



A Role for Taiwan in Promoting Peace in the South China Sea by [Bonnie S. Glaser](#)

Bonnie S. Glaser (BGlaser@csis.org) is a senior fellow with the CSIS Freeman Chair in China Studies at the Center for Strategic and International Studies in Washington D.C and a Pacific Forum Senior Associate. This article was originally published April 15, 2014, as a CSIS Commentary and reprinted with permission. © 2014 by the Center for Strategic and International Studies.

In its East China Sea diplomacy, Taiwan has been creative and constructive. In August 2012, President Ma Ying-jeou proposed the East China Sea Peace Initiative (ECSPI) to manage rising tensions over the disputed islands known as the Diaoyutai Islands in Taiwan, the Senkaku Islands in Japan, and the Diaoyu Islands in Mainland China. The key elements of his initiative are self-restraint, shelving disputes, observing international law, pursuing a code of conduct, and jointly developing resources in the East China Sea.

Taipei provided a concrete example of how the ECSPI should be implemented when it signed a fishing agreement with Japan that put aside differences over sovereignty and protected the rights of Taiwanese fishermen to fish in the waters around the disputed islands.

In February, President Ma reiterated his call for a code of conduct among the claimants in the East China Sea to prevent miscalculation, avoid conflict, and advance peace and prosperity. He also called for Japan, Mainland China, and Taiwan to pursue joint development of natural resources to pave the way for a peaceful resolution of their disputes. Taiwan's proposals have helped improve the island's relations with Tokyo and could be helpful in moderating escalating Sino-Japanese tensions over the islands.

In the South China Sea, however, Taiwan has remained mostly silent as tensions have risen in recent years among the claimants, which, in addition to Taiwan, include Mainland China, Vietnam, the Philippines, Malaysia, and Brunei. Yet, the primary source of instability in the South China Sea is the nine-dash line, which was originally an 11-dash line drawn by the Republic of China government in 1947.

In a recent article, Jeffrey Bader, former senior director for East Asia on the Obama administration's National Security Staff, proposed that the United States discuss with Taiwan whether it can clarify its position on the nine-dash line.

Taiwan should consider seriously whether it should take a proactive approach to defusing tensions in the South China Sea by elucidating the meaning of the nine-dash line and bringing its maritime claims into conformity with international law, especially the 1982 UN Convention on the Law of the Sea (UNCLOS). UNCLOS requires that maritime claims must be derived from land features. It does not recognize "historical

rights" as a basis for claiming Exclusive Economic Zones (EEZs) or Extended Continental Shelves.

A first step could be for Taiwan to thoroughly review the Republic of China historical archives to fully understand the original intention behind the drawing of the 11-dash line. Subsequently, Taiwan should identify which of the land features it claims are islands that it believes are entitled to a 200 nautical mile (nm) EEZ and which are rocks (features which cannot sustain human habitation or economic life of their own) that are only entitled to a 12 nm territorial sea. In accordance with UNCLOS, the full 200 nm EEZ limits could be claimed for islands in the central part of the South China Sea; EEZ claims for islands that are close to the mainland coast or main archipelago of the ASEAN claimants would be limited to the mid-point in the waters from the islands claimed by Taiwan to the land belonging to the other claimant states. Such a clarification of Taiwan's claim would not necessitate revision of the constitution, as some experts have maintained, since Taipei would not need to modify its national boundaries or alter its sovereignty claims.

By clarifying its claims, Taiwan can remind the other claimants and the international community that it has important interests at stake in the South China Sea and is willing to be a constructive player in managing the disputes. Taipei's willingness to bring its claim in line with international law would be welcomed by the members of ASEAN, who have agreed that territorial disputes in the South China Sea should be settled peacefully in accordance with international law. In response to Taiwan's positive approach, ASEAN might respond to Taiwan's positive action by supporting Taiwan's inclusion in discussions with Beijing on establishing a code of conduct for the South China Sea.

Most importantly, Taiwan's action would put pressure on Beijing to also clarify its maritime claims in the South China Sea, which are based on the original 11-dash line that the PRC inherited when it took over the Mainland in 1949. If Mainland China were to follow in Taiwan's footsteps and clarify its claims in accordance with UNCLOS, discussions could ensue on how to manage areas of overlapping claims, including joint development arrangements, and peace and stability could be significantly enhanced in the region.

Beijing would likely not welcome a decision by Taipei to clarify the meaning of the nine-dash line and abandonment of "historic rights" to natural resources in areas in the EEZ or continental shelf of other nations as required by UNCLOS. Mainland China prefers joint cooperation to assert the "common" claims of the two sides of the Strait. President Ma has rejected such cooperation, however. Clarification of Taiwan's South China Sea claim, based on its own national interests, is unlikely to cause a reversal of the general trend of improving cross-Strait relations, which benefits both sides.

The ESCPI and the Taiwan-Japan fishing agreement undoubtedly irritated Beijing, but did not cause tensions or hinder cooperation on other issues.

As a claimant in the South China Sea dispute and a law-abiding nation, Taiwan has the opportunity to set a positive example and chart a peaceful course toward management and eventual resolution of maritime disputes in East Asia.

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