

Map 18.1: Chinese Maritime Claims in the South China Sea

18

PRC Disputes with the ROC on Taiwan

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The approximately 100 mile (161 km) wide Taiwan Strait separates the People's Republic of China (PRC) from the Republic of China (ROC) on Taiwan. For much of its post-1949 history, the ROC claimed all of mainland China—including Mongolia and many disputed frontier lands—as its sovereign territory. Gradually Taipei's expectation of retaking the mainland diminished, but it still has territorial claims and exerts actual control over a number of small islands off the coast of China, including Jinmen (formerly Quemoy) and Mazu islands, as well as the Pratas islands to the southwest. It also retains control over the largest island in the Spratlys, Itu Aba (Taiping Island in Chinese).

By contrast, the PRC claims not only all of the offshore islands controlled by Taiwan, but all of the islands that make up the ROC proper, comprising the island of Formosa, the Penghu islands (formerly the Pescadores), and many smaller islands like Green (Lü Dao) and Orchid (Lan Yu). The two governments do agree with each other, however, on many South China Sea maritime and territorial claims contested by other Southeast Asian nations. But even though the PRC and the ROC agree that the South China Sea is China's, Beijing disputes Taipei's particular claims to the South China Sea, including Taiwan's physical control over Itu Aba. While the PRC and ROC also agree that the Diaoyu/Senkaku islands located in the southern East China Sea are China's, they disagree on which China.

Interestingly, Beijing and Taipei have cooperated with each other when conflicts erupt against another claimant, such as when China fought with Vietnamese troops in the Spratlys during 1988. If the two governments were ever to unify, either in reality or simply on paper—for example, in some form of "United Front"—then Taipei's greater territorial claims might even give Beijing an opportunity to reopen border negotiations with many of China's neighbors. Such an occurrence might allow a newly reunified China one last chance to claim disputed territory that its neighbors may have erroneously assumed were already settled permanently.

Early History of Taiwan and the Defense of the Taiwan Strait

Taiwan is just one of the numerous islands along the so-called first island chain that includes the Japanese and Okinawan islands to the north and the Philippines to the south. Off the coast of the PRC are thousands of smaller offshore islands. Zhejiang Province has an estimated 1,800 islands off its coast. Add to this number the 600 islands off Fujian Province and the 550 islands off Guangdong Province and the total gives China's southeastern coast almost 3,000 islands. Many are too small to be inhabited, while the Mazu islands have about 10,000 and the 60-square mile island of Jinmen had over 60,000 people living there in the 1950s, and it is now closer to 85,000.

The first inhabitants of Taiwan arrived around 6,000 B.C.E. and appear to have been Austronesians, with distinct ethnic ties to the indigenous populations of the Philippines, Malaysia, Indonesia, and the Polynesian islands. While they knew about the island, Han Chinese migrated to Taiwan in large numbers beginning only in the 17th century, spurred by the Manchu domination of northern China in 1644. Zheng Chenggong (1624-1662), in particular, led large numbers of Ming loyalists to Taiwan in 1661, defeating a Dutch stronghold at Anping after a nine-month siege on what the Dutch called Formosa (meaning "Beautiful Island" in Portuguese).

This Han Chinese victory was especially notable because Zheng's forces used a number of offshore islands—including Jinmen and the Penghu—as "stepping stones" to cross the Taiwan Strait. Zheng's successors held out against the Manchus for another twenty years, but Taiwan finally fell to a Qing fleet of 300 warships and 20,000 troops commanded by Admiral Shi Lang (1621-1696) in 1683.¹ At this stage, Taiwan was included in Fujian Province, but became a Chinese province in 1885.

Due to its strategic importance, Taiwan has been fought over many times, including in the 17th century by Ming loyalists opposing the Manchu conquest of China, the Manchus in the 18th century putting down a local rebellion, and during the 1880s Sino-French conflict. As a result of the first Sino-Japanese War, China ceded Taiwan to Japan in the 1895 Treaty of Shimonoseki. Japan maintained sovereignty over Taiwan for fifty years, until Japan's surrender in 1945, at which point—according to the terms of the Cairo and Potsdam agreements—Taiwan was returned to "China." When the San Francisco Peace Treaty was signed in 1951, however, Japan renounced sovereignty to Taiwan without stating whether the PRC or ROC should assume sovereignty.

