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Back to the Future: The Race for AI and National Security Implications for Taiwan

By Tony Tai-Ting Liu

Introduction

In the past century, concerning the issue of war and peace, technology has played a major role in implicating the outcome on the battlefield. For example, development of the U-boat submarine provided Germany with a formidable weapon in the high seas in the first and second Great Wars. Britain's production of the modern aircraft carrier – the HMS Hermes – in 1917 opened up another path for competition in the future. The vehicle later evolved into a key indicator of hard power over the past decades. Introduction of the atomic bomb in 1945 in the cities of Hiroshima and Nagasaki demonstrated not only the superiority of United States' military prowess at the time, but also the game changing quality of the bomb in future conflicts. Drones and stealth aircrafts are the latest innovations in the long line of new technologies that may change the nature of warfare in the near future.

Currently, much attention centers on the potential of artificial intelligence (AI) to become the next game changer in international relations among other new technologies. Founded on machine learning and big data, AI is considered by many observers as having the ability to transform international relations in at least three fundamental ways. First, in terms of decision making, particularly during times of crisis,

compared with humans, AI has the potential to comprehend and digest a large amount of data without being affected by emotions or other exogenous factors. Decision making in realms such as foreign policy or combat can potentially be carried out more efficiently and effectively, thus greatly increasing the speed of developments in international relations and reducing the reaction time of states. Second, in terms of national security, integrated with technologies such as surveillance and facial recognition, AI may contribute to fields such as anti-terrorism and border control. If integrated with drone technology, AI may become an effective tool in combating terrorism and criminal activities.

Third, and perhaps most importantly, from a geopolitical perspective, AI is in the midst of triggering the next round of strategic competition in international relations in the near future. Since the release of respective national AI strategy by Canada and Japan in March 2017, almost three dozen countries followed suit and announced their national AI strategies. A number of states and significant international actors have joined in the AI game since 2017, including the US, China, the European Union, the United Kingdom (UK), Germany, France, Sweden, Finland, India and Australia. Premised on the political, economic and social implications AI may have on states, it seems clear that governments are becoming increasingly aware of the potential of AI technology to generate a new round of power shifts in the world. Despite a strong emphasis on military power in the realm of geopolitics, in the new century, power has expanded beyond weapons and firepower to encompass economic, cultural and media influences that have the ability to implicate geopolitics.

Why Artificial Intelligence?

Like many technologies that came before, AI holds the potential to change the world immensely. Yet in contrast with nuclear, internet,

digital and telecommunication technologies that fueled the latest rounds of social revolution, the impact of AI may be even greater, in the sense that the technology touches on the issue of *intelligence*, or a quality that is traditionally considered to be reserved for the sentient human being. As a highly intelligent species, the human being is capable of harnessing technologies to improve his wellbeing. Hence as a technology that can compete and potentially overtake, or essentially become smarter than human intellect, AI has generated much debate across the world. Meanwhile, observers are already imagining the application of AI to everyday life in the future. The potential harnessing of AI in various fields is where the transformative power of the technology lies.

As revealed in *AI: Into the New World*, a documentary released by Japan's NHK broadcasting group in 2018, since the showdown between professional *Go* (圍棋) master Amahiko Sato and AI, scientists and engineers have put the technology to test in various functions. For example, integrated with robotic technology, AI can be seen in application through humanoid robots such as Pepper and Sophia. The ability to talk and interact separate humanoid robots from traditional machines and make them potential "beings" in future society that can serve in various capacities. On the other hand, combined with big data, AI has the ability to guide taxi drivers to routes that have relatively higher possibility for intercepting potential passengers. In such sense, the ability of AI to guide drivers more "scientifically" makes the technology more efficient than simple human experiences.

In terms of urban planning and so called "smart cities" in the future, AI is a key technology in current imaginations. A large part of present imaginations is on autonomous vehicles or self-driving cars that will be cleaner and more efficient. Smart autonomous vehicles could greatly reduce traffic jams and accidents that implicate the city. In addition, equipped with AI sensors that can track the health condition of

passengers, should one feel unwell aboard the autonomous vehicle, immediate aid and relief can be provided. By adopting autonomous vehicles in the future, the general hope is that human errors can be greatly reduced, which could in turn lead to increase public safety and more human energy to focus on other tasks. Transportation is one of many fields that has high potential of undergoing transformation with the adaptation of AI.

Noting the potential impact AI has on society, the development of AI technology and its practical application suggests enormous business opportunities waiting to be excavated. Hence from an economic standpoint, perhaps reminiscent of the dot com boom and the rise of digital technologies, many states have seen the potential of AI and have identified the technology as an important part of their modernization and development plans. A clear example is Made in China (MIC) 2025, a national strategic plan aimed at upgrading China's manufacturing sector proposed by Beijing in 2015. MIC 2025 identifies information technology and robotics – industries that involve AI – as priority industries to be developed in the near future. In 2016, following proposals such as the New Robot Strategy (2015) and Industry 4.1J, the Japan Council for Science, Technology and Innovation proposed Society 5.0, an initiative that seeks to establish “a human-centered society that balances economic advancement with the resolution of social problems.” AI is identified as a critical component for achieving the balance.

National Security and the Race for AI

Perhaps with the advancement in robotics, AI suddenly re-emerged as a heated topic for discussion. It should be noted that the first serious discussions centered on AI came about more than two decades ago, highlighted by Stuart Russell and Peter Norvig's *Artificial Intelligence: A*

Modern Approach.¹ The fact that the technology was decades away from maturation and the world indulged more in the digital revolution may have possibly delayed general attention on the military potential of AI. In some sense, the prioritization of digital technologies may also be a choice of convenience, as digitalization could complement the development of AI by pooling ideas and establishing the platform that AI could work on.

Regardless of the reasons for the coming of AI, a major factor for the securitization of AI or making AI a national security concern, is the China factor. Due to the debate on China's rise in the new century, China's every move is scrutinized, with AI being the latest development under watch. While there is no ground to discriminate China on its potential use of AI, observers suspicious of the Chinese Communist Party (CCP) and its ulterior motive of revisionism point to examples of AI being a particular lethal weapon for Beijing. For example, Mozur points out the combination of AI and facial recognition technology to target the Uyghur minority in China, a group that has suffered immensely under the Xi Jinping regime.² On the other hand, Abadicio points out the military application of AI to unmanned combat aerial vehicles (UCAV) or combat drones, a weapon that is seeing increasing action on the battlefield.³ In 2019, the US-China Economic and Security Review Commission - a bipartisan group established as part of the 2001 US National Defense Authorization Act - warned of China's growing capabilities in AI in its

¹ See: Stuart Russell and Peter Norvig, *Artificial Intelligence: A Modern Approach* (Upper Saddle River, NJ: Prentice Hall, 1995).

² Paul Mozur, "One Month, 500,000 Face Scans: How China Is Using AI to Profile a Minority," *New York Times*, April 14, 2019.

³ Millicent Abadicio, "Artificial Intelligence in the Chinese Military – Current Initiatives," Nov 21, 2019, <https://emerj.com/ai-sector-overviews/artificial-intelligence-china-military/>.

annual report, noting that “China firms and research institutes are advancing uses of AI that could undermine US economic leadership and provide an asymmetrical advantage in warfare... [and] rapidly modernize its military.”⁴

In July 2017, following in the footsteps of Canada, Japan and Singapore, China became the fourth country in recent memory to release a national strategy for AI. Despite not being the first country in the world to announce an AI strategy, China seems quite active nonetheless, announcing the Next Generation AI Plan in July and a corresponding Three-Year Action Plan to propel the development of AI in December. According to the OECD AI Policy Observatory, as of February 2020, more than 60 countries, including Taiwan, have initiated over 300 AI policy initiatives covering various sectors such as agriculture, education, environment, health, trade and transport.⁵ The OECD notes the US as the most active state, proposing 40 AI related initiatives. The United Kingdom, Germany, Singapore, Australia and Colombia have all announced more than a dozen initiatives concerning future development centered on AI, attesting to the emphasis that the global community places on AI. While not all initiatives are geared towards military advancement, the fact that more than a quarter of all countries in the world have their respective AI initiative, including all major states with competitive capability for research and development (R&D), demonstrates the current race for AI.

In terms of R&D concerning the potential military application of AI, the US seems to boast the most comprehensive set of initiatives among all

⁴ US-China Economic and Security Review Commission, 2019 Annual Report to Congress, Nov, 2019, chapter 3, available on: <https://www.uscc.gov/annual-report/2019-annual-report-congress>.

⁵ See: OECD AI Policy Observatory, <https://oecd.ai/>.

competing states.

On February 11, 2019, US President Donald Trump signed Executive Order 13859 announcing the American AI Initiative. The Initiative directs the federal government to pursue five pillars for advancing AI: (1) invest in AI R&D, (2) unleash AI resources, (3) remove barriers to AI innovation, (4) train an AI-ready workforce, and (5) promote an international environment that is supportive of American AI innovation and its responsible use.⁶ Among the 40 initiatives identified by the OECD, at least 5 initiatives are directly related with the advancement in national security, including the Defense Advanced Research Projects Agency's (DARPA) open call for AI related research projects, the Department of Defense's (DoD) establishment of an AI strategy and a Joint AI Center (JAIC), the American AI Initiative (also known as the Executive Order on Maintaining American Leadership in AI), and establishment of the National Security Council on AI (NSCAI). Currently, the US is set to increase AI spending by 34% for fiscal year 2021, with the DoD's budget increase from 780 million USD in 2020 to 841 million USD in 2021, JAIC's budget increase from 242 million USD to 290 million USD, and DARPA's R&D investment in AI to increase from 459 million USD to 500 million USD.⁷

Learning from History: The Strategic Defense Initiative

While one of the most popular buzzwords in strategic studies in recent years may be AI, it is important to critically reflect on history and an arms

⁶ US White House, Artificial Intelligence for the American People, <https://www.whitehouse.gov/ai/>.

⁷ US Office of the Under Secretary of Defense, Defense Budget Overview, May 13, 2020, https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Budget_Request_Overview_Book.pdf.

race driven by advancements in technology. Development of the Strategic Defense Initiative (SDI) by the Ronald Reagan administration in the 1980s is worthwhile noting. Also known as the “Star Wars Program,” the initiative was inspired by the popular sci-fi movie series Star Wars, in which the plot is based in a distant land and involved combat in outer space. With the evolution of the nuclear arms race between the US and the Soviet Union into a space race at the time, the overarching idea was that the US could defend against a nuclear missile attack by sending advanced devices into outer space, which would have the ability of detecting and countering incoming attacks. Just like the movie, the space device will annihilate incoming missiles in mid-air through the use of laser beam.

The SDI was conceived by the Reagan administration as a game changer that would effectively set up the US in a good position to launch a second strike against the enemy. In a broad sense, introduction of the SDI initiated a new round of war gaming between the US and Soviet Union, grounded on the belief that the SDI was the answer for safeguarding against a nuclear strike. Such belief extended to scenarios for extended nuclear war in which second and third strikes were possible, which in turn further reinforced the logic of mutual assured destruction or MAD. Announcement of the SDI took the nuclear arms race into another dimension, which perhaps served as the distant reason for the current space race among states. Nonetheless, perhaps a more important implication of the expanded arms race was the eventual bankruptcy and collapse of the Soviet Union, as competition with the US in the new field was simply economically unsustainable.

Considering the current race towards AI in light of the fleeting episode of the SDI race in the 1980s, the dominant implication seems obvious – is AI really the key to the future, or is it merely another dead end played up by states that are driven by other interests? Comparison to the SDI

should not be dismissed easily, as the current development and discourse over AI exudes striking semblance with the past. For example, while AI may hold much untapped potential, maturation of the technology for military application seems to be better realized in words rather than actual progress at the moment. After all, merely three years have passed since the matchup between Amahiko Sato and AI, and to a large extent, states are still exploring the effectiveness of drones and other new technologies on the battlefield. A clear gap remains, as there has yet to be a conflict that involves only self-propelling intelligent machines thus far, or even a conflict that partly involves intelligent machines. Regardless of developments, forward thinking corporate leaders such as Tesla's Elon Musk and Alphabet's Mustafa Suleyman, along with leading scientists and engineers, are already calling for the United Nations to ban the use of lethal autonomous weapons, or simply "killer robots," to prevent third age war.⁸ Such concern is supported by Human Rights Watch, which released a 55 page report in August 2020 that intends to raise general awareness and advocates a ban on killer robots.⁹

In essence, by relating the development of AI with the narrative of national security, or securitizing AI, the result could only be the establishment of a security dilemma as states race to acquire the technology, noting it as the future. Such dilemma may be acceptable if its effects are limited to economics, entailing a resource competition, or competition among states on the amount of investment that can be

⁸ Samuel Gibbs, "Elon Musk leads 116 experts calling for outright ban of killer robots," *The Guardian*, August 20, 2017.

⁹ See: Human Rights Watch, "Stopping Killer Robots: Country Positions on Banning Fully Autonomous Weapons and Retaining Human Control," Aug 1., 2020, https://www.hrw.org/sites/default/files/media_2020/08/arms0820_web.pdf.

devoted to R&D on AI. The SDI suggests that a prolonged resource war could effectively collapse a superpower. Nonetheless, perhaps a more severe challenge comes from the growing acceptance that military imaginations and experiments can be carried out with AI. For example, if the killer robot is too dangerous and unethical, would the anti-ballistic missile system that is strengthened by AI be more acceptable and less controversial? What about the AI powered drone that has the ability to carry out limited or precision attacks? In a sense, weapons of mass destruction (WMDs) are unacceptable today due to their large-scale destruction of humans. However, the current fervor over AI has prompted many to pass over ethical issues such as the fusing of AI and existent weapons that may be defensive and less lethal.

On the other hand, the discussion of perception in relation with AI, interestingly, remains limited at the moment, despite the implications of perception for the making of foreign policy. As suggested by Robert Jervis, the entire Cold War could be explained by the perception and misperception of the superpowers.¹⁰ In other words, state leaders perceived the world differently and such difference could serve as the driver of conflict. Concerning AI, the important questions are how the technology perceives and whether the human individual is willing to accept the perception of AI. Moreover, as politics necessarily entail decisions based on the prioritization of values, it remains unknown whether AI has the ability to distinguish and prioritize an assortment of values, which would implicate the final decision. Such consideration is not merely emotional, but asks the question of whether efficiency – a value that AI excels in – should be prioritized under all circumstances,

¹⁰ See: Robert Jervis, "Perception, Misperception, and the End of the Cold War," in William Wohlforth ed., *Witnesses to the End of the Cold War* (Washington, DC: John Hopkins University Press).

even in the case of war.

National Security Implications for Taiwan

On January 18, 2018, the Executive Yuan introduced a four-year (2018-2021) AI Action Plan aimed at boosting the competitiveness of Taiwan's industries. In addition to transforming industries through the introduction of AI, the Action Plan also aims to promote Taiwan's leading role in AI by increasing the number of related talent in universities and research institutions, building the island into an AI innovation hub, and liberalizing relevant laws and opening test sites.¹¹ In October, the Ministry of Science and Technology (MOST), responsible for the nation's R&D, announced the formulation of a five year 517.5 billion USD "grand strategy for small country" centered on realizing the AI Action Plan. The strategy seeks to establish a high-speed computing platform for R&D, four AI innovation research centers and an AI robot makerspace among other plans.¹² It is clear that in terms of government thinking and state policy at least, Taiwan is very much in the global race for AI.

Beyond thoughts on the civilian use of AI, however, discussions on the military application and security implications of AI related to Taiwan remains relatively limited. The Institute for National Defense and Security Research (INDSR) noted the development of AI and its security implications in its annual evaluation report on trends in national defense technology. In September 2019, the National Chung-Shan Institute of

¹¹ Executive Yuan, "AI Taiwan Action Plan," Aug 7, 2019, <https://english.ey.gov.tw/News3/9E5540D592A5FECD/1dec0902-e02a-49c6-870d-e77208481667>.

¹² Executive Yuan, "AI Innovation: Grand Strategy for a Small Country," Oct 16, 2018, <https://english.ey.gov.tw/News3/9E5540D592A5FECD/edad735-e6a6-43e1-ac93-1959602bb3ec>.

Science and Technology, the nation's top research institute, announced the "smart national defense" plan, a ten-year program aimed at the integration of technologies in response to the rapid transformation of warfare in the new age. In the local academia, discussions remain far and few.

Nonetheless, if China is considered as a main reason for the race for AI and a proactive actor in military innovations in relation to AI, the challenge for Taiwan is real and immediate. A predominant reason is Beijing's continued threat for reunification by force, an option that has never been relinquished by Chinese leaders. Noting the use of AI technology in surveillance against the rebellious Uyghur minority, one wonders whether Taiwan may become a future testing ground for Chinese technology. For example, an easy way for China to influence Taiwan is to initiate an information war in cyberspace. AI can be used to generate discourse through social media that has the power to implicate general discourse in Taiwan, particularly noting the fact that Taiwan is a democratic society that is susceptible to public opinions. Another way is China's potential use of AI drones in future conflicts with Taiwan. As recent as October 2020, the People's Liberation Army Air Force (PLAAF) is reported to provoke Taiwan by flying near or into the latter's air space. It is not unimaginable that drones and other smart weapons may be used against Taiwan in the future.

Despite the potential challenge that China poses, it is also true that AI also holds opportunities for Taiwan's national security. Considering the fact that the military balance has tipped in favor of China over the past decade, advancements in AI may reinforce Taiwan's efforts towards re-establishing an asymmetric balance with China. As new age war is not entirely traditional, if Taiwan can achieve breakthroughs in R&D on AI, the island may have a chance at countering China's information war. On the other hand, drones may be another field that Taiwan has great

potential in making advancements in. Noting Taiwan's good relationship with the US, Japan and a number of European countries, collaboration with partner states in the joint advancement in AI application may be possible in the near future.

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The Legal Status of Unmanned Underwater Vehicles and the Implications of China's Development of UUVs

By Chiwen Ku and Yucheng Chen

Introduction

This article discusses the legal status of Unmanned Underwater Vehicles (UUVs) ¹and the legality of the seizure of the USS Bowditch (T-AGS 62) by the PLA Navy (Dalang III-Class) on December 15, 2016. The seizure of the UUV occurred around 50 nautical miles northwest of the Philippines' Subic Bay. According to U.S. Pentagon officials the UUVs belongs to the U.S. Navy and was conducting routine operations such as measuring salinity and temperature in the international waters of the South China Sea. As such the UUVs enjoys sovereign immunity and its operations

¹ Unmanned maritime vehicle includes unmanned underwater vehicle and unmanned surface vehicle. See Michael N. Schmitt and David S. Goddard, "International law and the military use of unmanned maritime systems," *International Review of the Red Cross* 98, no. 2, 2016, p. 571; