, but refers to the actions of the Chinese government as "we." Fu also sees no reason to separate the PRC and ROC claim. He argues that the designation "9-Dash Line" is inadequate, as the 1947 version with 11 dashes predates the nine-dash version by roughly ten years. Fu argues this is giving up ten years on the claim.

On September 24, 2014, China's state-run Global Times newspaper ran an editorial by Chiu Yi (邱毅), a former KMT legislator and People's First Party candidate, who is well known for his public campaigns against DPP officials. In an apparent response to reports that the DPP might drop the U-Shaped Line claim if they regain the presidency (discussed in greater detail below), Chiu argued that Taiwan cannot and should not drop the U-Shaped Line claim. Chiu's version of Taiwan's claim differs markedly from other accounts, in that he claims both Taiwan and China use

[56]The above summary is a paraphrase of the original Chinese, which is as follows: 其次,有些大陆学者认为,U形线仅仅是一条"岛屿归属线",这种说法并不完整。一是此一海域邻国众多,关系繁杂,故有区分海域而非仅区分岛屿主权之必要,中国其他海洋地区也没有划定"岛屿归属线"的习惯。第二,世界各现代国家一般多在海上划定海域界限者,甚少在海上仅划一岛屿归属线者。第三,此一U形线的划定时间是1947年,亦即美国杜鲁门在1945年宣布建立美国渔业保护区及大陆架之后的两年。与此同时,世界各国因杜鲁门宣言引发了海洋圈地。当时中国政府之主张,实此全球风潮的回应。第四,U形疆界线的名称、绘制方法,均与陆地上中国之疆界线无异,其位置正处于我国南海诸岛屿与邻国海岸线之间的中线,加以当时U线系由十一大段落之"断线"组成,足以证明当时划U形线时,将其认定为中国在此海域的"未定疆界",仍然保留了未来与邻国正式签订疆界线的弹性。倘若将U形线解释为单纯的"岛屿归属线",则此种"断线"的"未定性格"将难以自圆其说——难道中国政府认为线内诸岛屿之主权归属"未定",仍有与邻邦谈判区分的弹性吗? 傅成, "傅成:南海U形疆界线的法律性质," 社会观察, 2014年第03期, pages 55-57.

[57]Kuen-chen Fu. "The Chinese U-shaped Line & Its Historic Water in the SCS." *Canada, US & China: Maritime Security Issues International Conference* (University of Alberta, Edmonton, Canada, September 22, 2011)

the same nine-dash line claim. He stated, "In 1947, the Republic of China drew the 11-dash line. The People's Republic of China continued to use this line. Then in 1953 it was adjusted into the nine-dash line." On the overall similarities he states, "...both the mainland and Taiwan use the nine-dash line as the boundary line of the South China Sea." Chiu went on to argue that Taiwan must side with Mainland China in the South China Sea dispute:

> *Taiwan cannot avoid being involved in this dispute. If Taiwan insists on the nine-dash line and offers proof for the 11-dash line, it will be of great help in settling the dispute. It will also show cross-Straits cooperation. Otherwise it will hurt the interests of the mainland and destroy the peaceful development of relations between the two sides... Meanwhile, the nine-dash line has been clearly written in the current "constitution" and textbooks in Taiwan. If Ma gives up the nine-dash line, he will violate the "constitution" and be treated with contempt by the pan-blue public.*[58]

The excerpts above, along with Chiu's background, demonstrate the relationship between his views on Mainland China and his views on the South China Sea claim. With clear connections to the Mainland, demonstrated both through his previous affiliation with the People First Party and his ability to publish an editorial in a state-run Chinese newspaper, Chiu advocates an expansive claim based on the U-Shaped Line. Moreover, he presents his belief that Taiwan has already embraced the Mainland's nine-shaped line claim, and that the claims are essentially the same.

Chiu's viewpoint is in line with officials in Mainland China. In response to the same reports about Taiwan potentially dropping the U-Shaped Line claim, Ma Xiaoguang of China's Taiwan Affairs Office (TAO) said,

> *Our attitude is very clear. The South China Sea Islands and their adjacent waters are China's inherent territory. Safeguarding China's sovereignty and territorial integrity, and safeguarding the overall interests of the Chinese nation, is the common responsibility of compatriots on both sides.*[59]

When answering a related question about the cooperation between Taiwan and Mainland China in the East China Sea, Spokesperson Ma said that Taiwan and China are "blood brothers."[60]

[58] Chiu Yi. "Taiwan abandoning nine-dash line in South China Sea would be disastrous." *Global Times* (September 24, 2014), http://www.globaltimes.cn/content/883219.shtml. The quotations used around the word "constitution" in the excerpt is the style used in Mainland China when referring to any governing body or institution in Taiwan, as the Republic of China government is not recognized in Mainland China.

