



**From Japan to Vietnam via
Taiwan: what strategy should
Europeans adopt in the face
of Chinese territorial claims?**

Laurent Amelot
and Hugues
Eudeline

Note 49
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From Japan to Vietnam via Taiwan

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in the face of Chinese territorial claims?**

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Abstract

Economic lung of the world, The China' seas are also the theatre of territorial claims which generate tensions. People's Republic of China is the main protagonist • Indeed, Communist China is constrained in its maritime accesses, because none of the surrounding islands is under its sovereignty. In addition, its trade flows must pass through compulsory crossing points, that it does not control too. It is a real national security issue for China, which described it as the « Straits' Dilemma ». Therefore, China has an urgent need to free itself from this straitjacket that is gripping it. In 1992, four years before joining the United Nations Convention on the Law of the Sea (UNCLOS), Mainland China promulgated a law on « the territorial sea and the contiguous zone ». That law granted to China sovereignty over 2/3 of the China' seas. Based on the « Line of nine or ten dashes »'s theory, that law is in contradiction with the UNCLOS; Purely and simply, Beijing is appropriating almost all of the China' seas.

This maritime posture represents a major economic and geopolitical paradigm shift for China. Usually, it is more oriented towards its western flank • Therefore, to remove its own constraints, China is embarking on a policy of reclaiming the reefs and the islets of the China' seas to resolve the « Malacca Dilemma » and to break down the Taiwanese lock. Especially for the latter, the central question is no longer whether, but rather when China will invade it. Its Navy, now larger in tonnage than the US Navy, is formatted for this priority mission. In addition, Beijing is considering making this region a bastion for its strategic oceanic fleet.

A political reengagement of Europeans is necessary • The aggressive policies the People's Republic of China is pursuing in the China' seas is a major challenge for the West, for the world. Are they ready to fight for some island reef? Certainly not. But if it comes to the security of critical trade routes, it certainly does. The China' seas are a strategic area for the international community and for Europe, which has various interests to defend there. Thus, in April 2021, the European Union set out the outlines of what will be its strategy for the Indo-Pacific Region, as an extension of the official work of some of its members (France, Germany, the Netherlands) and unofficial of others (Denmark, United Kingdom before Brexit). However, this UE strategy only indirectly refers to the China' seas, which are one of the hottest spots on the world and above all, the backbone of the mega maritime region that's Indo-Pacific.

Also, in order to refocus part of the debate around the China' seas, the Thomas More Institute is proposing a European action in four stages:

- **Creating a community of democratic values**, involving Taiwan in it;
- **establishing strategic autonomy**, promoting inclusive partnerships;
- **restoring the logic of hard core**, placing France at the heart of the Union's Indo-Pacific/China' Seas strategy;
- **pooling and pre-positioning naval forces** in the Indo-Pacific Region, organizing freedom of navigation operations (FONOPS).

This pivot to the Indo-Pacific Region marks the EU's will to re-engage politically in this region and to truly become a global political actor. The China' Seas could become a laboratory for developing a real policy within the framework of the EU's Common Foreign and Security Policy (CFSP).

Introduction

Under the law of the sea (1), when an offshore area under a state's jurisdiction extends into the high seas, it does not have "boundaries" in the onshore sense of the word, but rather, external limits of national jurisdiction. Areas of overlapping jurisdiction between States with adjacent or opposing coastlines can generate delimitations that involve the territorial sea (2), the exclusive economic zone (EEZ) (3) and the continental shelf (4). At state level, these are the only types of maritime boundaries that exist.

However, this is not how the government of the People's Republic of China (PRC) sees it. It wants to impose a new type of boundary –the “nine-dash (or ten-dash) line”– claiming that its national historical legitimacy transcends international law based on the country's proven centuries-old seafaring presence in the South China Sea. This claim –shared with Taiwan– is explained in geostrategic terms by the paramount importance of controlling this sea. As the country's main maritime approach, its control is of an existential nature for the Chinese Party-State, whose economic and political resurgence has been chiefly based on opening to the shipping trade since 1978.

In 1436, China closed the great book of its maritime history for more than five centuries when an edict from the emperor put an end to distant expeditions like those led by Admiral Zheng He in the South China Sea and the Indian Ocean until his death during his seventh voyage (5). This decree imposed a death sentence on the construction of multi-masted ocean-going ships a few decades before Europeans reached the Canton River from Malacca (1514), in much less technologically sophisticated vessels.

The Middle Kingdom became more and more influenced by its Russian neighbours as well as by foreigners from the sea, first Europeans, then Americans and Japanese. By the eighteenth century, the Qing Empire had reached its peak after conquering vast land areas. According to Angus Maddison, in 1820, China's share of global gross domestic product (GDP) was 32.4% (6). At that time, it was the world's largest economy. The Empire's fortunes during the rest of the nineteenth century contrasted sharply with this period of growth. Insurrections, a constant in Chinese history, were widespread and extremely violent. The victims numbered tens of millions. Adding to the atrocity of the situation, the consequences for the state's finances were particularly severe.

The situation was further aggravated by foreign, European, and Japanese interventions. Although much less deadly, at national level they represented a truly humiliating display of military and industrial superiority. China was losing all its conflicts, especially at sea, where it was defeated by France in 1884-85 and Japan in 1894-95. It was forced to sign a series of so-called “unequal treaties”, the inequity of which

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(1) The law of the sea is set out in the United Nations Convention on the Law of the Sea (UNCLOS), known as the Montego Bay Convention of 10 December 1982, [available here](#).

(2) Art. 15 of the UNCLOS.

(3) Art. 74.

(4) Art. 83.

(5) Born in 1371 in a Mongolian village in Yunnan, far from the sea, Zheng He came from a Muslim family. He was captured by the Ming army when he was eleven years old and was castrated and put into the service of the royal court in Nanjing. He quickly rose in the hierarchy and became the chief eunuch. He was a valued aide to Prince Zhu Di, who was to become Yongle, the second Ming emperor. It was Yongle who entrusted Zheng He with the command of his enormous fleet (cf. Michael S. Yamashita, *Zheng He: sur les traces du premier navigateur chinois des océans*, Novare, White Star, 2006, p. 14).

