

# Continuity and Change: Ma Ying-Jeou, Tsai Ing-Wen and the Dispute in the South China Sea

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## Structured Abstract

Article Type: Research Paper

*Purpose*—The South China Sea is one of the most disputed areas of sea in the world. This study compares and contrasts the approaches and strategies adopted by the Republic of China (Taiwan) during the administrations of President Ma Ying-jeou and President Tsai Ing-wen toward the regional quarrel.

*Design, Methodology, Approach*—The study employs primary source data (including interviews with former President Ma Ying-jeou, arguably the region's foremost expert on Taiwan's claims to the South China Sea), government documents, media accounts and scholarly publications. The paper analyzes and compares the approaches of the new independence-leaning Democratic Progressive Party administration in Taiwan with the previous eight-year rule of the China-friendly Kuomintang (or Chinese Nationalist Party).

*Findings*—The study provides evidence showing that, despite the unprecedented defeat of the Kuomintang in Taiwan's 2016 elections, thus far changes in government policy toward the South China Sea dispute appear marginal. This is because a conjunction of factors—both internal and external—has prompted the new administration to make only incremental adjustments to President Ma Ying-jeou's policies.

*Practical Implications*—Since 1955, Taiwan, one of the world's most isolated

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states, has occupied the most valuable piece of real estate in the entire South China Sea—Taiping Island. Any dramatic shift in Taiwan’s policy toward the region could prove catastrophic and undermine peace and stability in the Western Pacific. It is for this reason that other actors—including the U.S. and China—should encourage Taipei to continue to pursue a moderate policy toward the South China Sea dispute.

*Originality, Value*—This is the first study to compare and contrast the policies adopted by the Republic of China on Taiwan during the administrations of President Ma Ying-jeou and President Tsai Ing-wen toward the dispute in the South China Sea.

Key Words: China, Ma Ying-jeou, South China Sea,  
Taiwan, Tsai Ing-wen

## Introduction

The Republic of China (ROC or Taiwan) is one of the most marginalized entities 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 Taiwan’s 2016 elections, thus far changes in Taipei’s policy appear to have been marginal. This inertia may be traced primarily to pressures Taiwan confronts in the global system. In other words, the island’s domestic political equation may have changed dramatically, but Taiwan’s policy options toward the South China Sea remain severely constrained by external pressures.

## The South China Sea Dispute

The South China Sea is one of the most disputed areas of sea in the world.<sup>1</sup> The People’s Republic of China (PRC or China), Taiwan, Vietnam, Malaysia, Brunei, Indonesia, and the Philippines all lay claim to portions 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 claim may have a critical impact on the size of an “exclusive economic zone (EEZ)” and the accompanying rights to exploit natural resources.<sup>2</sup> For example, according to the UNCLOS, ownership of an actual island may entitle a claimant to a 200-mile EEZ in all directions. But ownership of a rock or shoal only entitles it to 12 miles of territorial waters.

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.<sup>3</sup> 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.”<sup>4</sup> 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 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 (each claims roughly 90% of the region). The discussion below outlines the evolution of Taipei’s policy toward the South China Sea.

### **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, naval ships were dispatched to the area and “Marines landed, raised the national flags and erected markers on these islands.”<sup>5</sup> In December 1947, the Nanjing government published the “Southern China Seas Islands Location Map” outlining China’s territorial claims with an eleven-dash line (the PRC adopted the map in 1949, but removed two dashes bordering Vietnam in 1953).