[59] Here, "both sides" means both sides of the Taiwan Strait, as in both China and Taiwan. Taiwan Affairs Office Press Conference on September 24, 2014. 国台办新闻发布会辑录(2014-09-24), http://www.gwytb.gov.cn/xwfbh/201409/t20140924_7449368.htm.

[60] The full text of the relevant questions and answers, in the original Chinese, during this press conference are as follows: 中国国际广播电台记者: 日前，美国前驻台人士司徒文针对南海主权争议问题表示，台湾应该放弃南海"九段线"的主张，请问发言人对此如何评价？马晓光: 我们的态度很清楚。南海诸岛及其附近海域是中国的固有领土。维护中国主权和领土完整，维护中华民族的整体权益，是两岸同胞共同的责任。香港凤凰卫视记者: 前几天两岸公务船携手在钓鱼岛救起了大陆渔民，请问以后双方会不会有进一步的合作？会不会在更大范围，包括防务机制交流方面会有所推进？马晓光:确实，前不久两岸公务船共同营救遭遇灾害的大陆渔民。这说明，这些年来，在海上共同救助方面两岸合作取得的进展，也体现了两岸同胞是骨肉兄弟这样一种特殊的人道主义关怀。

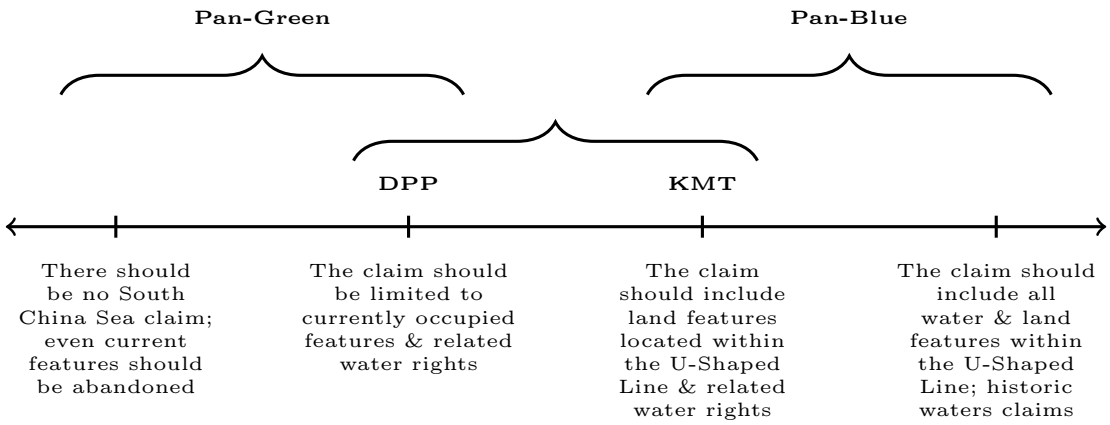


Figure 4: Taiwan's Two Main Political Parties Compared to their Bases

1.4 Moderating Factors

As Figure 3 and the preceding discussion illustrate, there is a broad range of viewpoints within Taiwan as to Taiwan's proper South China Sea claim. Despite this broad range of viewpoints, each political party takes a relatively moderate approach to Taiwan's claim. The DPP consistently emphasizes that Taiwan's claim must adhere to international law, deemphasizes connections to China and the U-Shaped Line, and in many ways limits their South China Sea claim to Taiping Island. The KMT emphasizes justifications of both history and international law, while maintaining a claim to the land features within the U-Shaped Line, and to maritime rights that can be based on those land features. As illustrated in Figure 4, both parties take positions further to the center than the average of the coalitions they represent.

What Figure 4 illustrates is that Taiwan's main political parties must always work to appeal to their bases while also ensuring their policies do not upset Taiwan's relationships with foreign governments, both because of the pressure foreign governments can place on Taiwan but also because these relationships are of central concern to Taiwan's public. For the DPP, this means staying away from policies that are too closely connected to Taiwanese independence, as that might upset cross-Strait relations. For instance, during her recent campaign for Taiwan's presidency, Tsai Ing-wen was plagued with demands that she clarify her position on cross-Strait relations, a struggle for any DPP candidate as the DPP must cater to its pro-independence constituencies while also selling itself as a mainstream party capable of maintaining good foreign relations amid a potentially volatile cross-Strait relationship. In one interview, a previous DPP official who worked during Chen's Administration explained that President Chen would have been more explicit about his rejection of the U-Shaped Line and claims over South China Sea land features other than Taiping Island,

were it not for pressures on the DPP to appear moderate. As the official explained, "Chen could not publically say he would abandon the islands [South China Sea land features other than Taiping Island], because we would be criticized as being an independence party, so we just put some hints [in the Spratly Initiative and other policies]."[61]