At the end of World War II, of course, China meant the "Republic of China," or "Nationalist China" since the Chinese government was under the sole authority of Chiang Kai-shek and his Nationalist party. However, the civil war was renewed in China immediately after World War II ended, and by 1949 the Chinese Communists

under Mao Zedong were able to push southward into China proper from their base in Manchuria. On 1 October 1949, the Communists created the PRC, while the Nationalist government retreated to the island security of Taiwan. Chiang Kai-shek and his advisers moved completely to Taiwan only in early December 1949.

During the summer and fall 1949, Nationalist forces fought fiercely to defend their control over numerous offshore islands. The Nationalists retained one regiment of marines on the Miao islands north of Shandong peninsula to blockade the Bo Hai Gulf and the northern ports, even while they stationed troops on Zhoushan and the Saddle islands to blockade the Yangzi River. Meanwhile, they fortified the Dachen, Mazu, Jinmen, and the Penghu islands near Taiwan, Lema and Wan Shan islands near Guangzhou, and Hainan Island, fifteen miles off the southern coast of Guangdong Province. During 1949, Nationalist control over these offshore islands, often with the support of local guerrilla groups, allowed them to blockade about two-thirds of China's coastline. This situation began to change during late fall 1949. While a Communist attack on the Nationalist-held base on Jinmen failed during October 1949, the southern city of Guangzhou soon fell to the PLA. Meanwhile, the loss of a number of strategic islands in the north effectively narrowed the Nationalist blockade to central and southern China.²

The Nationalists initially also retained control over Hainan, directly off of China's southern coast. From March-May 1950, Communist forces succeeded in pushing the Nationalist forces from Hainan. The key PRC military advantage over the Nationalist defenders proved to be the large size of the PLA, with the Communist junks and troops moving only at night. The PLA's fleets of small boats crossing the Qiongzhou Strait using "riverine tactics," overwhelming the Nationalist air and surface units there. Communist forces, in spite of naval and air inferiority, succeeded in capturing Hainan by early May 1950 and the Zhoushan archipelago by late May 1950, squeezing the Nationalists on Taiwan from both the south and north.

The PLA forces were aided in taking these fortified islands by the fact that they were very close to the Chinese mainland, and so allowed for a mass attack. Naval historians have speculated, however, that such tactics "would be of no use against the primary target, Taiwan, which lay nearly 100 nm from the coast."³ In fact, for the PRC to invade Taiwan would require a major naval effort on its part, including the gathering of hundreds, perhaps thousands, of ships and the training of tens of thousands of troops. The natural defenses provided by the Taiwan Strait have militated against such an attack.

By the summer of 1950, the Nationalists had lost their crucial island bases in the Bo Hai Gulf, off the mouth of the Yangzi River, and on Hainan Island. These losses cut the Nationalist ability to conduct a blockade against China by over half. The Communists' mass attack on Hainan, which was only 15 miles from the mainland,

could not be so easily replicated against Taiwan. As a result, continued Nationalist control of numerous offshore islands in the Taiwan Strait was considered critical to deter the Communists from launching an invasion of Taiwan.

The Importance of Offshore Islands

Traditionally, offshore islands had acted as “stepping stones” to support an invasion of Taiwan. When the PLA halted its spring 1950 offensive, the Nationalists held approximately 30 offshore islands. This gave them the ability to dominate a 400-mile arc of coastal waters from the Dachen islands in the north off Zhejiang Province, to Jinmen in the south off Fujian Province. Taiwan’s control over these islands helped stop a PRC cross-strait invasion, while also allowing the Nationalists to conduct a decade-long naval blockade of the mainland.

