Abstract Tensions across the Taiwan Strait are rising and are potentially more serious than crises in the 1990s and even the 1950s. Military activity around Taiwan has increased, with China’s largest daily incursion into Taiwan’s Air Defence Identification Zone occurring in October 2021. Nevertheless, experts disagree as to whether such activity signals China’s intent to go to war over Taiwan or whether Beijing is posturing to a nervous international community. What is the likelihood of conflict over Taiwan? Could accidents around the island spark all-out hostilities? How should states in the region, like Australia and Japan, react to the current situation? How is the increased tension perceived in Taipei?
The People’s Republic of China’s (PRC) growing military presence in the South and East China Seas has increased Taiwan’s political salience in the minds of policy makers around the globe. Given the tensions between Canberra and Beijing, Australia is no exception in this sense. Taiwan is increasingly factoring into public debates on Australia’s relations with China and the island’s democratic status is more frequently evoked in favourable comparison to Australia’s own and in contrast to China’s authoritarian political system.

But do Chinese actions necessarily indicate an increased readiness for conflict? In his essay in this brief, Cheng-yi Lin, research fellow at the Institute of European and American Studies, Academia Sinica, examines the political meaning of tensions in the Taiwan Strait.

While he does not rule out the possibility of open conflict, Lin is less alarmist than some predictions in other quarters that have China invading Taiwan in the space of five or six years. According to Lin, China’s grey-zone tactics or military provocations short of the use of force are primarily a psychological move designed to weaken Taiwanese resolve and “subdue the enemy without fighting.”

Such tactics are designed to compel “Taiwan to defend only passively and the United States to do nothing in response to the Chinese aggressive military activities.” However, according to Lin, both Beijing and Taiwan have little motivation to refute arguments from abroad that outright conflict is imminent: such arguments play into Beijing’s strategy of psychological warfare, whereas the PRC’s military manoeuvring allows the administration of President Tsai-Ing Wen to appeal for greater international support for Taiwan. Lin does not rule out conflict, but both sides are aware of the dangers that an escalation following the outbreak of “accidental conflict” might bring.

Further complicating Taiwan’s position is that Taiwan is party to several of the disputes over territory and maritime claims in the region, however, many of its claims actually align with those of the PRC against such nations as Japan, the Philippines, and Vietnam. Indeed, as La Trobe Asia Executive Director Bec Stratting notes, Taiwan and China are in competition over land features, but the justification for their claims of the sovereign entitlements these features generate are often similar, and often contradict what other countries see as international law.

Nevertheless, Taiwan sits outside the frameworks established to adjudicate and deliberate on those claims. Taiwan thus “is not able to play a more central role in the disputes, because multilateral forums do not reflect the
political realities on the ground.” There is evidence, though, that Taiwan, in contrast to the PRC is more likely to favour negotiation and compromise to resolve disputes. “There have been examples of cooperative talks between [Taiwan] and Japan,” for example “about issues concerning disputed [Exclusive Economic Zones], including a fisheries agreement in April 2013 that took 17 years to conclude.” While the agreement was officially concluded between two quasi-private groups, this shows that Taiwan can create diplomatic space to solve problems on its own accord.

Nevertheless, consideration of Taiwan’s diplomatic position overseas inevitably is bound to narratives about U.S.-China rivalry and the position of third countries within it. According to Mark Harrison, senior lecturer in Chinese Studies at the University of Tasmania, Taiwan is for Australia both a “normal bilateral relationship based on trade complementarity and also a distinctive and complex area of foreign policy dominated by the implications for regional security of the territorial claim of the People’s Republic of China over Taiwan.” Focus on the trading relationship between Australia and Taiwan, coordinated through interaction in the Asia-Pacific Economic Cooperation forum in the 1990s has “moved to a calculus of trade, defence and security concerns shaped by Australia’s relations with China and the United States and other countries in the region.”

For example, Australian Foreign Minister Alexander Downer’s statement in 2004 that the ANZUS Alliance between Australia and the United States would not necessarily guarantee Australia’s participation in a broader conflict between the United States and China arising from a Chinese attack on Taiwan showed Australia’s ambivalence in choosing between its major trading partner and its security ally. More recently, as relations between the United States and China have deteriorated, “policy space has opened for Canberra to recognise that Taiwan’s de facto sovereignty and international space is a necessary condition for security and stability.” There is no doubt, according to Harrison, that increasing sorties close to Taiwan by the People’s Liberation Army Air Force have also “raised awareness in Canberra of Beijing’s agency in actions towards Taiwan in destabilising cross-strait relations and regional security.” Nevertheless, Harrison agrees with Lin that the likelihood of conflict over Taiwan is lower than many foreign narratives would suggest.

What do the Taiwanese themselves think? Natasha Kassam, director of the Lowy Institute’s Public Opinion and Foreign Policy Program notes that Taiwan’s population is “alert but not alarmed” about the prospect of conflict. Meanwhile, both Chinese President Xi Jinping’s overtures to Taiwan’s largely ethnic Chinese population, and the PRC’s later coercive behaviour toward Taiwan, coupled with the crackdowns on freedoms in Hong Kong as a negative example of what might happen to Taiwan after reunification with the Mainland under a “One Country Two Systems” model, have increasingly entrenched the notion that Taiwan has its own separate and democratic identity.

As views in Australia, New Zealand, South Korea, Japan, and the United States have similarly soured on Chi-
na, warm feelings towards Taiwan have grown. To some degree, this creates diplomatic space for Taiwan. Kassam points to recent agreements between democratic countries that refer to “peace and security for Taiwan,” and notes that the more informal recognition Taiwan receives from third parties, “the more caution can be encouraged in Beijing.” Nevertheless, as Kassam and Harrison make clear, increased attention to Taiwan does not necessarily entail better knowledge of Taiwan. Taiwanese democracy is often emphasised purely because of Taiwan’s position as a “flashpoint,” and publics abroad have little sense of the everyday lives, the internal politics, or other details about the Taiwanese people.

Such knowledge is, however, strategically relevant. As Kassam notes, better knowledge of Taiwanese society “could lead to more domestic support” in such countries “to embark on non-military paths to support Taiwan, such as through economic engagement or by advocating further for Taiwan’s inclusion in international institutions.” Totemic and overly generalised references to Taiwanese democracy are perhaps understandable when Taiwan is juxtaposed to the PRC, a growing power whose governing system is increasingly authoritarian and whose behaviour in the international arena is increasingly problematic, but as Kassam notes, there is certainly space for foreign “governments and civil society to build a better understanding of Taiwan in their societies.”
Taiwan: Surmounting New Security Threats

Cheng-yi Lin

Introduction

When it comes to peace and stability in the Taiwan Strait, Chinese President Xi Jinping and Taiwanese President Tsai Ing-wen are two key stakeholders and their leadership styles could forestall a potential crisis from being elevated to a war. China has suspended cross-Strait government negotiations, but Xi and Tsai have increased the amount of cross-Strait trade year by year. With Xi putting maximum pressure on Taiwan, short of military attacks, and Tsai endeavoring to maintain the status quo, former U.S. President Donald Trump’s unsuccessful reelection bid might have prevented China putting even more pressure on Taiwan to demonstrate Chinese boldness. However, Xi, emboldened by Trump’s antagonistic policy toward China, decided to conduct a series of grey-zone conflict activities surrounding Taiwan.

Xi Jinping’s Increasing Military Pressure on Taiwan

Beijing has been suspicious of Taipei-Washington coordination to weaken China in the Indo-Pacific region. Xi has engaged in both diplomatic pressure and outright threats in an attempt to intimidate the Tsai administration. People’s Liberation Army (PLA) training and exercises focusing on sophisticated military multi-dimensional joint operations have been increasingly carried out to enhance preparedness for military struggle in the Taiwan Strait and the East and South China Seas. Shortly after the Chinese Communist Party’s (CCP) 19th Party Congress in October 2017, Beijing significantly stepped up its operational tempo of carrying out training for “Long-range Air Navigation in the Far Seas,” flying strategic bombers and fighter jets through the Bashi Channel (between Taiwan and the Philippines), the Miyako Strait (between Okinawa and Taiwan), and the air space to the east of Taiwan to send Japan and the United States warning signals about China’s growing anti-access and area denial (A2/AD) military capabilities. Xi’s plan is most likely aimed at using grey-zone operations against Taiwan instead of a direct military action against the island. His new threats against Taiwan are linked to China’s resurgent nationalism, showing he is neither tolerant of Tsai’s intransigence nor afraid of U.S.-Taiwan security cooperation. By employing such tactics, Xi hopes to achieve the goal of “subduing the enemy without fighting,” to force Taiwan to defend only passively and the United States to do nothing in response to the Chinese aggressive military activities. China’s use of grey-zone conflicts can punish the Tsai administration through military demonstrations, avoiding direct retaliation from Taiwan and showing the Chinese people and the U.S. government Beijing’s determination to pursue China’s reunification, while avoiding an overreaction from Washington. Chinese grey-zone activities include such measures as military intimidation, paramilitary actions, information operations, manipulation of borders, legal and diplomatic measures. In the case of Taiwan, China’s growing military intimidation is the most salient type of grey zone activity.