(6) Angus Maddison and OECD Development Centre, *L'économie chinoise : une perspective historique*, Paris, France, OECD, 1998, p. 43.



is widely taught in Chinese schools today. From then on, the economic situation deteriorated steadily despite the regime changes and the takeover of mainland China by Mao Zedong and the communists in 1949. Opponents of the Kuomintang (KMT) withdrew to several islands, the largest of which is Taiwan.

After the death of the Great Helmsman, it took Deng Xiaoping more than two years to take power in 1978. By then, the PRC's GDP represented only 4.9% of the world's GDP. Since the break with the USSR in the 1960s, communist China lived in virtual economic and technological self-reliance. The new president opened the country to international trade by accompanying this transition with pragmatic and measured reforms. Since its land neighbours were at best hostile, it was by sea that most of the trade in energy, foodstuffs, and raw materials necessary for the country's development would flow; in return, the products manufactured in its factories were flooding the world. In 2013, the Chinese party-state became the world's largest trading partner in terms of both imports and exports.

However, the impressive turnaround that resulted only took in the eastern regions forming the hinterland of the ports, the central hubs of "special economic zones" (SEZs). To preserve social stability in the rest of the country, efforts must be redoubled until the "Chinese dream", announced by President Xi Jinping for 2049, is achieved. Crucial access to the sea for landlocked provinces through international trade corridors is subject to the vagaries of geopolitics, while the expansion of internal transport routes to national ports is a more reliable option. However, this calls for the expansion and upgrading of these port terminals to allow for increased trade flows. These trade flows must always pass through the maritime approaches formed by the China Sea and Yellow Sea before using the major shipping routes, whether to the Americas via the Pacific Ocean or to Europe via the Indian Ocean and soon, via the Arctic.

However, this economic necessity is coupled with a strategic offensive to place most of China's seas under the sovereignty of the Chinese party-state, clashing directly with the laws of the sea. The implications of such a strategy are manifold and far from neutral for Europe and the rest of the world. Indeed, the China Seas are home to some of the world's most powerful economies (People's Republic of China, Japan, South Korea, Taiwan, Singapore), positioned at the crossroads of the world's major production and value chains they represent major global shipping routes and are central to international investment flows, be they industrial or related to the digital economy.

Europeans, meaning the European Union (EU) and its member states, cannot remain indifferent to such challenges. A political recommitment is in order. First, this calls for an accurate analysis of China's ambitions and actions in order to provide a forward-looking response.

The law of the sea and its consequences for China

The 1949 recapture of the country by the People's Liberation Army was not successful in retaking Taiwan or the few islands that remained under the rule of Kuomintang nationalists. This failure, albeit limited in relation to the size of mainland China, has not been remedied to date because of US naval support for the island state under the Mutual Defence Treaty Between the United States and the Republic of China of 3 March 1955 and the Taiwan Relations Act which replaced it on 10 April 1979. While the immediate consequences of this attempt to reunify the country by force were primarily political, they were to prove much more damaging when the United Nations Convention on the Law of the Sea (UNCLOS), signed on 10 December 1982, entered into force on 16 November 1994.

Exclusive economic zones and the issue of China's maritime access routes

While the width of the territorial sea –previously 12 nautical miles (nm) for communist countries– remains unchanged, the creation of a 200 nm exclusive economic zone (EEZ) has dramatically highlighted the constraints of China's maritime access **(1)**. None of the islands along the Chinese coastline and bordering the East China Seas are under the authority of the People's Republic of China. They form what Chinese strategists refer to as the "first line of islands" that hem in the country's maritime approaches. When they are separated by less than 400 nm, the EEZs of the states whose coasts face each other are reduced to half that width. The centreline usually marks the jurisdictional boundary between states.

Depending on the geographic features of a state's maritime approaches, the UNCLOS Convention can effectively accentuate a great inequality between countries, regardless of the size of their onshore territory, as illustrated by the three following cases. The United States of America has the largest maritime area in the world with 11,351,000 km² of EEZ, representing just 1.2 times its territorial area. While this case may seem balanced, the same cannot be said for France (2nd largest maritime area and 42nd largest land area) and China (10th and 3rd largest respectively) **(Focus 1)**.

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(1) This area, which extends from the state's baseline to a maximum of 200 MN, is governed by special legal rules. The coastal State has sovereign rights in the area for the purpose of exploring, exploiting, conserving, and managing the natural resources, whether living or non-living, of the waters overlying the seabed, the seabed and its subsoil, as well as in respect of other activities aimed at exploring and exploiting the area for economic purposes.



Focus 1 • Comparison of land and sea areas

Countries	Sea Area in km ² (EEZ) M	Land Area in km ² T	M/T
USA	11 351 000 (1 st)	9 371 175 (4 th)	1,2
France	11 035 000 (2 nd)	640 294 (42 nd)	17,2
Japan	4 470 000 (6 nd)	377 944 (62 nd)	12
China	3 879 666 (10 th) (62% South China Sea: 2 000 000)	9 596 966 (3 rd)	0,4

Source. Hugues Eudeline.

Malacca, the unavoidable gateway problem

Moreover, in order to cross this first line of islands, the People's Republic of China's shipping traffic has to pass through straits that it does not control. China's continued economic development and, by knock-on effect, its social stability and ultimately its political system are threatened if its seaborne trade is blocked. This is compounded by China's dependence on food imports to feed 18% of the world's population living there, despite only having 10% of the planet's arable land. These were the existential threats that President Hu Jintao referred to in 2003 as the "Malacca dilemma" **(1)**. He named it after the main strait linking the China Seas to the Indian Ocean via which most of China's trade flows transit. China absolutely needs this strait to free itself from the straitjacket that encloses its coast.

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(1) Laurent Amelot, "Le Dilemme de Malacca", *Outre-Terre*, no. 25-26, 2010, pp. 249-271.

The deliberate ambiguity of Chinese geopolitics in the South China Sea

Since 1984, modern Chinese maps of the South China Sea have shown an "ox-tongue" shaped sea area, the contours of which are determined by nine dashes. The map is based on the work of a Kuomintang geographer published in 1947 under the title "Map of the South China Sea Islands". Since 2013, a tenth dash has been added to include the island of Taiwan, making it clear that the island and the Taiwan Strait fall under its jurisdiction. Featured in atlases published in China and on Chinese passports, this dash is depicted using the same graphic code as the PRC's land borders, with the only difference being the discontinuity of the line.

The 1992 Law on the Territorial Sea and the Contiguous Zone or the issue of Chinese sovereignty over the China Seas

On 25 February 1992, the Chinese Party-State unilaterally enacted a "Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone", which contradicts UNCLOS and amends it by defining the extent of its territory in its Article 2: "The PRC's territorial land includes the mainland and its offshore islands, Taiwan and the various affiliated islands including Diaoyu Islands (*Senkaku*), Penghu Islands (*Pescadores*), Dongsha Islands (*Pratas*), Xisha Islands (*Paracel*), Zhongsa Islands (*in particular the Macclesfield and Scarborough banks*) and the Nansha Islands (*Spratly*); together with other islands that belong to the People's Republic of China". All these islands, banks or reefs are included in the ten-dash area. They are also all in the EEZs of coastal states and therefore all involve maritime disputes with these countries. Moreover, Article 6 does not acknowledge the right of innocent passage for foreign warships in its territorial sea and imposes the prior approval of China's party-state government. Finally, it requires foreign submarines to travel on the surface when they pass through the territorial sea, displaying their flag (Art. 7).

The Taiwan question

The 1992 One China Consensus is the cornerstone of the PRC government's policy vis-à-vis Taiwan. Since 1949, despite the numerous heavy clashes between the two sides, they have always maintained the principle of one China; it was only a question of who represented China in what was in fact a perpetuation of the civil war. Taiwan has not enacted any laws declaring that it is no longer part of China and that there are two Chinas. On this common political basis, the mainland Association for Relations Across the Taiwan Strait (ARATS) and the Taiwanese Cross-Strait Exchange Foundation (SEF) reached a consensus in 1992, with each side verbally expressing their adherence to the One China principle. Aware of the rapid development of cross-strait relations, in 1999 Lee Teng-hui –Taiwan's president from 1988 to 2000–, deliberately ended the 1992 consensus with his two-state theory. Since 2000, when the Democratic



Progressive Party (DPP) came to power and advocated Taiwanese independence, relations between the two countries have stagnated (1).

The Chinese approach to interpreting UNCLOS

In May 2009, the Chinese government addressed two "Notes Verbales" to the UN Secretary General, including a highly significant map (Focus 2). One of the notes reads: "China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. The above position is consistently held by the Chinese Government and is widely known by the international community".

This statement coming from a State that has signed and ratified UNCLOS (2) is a contradiction in terms. However, this is a common practice of the Chinese government, which tends to cultivate ambiguity to avoid the risk of triggering events beyond its control. The fact that the geographical positions of each of the dashes vary slightly from one publication to the next is also in keeping with this intent.

Three different interpretations of the use of this specific concept by Chinese diplomacy are possible, without it being possible to pinpoint the correct interpretation:

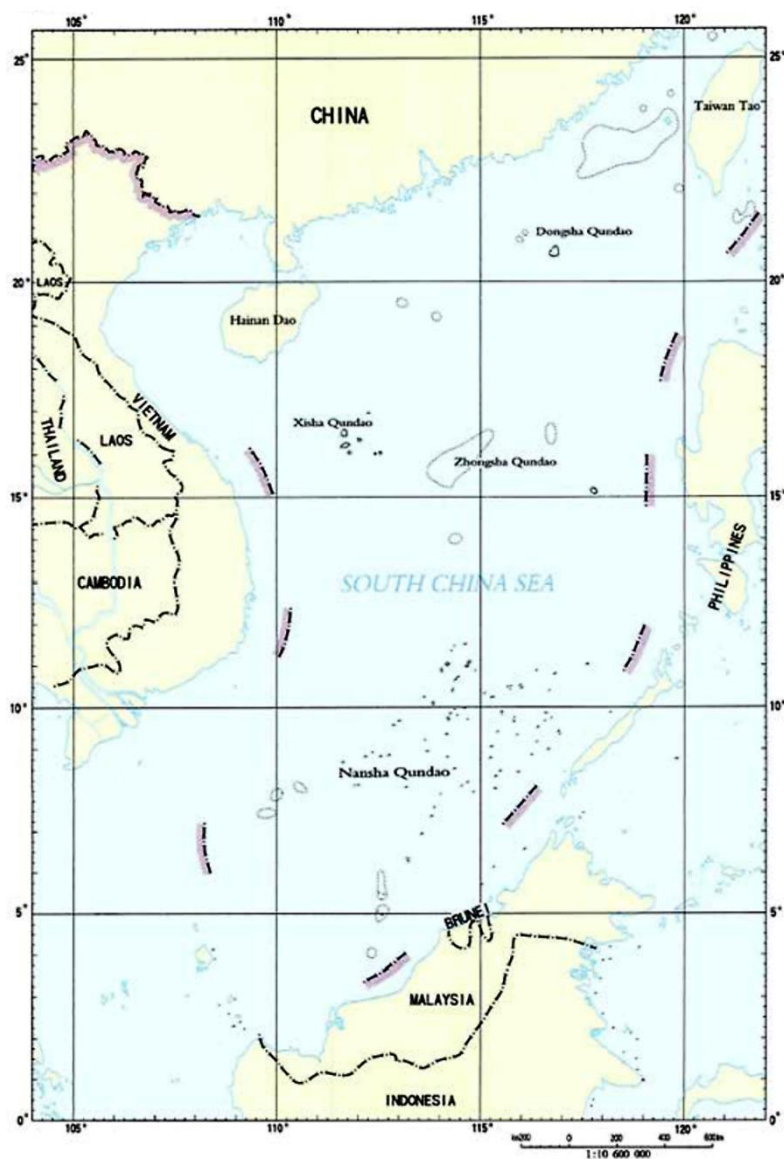
- This is a way of simply encompassing all the islands and shoals that China claims in this sea (Taiwan with the Pescadores and Pratas Islands, Paracel and Spratly Islands (3), etc).
- The line represents a national border, just like those separating two countries on land; the maritime spaces delimited in this way would be internal waters, in particular the Taiwan Strait.
- It marks a historical claim, without specifying the intended purpose.

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(1) Xu Shiquan, "The 1992 Consensus: A Review and Assessment of Consultations Between the Association for Relations Across the Taiwan Strait and the Straits Exchange Foundation", *American Foreign Policy Interest*, vol. 23, issue 3, 2001, pp. 121–140.

(2) The PRC ratified UNCLOS on 15 May 1996, before depositing its instruments at UN headquarters on 7 June 1996. It issued the following reservations: 1. In accordance with the provisions of [the Convention], the People's Republic of China shall enjoy sovereign rights and jurisdiction over an exclusive economic zone of 200 nautical miles and the continental shelf. 2. The People's Republic of China will effect, through consultations, the delimitation of boundary of the maritime jurisdiction with the states with coasts opposite or adjacent to China respectively on the basis of international law and in accordance with the equitable principle. 3. The People's Republic of China reaffirms its sovereignty over all its archipelagos and islands as listed in article 2 of the Law of the People's Republic of China on the Territorial Sea and Contiguous Zone which was promulgated on 25 February 1992. 4. The People's Republic of China reaffirms that the provisions of [the Convention] concerning innocent passage through the territorial sea shall not prejudice the right of a coastal state to request, in accordance with its laws and regulations, a foreign state to obtain advance approval from or give prior notification to the coastal state for the passage of its warships through the territorial sea of the coastal state. 5. The Government of the People's Republic of China does not accept any of the procedures provided for in Section 2 of Part XV of the Convention with respect to all the categories of disputes referred to in paragraph 1 (a) (b) and (c) of Article 298 of the Convention.

(3) In Chinese, respectively, Penghu Qundao, Dongsha Qundao, Xisha Qundao, Nansha Qundao.

Focus 2 • Map of the “nine-dash line”



Source. Map attached as an appendix to the memorandum of May 2009. See *Limits in the seas* No. 143: *China Maritime Claims in the South China Sea*. Office of Ocean and Polar Affairs, U.S. Department of State, December 5, 2014, p.4.

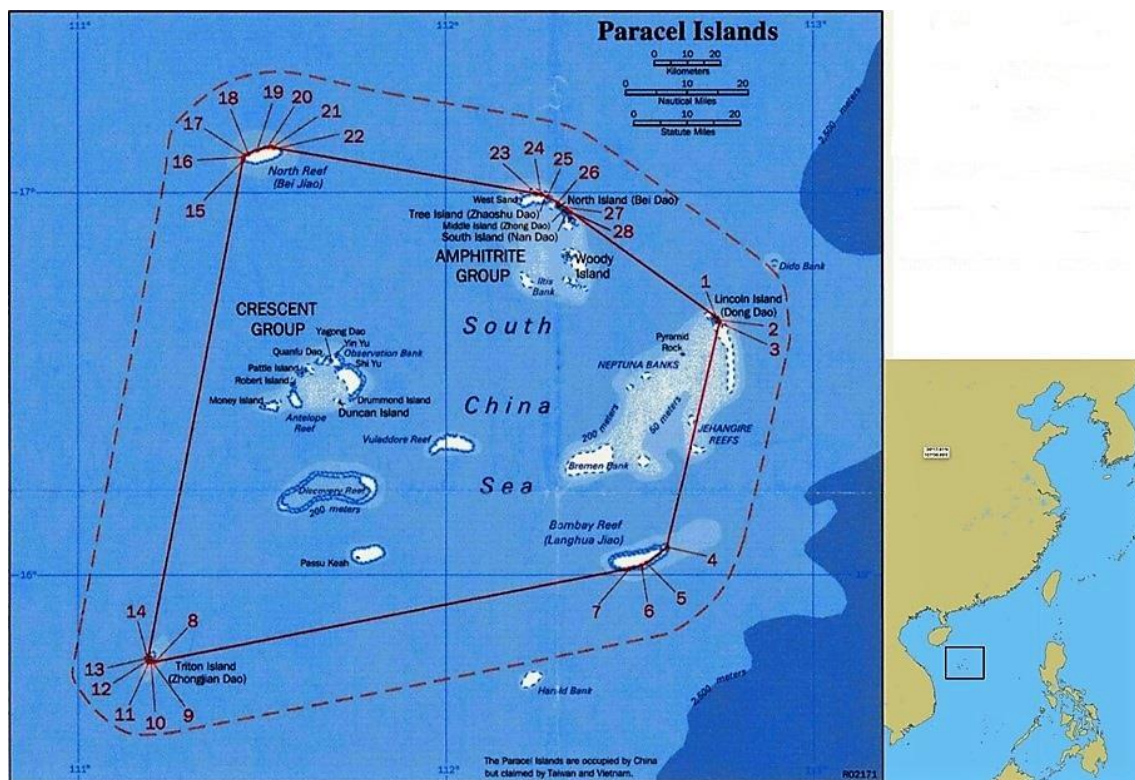
Taking over the China Seas without saying so

The “ten-dash line” has led to maritime disputes with Vietnam, the Philippines, Indonesia, Malaysia, and Brunei by encroaching extensively on their EEZs and encompassing islands occupied by forces from these states. It covers a maritime area of 2,000,000 km² (62% of the South China Sea) as well as the islands and shoals of Pratas, Paracel, Spratly, Macclesfield Bank and Scarborough Reef.

At the same time, China relies on the principles of the law of the sea to enforce a 12 nm territorial sea around the islands it has formed in the South China Sea, even though artificial islands have no such territorial limit. It has also unilaterally –and in contradiction with UNCLOS, which does not recognise the group as an archipelago– set a baseline around the Paracel Islands (**Focus 3**). This allows China to control all of them and to include a large maritime area which it considers to be domestic waters.

Finally, as proof of its "good faith", China systematically recalls that it is ready to negotiate bilaterally with each of the bordering states, but that it will always decline the involvement of international or multinational organisations. This was made explicit in the reservations made at the time of China's UNCLOS ratification. This was one of the grounds on which it rejected an unfavourable decision by the Hague arbitration court in 2016 in its dispute with the Philippines.

Focus 3 • Baseline claimed by China and disputed by Vietnam in the Paracels



Source. *Limits in the seas, n°117: Straight baselines claim*, Office of Ocean and Polar Affairs, U.S. Department of State, July, 9 1996, p.18.

An aggressive maritime geostrategy: controlling the maritime corridors and securing Chinese trade and interests around the world

The question arises as to why the Chinese party-state government is pursuing this kind of maritime policy, a first in its history, despite what it says in its various White Papers. Mao had little interest in the sea other than to protect the coastline and retake Taiwan and the handful of islands under KMT control. His domestic policy and reforms were all geared towards China's internal development, especially after the sudden split from the USSR: The "Agrarian Reform", "Great Leap Forward" and "Great Proletarian Cultural Revolution" all followed one another from 1950 until its end, resulting in an increasingly rapid collapse of the country's economy and the deaths of an estimated 60 million people.

Looking seaward, a shift in the economic and geopolitical paradigm

When Deng Xiaoping opened China to world trade in 1978, he grasped the paramount importance of sea routes because of their vastly superior capacity to cost-effectively carry the sheer volume of raw materials and hydrocarbons needed for the Chinese industry's swift expansion. With an abundant workforce, the country could produce, and export manufactured goods whose very low prices would compensate for their often poor quality, allowing for the rapid penetration of global markets. No other means of transport, including rail, road, or air, can rival the sea, which requires only port terminals capable of accommodating merchant ships that do not even have to fly under the Chinese flag. Like his successors, he understood the value of historical lessons and in fact adopted the maxim coined by a Briton, Sir Walter Raleigh, in the 1600s: "For whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself".

From a geopolitical perspective, this maritime advantage makes it possible to minimise the hazards of accessing land corridors –despite being of vital for opening up the westernmost provinces– through some of the fourteen neighbouring countries with which it often has stormy relations, and which are still daunted by China's sheer size and new-found ambitions.

In order to guarantee the free passage of ships, the People's Republic of China –which has only one coastline– must be able to "command" (in the meaning defined by Alfred T. Mahan) its maritime approaches (the China and Yellow Seas) and progressively "control" the maritime routes that connect them to ports in Asia, the Middle East, Europe and Africa. To this end, the PRC is developing complementary maritime forces equipped with more effective logistical resources. Placed under a single leadership, they are organised to cope with all confrontational situations while limiting the risks of escalation, regardless of their adversaries.

In 1982, when UNCLOS was signed, the Chinese party-state soon identified the disadvantages of the convention. While access to the high seas from its ports is guaranteed by the international status of the straits which allow passage in peacetime, this would not be the case in times of war. In the long run, this situation has been seen as unavoidable by all the leaders who followed in Deng Xiaoping's footsteps because of the magnitude of the political objectives pursued by all of them. To allow time for its hard power (economic and military) to reach a critical scale, Deng Xiaoping initially advocated the doctrine of



Tao Guang Yang Hui ("hide your strength, bide your time"). He then launched a strategy of small steps which were essential for strengthening the PRC's territorial presence in the South China Sea without worrying its competitors.

It was Xi Jinping who, in 2013, summarised the country's desire to return to the forefront of the world's social, technological, economic, military, and political scene by 2049, the anniversary of the founding of the People's Republic of China, under the "Chinese Dream" slogan. For this to happen, the Chinese party-state imperatively needs to maintain a high rate of economic growth despite becoming the leading economic power in terms of purchasing power parity since 2014. The official announcement of this objective has only served to heighten its neighbours' concerns and has led to an increase in the naval defence budgets of their respective fleets, particularly submarines, which are seen as a discreet means of surveillance and offer a classic deterrent due to their ubiquity (1).

Taiwan, Malacca, and China's strategy for reclaiming reefs and islets in the China Sea

The People's Republic of China's desire to regain Taiwan and take control of two-thirds of the South China Sea is well established and, in the absence of a timely political solution, the question is not whether it will decide to take military action, but when. The rapid build-up of sizeable amphibious forces is evidence of this in the absence of other identified territorial targets. Reunification and the avoidance of war are objectives that seem increasingly at odds after Hong Kong's takeover when, on 1 July 2020, the 23rd anniversary of its handover to China, the new National Security Law took effect. The myth of "one country, two systems" lost all credibility. Only the threat of overwhelming air-sea superiority could possibly offer the hope of subduing Taiwan without a contest, which assumes a highly unlikely withdrawal on the part of the US and its allies. For the time being, the Chinese party-state's ability to handle ambiguity in its diplomatic strategy, coupled with the possibilities of coordinating civilian and military maritime assets under the same operational command in its coastal approaches, allows it to keep conflict at bay.

The small-step strategy introduced by Deng Xiaoping has gradually expanded its presence in the South China Sea. It was preceded by strong-arm naval action in January 1974 and the capture of the Paracel Islands from South Vietnam, which were never returned to Vietnam after its reunification. It was again from Vietnam that China took control of the Johnson South Reef (2) after a heavy naval clash in the Spratly Islands in March 1988.

This continued with the unauthorised infilling and militarisation of seven unprotected shoals, three of which (Fiery Cross Reef, Subi Reef and Mischief Shoal) now have a 3,000m long airstrip. These naval air platforms are located 600 nautical miles south of Hainan and close to the centre point of the South China Sea. Planes taking off from there have the capacity to operate without in-flight refuelling over the entire sea and its approaches, including the Straits of Malacca. These seven artificial islands form forward naval bases for the prepositioning of maritime security and combat resources (Focus 4).

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(1) A submarine deep underwater, which is difficult to detect, generates a feeling of vulnerability which prompts its adversaries to deploy a large array of resources to locate it. It also has effective technical, tactical, and positional reconnaissance capabilities that are very useful. Finally, submarines can carry particularly effective and lethal weapons (torpedoes, mines, and missiles) along with commando units.

(2) This reef lies equidistant (about 75 MN) from three shoals that were reclaimed in 2016, each with an airfield.

Focus 4 • Main Chinese bases in the South China Sea



Source: Hugue Eudeline.

To achieve full control of the whole Spratly archipelago, the remaining foreign forces must be driven out. This is what the Chinese party-state set out to do in early 2019 by invading the territorial waters of the island of Pag-Asa (Thitu) –where the Philippines maintains a small airport hub– with dozens of naval militia boats, accompanied by a few coast guard vessels in armed support. After several months of presence, they will probably remain there if necessary to bend the will of a powerless Philippine government unsure of the robustness of the American alliance. It acted in a similar way in March 2021 when 220 militia vessels anchored on Whitsun Reef, which after infilling would be suitable for the construction of an airstrip. The Vietnamese Spratly Island (Storm Island), which also has an airstrip, may follow.

The PLAN, a navy shaped to take Taiwan by force

The Chinese People's Liberation Army Navy (PLAN) has gradually built up a very significant force capability, including a marine corps (Marines) tasked with operating the amphibious fleet. Its troops gradually increased from 8,000 to 100,000. The first Type 075 assault helicopter carrier was launched in August 2019, the second in April 2020 and the third in January 2021. More are under construction. These 40,000-ton vessels are in addition to the eight 25,000-ton Type 071 landing craft transports already in service and some 40 tank landing craft of varying sizes. This amphibious arm of the PLAN far exceeds the requirements for capturing the islands that constitute the maritime disputes with other countries bordering the China Seas. Only an attack on Taiwan would call for such power in the current geostrategic climate. This would enable the island to be bypassed as it is separated from the mainland by the Taiwan



Strait, a shallow inlet and therefore suited to defensive mine warfare operations that would be carried out by Taiwan. An amphibious attack from the open sea, supported by the force deployment capabilities of the aircraft carriers that are progressively equipping China's navy, is likely to complement airborne attacks from the mainland.

In addition to these amphibious forces, the PLAN (1) has a strategic oceanic deterrent force based in Hainan, in the immediate vicinity of the deep waters of the South China Sea, which the People's Republic of China is converting into a "Bastion" to protect its ballistic missile submarines, which are still too vulnerable to detection to be able to patrol the high seas on their own, as the USSR had been doing in the Barents Sea at the end of the Cold War. It is also developing its own worldwide power projection and intervention forces.

China is pursuing a large-scale, technologically advanced shipbuilding policy to build a balanced navy capable of conducting far-reaching operations in all areas of warfare and far from its bases. At the same time, it is pursuing a strategy of low-intensity actions with the constant threat of an immediate and blunt response to any attack. This concept of "active defence", derived from the experience of the revolutionary wars, takes up a whole chapter of the White Paper entitled *China's Military Strategy* published in May 2015.

Transforming the China Seas into an inland sea

China has established two types of naval forces in the China Sea, the Maritime Militia, and the Coast Guard, which are under the same military authority as the PLAN. The Chinese Maritime Militia is the largest organisation of its kind in the world. Their steel-hulled fishing vessels are also military auxiliaries. With no visible weaponry, they are systematically involved in sovereignty conflicts where their numbers and uncertainty about their status allow them to destabilise powerful opposing forces by playing on the ambiguity of the situation. It also has a Coast Guard Corps (CCG) (2) which came under the command of the People's Armed Police on 1 January 2018 and whose operations are coordinated by the local branch of the armed forces, along with the PLAN and the Maritime Militias.

On 1 February 2021, Communist China took another step towards commanding its maritime approaches by enacting a law authorising the coast guard to use force. The new rules would allow Chinese maritime law enforcement agencies to use:

- small arms if the circumstances of a presumed offence so require, depending on the "nature, degree and urgency" of the case and based on their own "reasonable judgment";
- deck-mounted guns in response to more serious infringements.

The rules also explicitly allow the agency to stop construction or destroy structures on land claimed by China. The GCC is also given broad discretion to establish temporary exclusion zones and to board and inspect foreign vessels in waters claimed by Communist China.

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(1) In 2019 alone, China launched 28 surface combat vessels displacing about 153,000 tons. The rate of production of new units has been increasing ever since, to the point where the PLAN has overtaken the U.S. Navy in tonnage.

(2) The largest in the world, in 2020 it had more than 1,300 vessels, including 260 ocean-going vessels.

Challenging China in the China Seas?

With the Chinese party-state laying claim to a vast proportion of the South China Sea, these measures potentially apply to a significant share of global maritime traffic. The government will enforce those claims as it sees fit and will not back down in the face of protests or international pressure. Indeed, whenever there is any resistance, Communist China prefers to wait until time has run its course and the situation evolves in its favour. Political time is short in democracies where political leaders come and go at a faster rate than in China, where, furthermore, when the leadership changed on a regular basis, it followed the same political line. Xi Jinping was elected for life.

As a result, shielded by its military might, the Chinese party-state can pursue an efficient small-step policy, the aggregate gains of which will ultimately amount to decisive advances. Who would be willing to engage in heavy-handed conflict with a nuclear power boasting the world's largest navy in terms of tonnage for the possession of backfilled shoals or uninhabited islets? Not many countries, but probably many more if international trade is at stake when freedom of navigation is threatened (1). Faced with this scenario, Europe must take a stand.

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(1) It should be noted, however, that conducting warfare in maritime approaches is a double-edged sword, with consequent damage to the economies of all the coastal states.



Implications and recommendations for Europeans

The EU and its member states are well aware of the issues at stake in the China Sea claims, be it Taiwan or the islets and reefs in the Spratlys or Paracels. The increasingly aggressive behaviour of the Chinese party-state, which Brussels has denounced as a "systemic rival", reinforces this awareness.

The China Seas, a strategic region for Europeans

The China Seas are a hub, a lifeblood of the global economy. The tensions there are a cause for concern about the stability of the international system. Consequently, the issues that drive them revolve around four essential axes. They are of both an economic and strategic nature:

- control of resources (energy and fisheries, 10% of world fish catches);
- control or even blockade of the maritime flows of the five major economic powers in the region (South Korea, Japan, Singapore, Taiwan and mainland China) and all the world's nations that trade with them (including the US, Australia, New Zealand, India and the EU countries);
- control of maritime access and the first line of islands, including Taiwan, as well as the prospect of a vertical break in the geographical integrity of the United States' alliance network in Asia;
- the implementation of the "Bastion" concept for the PLAN to protect its strategic ocean-going submarine force.

Furthermore, if the Chinese party-state were to gain control of all the claimed territories in the China Seas, it would then have renewed confidence to pursue its other territorial claims and the capacity to redirect a significant portion of its maritime and naval efforts to the Indian Ocean, before turning its attention more intensely to the Northern Route, thereby reinforcing its revisionist quest for international order.

The China Seas as part of the EU's Indo-Pacific strategy, an indirect approach

In order to respond to these challenges, in April 2021 the EU unveiled the outline of its future strategy in the Indo-Pacific (1), which is expected to be officially announced in the fourth quarter of 2021. This strategy will have to represent a clear-sighted synthesis of Europe's interests. Its ambition will be one of coordination. For now, it echoes the documents published by Germany (September 2020) (2) and the Netherlands (November 2020) (3), each putting forward their own vision of what the Union's policy should be in this maritime mega-region. France, which published its own strategic document in 2019 (4), has not been overlooked, especially as it plays an active role in the implementation of European initiatives in this region, even if its policy in the area, anchored in an inclusive logic, is more national in nature.

Germany also believes that the EU, around a core group comprising France, Germany, and the Netherlands, should pursue a third way policy around a sustainable relationship with China and stronger ties with ANSEA and its members, while the Dutch are wondering: the third way or neutrality? While the latter advocate strategic autonomy, they consider above all that the Union must forge its own vision of the Indo-Pacific, which calls for a clear convergence of interests among its members; its credibility depends on this. However, the Germans and the Dutch also consider that while links with the United States and NATO remain paramount, the Union must be strategically flexible and not automatically align itself with those positions in the Indo-Pacific.

Furthermore, in Denmark, the Danish Institute for International Studies calls on the country to reflect on a national strategy for the Indo-Pacific within a European framework (5). In the UK, an international commission gathered by the Policy Exchange think tank presented conclusions in November 2020 aimed at developing a dedicated UK policy in the region (6). For example, the Danes believe that Europeans need a strategy that combines a comprehensive partnership with China with a reassertion of relations with NATO and the US. However, the framework must remain European, with operational cooperation between European naval forces as an anchor point. For this purpose, France, with its policy of testing China in the China Seas without provoking it, is taken as a model. As for the UK, the Commission, with a degree of nostalgia, advocates a return east of Suez, within an Indo-Pacific community, built around the Commonwealth, local partners (notably Japan), associated with NATO and France, should it agree. This community would be governed by a charter, not unlike the Atlantic Charter (1941).

This Indo-Pacific strategy reflects the EU's new ambition to reinvest politically in the international scene's new centre of gravity. Its objectives are to foster stability, prosperity, and sustainable development, to promote democracy, human rights, and international law, through dedicated cooperation in the fields of trade and maritime routes, investment and new technologies, global warming and transnational threats, as well as renewed partnerships with ASEAN, Japan and India, Australia and New Zealand, South Korea and the various regional accords. However, this document makes no mention of Communist China and the China Seas, although its references to promoting international law, in this case UNCLOS, and

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- (1) *EU Strategy for cooperation in the Indo-Pacific*, Council of the European Union, 16 April 2021, [available here](#).
- (2) *Policy guidelines for the Indo-Pacific*, Federal Government, August 2020, [available here](#).
- (3) *Indo-Pacific: Guidelines for strengthening Dutch and EU cooperation with partners in Asia*, Government of the Netherlands, November 2020, [available here](#).
- (4) *La stratégie de défense française en Indopacifique*, Ministère des Armées, June 2020, [available here](#).
- (5) *Denmark needs an Indo-Pacific strategy*, Danish Institute for International Studies, undated, [available here](#).
- (6) International Commission chaired by Stephen J Harper, *A Very British Tilt. Towards a new UK strategy in the Indo-Pacific Region*, Policy Exchange, 22 November 2020, [available here](#).



enhancing the security of maritime routes and trade can be interpreted as clear messages to the Chinese Party-State that its aggressive stance in the China Seas is not and no longer acceptable. This is a strong signal that has also been well received by the other China Seas neighbouring nations and requires the EU to respond appropriately in the framework of its future Indo-Pacific strategy.

Refocusing the EU's Indo-Pacific strategy on the China Seas: 4 proposals

If the Indo-Pacific region is the new framework structuring the evolution of power relations on the international scene, the China Seas are at the heart of this mega-region's political, legal, economic, geopolitical, and strategic challenges. Europe cannot ignore this and must dedicate a chapter to the China Seas when preparing its Indo-Pacific strategy. The strategy should provide Europe with a framework, an organisational tool, and the means to support operations. It can be a laboratory for designing and developing a truly dedicated Common Foreign and Security Policy (CFSP), which can later be adopted as a model for other issues, combining and coordinating its own resources and actions with those of its members.

Creating a community of democratic values, with Taiwan's participation • Such a strategy must be based on a foundation, a community of democratic values between the Union and its members on the one hand, and their local partners on the other. Its priority will be to prevent the China Seas from becoming a hotbed of China-US rivalry to preserve the liberal regional order and the free and open seas. Therefore, particular attention will be paid to upholding international law, the security of crucial shipping routes, as well as the protection of supply and value chains, in line with the initiative of the United Kingdom, France and Germany to transmit a joint note to the United Nations on 16 September 2020, joining Malaysia, Australia, Indonesia, Vietnam, the Philippines and the United States in calling for the respect of freedom of navigation and overflight in the China Seas in line with the UNCLOS convention. At the same time, the EU must strengthen its relations with Taiwan to facilitate its integration into the community of nations and provide support in the face of persistent provocations by the Chinese party-state.

Securing strategic autonomy, fostering inclusive partnerships • The European Union's political re-engagement in the China Seas must be accompanied by a specific stance based on the notions of strategic autonomy and inclusive partnership; the idea being to support the United States in its actions in the region without being automatically aligned, and to show firmness towards China without closing the door to dialogue or cooperation if so, required by mutual interests. Moreover, to establish its legitimacy and credibility vis-à-vis its partners bordering the China Seas, the EU, acting according to its values and interests, must assume its positions and decisions at the risk of sanctions, retaliatory measures or reprisals from the Chinese party-state.

Restoring hard core logic by placing France at the heart of the EU's Indo-Pacific/China Sea strategy • A dedicated China Seas unit needs to be created within the structure that orchestrates the EU's Indo-Pacific strategy. Both structures will be composed of members from the core group that formulated a specific approach for the Indo-Pacific (France, Germany, Denmark, and the Netherlands). While France appears to be the natural leader of this group because of its sovereign presence in the Indian and Pacific Oceans and its ability to autonomously deploy naval assets in the region, it should be part of

a rotating leadership arrangement. This unit will be responsible, among other things, for planning and implementing resource and operational strategies and for representing the EU in the region.

Pooling and pre-positioning naval forces in the Indo-Pacific, organising operations to ensure freedom of navigation • Given that the China Seas and the Indo-Pacific are maritime zones, the preferred instrument for action will be naval capabilities. Pooled and pre-positioned assets will be required, stationed in French Polynesia, under a framework agreement between France, the EU and the core countries, to carry out the designated missions and respond to emergencies. At the same time, an enhanced naval industry cooperation will be encouraged. The EU's missions in the China Seas will focus on three areas:

- aid and assistance to neighbouring partner countries in the development of their naval, maritime surveillance and command capabilities;
- participation in joint exercises and patrols with local partners, ASEAN members and Japan, Australia and the United States, in particular, in order to strengthen interoperability of forces ;
- Freedom of Navigation Operations (FONOPs) (1).

These missions will be part of the reinforced CRIMARIO II programme (2); with the FONOPs based on the EUNAVFOR Atalanta operational model. Together, they will contribute to Europe's commitment to enforcing UNCLOS in the region and will be a response to the challenges posed by territorial tensions and claims. In addition, close attention will be paid to Taiwan's security through diplomatic support and regular joint exercises.

The shift towards the Indo-Pacific and the China Seas is part of the EU's drive to become a global political player. At European level, however, it implies a more structured sharing of missions with streamlined military capabilities to deal effectively with the risks and threats likely to emerge from the nearby peripheries and, at the level of the Indo-Pacific and the China Seas, meaningful communication aimed at clearly explaining the goals of the strategy that is taking shape. Given that the EU does not interfere in its partners' internal affairs, it prefers instead to support them within the bounds of a community of values and the rule of law.

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(1) Operations involving the intermittent passage of warships and aircraft through waters and airspace claimed by the People's Republic of China in the South and East China Seas and the Gulf of Taiwan, in accordance with the Law of the Sea.

(2) Standing for "Critical Maritime Routes in the Indian Ocean", this programme, now extended to South Asia and Southeast Asia, contributes to the security of the EU's commercial sea lanes.



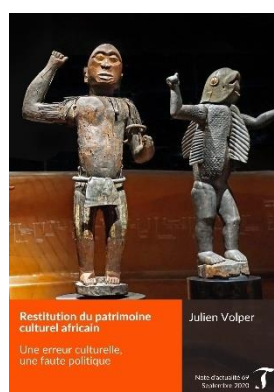
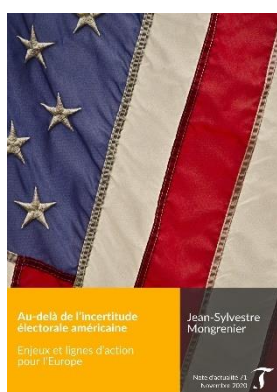
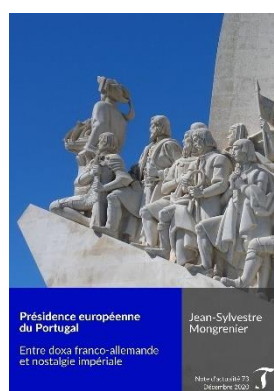
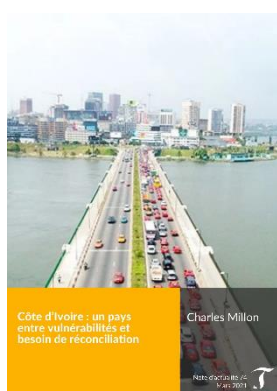
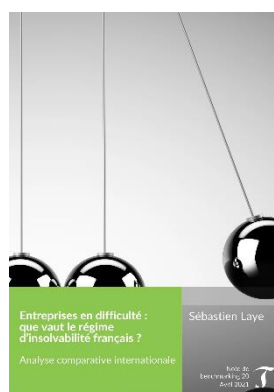
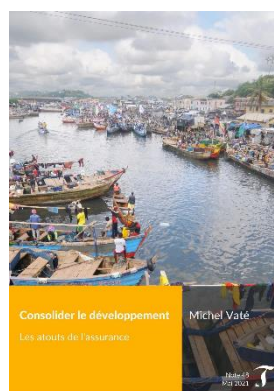
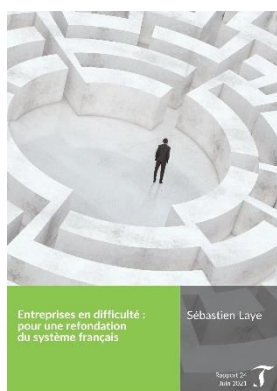
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