During early 1950, the Nationalist Navy could dominate the majority of China’s southeastern coastline from bases on these strategic offshore islands. But by spring 1950, there was ample evidence that the Communist forces were preparing to attack, as the PLA began to concentrate thousands of motorized junks in the port cities along the Taiwan Strait in preparation for a massive amphibious invasion.⁴ According to one U.S. Navy estimate, the Communists could assemble “7,000 merchant steamers and other large vessels” to transport 200,000 troops across the Strait.⁵ After the Korean War broke out in June 1950, however, the U.S. Navy formed the Taiwan Patrol Force to help neutralize the Taiwan Strait.⁶

By summer 1953, when the Korean armistice was signed, the Nationalists still controlled about 25 offshore islands. On 30 July 1953, a U.S. Navy report entitled “Security of Offshore islands Presently Held by the Nationalist Government of the Republic of China,” divided 20 of these into three categories. In Category I were four offshore islands off Fuzhou, including Mazu, and four islands off Xiamen, including Jinmen, which “could be used to counter Chinese Communist invasion operations.” Retaining these eight islands was considered militarily desirable. Category II including two islands in the Dachens, and were not considered important to defend Taiwan and the Penghu islands. Finally, in Category III were ten smaller offshore islands, whose main importance was in defending the ten islands in Categories I and II.⁷

As for the many other offshore islands under Nationalist control, U.S. Navy planners concluded they “are not now being utilized for important operations and are not considered worth the effort necessary to defend them against a determined attack.” Still, as this U.S. Navy report was quick to point out, none of the offshore islands could be called “essential” to the defense of Taiwan and the Penghus in the sense of being “absolutely necessary” militarily. Their importance to the Nationalists was mainly for “psychological warfare purposes,” as well as for their

use in “pre-invasion operations, commando raiding, intelligence gathering, maritime resistance development, sabotage, escape and evasion.”⁸

China’s southeastern coastline was especially tense during the mid-1950s. Both Communist and Nationalist forces fiercely defended their positions on numerous offshore islands, in the hopes of changing the strategic balance. During early 1955, for example, the People’s Liberation Army Navy (PLAN) took Yijiangshan Island as part of the first Taiwan Strait Crisis, forcing the Nationalist troops to retreat from the nearby Dachen islands. This meant that Mazu became their northernmost outpost. Later, in 1958, during the second “Taiwan Strait Crisis,” the PRC tried to force the Nationalists to retreat from Jinmen Island. However, with U.S. assistance and training, the Nationalist Navy successfully broke the PRC blockade of Jinmen to bring in essential supplies.

After the two Taiwan Strait crises in the 1950s, the PRC-ROC division of offshore islands remained substantially unchanged down until the present. Taiwan continued to control almost twenty offshore islands, including the island of Jinmen, which includes two other islands, Lesser Jinmen, or in Chinese Xiao Jinmen, and Dadan Island. Nearby were the islands of Wuqiu, Daqiu, and Xiaoqiu. Meanwhile, the Mazu islands included a number of smaller islands, including Beigan (北竿) and Gaodeng. Taiwan also controls a number of small islands off its own shores, including Green Island, or Lü Dao, Orchid Island, or Lan Yu, and Lesser Orchid Island, or Xiao Lan Yu.

In sharp contrast to these disputes in or near the Taiwan Strait, the PRC and ROC tend to agree that the Japanese-claimed Senkaku islands (Diaoyutai in Chinese) should be China’s, although they disagree which China, plus some ultra-nationalists claim that all of the Ryūkyū islands (Liuqiu islands in Chinese), including Okinawa, were traditionally part of China’s tributary system, and so should be considered Chinese. The two governments also have overlapping maritime and territorial claims in the South China Sea and elsewhere.

Overlapping PRC-ROC Maritime and Territorial Claims

Since 1949, the PRC and the ROC have each considered themselves to be the only legitimate government of China. While both Beijing and Taipei agree that Xinjiang, Tibet, and Inner Mongolia are part of China, for most of this time Taiwan also claimed Mongolia (formerly called Outer Mongolia). The Taiwanese government recognized Mongolia as a separate country on 3 October 2002, even though the official borders of the Republic of China have apparently not yet been changed nor have official ROC maps that include Mongolia as part of China been replaced. Meanwhile, the PRC claims not only the offshore islands garrisoned by Taiwan, but

all of the Penghu islands, formerly called the Pescadores, as well as Taiwan Island, also known as Formosa, and the much smaller Green Island, Orchid Island, and Lesser Orchid Island, right off Taiwan's east coast.