As measured by an increasing number of American
articles discussing China’s possible attack on Taiwan, attention to Taiwan in the United States is intensifying. Both Beijing, for the purpose of psychological warfare, and Taipei, to boost international support, choose not to refute arguments pointing to the increased likelihood of attack. However, in contrast to such growing assumptions, China is unlikely to be tempted to directly attack Taiwan or its off-shore islands such as Quemoy and Matsu. In part from the thinking of Mao Zedong during the 1958 Taiwan Strait crisis, Xi understands that politics needs to take precedence over military considerations. Just because China has the military capability, does not necessarily mean it will invade Taiwan. However, analysts should be wary of “accidental conflict.” A military clash due to, for example, a mid-air accident cannot be precluded, nor can the possible scenario of military interdiction of Taiwan’s resupply operations to Dongsha (Pratas) Island.

China’s grey-zone conflict tactics are, however, designed to gradually change the status quo in the security situation surrounding Taiwan without breaching the threshold of armed conflict and, possibly, to force Taiwan into an overreaction where it might “bear the blame for the outbreak of war.” The Chinese PLA Air Force has normalized its confronting practices, simply disregarding Taiwan’s claims, while regularising its offense and defense operations in the Bashi Channel and the Taiwan Strait. In addition to Chinese air patrols, the PLA Navy has accumulated sufficient experience to turn itself into a blue-water navy. The Chinese aircraft carriers Liaoning (CV-16) and Shandong (CV-17) sailed through the Taiwan Strait 11 times from December 2016 to December 2020 with the aim of intimidating the Tsai administration and signaling China’s operational capability in different domains and contingency scenarios.

Under Xi’s military reform programs, the PLA seeks to boost integrated “multi-domain, multi-dimensional, long-range, precision strike” operational capabilities to potentially engage the United States. Starting from late June 2020, China has dispatched its H-6K bombers, J-11, J-16 (J-11B) and Su-30 fighter jets, and Y-8 reconnaissance planes into the southwest corner of Taiwan’s air defense identification zone (ADIZ) to stage so-called combat air patrol missions every few days (see Figure 1). Compared to 380 PLA fighter jet sorties in 2020, China has been more aggressive in intruding into Taiwan’s ADIZ by increasing about 85 percent the number of sorties to 707 from January to October 2021. Seventy percent of the PLA air sortie missions were operated with Y-8 slow-paced airplanes but J-16s still turned out to be the most common plane intruding into Taiwanese air space.

To intimidate Taiwanese coast guard and military personnel on Taiwan-garrisoned Dongsha (Pratas) Island, Chinese H-6K bombers might take off from the Central Theater Command, pass through the airspace of the island and land on Woody Island, one of the Xisha (Paracel) Is-
lands disputed by China, Vietnam, and Taiwan. China is capable of interdicting Taiwan’s resupply missions and communications with this strategically located island. Nevertheless, Xi might hesitate to occupy Pratas Island because he would completely change the cross-Strait status quo of territorial jurisdiction, complicate the management of the South China Sea dispute, and incur huge political and diplomatic reactions from the United States.

China’s air interdiction of Dongsha Island’s external traffic is a form of grey-zone conflict, and it is more likely to be an option for Beijing than campaigns on Taiping Island, Quemoy and Matsu, or on the main island of Taiwan. Quemoy and Matsu have close economic relations with Fujian Province, and Taiwan and Penghu are covered by the U.S. Taiwan Relations Act, which considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States. Dongsha, however, does not fall under the geographic scope of the Taiwan Relations Act. A Chinese attack on Taiping Island in the Spratly Islands while allowing Vietnam and other countries to continue to occupy China’s territory is not politically sustainable nor persuasive for China. The Chinese air incursions into Taiwan’s ADIZ are meant to establish a regular PLA presence in the airspace between Taiwan and Dongsha, to disrupt the regular training of Taiwanese pilots and to increase their attrition rates.

“The Chinese air incursions into Taiwan’s ADIZ are meant to establish a regular PLA presence in the airspace between Taiwan and Dongsha, to disrupt the regular training of Taiwanese pilots and to increase their attrition rates.”

Figure 1: Sorties of PLA Military Aircraft Entered Taiwan’s Southwest Air Defense Identification Zone

Sources: Compiled by the author from ROC Ministry of National Defense, for more detailed statistics, see also https://www.facebook.com/SouthwestAirspaceofTW/

The PRC’s goal is to apply grey-zone conflict tactics to change the status quo whilst not pushing Taiwan far enough for it to take any retaliatory measures. In March 2019, days after Tsai returned from her visit to Palau, Nauru, and the Marshall Islands, having made a stopover in Honolulu, PLA J-11 fighter jets intentionally crossed the median line of the Taiwan Strait for about ten minutes to show Beijing’s opposition to Taiwan’s growing international presence and Taiwan-U.S. security cooperation. In August and September 2020 respectively, PLA J-10s and J-11s entered the airspace to the east of median line, which coincided with visits by the U.S. Secretary of Health and Human Services Alex Azar and the Undersecretary of State Keith Krach to Taiwan. The Trump administration later felt compelled to cancel U.S. Ambassador to the United Nations Kelly Craft’s trip to Taiwan in January 2021 due to possible military reaction from the PRC. Beijing had acknowledged and acquiesced to the median line since the 1950s, but for the first time in September 2020 it offi-
cially denied its existence. As the Chinese government’s official position indicated its acquiescence by record and deed with respect to the median line in the Taiwan Strait for 65 years, either through consistency of practices of cross-Strait civilian air transport, or via the re-drawing of its heavily-trafficked flight route M503, the customary law of estoppel, whereby states cannot establish claims they have formerly rejected, should be respected by Beijing. Starting from February 2020, Beijing has upgraded its “island encirclement patrols” into “combat-readiness patrols” missions to show its anger with Tsai-Trump collaboration in an anti-China campaign.4 According to statistics from the ROC Ministry of National Defense (MND) released in October 2020, Chinese fighter jets crossed the median line of the Taiwan Strait 49 times in 2020, the highest number since 1990.5

Tsai’s Status-Quo Maintenance Policy

Tsai does not rule out the possibility of Beijing using force against Taiwan. Grappling with the increasingly challenging military situation, Tsai has adopted the Overall Defense Concept (ODC) to develop a force that is lethal, light, intelligent, stealthy, precise, and low-cost to ensure that a PRC invasion of Taiwan could not prevail. The ODC focuses on “improving force preservation, prioritizing asymmetric, cyber, and electronic warfare capabilities,” and a defense strategy of “decisive battle in littoral zone, and destruction of enemy at the landing beach.”6 Tsai is a leading proponent of building indigenous defense submarines and the Brave Eagle advanced jet trainer program. In the 2018 fiscal year, Taiwan’s defense budget was about NT$327.7 billion (US$10.8 billion) amounting to 16.6 percent of the total government budget, it increased to NT$340.5 billion (US$11.2 billion) accounting for 17 percent of the central government’s budget in 2019, NT$351.2 billion in 2020, and NT$361.8 billion in 2021.7 The Tsai administration also follows the practice of creating a special reserve fund that can be used for major military procurements, such as the acquisition of 66 F16V fighter jets (NT$247.2 billion) from the Trump administration. To respond to aggressive Chinese cyber and military operations against Taiwan, Tsai

Flag of Taiwan on soldiers arm Source: Bumble Dee/ Adobe Stock

“Tsai has adopted the Overall Defense Concept (ODC) to develop a force that is lethal, light, intelligent, stealthy, precise, and low-cost to ensure that a PRC invasion of Taiwan could not prevail.”

The support for Taiwan’s ODC and a “porcupine strategy” is “generally quite strong in the US government and in the expert community.” Tsai is sometimes hesitant on the ODC, because the Ministry of National Defence (MND) “wants to preserve legacy systems” of long-distance and precision strike capabilities. Tsai’s frequent troop visits, increasing the defense budget, and reforming the mobilization system are regarded as her major defense adjustments. Taiwan’s reserve mobilization ability has been questioned by the United States. Although Taiwan has not abolished the conscription system, the four-month national defense service period must be reformed to meet the conditions for mobilization in a Taiwan Strait crisis. Starting in 2022, the All-out Defense Mobilization Agency will essentially replace the Reserve Command, intensify the training of reserve personnel, purchase additional small weapons and set up reserve brigades, indicating that it is no longer a static but a dynamic concept.