After losing the Chinese mainland to the forces of Chairman Mao Zedong in 1949, the ROC retreated to Taiwan where it 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.”<sup>6</sup> In that document, the ROC argues that Japan renounced claims to territories taken from China in the 1895 Treaty of Shimonoseki and restored them to China. As one study noted, however, the ROC government made its claims to the South China Sea “without specifying whether the area fell within its territorial waters, or as maritime spaces that brought along economic interests to the island.”<sup>7</sup>

Following the “liberation” of the 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.<sup>8</sup> 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, Taipei 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.”<sup>9</sup> As other claimants 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.<sup>10</sup>

In 1990, Lee Teng-hui, then Taiwan’s president, visited the Dongsha Islands. Toward the end of his term in office, Taipei 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.”<sup>11</sup> It was also during Lee’s administration that Taiwan’s Marine Corps troops deployed on the Spratly Islands and Pratas Islands were replaced with Coast Guard personnel. Taipei 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.

After his election as Taiwan’s president in 2000, Chen Shui-bian adopted a puzzling policy. On the one hand, he scrapped the “Policy Guidelines for the South China Sea,” a document drafted in 1993 that had boldly cited Taipei’s expansive “historic waters” claim to the sea areas. To some, Chen’s action appeared to signal a lack of interest in the region. Mainland Chinese officials feared that it represented a first-step to abandoning all claims to the South China Sea and was part of Chen’s scheme to achieve Taiwan’s *de jure* independence from China. On the other hand, Chen transferred the responsibility for dealing with the South China Sea from the Ministry of Interior to the National Security Council, and he was the first Taiwan leader to visit Taiping Island. It is also significant Chen oversaw the construction of a large runway on Taiping Island (a military C-130 cargo aircraft was the first plane to use the airfield in 2007).

## Ma Ying-Jeou and the South China Sea

Following his election as ROC president in 2008, Ma Ying-jeou outlined several principles to guide Taiwan’s policy toward the South China Sea.<sup>12</sup> These included: (1) safeguarding national sovereignty; (2) shelving disputes; (3) peace and reciprocity; and (4) joint development.<sup>13</sup> In order to meet these objectives, Taipei 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.<sup>14</sup>

With respect to the sovereignty issue, Ma Ying-jeou declared that the vast

majority of land features and waters in the South China Sea region belong to Taipei. 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.<sup>15</sup>

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.”<sup>16</sup>

During his eight years in office, President Ma focused a lot of his attention on maritime issues. Much of his time was spent on the territorial quarrel with Japan in the East China Sea.<sup>17</sup> But there was also a discernable up-tick in activities directed toward the South China Sea. Ma eventually embraced similar strategies toward both of these challenges.

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

During discussions with the author on the sidelines of the *2013 East China Sea Peace Forum* in Taipei, President Ma conceded 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.”<sup>18</sup> By 2014, however, he had changed his mind. 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 the South China Sea.<sup>19</sup> 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.”<sup>20</sup>

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.”<sup>21</sup> The president 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 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.<sup>22</sup>

Despite pushing the SCSPI, however, it is noteworthy that Ma always emphasized that Chinese “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.”<sup>23</sup> This position was also articulated in official documents of the Ministry of Interior and Ministry of Foreign Affairs (MOFA).<sup>24</sup>

In addition to promoting a peaceful resolution to the ongoing dispute, Ma ordered relevant 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 eleven-dash line.<sup>25</sup> Rather, the president and others emphasized that Taipei claims sovereignty over all of the islands, rocks, shoals and reefs within the nine-dash line. That meant that Taiwan is entitled to territorial 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. Taipei also appeared to embrace a somewhat “hard” approach. While appearing to extend an olive branch to all disputants, Taiwan 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 U.S. \$110 million naval facility could serve as a permanent base for armed vessels.<sup>26</sup> Heavy mortars and 40 mm anti-aircraft guns were also placed on both Taiping and Dongsha Island.

In 2014, ROC Marines returned to Taiping Island via six warships for a large-scale amphibious assault field drill. The live-fire maneuvers were described as Taiwan’s “largest military exercises in the South China Sea in recent years.”<sup>27</sup>

In April 2015, the ROC military confirmed that it was dispatching P-3 Orion maritime patrol craft to conduct surveillance missions in the region. Furthermore, it 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.<sup>28</sup>

Finally, it is noteworthy that the number of visits by delegations of politicians, educators, students and others increased markedly during the Ma administration.