Moreover, China and Taiwan both claim disputed territories in the South China Sea, which are likewise claimed in part or wholly by Brunei, Malaysia, the Philippines, and Vietnam. Additionally, while Indonesia holds uncontested sovereignty over the Natuna islands, overlapping maritime claims may exist between Indonesia on behalf of these islands and China (and possibly other claimant states) generated from the disputed Spratly islands. Chinese historical records dating back to the 2nd century B.C.E. pre-date any other historical claims. This does not mean that the islands were never explored or used by Vietnamese or Filipino fishermen, however, but that the Chinese were the first to document their early presence. One academic has concluded that, "it is true that the weight of the evidence appears in the present case to be on the Chinese side, although this may reflect mainly the greater industry of traditional Chinese authors in keeping geographical and historical records."⁹

Beginning in the 1880s, France, Japan, and China became interested in dominating the South China Sea. As a result of the Sino-French conflict in 1884-1885, France made Annam (Vietnam) a protectorate and later a colony, and then during the first Sino-Japanese War of 1894-1895, Japan annexed Taiwan. Faced with what China considered to be illegal Japanese mining operations on several phosphorus and guano-rich islands in the Pratas and Spratly islands, in 1907 Qing Admiral Sa Zhenbing led a naval expedition to reclaim these islands for China. During September 1909 the Qing government renamed the Naval Reorganization Council into the Ministry of the Navy. China's newly modernized navy then conducted several naval operations in the South China Sea, and in 1909 and 1910 China formally annexed many of these islands—including the Paracel and Pratas islands—to Guangdong Province and also sent a ship every year to the South China Sea "to maintain contact with overseas Chinese on these islands."¹⁰

Following the collapse of the Qing dynasty in 1911, China was in turmoil for many years. In 1926, the recently established Nationalist Navy built a radio station on the Pratas islands. Taking advantage of China's comparative weakness, however, French Indochina occupied the Paracel islands in 1932. But with Japan's invasion of China in 1937 the Japanese began to make their own claims to the Pratas, Paracel, and Spratly islands. During 1937, for example, as part of their occupation of China, Japan seized Pratas Island and captured and interrogated 29 Nationalist soldiers. France, in response to the threat from Japan, sent an expedition to the Paracels, officially claiming it as part of Annam (Vietnam) on 4 July 1938. Immediately, the Nationalist government-in-exile in Chongqing and the Japanese government

protested France's action; Japan even stated in its own 8 July 1938 protest that France was violating Chinese sovereignty when it occupied the Paracel islands.

France next claimed the Paracel islands as part of the French Union in 1939. In response, on 31 March 1939, Japan made a parallel claim on behalf of the Governor General of Taiwan, which was at that point an integral part of the Japanese empire. When France withdrew its forces the next year, however, Japan occupied the Paracels, but this time not on behalf of Taiwan but as Japanese territory based on an earlier territorial claim dating to 1917.

Japan also specified that its claim to the Spratly islands included all of the islands 7° 00' and 12° 00' north and 111° 30' and 117° 00' east. From 1939-1945, the Japanese occupied Itu Aba, building a fuel depot, submarine base, and a radio station there. Near the end of the war, the Japanese were forced to withdraw. According to one view, only with the Japanese occupation of the islands in the late 1930s could valid claims of sovereignty through effective occupation even be made. While Chinese historical interaction with these islands could establish the basis for a claim to sovereignty, therefore, such a right must be followed up with *de facto* occupation of the territory to establish legal sovereignty. This occupation was not attempted by China until after World War II.

Post-World War II South China Sea Claims

Soon after World War II ended, the Nationalist government sent two destroyers to the South China Sea during November-December 1946 to establish a garrison on Itu Aba. Taiwan claims the Spratly islands based on the fact that Nationalist troops were the first to occupy one of the Spratly islands after the Japanese withdrawal in 1945. Beijing's parallel claim to the Spratlys agrees with this, plus is based directly on the 1947 eleven-dashed map issued by the ROC, since Beijing claims to have inherited all ROC territory when the Chinese Communist Party took power in 1949. Accordingly, the PRC has claimed a nine-dashed line from the early 1950s.¹¹