The MND has monitored closely every Chinese air maneuver near the island, and increased the tempo with which fighter jets are sent to intercept Chinese bombers and military transport aircraft flying near the boundary of Taiwan’s ADIZ or the median line of the Taiwan Strait. In addition to air-sovereignty combat air patrols over Taiwan, the MND issued radio warnings and deployed air defense missile systems to monitor Chinese activities and to protect airspace of Taiwan. Under the war of attrition of the PLA Air Force, whether the MND should dispatch fighter planes every time to intercept and warn Chinese fighter planes flying into Taiwan’s ADIZ is subject to some debate. However, Tsai understands that Taiwan’s air force pilots must exercise the greatest restraint, and thus that the distance between the fighter planes should not be too close, so as to avoid any mid-air accidents. Under such circumstances, Taiwan’s increase in its defense budget and flight training missions is an inevitable result. To tackle the new security challenges, Tsai has reviewed its deployment of air-defense missile defense systems in eastern Taiwan and instructed the MND to release detailed information regarding Chinese air intrusions to assuage concerns on the island.

The difficulty for Tsai is to meet Taiwan’s defence challenges first by itself and then with security assistance from the United States and other like-minded countries. AUKUS, the new security agreement between the Australia, the United Kingdom and the United States strengthens the full implementation of US-initiated Indo-Pacific strategy through supplementing additional non-U.S. naval and aerial presence in the East and South China Seas. This could create new scenarios for the PRC when it conducts assertive and aggressive military maneuvers in the region, complicating its plans. Taiwan welcomes these arrangements as well as development of the Quad and looks forward to seeing the Taiwan Strait becoming an interna-

“An emerging China as a peer competitor of the United States is more inclined to take risks to defy US security interests in the Taiwan Strait.”
tional waterway, not a restricted sea domain monopolized by the PRC. The British carrier battle group HMS Queen Elizabeth undertook its long journey in Indo-Pacific waters this summer, with the frigate HMS Richmond (F239) passing through the Taiwan Strait in September 2021. In addition to US Navy’s routine transits, French naval ships Dupuy-de-Lôme (A759) and Canadian HMCS Winnipeg (FFH338) passed through the Taiwan Strait after the formation of the AUKUS.

Conclusion

Heightened military tension and the COVID-19 pandemic separated further Taiwan and the mainland. Although Tsai avoids antagonizing leaders in Beijing, an emerging China as a peer competitor of the United States is more inclined to take risks to defy U.S. security interests in the Taiwan Strait. The PLA is strengthening its grey-zone activities in areas surrounding Taiwan. Any impatient, impromptu, or accidental actions could easily lead to a new crisis. In addition to exercising political prudence in cross-Strait relations, Tsai understands that Taiwan must balance military self-restraint while not succumbing to Chinese political demands in the new security paradigm facing the island.

Without the Taiwan issue, China would concentrate on the territorial disputes in East and South China Seas and Sino-Indian borders. The U.S.-led Indo-Pacific strategy is premised on making China accept the rules-based international order, and preventing China from “diminishing the sovereignty of many states in the Indo-Pacific.” To demonstrate Taiwan’s resolve, Tsai has stated that Taiwan can “make a significant contribution to the United States’ new “Free and Open Indo-Pacific” strategy through sharing the mission ‘to defend the common goal of freedom and openness,” as well as by “protecting the fundamental international order.” The Quad has the potential to show that liberal democracies can deliver solutions to the greatest challenges both on traditional or non-traditional security issues. The vision of a “free and open Indo-Pacific” under U.S. leadership is more attractive than the China-centric model Beijing promotes. The Quad and AUKUS as new developments should alleviate the fears of Taiwan in years ahead.

Notes


2 Lyle J. Morris, Michael J. Mazarr, Jeffrey W. Hornung, Stephanie Pezard, Anika Binnendijk, Marta Kepe, Gaining Competitive Advantage in the Gray Zone: Response
Options for Coercive Aggression Below the Threshold of Major War (Santa Monica: RAND, 2019), pp. 30-39.


Sovereignty and Maritime Disputes in the East and South China Seas

Bec Strating

“Hundreds of small land features dot the seas of East Asia, complicating the ability of states to delimit maritime boundaries and establish jurisdictional clarity.”

Territorial and maritime disputes are occurring in increasingly militarized theatres. In the East Asian seas, states are modernising naval capabilities, building and outfitting artificial islands, and blurring the lines between “civil” and “military” responsibilities, generating concerns about how the regional security order is being contested. The South China Sea demonstrates how the creation and/or control of small land features can have strategic affects, altering material balance of power dynamics in maritime theatres. Hundreds of small land features dot the seas of East Asia, complicating the ability of states to delimit maritime boundaries and establish jurisdictional clarity. Disputes exist not just over the rightful possession of land features but also how they are classified, which has implications for maritime zoning and access to potentially lucrative resources, such as fish and hydrocarbons.

Contemporary maritime security challenges reveal the tensions between two legal regimes—territorial rules of acquisition (sovereignty) and the United Nations Convention on the Law of Sea (UNCLOS)—and provoke questions about how territorial conceptions of sovereignty map onto maritime areas. There is a general principle of customary

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international law that is expressed as “land dominates the sea,” meaning that maritime rights are derived from recognition of a coastal state's sovereignty. The Exclusive Economic Zone (EEZ) was an UNCLOS innovation that established a sui generis zone that was neither high seas nor sovereign waters, designed to balance coastal and navigation state rights and therefore “quasi-territorial” in nature.

Yet, territorial integrity at the core of the modern Westphalian system of sovereign states is also the fundamental basis of maritime order. As jurisdictional and material entitlements run “with the land,” ambiguities in political status and/or state control over territory are a key feature of contemporary maritime disputes.

Maritime order is based on a Westphalian system of territorial sovereignty in which internal and external political authority coincides, and recognition of political status is relatively unproblematic. The contentious political status of Taiwan (Republic of China, ROC) provides an interesting case study for understanding the complex relationships between land and sea regimes in East Asia and the challenges of establishing maritime order. Taiwan is at the frontline of contemporary maritime security challenges by virtue of history, politics, and geography. The main island of Taiwan is situated in Northeast Asia and counts the People’s Republic of China (PRC), Japan, and the Philippines as maritime neighbours. Taiwan and mainland China are separated by the approximately 180km-wide Taiwan Strait, a body of water that has historically been the site of crises in the 1950s and 1990s and where tensions are re-emerging.

This paper considers Taiwan’s relationship with contests over land features in maritime theatres and jurisdictional zones in the East and South China Seas. Taiwan is involved in many of the region’s most intractable maritime disputes in the East and South China Seas, although it is often overlooked in public and academic discussions. As the ROC has historically claimed to be the legitimate representative of China, there are similarities in the sovereignty and maritime claims asserted by the PRC and Taiwan. This presents interesting dilemmas for Taiwan’s foreign policy approach and how it seeks to differentiate itself from the PRC in these maritime domains, but also has broader implications for how the international law of the sea can assist in building a “rules-based order” in circumstances where multiple sovereignties—the claimant and the claimed—are contested.

Taiwan and UNCLOS

In the current international system, Taiwan is not a formal party to UNCLOS, as it not a member of the UN. This is one of the ways in which international institutions can neglect to reflect political realities on the ground, and Taiwan is not party to the dispute resolution mechanism set out in UNCLOS. As the de facto political authority in Taiwan, the ROC government has legally asserted maritime claims through the use of legislation, most notably the Law on the Territorial Sea and Contiguous Zone of the Republic of China of 1998 and Law on the Exclusive Economic Zone and the Continental Shelf of the Republic of China of 1998.

Across the Indo-Pacific region, provisions within UNCLOS are subject to different interpretations. Freedom of Navigation Operations (FONOPs) conducted by the United States used to contest the PRC’s excessive maritime claims in the South China Sea have become increasingly high profile. The South China Sea FONOPs have tended to overshadow the fact that the United States—not a party to UNCLOS but treating it as customary international law—conducts such operations against partners as well.

“Taiwan is at the frontline of contemporary maritime security challenges by virtue of history, politics, and geography.”
Taiwan, Cross-Strait Tension, and Security in the Indo-Pacific

including Japan, South Korea, and Taiwan in East Asia. The United States views Taiwan’s Law on the Territorial Sea and Contiguous Zone as generally consistent with customary international law and UNCLOS, but views provisions on baselines and innocent passage as deviating “significantly” from those rules. The United States conducted operational assertions against what it views as Taiwan’s excessive claims in requiring foreign military or government vessels to give prior notice for passage through the territorial sea in 2006, and 2011 through 2014. The U.S. 2020 report on FONOPs lists one operation targeting Taiwan’s restrictions on innocent passage conducted in the South China Sea, although Taiwan president Tsai Ing-wen has publicly been supportive of the principle of freedom of navigation. Taiwan and the United States as also recently signed an agreement establishing a Coast Guard Working Group to coordinate policy following China’s announcement of a Coast Guard law.

Taiwan and the East China Sea

The East China Sea has been described as a potential “flashpoint” of interstate conflict and great-power rivalry. Eight of the nine maritime boundaries in Northeast Asia are unsettled, as they are situated on closed or semi-enclosed seas with a breadth less than 400 nautical miles (nm) wide, which means that states pursuing their full entitlements often find their maritime claims overlapping with others. Land features complicate the allocation of jurisdictional rights.

The Senkaku/Diaoyu/Diaoyutai “islands” are a set of eight small uninhabited features in the East China Sea approximately 120nm northeast of Taiwan. They have strategic value: depending on who controls them, possessing the Senkaku/Diaoyu/Diaoyutai could potentially help or hinder the PRC military breaking through the “first island chain” dividing the South China Sea and the Pacific Ocean. There is a tendency to examine the Senkaku/Diaoyu/Diaoyutai contest as one between Japan and the PRC. Such dichotomous framing is problematic: excluding Taiwan could be viewed as conflating the PRC and ROC’s claims and interests, and even reifying PRC sovereignty over Taiwan itself. It could also be argued that the ROC has a greater historical claim to the islands (in the East and South China Seas) than the PRC.
In Taiwan, where the islands are known as Diaoyutai Lieyu, successive governments have tended to side against Japan on sovereignty claims. Taiwan protested Japan’s purchase of three of the islands in 2012. The Taiwanese government claims that the “Diaoyutai Islands are part of the territory of the Republic of China (Taiwan), a position that the ROC (Taiwan) government has consistently maintained. The government calls for peaceful resolution to international disputes over the Diaoyutai Islands, urging parties concerned to refrain from unilateral actions that might escalate tension and to pursue joint efforts to safeguard regional peace and stability.”

Taiwan’s own ambiguous political status offers a layer of complexity as the PRC considers the islands to be part of Taiwan, which it claims as an inherent part of its territory. The historical bases of Taiwan and the PRC’s sovereignty claims are similar: in the early fifteenth century, the island group was discovered, named and used by the Chinese, incorporated in the Ming dynasty’s (1368-1644) maritime defence system and became part of national territory during the Qing dynasty (1644-1911), placed in the jurisdiction of Taiwan. Taiwan disputes Japan’s claims over the islands, arguing that in 1885 Japan knew that they belonged to China when they planned to annex them “on the pretext that they were uninhabited.” This reveals one of the key clashes between different conceptions of normative “orders”: the traditional East Asian order and the public law of Europe that supplanted it. Using European territorial acquisition rules of terra nullius, Japan claims the Senkaku Islands were not included in Taiwan, and it incorporated the uninhabited islands in 1894, before the Treaty of Shimonséki concluded the Sino-Japanese War. China’s foreign ministry asserted that Japan had “usurped ownership and encroachment of China’s sovereign territory” during the Sino-Japanese War. According to Lee, the traditional East Asian normative order was not erased but rather traces remained which are reflected in China’s claims. Using principles of intertemporality, China has argued that historically-based sovereign claims should be recognised according to the rules at the time—a “traditional concept of territorial sovereignty.” The PRC argues it did historically exert sovereignty over Senkaku/Diaoyu/Diaoyutai, but Western practices of recognition did not recognise it as such. Western yardsticks in appraising historical claims are thus presented as inappropriate because no such normative order existed at the time in East Asia. Historically, the United States has taken a “neutral” position on the question of who has sovereignty over the is-

“There is a tendency to examine the Senkaku/Diaoyu/Diaoyutai contest as one between Japan and the PRC. Such dichotomous framing is problematic...”

The Senkaku/Diaoyu Islands Source: Adobe Stock
lands. However, both Taiwan and China protested the 1971 Okinawa Reversion Agreement signed by Japan and United States as illegally reverting administrative rights over the Diaoyutai to Japan. Since 1972 it has also been policy that the 1960 U.S.-Japan Security Treaty covers the islands. Following Japan’s nationalisation of the islands in April 2014, President Barack Obama reiterated that Article 5 of the Treaty covers the islands and that the status of the islands should not be changed unilaterally. In 2021, a week after his inauguration, President Joe Biden reassured Japan’s then-Prime Minister Yoshihide Suga of the U.S. commitment to the defence of Japan under Article 5, which includes the islands.

Under UNCLOS, the disputed land features have become increasingly important for strategic and political reasons, including for claiming maritime resource entitlements in the surrounding sea, such as fish, and hydrocarbon resources. A recognised continental shelf claim could provide a state with the rights to exploit a lucrative seabed area of approximately 67,800 square kilometres around the Senkaku/Diaoyu/Diaoyutai. Japan argues that China and Taiwan only started to question its claims to the Senkaku Islands after a 1969 report by the United Nations Economic Commission for Asia and the Far East (ECAFE) indicated the possibility of vast hydrocarbon reserves in the seabed surrounding the islands, “to the extent of being close to the one existing in the Persian Gulf.” The report noted: “Most important for the oil and gas potential in the region is the sediment fill beneath the continental shelf and the Yellow Sea.… The most favorable part of the region for oil and gas is the 200,000 sq. km area mostly northeast of Taiwan.” In 1970, ROC began pursuing oil potential around the islands, planted a flag on one of the Islands and parliament members visited the area - activities protested by Japan. Taiwan has argued that it did not advance its territorial claim until the 1970s because the Diaoyutai Islands was under the administration of the United States.

Sovereignty of the islands also has implications for delimiting China’s and Japan’s maritime boundaries, as both states favour different principles: Japan prefers a median line approach while China argues for natural prolongation. Japanese sovereignty over the islands (to the east of the Trough) would weaken China’s argument that the Okinawa trough is a natural boundary for delimiting their respective continental shelves. Taiwan’s ownership would further complicate the picture. There is also a question mark about whether the uninhabited “islands” meet the legal definition of an island under UNCLOS, especially as the South China Sea arbitral tribunal ruling (discussed below) set a high threshold for what land features provide states the full suite of Exclusive Economic Zone (EEZ) and continental shelf entitlements. For some experts, by creating new maritime zones—particularly the sui generis EEZ which operates as a partial sovereign zone—UNCLOS has encouraged as many disputes as it has resolved. It has rendered small, uninhabited islands more strategically valuable as their possession

“While Taiwan’s approach to EEZ demarcation has similarities with China in the East China Sea, it has adopted a more pragmatic approach that has emphasised diplomacy and the possibilities of exploitation of marine resources, including joint development.”
“Taiwan is not able to play a more central role in the disputes because multilateral forums do not reflect the political realities on the ground.”

allows states to expand their maritime zones and consequently their entitlement to resources.

While Taiwan’s approach to EEZ demarcation has similarities with China in the East China Sea, it has adopted a more pragmatic approach that has emphasised diplomacy and the possibilities of exploitation of marine resources, including joint development.29 Taiwan’s President Ma Ying-jeou initiated the East China Sea Peace Initiative in 2012, which sought to embed the following principles: restraint, dialogue, international law, and peaceful dispute resolution, joint cooperation and a code of conduct in the East China Sea.30 In revealing the plan, President Ma stated that “national sovereignty cannot be divided. Natural resources, however, can be shared.”31 There have been examples of cooperative talks between the ROC and Japan about issues concerning disputed EEZs, including a fisheries agreement in April 2013 that took 17 years to conclude. The agreement allows Taiwanese boats to operate in a 7,400-square-kilometer area around the islands32 and was officially between the Interchange Association of Japan and Taiwan’s Association of East Asian Relations, as Japan and ROC have no formal diplomatic relations.

Taiwan and the South China Sea

Taiwan and the PRC have similar claims in the South China Sea. Prior to World War Two, historical documentation shows various attempts by the ROC to map, document, and set up administrative markers in the South China Sea, including disagreement between the ROC and France (colonial rule in Indo-China, modern day Vietnam) regarding the sovereignty of the Paracels and the Spratlys. The Nationalist government, led by Chiang Kai-shek, produced the “Map of the Location of the South China Sea Islands,” consisting of a U-shaped Line with 11 dashes, encircling the Paracels, Pratas, Spratlys and the Macclesfield Bank. This map, first released in 1947, was used by the PRC in its 2009 note verbale response to Vietnam and Malaysia’s joint submission to the Commission on the Limits of the Continental Shelf, and has since become a representation of the PRC’s claims and interests in the South China Sea.

Taiwan is not able to play a more central role in the disputes because multilateral forums do not reflect the political realities on the ground. There is also a somewhat paradoxical dynamic between the PRC and ROC regarding their South China Sea claims, given they are in competition over land features but express similar historical justifications for sovereignty claims and views on classification of certain land features. For example, both parties claim Pratas Island, in the northern part of the South China Sea, which is administered by Taiwan (and also claimed by Vietnam). Recent news reports indicate concern in Taiwan that the PRC has debated attacking the Pratas Islands.33 Although not a party to UNCLOS, the Chinese (Taiwan) Society of International Law made a submission to the tribunal supporting the position that Taiping Island (Itu Aba) is a rock that cannot sustain human habitation and economic life of its own under UNCLOS.

The legal status of Taiping Island/Itu Aba is of particular concern for Taiwan. Taiwan effectively occupies the island, the largest feature in the Spratly island chain, which is also claimed by the PRC, Philippines, and Vietnam. The 2016 Arbitral Tribunal ruled that Itu Aba/Taiping was a rock and therefore generates only a 12-nautical-mile territorial sea. That it is not entitled to the 200nm EEZ denies the recognised authority access to valuable resources such as fish. In March 2016, Taiwan’s government sponsored a
trip to Taiping to demonstrate to journalists that it was more than a rock, highlighting a hospital, lighthouse, and post office, and evidence of “sustainable life” (a small farm with goats and chickens and scientifically produced fresh water).\textsuperscript{34} An island is defined as “a naturally formed area of land, surrounded by water, which is above water at high tide.”\textsuperscript{35} Under UNCLOS, it is the definition of rocks that is critically important: they are features “which cannot sustain human habitation or economic life of their own.”\textsuperscript{36} Such features are not entitled to an EEZ or a continental shelf. In such cases where sovereignty and classification are contested, evidence of effective occupation may offer a de facto power the opportunity to shore up their sovereignty and demonstrate the habitability of the features to justify maritime claims.\textsuperscript{37} For Taiwan in Itu Aba these dynamics are evident but are complicated by the contested political status of the ROC.

One challenge is the jurisdictional status of the waters surrounding Itu Aba following the decision of the Arbitral Tribunal ruling. The ruling found that historic rights within the now nine-dash line have no basis under international law if they exceed what the PRC is entitled to under the UNCLOS. Most significantly for Taiwan, the tribunal classified the features in the Spratly Islands as falling below the threshold of an island and therefore not entitled to an EEZ or continental shelf. The initial response from Taiwan’s government was “[w]e absolutely will not accept the tribunal’s decision and we maintain that the ruling is not legally binding on the ROC.”\textsuperscript{38} Taiwan’s leaders said the ruling had “seriously damaged” its rights.\textsuperscript{39} Taiwan’s new President Tsai Ing-wen objected to the ruling and declared it had no legally binding force on the ROC, a response that “echoed that of China’s.”\textsuperscript{40}

A key issue with the nine-dash line lies with the PRC’s deliberate strategic ambiguity vis a vis what it represents. It encompasses approximately 90 percent of the 3 million sq kilometre South China Sea, within which the PRC makes sovereignty and maritime claims. The first way to conceive of the map is to view it as a line that represents ownership of the land features within the line. However, contemporary PRC rhetoric has tended to use “historical rights” to justify claims to maritime rights and jurisdiction beyond the territorial sea. Chinese legal moderates argue that “historic rights” bestow China sovereignty over land features within the nine-dash line and, drawing partly on UNCLOS, sovereign rights “to fishing, navigation, and exploration and exploitation of resources.”\textsuperscript{41} Essentially, this conception would see the nine-dash line viewed as a dual-function Chinese maritime boundary delimiting the extent of both its EEZ and continental shelf.

The third way to view the nine-dash line is as more akin to a territorial boundary, an expression of the limits of the PRC’s sovereignty rather than maritime sovereign rights. This would reflect the fullest extent of the PRC’s territorial temptation and an erasure of the “layered” sovereignty regime established under UNCLOS in this maritime area. Such a conception would see Beijing governing the South China Sea as if it were Chinese territory, reflecting a Westphalian approach to governance that sits in contrast with Grotian precepts of the seas as res communis (not subject to sovereign appropriation). Such an approach is supported by jurisdictional and representational creep: the use of domestic legislation to either undermine or supersede international law, and the cultural inundation of maps of

\textbf{“Such representations present potential problems for a middle-sized democratic country with an uncertain political status such as Taiwan, which must seek to advance its position as a rules-follower.”}
mainland China that include Taiwan and the nine-dash line reflects efforts to reinforce sovereign control over these spaces. Further, the use of so-called “grey zone” tactics of flooding maritime domains with assets that are civil and military in nature, and the build-up of artificial islands for strategic purposes also constitutes a physical territorialisation and a subversion of the conventional legal relationship between land and sea.

Such representations present potential problems for a middle-sized democratic country with an uncertain political status such as Taiwan, which must seek to advance its position as a rules-follower while simultaneously be seen to defend its historical sovereignty claims to land features within the South China Sea to a domestic constituency. It has been argued that an evolution in Taiwan’s South China Sea policy indicates a rolling back of its own maritime “historic rights” claim as a consequence of the arbitral tribunal ruling. The administration of President Tsai Ing-wen developed a new South China Policy that sought to strike a delicate balance in supporting Taiwan’s territorial South China Sea claims while creating distance between Taipei’s position on maritime rights and that of the PRC. One strategy has been to emphasise Taiwan’s vision of the oceans as a site of peace and cooperation. In June 2016, the “Sustainable Governance and Enduring Peace in the South China Sea” policy emphasised Four Principles and Five Actions, including multilateral consultation and cultivation of expertise on law of the sea, and Itu Aba as a site of scientific diplomacy and humanitarian assistance and rescue, including through disaster relief exercises in surrounding waters.

The four principles are: peaceful settlement of disputes in accordance with UNCLOS; including Taiwan in multilateral processes for dispute resolution; upholding freedom of navigation and overflight; and, the pursuit of joint development. Nevertheless, Taiwan’s Ministry of Foreign Affairs’ public stances notes that the “the government will firmly safeguard the ROC’s territorial sovereignty in the South China Sea, as well as the rights over relevant waters it is entitled to under international law and the law of the sea. It will not renounce its sovereignty or legal rights.” At an event making the 70th anniversary of Taiwan’s “recovery” of the South China Sea Islands, President Tsai emphasised “We will relinquish neither our sovereignty nor the rights that are ours by law.” Further, the government has prioritised “strengthening its capabilities to ensure the safety of fishermen and fishing operations.” The ruling provoked debates in Taiwan about whether it should be accepted (given the ruling was binding only on the two parties), the political feasibility of declaring baselines around Itu Aba, and whether it should abandon or clarify the meaning of the nine-dash line.

**Conclusion**

The case of Taiwan challenges a maritime order that is premised on fixed notions of territorial sovereignty in which the recognition of status is relatively unproblematic. While “mixed disputes” that incorporate both sovereignty and maritime dimensions reveal the tensions between competing legal orders, the case of Taiwan is particularly interesting given its own exclusion from UNCLOS and struggle for political recognition. Such an order has struggled to reflect political realities on the ground. Part of the challenge for Taiwan has been in differentiating its foreign policy approach from the PRC. For example, Taiwan’s approach has sought to shelve sovereignty disputes by emphasising joint development. While the PRC has also put forward joint development proposals in the South China

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“Part of the challenge for Taiwan has been in differentiating its foreign policy approach from the PRC.”
Sea, some view this as potentially legitimising maritime claims that are invalid under UNCLOS.48 While Taiwan has similar visions of the Indo-Pacific region as advanced by the U.S. Free and Open Indo-Pacific strategy, including freedom of navigation, even “like-minded” actors that support the “rules-based order” interpret and emphasise maritime rules differently.

**Notes**


4 Under the 1933 Montevideo Convention, state possess a defined territory, along with a permanent population, a government, and capacity to enter relations with other states.


10 Ibid.

11 This also includes Japan, South Korea and India, which have also been the target of US FONOPs.


13 Hall, Ibid.


18 Republic of China (Taiwan) Ministry of Foreign Affairs.


Lee, “An enquiry into the palimpsestic nature of territorial sovereignty in East Asia”.


Ibid., 42.


Herbert Smith Freehills. “Sovereignty over Islands and Consequences for Maritime Boundaries”.

Courmont, “Territorial Disputes and Taiwan’s Regional Diplomacy.”


Ibid.


UNCLOS, part VIII, article 121.

Ibid.

This is not always the case such as with Dokdo/Takeshima.


Chi-Ting Tsai. 2018. “Taiwan’s South China Sea
Policy Formation”, AMTI, 12 April.


44 Ibid.


46 Republic of China (Taiwan) Ministry of Foreign Affairs, South China Sea Issue.

47 Chi-Ting Tsai, “Taiwan’s South China Sea Policy Formation”.

Taiwan and Trends in Public Opinion

Natasha Kassam

Introduction

In a Harper’s Magazine essay titled ‘Chiang Kai-shek’s Silent Enemies’, Albert Axelbank wrote in September 1963 about Taiwan:

‘A poll is impossible since just the mention of the words “independence” or "self-determination" on Formosa is taboo. But responsible Formosan leaders, both Kuomintang and opposition members, have told me that more than 90 per cent of the people desire the establishment of an independent Formosan republic—shunning both Communist and Nationalist Chinese ties.’

Almost six decades later, both independence and self-determination are not taboo in democratic Taiwan and the data bears out Axelbank’s sources. Poll after poll shows that almost all of Taiwan’s people—around nine in ten—do not want to unify with China. More than 85 percent want to maintain some form of the status quo, which for Taiwan maintains de facto independence while avoiding retaliation from China.¹

The polling is also clear that if there was no risk of invasion from China, the majority of Taiwanese would choose independence, as shown in the 2020 Taiwan National Security Survey.