The most significant visit came in 2016 when the president visited Taiping Island. Ma had planned to journey to the South China Sea in November 2015, but canceled the trip after the U.S. voiced concerns about it. In January 2016, Ma traveled to Taiping Island despite what some scholars describe as “unusually harsh” criticism from Washington.<sup>29</sup> During an interview with the author, however, Ma explained that some U.S. authorities 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. Ma said that the AIT voiced concerns that his journey would set a precedent and was “afraid other heads of state will visit their claims.”<sup>30</sup>

As the Ma era drew to a close 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 the Chinese mainland’s claims in the South China Sea. Due to its unique status in the international community, Taiwan’s representatives were locked out of the legal proceedings (they were not even allowed to attend as “observers”).<sup>31</sup> 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.<sup>32</sup> The invitation was rejected. In an 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 under Article 121(1) and (3) of the UNCLOS.”<sup>33</sup> 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.”<sup>34</sup>

## 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 Tsai’s election was overshadowed by the DPP’s victory in legislature, where it handed the KMT its first legislative defeat since moving to Taiwan in 1949.

During the campaign, Tsai hammered away at Ma’s uneven 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.

Rather than state plainly her position toward relations with the mainland, Tsai preferred to avoid 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 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.”<sup>35</sup> 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.”<sup>36</sup> He blasted the DPP position as “meaningless.”<sup>37</sup> Mainland scholars appeared to agree and complained that Tsai was engaging in “rhetoric and wordplay” throughout Taiwan’s election cycle.<sup>38</sup>

Given Tsai’s opaque position toward relations with Beijing, it comes as little surprise that she appeared to embrace a vague approach toward some other “sensitive” 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 party would abandon Taiping Island if it was returned to power.<sup>39</sup> The DPP charged that the party “had never advocated giving up the South China Sea territory.”<sup>40</sup> DPP heavyweights even went so far as to threaten the KMT with a lawsuit if they continued the “smear tactics.”<sup>41</sup>

During her campaign, Tsai seemed to embrace a moderate, albeit vague, position toward the South China Sea dispute. The candidate and other DPP heavyweights argued that Taiwan’s maritime claims are supported by international law. For example, Tsai declared that “all parties should put forth their proposals and state their stances based on the legal principles of the UNCLOS.”<sup>42</sup> 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, President Tsai did not pay much attention to the South China Sea. Perhaps this was because she had to cope with a series of missteps 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 Taipei appeared to be “caught off-guard” by the ruling of the Permanent Court of Arbitration in The Hague on July 12, 2016.<sup>43</sup> The international tribunal broadly rejected China’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. Tsai’s office declared that “we absolutely will not accept [the tribunal’s decision] and we maintain that the ruling is not legally binding.”<sup>44</sup> Some of her appointees called the verdict



“completely unacceptable” and blasted its description as the “Taiwan authority of China” as “inappropriate” and “demeaning.”<sup>45</sup> They 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 Taipei “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].”<sup>46</sup> 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, President Tsai immediately ordered a warship to the South China Sea and addressed the crew before its departure. Tsai 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.”<sup>47</sup>

On July 19, 2016, President Tsai called her first formal meeting of her National Security Council (NSC) to discuss developments in the South China Sea. Arguing that the award rendered in the South China Sea ruling was “totally unacceptable” and had “no legal binding” on Taiwan, Tsai announced that Taipei 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.<sup>48</sup>

Due to the legal and political problems associated with overlapping claims, Tsai also outlined four principles that would guide 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

- Taipei calls for other relevant parties to set aside differences and resolve disputes through joint development and remain committed to promoting regional stability and protecting maritime resources.

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

In August 2016, Yeh Jiunn-rong, Minister of the Interior, and Lee Chung-Wei, Director General of the 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, Taiwan claimed that the mission was intended to boost momentum for scientific research. As Alex Huang, Tsai's 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."<sup>49</sup> When pressed, Huang would not rule out a future visit by Tsai. Moreover, when a Tsai appointee was asked by reporters whether the U.S. 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."<sup>50</sup>

In November 2016, Taipei conducted its first-ever cross-agency humanitarian rescue drill in waters near Taiping Island. Code-named "Nanyuan Number One," the exercises involved Taiwan's Coast Guard, Navy and Air Force. The exercise squared with the new president's call to turn Taiping Island into an international rescue center. During a post-drill press conference, authorities bristled when questioned whether they had intentionally timed the exercises to coincide with drills being conducted by the Chinese mainland. Hsu Kuo-yung, a Tsai spokesman, denied the accusation claiming, "we conduct our own drills."<sup>51</sup>

In December 2016, the opening of a special exhibit marking the 70th anniversary of the "recovery" of territories in the South China Sea provided Tsai with an opportunity to reiterate "sovereignty over the South China Sea Islands and all rights over their relevant waters."<sup>52</sup> The president 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."<sup>53</sup> At the same time, however, Tsai acknowledged that several nations have overlapping claims in the region and pledged that Taiwan "will continue to cooperate and negotiate with these nations." The president also used the occasion to repeat the "four principles" she claims now guide policy toward the South China Sea.

In March 2017, Taipei 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. Authorities announced that no guidelines would be binding on Taiwan unless it was included in negotiations. Officials were especially miffed by Manila's claim that Taipei was represented by Beijing as all ASEAN nations adhere to the "one China" policy.<sup>54</sup> True to form, after China and ASEAN members announced that they had adopted

a framework for a code of conduct on August 6, 2017, Taiwan's foreign ministry declared "the island groups and their surrounding waters in the South China Sea are an inherent part of ROC territory and the nation's rights are unquestionable under international law and the law of the sea."<sup>55</sup> Taipei also repeated the call to be included in any international negotiations.

Finally, in April 2017, media outlets reported that Taipei was moving ahead with plans to beef up military defenses on Taiping Island. In September 2016, ROC defense authorities confirmed that they had requested that Google blur satellite images of "important military facilities."<sup>56</sup> Analysts suspected the images showed the construction of new military installations, including anti-aircraft gun blockhouse towers. Military leaders are now requesting reinforcements. According to media accounts, the Tsai team 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.<sup>57</sup> Both weapons were developed indigenously by Taiwan's Chungshan Institute of Science and Technology. Responding to press reports, a defense spokesman said only that the military possesses a "well rounded and comprehensive plan" to protect its territory.<sup>58</sup> In July 2017, Taiwan media reported that the Ministry of National Defense suggests that Taiping Island's military muscle "should be bolstered with drones, mobile radar systems, an integrated surveillance and defense system, multiple-launch rocket artillery turrets and double-barrel 20mm guns."<sup>59</sup>

## Analysis

Changes in policies—ranging from health care to foreign affairs—may be classified into four categories that differ according to the degree and speed of change.<sup>60</sup> 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, under President Ma's leadership Taiwan directed a lot of attention to regional maritime disputes. With respect to the South China Sea issue, following Ma's election in 2008, "a revival of governmental attention and policy interests took place."<sup>61</sup> The key components of the Ma'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 historical records and the 1947 Southern China Seas Islands Location Map to bolster Taiwan’s claims in the region;
- Arguing that Taipei is not bound to follow any international agreements in the region unless it is included in multilateral negotiations;
- 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 defenses in the South China Sea

A cursory review of these points reveals that the Tsai leadership cohort has made only incremental changes to Ma’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.

Tsai’s policy looks a lot like the policy crafted by her archrival, Ma Ying-jeou.<sup>62</sup> But there are subtle changes in policy. When asked during an interview with the author to outline differences between the two administrations, President Ma identified three modifications in policy:

They support [the Taiwan] 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.<sup>63</sup>

However, it should be emphasized that Tsai has not formally declared that Taiwan has abandoned any claims to the South China Sea or relevant maritime zones. And Taipei has not formally abandoned the eleven-dash line. Rather, it prefers to sidestep specifics 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 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. During an interview with the author in Taipei in March 20017, a seasoned ROC diplomat confirmed that this was the case. When asked to describe Tsai administration policy, he quipped, “don’t ask, don’t tell—there are no position papers, pamphlets or other materials for widespread distribution.”<sup>64</sup> In other words, the Tsai administration appears not to share the Ma administration’s interest in maritime issues. Interestingly, a majority of documents related to the South China Sea and posted on the website of Taiwan’s MOFA were crafted during the Ma administration.

One must search to uncover evidence (or hints) of a change in policy, but it is there. For example, when discussing Taipei’s territorial possessions during the Ma era, the official “*ROC (Taiwan) Yearbook*” stated that the “islands and surrounding regions in the South China Sea claimed [by Taipei] ... 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).<sup>65</sup> However, in the 2016 yearbook—a docu-

ment crafted in the first year of the Tsai administration—one finds a change. With respect to territories, the book states only that the “islands claimed [by Taipei] ... 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.”<sup>66</sup> It appears the new Tsai team quietly jettisoned any mention of “surrounding regions” or “reefs and shoals.”

In addition to failing to mention some territories claimed during the Ma era, the Tsai administration most often downplays historical claims to the region. Not surprisingly, documents posted on the MOFA website reveal that the Ma administration often mentioned the ROC’s historical rights in the region. For example, shortly before Tsai took office in May 2016, the MOFA declared, “whether from the perspective of history, geography, or international law, the Nansha (Spratly) Islands, Shisha (Paracel) Islands, Chungsha (Macclesfield Bank) Islands, and Tungsha (Pratas) Islands, and their surrounding waters, are an inherent part of ROC territory and waters. The ROC enjoys all rights over them in accordance with international law. This is indisputable.”<sup>67</sup> During the Tsai administration, however, references to historical rights have been largely dropped. For example, some found it ironic that there was no mention of the ROC’s historical claims to the region even when President Tsai delivered an address during an event commemorating the 70th anniversary of the government’s “recovery” of the South China Sea islands.<sup>68</sup> Rather, she once again emphasized international law.

To be sure, Taipei now prefers to avoid references to 1947 Southern China Seas Islands Location Map (and its eleven-dash line). On occasion, however, the document is trotted out to bolster Taiwan’s claims. And despite the reticence to employ the map when staking out its position, Taipei’s current policy toward the sovereignty dispute is actually not very far from the KMT’s position. During interviews with the author during the Ma era, 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 Taipei does *not* claim all waters in the region (only land features and surrounding waters). In fact, Ma now believes that elements within the Chinese mainland may be warming to this interpretation of the historical document.<sup>69</sup>

As Tsai explained when kicking off her campaign in 2015, “I am not Ma Ying-jeou.”<sup>70</sup> Despite overarching similarities, there are always differences in policy when comparing leadership teams. For example, some complained that Tsai’s response to the arbitration ruling in 2016 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.”<sup>71</sup> The DPP criticisms of America’s alleged role in the tribunal also raised some eyebrows.<sup>72</sup>

When choosing which type of policy change to pursue, a decision-maker normally will be influenced by the internal and external environment s/he confronts at

any given time. This helps explain why Tsai Ing-wen has pursued only incremental and opaque shifts in policy toward the South China Sea dispute.

With respect to domestic constraints, public opinion polls consistently show that most Taiwanese support the claims to territories in the South China Seas. Important constituencies—particularly the local fishing industry—are vocal in their support. This is because livelihood of many fishermen depends upon continued access to these waters. In contrast to the low approval rating of 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 unreliable polls employed by Taiwan's partisan think-tanks or political activists) show that a solid majority of Taiwan's people supported his approach to relations with the mainland and most still support it.<sup>73</sup>

With respect to external pressures, Taiwan might best be described as “a shrimp between whales.” This is because major players in world politics (particularly Washington and Beijing) have long conspired to limit Taiwan's external policy options.<sup>74</sup> 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 Taipei's 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 might also irritate other external actors—particularly the governments in Southeast Asia—and jeopardize one of Tsai's biggest external policy initiatives (the latest reincarnation of the “Go South” policy).

On the other hand, if Taipei accedes to what some claim are “unofficial” requests by Washington to abandon the eleven-dash line and its claims in the South China Sea, the move might infuriate Beijing.<sup>75</sup> 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.”<sup>76</sup> During an interview with the author, Dr. Su Chi, Chairman of Taipei Forum, a prestigious Taiwan think-tank and former ROC National Security adviser, 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.”<sup>77</sup> 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 “disastrous consequences” for Taiwan.<sup>78</sup>

## Conclusions

Like all players in contemporary world politics, Taiwan confronts many complex challenges. 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 shaping

policy. This observation applies with special force to Taiwan's maritime claims in the South China Sea. Taiwan—a small, weak and isolated polity—occupies the most valuable piece of real estate in the region. This places the island 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.”<sup>79</sup>

To be sure, Tsai Ing-wen has only served as ROC president for roughly two years. Things can change. Indeed, some in her party hope for big changes in policy toward the South China Sea.<sup>80</sup> Thus far, however, a conjunction of factors—both internal and external—have prompted Tsai to make only incremental adjustments to Ma's policy. All calls to fundamentally change policy have proved unsuccessful. As Liu Fu-kuo, an international relations analyst at Taiwan's National Chengchi University observed, “every time it comes to her, she said ‘no change’ ... and this is the policy our government is currently taking.”<sup>81</sup> 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 Tsai will continue to pursue a moderate, albeit ambiguous, policy toward the South China Sea dispute for the foreseeable future.

## Notes

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.

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

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6. *Ibid.*

7. Hui-Yi Katherine Tseng, “Taiwan in the South China Sea Disputes: Policies and Prospects,” in *Territorial Disputes in the South China Sea: Navigating Rough Waters*, ed. Jing Huang and Andrew Billo (London: Palgrave MacMillan, 2015), p. 129.

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9. Cheng-yi Lin, “Taiwan's Spratly Initiative in the South China Sea,” *China Brief* 8 (4), February 29, 2008, [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).

10. 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.

11. Robert C. Beckman, “International Law, UNCLOS and the South China Sea,” in *Beyond Territorial Disputes in the South China Sea: Legal Frameworks for the Joint Development of Hydrocarbon Resources*, ed. Robert C. Beckman, Ian Townsend-Gault, Clive Schofield, Tara Davenport, and Leonardo Bernard (Northampton, MA: Edward Elgar Publishing, 2013), p. 60, <https://doi.org/10.4337/9781781955949>.

12. Discussion of the fundamentals of Ma's policy are also covered in some of the author's earlier publications, including Dennis Hickey, "In the Eye of the Typhoon: Taiwan and the Growing Dispute in the South China Sea," *Asian Perspective*, 40(4) (October–December, 2016), pp. 731–751; and Dennis V. Hickey, "Taiwan and the Rising Tensions in the East China Sea: A Mouse That Roared," *Asian Survey*, 54(3) (May–June, 2014), pp. 492–514.
13. 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, D.C., June 5–6, 2013, p. 6.
14. *Ibid.*
15. *Compilation of Historical Archives on the Southern Territories of the Republic of China*, p. 8.
16. *Ibid.*
17. 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* 54(3) (May–June, 2014), pp. 492–514, <https://doi.org/10.1525/as.2014.54.3.492>.
18. Author's Interview with Ma Ying-jeou, ROC President, Taipei, Taiwan, ROC, August 6, 2013.
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