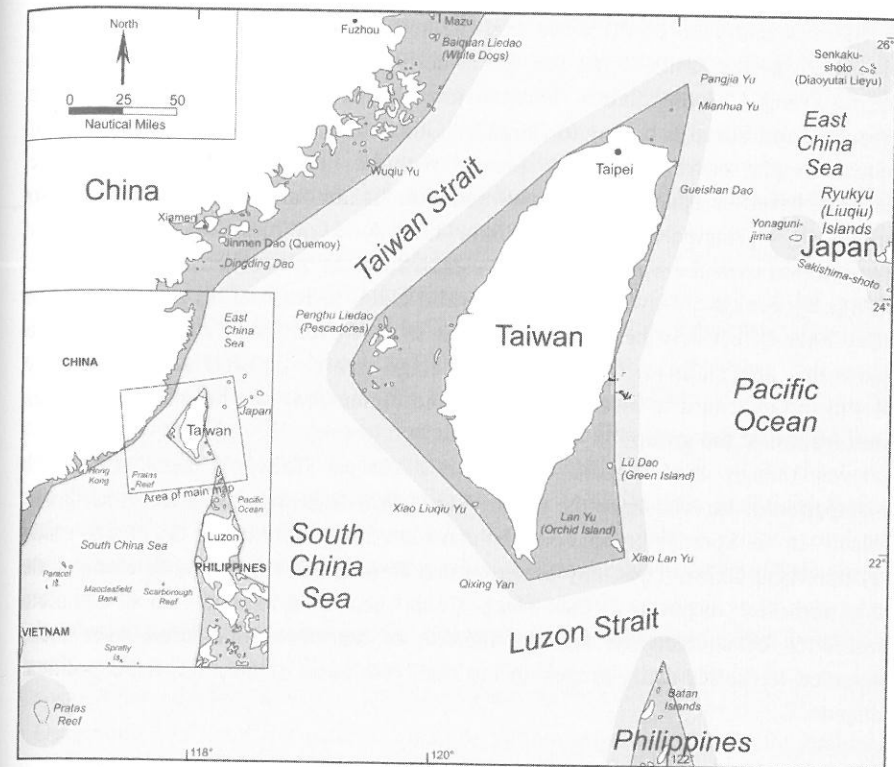
However, there is disagreement over whether this Nationalist garrison was later removed, with some sources stating that all Chinese military forces left the Spratly islands in May 1950 due to the ongoing civil war in China and that they only returned in July 1956, possibly in response to exploratory activity in the area by Philippine nationals. During an interview in Taipei in March 1993, this absence of a Chinese military presence in the island for several years was apparently confirmed by retired ROC Navy Vice Admiral Liu Dacai. But other scholars argue that a "small contingent of Taiwanese troops remained on the largest island Itu Aba (Taipingdao) in the Spratly group" during this period.¹²

Either way, on 29 May 1956, the PRC Foreign Ministry stated that “Taiping [Itu Aba] and Nanwei [Storm/Spratly] Island in the South China Sea, together with the small islands in their vicinity, are known in aggregate as the Nansha islands. These islands have always been a part of Chinese territory. The People’s Republic of China has indisputable, legitimate sovereignty over these islands.”¹³ On 2 June 1956, the American Ambassador to Taipei reassured the ROC Foreign Minister that the United States had no intention of getting involved in the Spratly dispute. After receiving this assurance, the ROC also officially reclaimed Itu Aba (see Map 18.2).

On 5 June 1956, the South Vietnamese (ROV) Minister Cao Bai stated that the Spratly and Parcel islands had been under the jurisdiction of the French colonial government and that Vietnam subsequently had jurisdiction by virtue of grant of sovereignty by France; soon afterward, South Vietnam landed naval units in the Spratlys. In response, Beijing insisted that an 1887 treaty with France, the Sino-French Convention, ceded to China the Parcel and Spratly groups. But other scholars argued that despite the historical claims of the Chinese and Vietnamese, “only those events that took place since the 1930s are relevant to the analysis of the present dispute,” which would make the 1887 treaty largely moot.¹⁴

From that time on, all subsequent claims and counterclaims to the Paracels and the Spratlys became even more complex. On 4 September 1958, the PRC issued its own “Declaration on Territorial Waters,” which specifically stated that the Parcel (Xisha) and Spratly (Nansha) islands were Chinese territory.¹⁵ The Communist government of North Vietnam, which sought aid from Communist China, appears to have accepted Chinese sovereignty over the Parcel and Spratly islands ten days later. On 14 September 1958, in a note to Chinese Premier Zhou Enlai, North Vietnamese Premier Pham Van Dong expressed his government’s support for China’s Declaration, stating “the Government of the Democratic Republic of Viet Nam recognizes and supports the Declaration of the Government of the People’s Republic of China on China’s territorial sea made on September 4, 1958.”¹⁶ These statements by the then North Vietnamese government were later cited by the PRC as Vietnamese acceptance of China’s sovereignty over the islands.¹⁷

With regard to the Paracels, both China and Taiwan agree that they are Chinese. In January 1974, the PLAN occupied these islands by force, taking them away from South Vietnam. The Chinese name for this expedition is *Xisha Ziwei Fanjizhan*, or “Counterattack in Self-Defense in the Parcel Islands.”¹⁸ Following Vietnam’s reunification during 1975, Hanoi disputed China’s possession, even though Hanoi had apparently recognized the PRC claim in 1958. On 1 July 1976, Vietnam restated its position that the Paracels were Vietnamese territory.



Map 18.2: Taiwan’s Straight Baseline and Maritime Claims

Recent PRC-ROC Tensions in the South China Sea

In 1988, the PRC incorporated the Paracels and the Spratlys into a new Chinese province called Hainan Province. Then, on 4 December 2007, China unilaterally announced it had created a new “city,” called Sansha, in Hainan Province to administer the Paracels, Macclesfield Bank, and the Spratlys, even though China’s sovereignty over these islands remains in dispute. According to news reports, “Shock waves were felt immediately throughout the region: both Vietnam and Indonesia formally protested China’s unilateral and preemptive move.”¹⁹ In response to China’s action, during February 2008 Taiwanese President Chen Shui-bian flew to Itu Aba for an official visit. Chen’s trip not only proved that the recently lengthened runway could handle C-130 cargo planes, but was also perceived as reinforcing Taiwan’s claim to these disputed territories.²⁰

There is really no conflict between the sovereignty claims of the China and Taiwan over the South China Sea. Both the PRC and the ROC feel that they are representing Chinese claims, and “historically, there is no question that the Paracels and Spratlys belong to China.”²¹ Other scholars disagree that they are of equal weight, however, arguing instead that the PRC’s legal position on the islands, based on applicable international law, “is not only weak *de jure*, but also *de facto*,” principally because China had done nothing to exercise their jurisdiction over the Spratlys prior to establishing its own outposts in the area in 1988. By contrast, Taiwan has a more valid claim to Itu Aba, in particular since they have effectively held and developed it. However, “Taiwan cannot deduce from this any claim to the whole archipelago (which is, after all, an arbitrary definition in regard to insular affiliation and dimension) just because it occupies one feature of the group.”²²

Even though they dispute each other’s claims, Taiwan’s near continuous occupation of Itu Aba since the end of World War II, which is arguably the “main island” in the Spratlys group, could be considered as underpinning the claims made by mainland China. Thus, any assertion that Beijing has the ability to alone settle the territorial disputes in the South China Sea is debatable, since complete resolution of sovereignty, and delimitation of maritime boundaries, over these disputed territories really hinges on the final resolution of the PRC-ROC political dispute.

Potential PRC-ROC Cooperation

Beginning in 1992, the PRC and ROC conducted a series of informal talks designed to clarify their positions on a wide range of issues, including Taiwan’s support for the “one China” principle. These talks broke down in 1998, due to the increasing strength of the Taiwanese pro-independence movement, as indicated by Chen Shui-bian’s presidential victories in 2000 and 2004, but resumed again during June 2008 following the Nationalist return to power. Since that time, PRC-ROC relations have improved dramatically, including increased travel, cross-strait investment, and direct shipping. Taiwanese investment in the PRC rose sharply, hitting \$13.3 billion in 2010 alone.²³

While the ROC and the PRC disagree over the ownership of particular islands in the Spratlys, they would appear to back a single Chinese claim against any other. For example, the PRC and Taiwan dispute Vietnam’s claim to sovereignty over the Paracels. In the Spratlys, the PRC, Taiwan, and Vietnam all claim the entire group, while the Philippines, Brunei, and Malaysia have more limited claims. Except for Brunei, all these nations have at one time or another supported military actions, and there were almost a dozen reported incidents during the 1990s alone. However, of

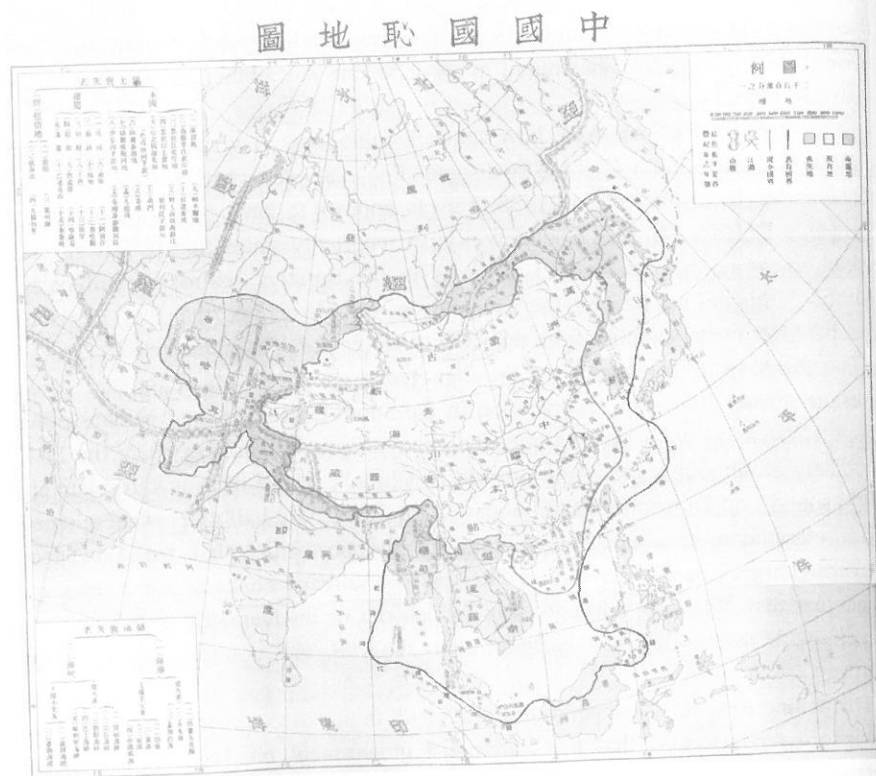
all the countries that have an interest in these waters, the PRC has arguably spent the most time and money building a comprehensive military support infrastructure in the South China Sea that might allow it to one day obtain its strategic goals through force.²⁴

In the past, the PRC and ROC have shown a willingness to cooperate against other claimants in the South China Sea dispute. For example, when Sino-Vietnamese tensions led to conflict during 1988, Taiwan appears to have supported the PRC. Taiwan’s Defense Minister Cheng Wei-yuan reportedly stated that if Taiwan was asked, it would help defend PLA forces in the Spratlys against a third party. Although this did not happen, there have been credible claims “that PRC garrisons received freshwater supplies from the ROC troops on Itu Aba in that year.”²⁵

The 20 May 2008 election of the Nationalist candidate Ma Ying-jeou could presage greater ROC-PRC cooperation in the South China Sea, and perhaps other disputed areas as well, such as over the Diaoyu/Senkaku islands, where the PRC and Taiwan agree that the islands should be China’s. While there is still relatively little support on Taiwan for reunifying with the PRC, fully half of Taiwanese agree with continuing economic integration. But the possibility that the Taiwanese government will back down before PRC pressure already concerns some scholars, who fear that “Ma may wittingly sell Taiwan out or inadvertently give away too much, with results that will be harmful to the U.S. and potentially ruinous for Taiwan.”²⁶

Deepening PRC-ROC cooperation could result in unexpected benefits for Beijing. It is often overlooked that the Nationalist government on Taiwan still claims territory from its neighbors that equals, and in many cases, exceeds those lands claimed by the PRC. For example, the ROC constitution apparently still lists all of Mongolia as being part of China, and perhaps all of Tuva (formerly Tannu Tuva), which was annexed by the USSR outright during World War II. Taiwan also potentially has a large number of outstanding territorial disputes with countries that do not currently recognize it, including Afghanistan, Bhutan, Myanmar, India, North Korea, Pakistan, Russia, and Tajikistan.²⁷

In 1927, the Nationalist government even published a map (see Map 18.3) showing the largest extent of China’s former borders.²⁸ During May 2012, the PRC government appeared to support these Nationalist borders when Foreign Ministry officials stated that Beijing’s claim to the South China Sea could be dated to a 1279 survey “commissioned by Emperor Kublai Khan,” a Mongol leader during China’s Yuan dynasty, who controlled most of Eurasia at that time.²⁹ Notably, Beijing announced on 26 July 2012 that Senior Colonel Cai Xihong would command a newly created Sansha garrison, located on Woody island in the disputed Parcel chain, to help defend China’s South China Sea claims.



Map 18.3: 1927 Nationalist Map with "Former Borders" Outer Black Line

This raises the possibility that should China and Taiwan ever unify peacefully, then a whole host of border disputes that appear to be settled today could be re-opened for further discussion and negotiation. This situation has happened before. For example, during negotiations leading to the unification of East and West Germany, Poland was very concerned when German Chancellor Helmut Kohl indicated that the border with Poland might need to be renegotiated. During the two plus four talks, only the intervention of the United States, France, Great Britain, and the USSR convinced Germany to declare that the current borders would be maintained unchanged: "The treaty which finally came out of these talks, and paved the way for reuniting Germany, calls for the current borders to be maintained."³⁰ Unlike Kohl's decision to respect the status quo, it is highly doubtful that a newly unified China would back down so quickly before foreign pressure.

Conclusions

Beijing's and Taipei's opposing territorial claims make the PRC-ROC situation one of the most complex of any of the ongoing maritime and territorial disputes between neighbors. Both governments agree on their territorial claims against Japan, including the Diaoyu/Senkaku dispute, and they also agree that China's sovereign territory includes the South China Sea. But Taiwan currently occupies some of the largest islands there, including the Pratas islands and Itu Aba, or Taiping Island, even while the PRC occupies the Paracels and ten small islands in the Spratlys. In general, Taiwan supports the PLAN activities against all other South China Sea claimants, even though the PRC's official policy is that only Beijing has the right to claim sovereignty over the entire South China Sea, including all Taiwan-controlled islands.

Meanwhile, the PRC has repeatedly stated that it will not interfere with freedom of navigation in the South China Sea, but it refuses to clarify exactly what areas it claims. Beijing's submission of the infamous nine-dashed map of the South China Sea to the CLCS in May 2009 suggests that the PRC continues to treat this entire region as "historic waters." In the unlikely event that the PRC was able to persuade the international community as to the validity of its historic waters claim, this could exempt all or part of the South China Sea from freedom of navigation and overflight principles. According to one scholar, "Beijing could be intent on transferring large areas of the South China Sea from a regime in which warships have immunity from its jurisdiction, to one in which permission is required for entry. Of course, China cannot now enforce such a regime. But when it is strong enough, it may try to do so."³¹

Taking into account the historical examples of the PRC's maritime disputes, including over the Pratas, Paracel, and Spratly islands, repeated assertions by Beijing beginning in 2002 that it will work with the ASEAN countries to limit frictions over these islands and to resolve their differences peacefully should be met with healthy skepticism. Such doubts are supported by the minimal progress that has been made in the implementation of the confidence building measures outlined in the 2002 China-ASEAN Declaration on the Conduct of Parties in the South China Sea. In particular, Taiwan is excluded from this agreement, even though Taipei is a major claimant of these disputed territories and actually occupies several of the larger disputed islands in the South China Sea. Conversely, if the PRC and ROC were to one day unify, then new border claims could perhaps be made based on Taiwanese maps; this might give Beijing a golden opportunity to renegotiate borders that it was already not completely satisfied with.

Notes

The thoughts and opinions expressed in this publication are those of the author and are not necessarily those of the U.S. government, the U.S. Navy Department, or the Naval War College.

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