But successive Chinese leaders have made clear that de jure independence is not an option that is available to Taiwan. If any reminder was needed, China’s increasing tempo of military incursions in the Taiwan Strait have raised alarm bells in recent months around the world. Senior military leaders from the United States and Taiwan alike have warned that China is between four and seven years away from having the capability to mount an invasion – not that having the capability necessarily means that Beijing would act.

This anxiety about a potential conflict for Taiwan is not just a conversation that is happening at senior levels of the government and military. Most Taiwanese people are alert, but not alarmed.² But growing awareness about Taiwan’s plight in Japan, South Korea, Australia, the United States, and elsewhere is increasingly playing a role in maintaining the uneasy peace in the Taiwan Strait.

Public opinion is not necessarily the most important factor in a nation’s foreign policy—public views can be both selectively exploited and ignored by governments as needed. But community attitudes do shape the range of policy options that are considered viable by a government—the so-called Overton Window. When the stakes are as high as they could become over Taiwan and China, public support is a key indicator for the future landscape.

“Hardening public attitudes towards China in the United States, Australia, and Japan, coupled with Taiwan’s own diplomacy, are contributing to more awareness and support for Taiwan in those countries.”

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Taiwan, Cross-Strait Tension, and Security in the Indo-Pacific

This essay will first argue that trends in Taiwanese public opinion demonstrate that China’s overtures and coercion have undermined any efforts to realize what China describes as “peaceful unification.” Second, hardening public attitudes towards China in the United States, Australia, and Japan, coupled with Taiwan’s own diplomacy, are contributing to more awareness and support for Taiwan in those countries. Finally, while Taiwanese leaders and publics alike appear to welcome security cooperation with Indo-Pacific partners, there is even more support in Taiwan for economic and diplomatic support from the region.

Taiwanese identity and increasing resistance to China

For Taiwan, the Chinese government’s objective has long been what it calls “peaceful reunification,” even though Taiwan has never been under the jurisdiction or control of the People’s Republic of China or the Chinese Communist Party. To achieve that goal, Beijing has for years tried to simultaneously coax and coerce Taiwan’s adherence with both the promise of economic benefits and military threats.

China’s Xi Jinping has not given many speeches about Taiwan during his term, but has at various times described “complete reunification” as a “historic task.” He has also at times linked China’s “great rejuvenation,” a key goal to achieve by 2049, to the goal to unify with Taiwan.

However, for now, China’s goal appears to be preventing Taiwan from declaring independence, rather than forcing unification. As illustrated in the introduction, support for an independent Taiwanese state is not a new phenomenon. Indeed, there was a short-lived Republic of Formosa declared in 1895. But what has changed as Taiwan transitioned to a democracy in the 1990s, and emerged from the authoritarian past, is the vast majority of Taiwanese people now identify as Taiwanese, rather than Chinese. Efforts from Beijing to cast the Taiwanese as their Chinese compatriots resonate less than ever.

This means that China’s strong-arm tactics are ineffective. Supporting candidates from the current opposition party that favours closer ties with Beijing is counterproductive: political candidates in Taiwan are likely to hurt their chances if they are perceived as being too close to the Chinese government. The Sunflower Movement of 2014, a series of protests led by a coalition of students and civil-society activists, marked the rejection of close relations with China by Taiwan’s younger generations.

Again, this is a pre-existing phenomenon in public attitudes in Taiwan. A series of missile tests by the People’s Liberation Army in the lead-up to Taiwan’s March 1996 presidential election was designed to intimidate voters and turn them away from re-electing the nationalist Lee Teng-hui. One of his opponents, Chen Li-an, warned, “If you vote for Lee Teng-hui, you are choosing war.” Mr. Lee won comfortably over three other candidates, with 54 percent of the popular vote.

The longstanding desire for

“For Taiwan, the Chinese government’s objective has long been what it calls “peaceful reunification,” even though Taiwan has never been under the jurisdiction or control of the People’s Republic of China or the Chinese Communist Party.”
independence in Taiwan, coupled with the emergence of a unique Taiwanese identity, have increased resistance in Taiwan to China’s appeals. In part because Beijing’s messaging is often directed at the domestic Chinese population, the more that Xi Jinping has sought to characterise Taiwan as Chinese, the further they have pulled away. This was crystallised in January 2019 when Xi Jinping reiterated the call for “one country, two systems” as a model for Taiwan’s integration into China. This suggestion has been unpopular in Taiwan for more than two decades, but is less credible than ever after the brutal crackdown on freedoms in Hong Kong, the archetype for the model.

“The longstanding desire for independence in Taiwan, coupled with the emergence of a unique Taiwanese identity, have increased resistance in Taiwan to China’s appeals.”

Public opinion in the region towards China and Taiwan

It is not only the Taiwanese public that is responding unfavourably to China’s foreign policy. Polling demonstrates that publics across the region – in South Korea, Japan, Australia, New Zealand and the United States – have soured in their views of China dramatically in recent years.

Majorities in 15 of the 17 advanced economies surveyed this year by the Pew Research Center hold an unfavorable opinion of China, including record highs in Canada, Germany, South Korea and the U.S. More than 76 percent of Americans said they viewed China unfavourably.

The sharp decline in the Australia–China relationship in recent years has been clearly mirrored in Australian public opinion, as seen in successive Lowy Institute polls. Only 16 percent of Australians said in 2021 that they trusted China a great deal or somewhat to act responsibly in the world, a 7-point decline from 2020. The number of Australians holding positive views of China’s trustworthiness plummeted in only three years, halving since 2019 and a third of the level in 2018 when 52 percent said they trusted China. This decline is also clear in views towards Xi Jinping, where only 10 percent of Australians expressed confidence in him in 2021, which is less than half the confidence that Australians expressed in President Xi in 2020 (22 percent) and 33 points lower than in 2018.

In some key cases, this negativity towards China has contributed to more awareness and support for Taiwan. In the United States for example, for the first time since the question was asked in 1982 by the Chicago Council on Global Affairs, the majority of Americans (52 percent) would support deploying US troops if China invaded Taiwan, an eleven-point jump since 2020 (Smeltz and Kafura, 2021).
There is more support in the United States for sending troops to defend Taiwan than there is for committing to defend Taiwan in advance from Chinese invasion—where 46 percent would support such a guarantee, but 42 percent said they did not know the answer. However, there is sizeable support in the United States for recognizing Taiwan as an independent country (69 percent), supporting Taiwan’s participation in international organizations like the United Nations or World Health Organization (65 percent) and signing a free trade agreement with Taiwan (57 percent).

In Australia, that unprecedented decline in views towards China have also coincided with growing warmth towards Taiwan. Australians’ warmth towards Taiwan on the Lowy Institute’s “feelings thermometer” increased by five degrees in 2020 – while feelings towards China cooled by a further seven degrees (following a ten degree fall from 2019 to 2020). There is a clear distinction in the eyes of Australians between Taiwan and China: 53 percent of Australians say Taiwan is a democracy, compared to 10 percent agreeing that China is a democracy. This is also relevant as the Australian government has shifted its language and tone when talking about Taiwan, describing Taiwan as a critical partner and democracy while reframing our foreign policy around a “world order safe for liberal democracy.”

At the same time, Australians are increasingly worried about the potential for conflict in Taiwan. The 2021 Lowy Institute Poll showed that a majority of Australians (52 percent) say a military conflict between the United States and China over Taiwan poses a critical threat to Australia’s vital interests, a substantial increase of 17 points from 2020.

“There is a clear distinction in the eyes of Australians between Taiwan and China.”

The Japanese public are also largely supportive of efforts to engage more closely with Taiwan. A Nikkei poll asked about the joint statement between President Joe Biden and former Prime Minister Yoshihide, where Taiwan was mentioned for the first time in a US-Japan joint statement since 1969. The statement said “we underscore the impor-
tance of peace and stability across the Taiwan Strait and encourage the peaceful resolution of cross-Strait issues,” and three-quarters of the Japanese respondents were supportive of that statement.

These shifts in public opinion can further bolster representations by regional governments when talking to China about Taiwan. The increase in support for Taiwan empowers governments to criticise China’s unilateral changes to the status quo with the weight of public opinion behind them.

However, in Australia, Japan and other regional countries, much of the public awareness and understanding of Taiwan continues to be framed around avoiding war and Chinese aggression. There is space for governments and civil society to build a better understanding of Taiwan in their societies.

Increasing the understanding in the region of Taiwan’s history and the aspirations of the Taiwanese people could contribute to a state’s ability to deter aggressive action from China towards Taiwan. This could lead to more domestic support to embark on non-military paths to support Taiwan, such as through economic engagement or by advocating further for Taiwan’s inclusion in international institutions. It would be useful to encourage public awareness beyond simply thinking of Taiwan as an “unfinished Chinese civil war,” a “flashpoint” or “a coming crisis.”

**Taiwan’s outlook on its own security**

China’s efforts to intimidate Taiwan have ranged from the well-publicised military incursions into Taiwan’s air defense identification zone, to economic coercion—such as bans on Chinese tourists to Taiwan or import restrictions on pineapples and custard apples. Since 2016, China has prevented Taiwan from attending the World Health Assembly, including during the pandemic, and has taken

“*There is space for governments and civil society to build a better understanding of Taiwan in their society.*”

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Figure 3: Australian warmth towards China and Taiwan over time

Source: Lowy Institute Poll
further steps to limit Taiwan’s participation in international trade agreements.

Taiwanese people are relatively confident in international support in the military sense—around seven in ten say it is likely that the United States and Japan would come to their aid in the event of an invasion by China. This confidence is no doubt helped by recent high-profile statements by U.S. President Biden, saying that the United States would come to Taiwan’s defence. Both Australia’s Defence Minister Peter Dutton and Japan’s Deputy Prime Minister Aso Taro have said it is more likely than not that their countries would also be involved.

Some would argue that this confidence in Taiwan has bred complacency. Taiwan is frequently criticized for not doing enough to develop its own defences and for not boosting military spending. The task is challenging as Taipei needs to respond to grey zone pressure while also deterring high-end military contingencies, including the possibility of an invasion.

However, Taiwan is also asking for more support on the economic and diplomatic fronts. Closer economic ties with more countries can also deter further efforts to force Taiwan to unify. A MyFormosa poll in September 2021 showed that 76 percent of Taiwanese wanted assistance to participate in international institutions, and 74 percent want a free trade agreement with the United States.

As China continues to push forward on a range of fronts to cause a sense of despair in Taiwan, including through disinfection and international isolation, the response from Taiwan and its partners in the region needs to also be on multiple fronts. Deterrence that is not just limited to the military sphere will become increasingly important—and this is recognised by most Taiwanese people. The recent efforts by the United States to advocate for Taiwan’s participation in the United Nations have been welcome to that end.

**Conclusion: multilateralising support for Taiwan**

Public attitudes in Taiwan have long played a role in contributing to the resilience of Taiwanese society to Chinese pressure. Attitudes about Taiwan in the United States, Australia, Japan, and elsewhere are also starting to play a role in multilateralising support for Taiwan.

China seeks to make Taiwan feel isolated and to create a sense of despair in the Taiwanese public. Countries beyond the United States have a role to play in countering these efforts, and not necessarily in the military sense. The more countries that seek unofficial ties with Taiwan and speak up for Taiwan’s inclusion on the world stage, the more caution can be encouraged in Beijing. It is noteworthy that Lithuania and Czech Republic are boosting ties with Taiwan as European parliamentarians visit the nation. A recent Australia-France statement also referred to peace and security for Taiwan, as did a United States-South Korea statement.

There is already evidence that the collective efforts of

“**It would be unwise to underestimate China’s resolve when looking at Taiwan. But there is also no reason to overreact.**”
partners in the region have encouraged some caution on China’s part. Xi Jinping’s speech on 9 October 2021 took a measured tone with regard to Taiwan compared to previous statements, and he said to President Biden on 16 November that China had “patience” with regard to unification with Taiwan.

Similarly, Beijing floated and then dropped the idea of passing a “unification law” for Taiwan in advance of China’s “Two Sessions” of the National People’s Congress and Chinese People’s Political Consultative Conference. Such a law could have been a signpost not dissimilar to Hong Kong’s national security law, but the language emerging from the Two Sessions was ultimately boilerplate.

It would be unwise to underestimate China’s resolve when looking at Taiwan. But there is also no reason to overreact or ignore the fact that collective deterrence has contributed to seven decades of peace across the Taiwan Strait. Military incursions and threats will continue—and publics across the region will be increasingly anxious about the prospect of conflict. But calm and consistent messaging from partner governments to China, and to their own publics, can play a role in preserving peace and stability in the region and for the Taiwanese people. This will require larger national conversations about Taiwan and its history and hopes for the region, rather than a binary of war and peace.

Notes

6 Ryan Hass, “Taiwan’s leaders need to coalesce around a defense concept,” *Taipei Times*, 1 November 2021.
Australia-Taiwan Relations

Mark Harrison

Australia-Taiwan relations can be understood as both a normal bilateral relationship based on trade complementarity and also a distinctive and complex area of foreign policy dominated by the implications for regional security of the territorial claim of the People’s Republic of China over Taiwan. Taiwan is Australia’s 12th largest trading partner, with two-way trade exceeding AUD $16 billion per annum of largely Australian primary resources and Taiwanese manufactured goods.¹ Australia-Taiwan relations are simultaneously a critical parameter in Australia-China relations, the U.S. alliance, and Australia’s relations in the Pacific. The multi-vector and sometimes contradictory nature of the relationship, and the absence of formal diplomatic recognition, produces policy outcomes that expose competing imperatives in Australia’s foreign policy-making apparatus.

Relations between Australia and Taiwan can also be understood as Australia-ROC relations, complicated by the overlapping histories of the Republic of China (ROC) and the People’s Republic of China (PRC) and highlighting the unstable national categories that beset Taiwan’s international relations and its place outside the international system. From the founding of the ROC in 1912 by the Chinese Nationalists, or Kuomintang (KMT), until the 1940s, Australia had a trade commissioner in Shanghai and there was ROC diplomatic representation in Australia throughout that time.² Taiwan itself was a colonial territory of Japan in this period, and Australia regarded its citizens as imperial Japanese subjects. During World War II, around one thousand Taiwanese people in Australia were interned on the basis that they were Japanese.

After World War II, with the retreat of the ROC government to Taipei in 1949 and the outbreak of the Korean War, Australia-Taiwan relations became framed by the Cold War and the ANZUS defense treaty signed in 1951 and the Sino-American Mutual Defence Treaty signed in 1954. Australia maintained diplomatic relations with the ROC and did not recognise the PRC, but for most of the 1950s and 1960s, it did not have an ambassador-level official in Taipei.

In 1972, in the context of US-PRC rapprochement, the Australian government recognised Beijing and broke relations with Taipei. This established the foundations of a One China policy, in which Australia does not recognise

“Relations between Australia and Taiwan can also be understood as Australia-ROC relations, complicated by the overlapping histories of the Republic of China and the People’s Republic of China.”

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Taiwan as a state in the international system but only goes so far as to “acknowledge” Beijing’s position that Taiwan is a province of the PRC.  

Relations remained non-functioning through the rest of the 1970s, as Australia began to engage very actively with Beijing, especially in the post-Mao period. The United States ended diplomatic recognition of Taiwan in 1979 and enacted the Taiwan Relations Act that included the establishment of the American Institute in Taiwan (AIT). This offered a model for Australia to reinstitutionalise relations with Taiwan, establishing the Australian Commerce and Industry Office Taipei in 1981, which began fulfilling many of the functions of an embassy without formal diplomatic recognition. The ACIO changed its name in 2012 to the Australian Office.  

Australia’s overall international orientation was also changing in the 1980s. Australia embarked on a range of policies aimed at domestic economic deregulation and promoting an export-oriented economy, known simply as “reform.” The new policy orientation posited an orientation of Australia’s political economy towards the rapidly-growing economies of Asia, especially Japan, but also Taiwan and South Korea. The smaller economies, known as the Asian Tigers, were elevated as both policy models for Australia of dynamic deregulated export-oriented economies and were themselves the target for Australian exporters with their growing middle classes and consumer cultures.  

This created a new conceptual basis for relations with Taiwan, which can be understood as the development of Australia-Taiwan relations, rather than Australia-ROC relations. This political economic shift in Australia created the parameters of the dual track in which trade relations were dynamic and positive while diplomatic relations were complicated by the factors of Taiwan’s international status, the absence of formal recognition, and Australia-China-US relations.  

In the late 1980s and 1990s, it was trade that dominated, expressing Australia’s own national policy priorities and also the development of new post-Cold War global and regional trade architectures in the era of “globalization.”  

From the Australian side, this meant a willingness to build relations with Taiwan on the basis of national political economic reform. Taiwan, however, faced different policy imperatives in the context of its deepening international isolation. For the Taiwan side, trade relations were a vector for sustaining Taiwan’s international space through government-to-government contact even in the absence of formal diplomatic relations. It was the start of an approach...
through the 1990s and 2000s that sought to “Taiwanise” Taiwan’s international relations and not compete directly with the People’s Republic of China as the “Republic of China.”

Throughout the 1990s, both Australia and Taiwan used a developing global and regional trade architecture for these different purposes that aligned their respective interests in the bilateral relationship. For Australia, it was to consolidate economic policy and for Taiwan it was to maintain Taiwan’s international space.

The establishment of Australia-led APEC, the Asia-Pacific Economic Cooperation forum, in 1989 exemplified the nature of the relationship. For Australia, APEC was a regional architecture that was premised on free trade, regional investment and economic development, and regional economies were its foundational unit. For Taiwan, APEC was an opportunity to build regional relations as an economy without formal diplomatic relations. Taiwan joined APEC in 1991, as “Chinese Taipei”, along with separate membership for Hong Kong and the People’s Republic of China.6

“For Australia, APEC was a regional architecture that was premised on free trade, regional investment and economic development, and regional economies were its foundational unit. For Taiwan, APEC was an opportunity to build regional relations as an economy without formal diplomatic relations.”

APEC building, Busan, South Korea Source: Adobe Stock

APEC does not address security and defense, however, and in the late 1990s those parameters of Australia-Taiwan relations came back into focus. In 1995 and 1996, China fired missiles into the waters around Taiwan during then-president Lee Teng-hui’s visit to the US and during the 1996 Taiwan presidential election campaign.

In response to the crisis, Australia affirmed its commitment to the U.S. alliance and offered political, but not military, support for U.S. naval actions near Taiwan.7 Also in 1996, Australia-China trade exceeded Australia-Taiwan trade for the first time, when both China and Taiwan were around 5 percent of Australia’s total international trade. Japan was 16 percent of total trade at that time. By the late 2010s, trade with China grew to become nearly 30 percent of Australia’s total trade volume, far and away Australia’s biggest trade partner, while trade with Taiwan declined to around 3 percent of Australia’s total trade.

From the late 1990s and 2000s, then, the growing importance of the PRC to Australian trade shifted the structure of Australia-Taiwan relations. As trade with China began to dominate Australian foreign policy, Australia became more sensitive to the PRC’s Taiwan policies and ideology. During this time, Canberra and Beijing also sought to extend the parameters of their relationship from trade and investment.
into broader issues of security and Australia’s support for China in the international system. This culminated in 2014 in the signing of a “Comprehensive Strategic Partnership” and the ChAFTA free trade agreement during a state visit by PRC president Xi Jinping to Australia.

The additional parameters of Australia-China relations and China’s willingness to assert its policy and political goals internationally therefore progressively changed Australia-Taiwan relations into a more complex and demanding relationship. For Australia, the relatively brief window when relations with Taiwan emphasised trade and investment mobilised by Australia’s changing political economy and new trade architectures closed and moved to a calculus of trade, defense and security concerns shaped by Australia’s relations with China and the United States and other countries in the region.

In 2004, this configuration was expressed sharply when then-Australian foreign minister Alexander Downer made a statement that the ANZUS defense treaty would not necessarily be in effect in the event of a military conflict in the Taiwan Strait that brought the US and China into a wider conflict. The contradictions in Australia-Taiwan relations tested Australia’s place in the US alliance system as well as the challenges to Australia’s political economic orientations to northeast Asia. Both Beijing and Taipei used development aid and investment as diplomatic tools in the Pacific in their competition and entered into the domestic politics of Pacific countries seeking support for policy changes. While Australia has professed principles of non-interference, in this period it tended to understand Taipei’s so-called checkbook diplomacy as destabilising of national politics in the region in the context of Australia’s growing economic relationship with China expanding into broader parameters of regional security. The absence of a regional security architecture or formal diplomatic relations between Australia and Taiwan constrained the capacity on both sides to manage these issues.

Notable examples were with Papua New Guinea in 1999, when the government of Bill Skate briefly recognised Taipei in exchange for low interest loans, and again in 2006, when another attempt by Taipei was made to establish relations with Papua New Guinea in exchange for US $30 million. In 2004, the government of prime minister Serge Vohor of Vanuatu also recognised Taipei, and sought to play Beijing, Taipei and Canberra off against each other in seeking development aid and investment before a no confidence motion was passed in the parliament against Vohor, he resigned as prime minister, and recognition returned to Beijing. Relations with the Solomon Islands, which established relations with Taiwan in 1983, have been especially

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challenging in the context of low-intensity armed conflict in the 2000s and the Australia-led Regional Assistance Mission to Solomon Islands (RAMSI). This reached a peak in civil unrest national elections in 2006, when various candidates accused both Taipei and Beijing of electoral interference in an effort to either maintain relations with Taipei or switch to Beijing. The Solomon Islands switched to the PRC in 2019.13

This problem in Australia-Taiwan relations in the Pacific was attenuated during the eight years of the government of Ma Ying-jeou in Taiwan from 2008 to 2016 when Taipei and Beijing implemented a so-called diplomatic truce and Australia oriented its foreign policy towards Beijing very directly as China became Australia's biggest export market. Taken together with the period under the Ma government and near the end of the Hu Jintao period in which relations with Beijing and Taipei were also positive meant that trade briefly returned to impel Australia-Taiwan relations, with both Australia and Taiwan pursuing relations in their respective calculations of interests.

From the Australian side, following the signing of a Comprehensive Strategic Partnership agreement and the China-Australia Free Trade Agreement (ChAFTA) in 2014, the Australia government actively considered an Australia-Taiwan free trade agreement. From the Taiwan side, the election of the government of Tsai Ing-wen in 2016 saw the implementation of a new framework, the New Southbound Policy (NSBP), to encourage trade and investment diversification and cultural exchanges and to strengthen Taiwan's regional diplomatic space. The NSBP included Australia and New Zealand, as well as South East Asia.

These policy initiatives recalled the 1990s focus on trade in Australia-Taiwan relations, but from the Australian side the impetus was short-lived. In 2017, in the context of its approach to the new Democratic Progressive Party government led by Tsai Ing-wen in Taiwan, Beijing communicated directly to Australia that it would look unfavorably on an Australia-Taiwan free trade agreement and the proposal was dropped by Canberra.14 This was one signal that the alignment of Australia's free trade-oriented foreign policy and Taiwan's pursuit of international space in the bilateral relationship was no longer a policy norm, and indeed that much of Australia's foreign policy priorities would need to be reassessed.

At this time, Australia-China relations deteriorated sharply across a range of parameters, with push-back by Canberra against political interference from Beijing and trade sanctions imposed on Australia in politically-sensitive economic sectors.15 In the Xi era, As Beijing has become more belligerent in its foreign policy tone and also towards Taiwan, the regional security environment has changed dramatically, and new architectures, notably the Quad and AUKUS, have developed that counter the trade architectures and express a new norm of countervailing forces of trade and security in the region.

In this new era, the costs as well as the benefits of Australia-China relations become more apparent. Although China remains Australia's largest export market and Australia's One China policy remains in effect so that Australia does not recognise Taipei, the zero-sum calculus by Canberra of relations between China and Taiwan has loosened. Instead of security negatively complicating a trade-domi-
nated Australia-Taiwan relationship, the trade and security parameters are coming into new alignment. A policy space has opened for Canberra to recognise that Taiwan’s de facto sovereignty and international space is a necessary condition for security and stability in the Indo-Pacific as part of a US-led strategy of deterring Beijing from initiating any change to the cross-strait status quo.

This alignment has been signaled by bilateral and multilateral statements from Australia identifying Taiwan’s security as a component of the regional order. It also includes trade and investment initiatives such as the Australia-Taiwan Hydrogen Trade and Investment Dialogue that has enabled direct government-to-government engagement at the ministerial level in the name of trade and investment in the post-carbon energy transition but which also supports Taiwan’s international space.

In this way, Australia’s approach to the bilateral relationship is now more closely aligned with Taiwan’s. It connects trade policy with Taiwan’s security and international space in the wider context of regional security. The limits of this alignment are also apparent. Australia-Taiwan relations will be tested the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), as both China and Taiwan have expressed their commitment to join.

Although it is possible to characterise Australia-Taiwan relations as positive and capitalising on shared interests, in a region that is being increasingly defined by great power competition between the US and China, it is also the case that the prospect of military conflict has also returned as a structuring force in Australia’s policy and public debates about Taiwan. However, as was the case when the same questions were posed in 2004, “Taiwan” is often a proxy for a debate about the US alliance and the centrality of Australia-China relations in Australia’s political economy, rather than a direct debate about Australia-Taiwan relations. Indeed, Taiwan as a place and the aspirations of the Taiwanese people are largely occluded in these discussions.

There is no doubt that that military activity by the People’s Liberation Army Air Force in the Taiwan Strait since 2019 has raised awareness in Canberra of Beijing’s agency in actions towards Taiwan in destabilising cross-strait relations and regional security. At the same time, the prospects of large-scale military conflict are not high relative to a range of other tactics that Beijing has and will continue to direct at Taiwan. Australia’s policy debate about Taiwan’s future is overly determined by the possibility of a US-China war and is inattentive to the equivocal choices that Australia will likely face in responding to PRC actions against Taiwan.

Australia-Taiwan relations could not be said to be normal and the prospect of a formal normalisation could only occur with a disruption or breakdown of the regional order, such as in the event of a military crisis in the Taiwan Strait. At the same time, the respective interests and approaches to their international relations have aligned in the era of strategic competition and China’s difficult relations with Australia and other countries in the region. As with earlier periods, contingent events may disrupt the current state but the intrinsic parameters of trade and regional security will continue to anchor Australia-Taiwan relations for the foreseeable future.

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Notes


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