For the KMT, a pressure to be moderate entails not appearing too close to China, as this might concern foreign governments such as Japan and the US, but as the Sunflower Movement illustrates, becoming too close to China can also concern domestic audiences. As one Ministry of Foreign Affairs (MOFA) official elaborated, "There is a common expression of knowledge [within the Taiwanese government] that if you mess up relations with any of the three: Japan, China, or the US, all three will think you are a troublemaker. We have to keep good relations with all three."[62] Officials emphasize that Taiwan should avoid angering China but must also ensure that other countries, such as the US or Japan, do not suspect Taiwan is moving too close to China. As another official explained, the ROC government feels constant pressure to "say something to let Japan and the US see that Taiwan is not standing with China."[63] As the description of the Deep Blue positions presented above illustrates, if the KMT took a position that was closer to an average of its coalition members, that position would undoubtedly appear close to Mainland China, and would no doubt increase already present criticisms from both international and domestic audiences that the KMT is too close to Mainland China in the South China Sea.

1.5 Conclusions

Literature examining the South China Sea dispute, while quite extensive, often neglects detailed analyses of Taiwan's position in the dispute. This is unfortunate, as Taiwan's dynamic political environment provides important evidence on how claim characteristics are determined.

The historical narrative the ROC draws upon to establish its South China Sea claims does not readily match standard applications of international law, resulting in disagreement at the domestic level over Taiwan's appropriate claim. Complicating matters further is Taiwan's contested national identity, as some within Taiwan dispute whether or not Chinese history is even applicable to Taiwan's claims. However, key differences between positions on the claim still align with either a focus on international law or on historical narrative as a justification, just as in China's South China Sea claim. The DPP advocates a claim based more directly on legal justifications, while the KMT combines both international law and historical justifications when expressing its claims. When comparing the

[61] Interview. Taipei. June 2014
[62] Interview. Taipei. February 2014
[63] Interview. Taipei. January 2014

Pan-Green to those in the Pan-Blue, these differences become even more pronounced.

This overview also provides evidence that the range of viewpoints within Taiwan concerning its South China Sea claim is broad, and that Taiwan has a relatively flexible system in that many viewpoints are allowed and changes in the claim are comparatively easy, being at least partially based on electoral outcomes and the decisions of parties in power, such as President Chen's decisions to freeze Taiwan's South China Sea Policies and the historic waters claim. As a whole, Taiwan's claim remains ambiguous, but official descriptions of the claim fluctuate between the positions of Taiwan's two main political parties, the DPP and KMT, based on which party is currently in power. The DPP and KMT both experience pressure to keep their positions moderate, and evidence indicates Taiwan's South China Sea official policy may also change in the future. With Tsai Ing-wen's victory in Taiwan's January 2016 election, and the DPP's electoral wins in Taiwan's legislature, Taiwan's South China Sea claim can soon be expected to shift back toward the DPP position, a limited claim with Taiping Island sovereignty at the core.

References

Dutton, Peter. "Through a Chinese Lens." *Proceedings Magazine* 136.4 (Apr. 2010), pp. 24–29.

Gau, Michael Sheng-Ti. "The U-Shaped Line and a Categorization of the Ocean Disputes in the South China Sea." *Ocean Development & International Law* 43.1 (2012), pp. 57–69.

George, Alexander L. and Andrew Bennett. *Case Studies and Theory Development in the Social Sciences*. MIT Press, 2005.

Huth, Paul K. *Standing Your Ground: Territorial Disputes and International Conflict*. University of Michigan Press, 1998.

Jinming, Li and Li Dexia. "The Dotted Line on the Chinese Map of the South China Sea: A Note." *Ocean Development & International Law* 34.3/4 (July 2003), p. 287.

Murphy, Alexander B. "Historical Justifications for Territorial Claims." *Annals of the Association of American Geographers* 80.4 (Dec. 1990), pp. 531–548.

Nordhaug, Kristen. "Explaining Taiwan's policies in the South China Sea, 1988–99." *The Pacific Review* 14.4 (2001), pp. 487–508.

Zou, Keyuan. "China's U-Shaped Line in the South China Sea Revisited." *Ocean Development & International Law* 43.1 (2012), pp. 18–34.

— "Historic Rights in International Law and in China's Practice." *Ocean Development & International Law* 32.2 (Apr. 2001), pp. 149–168.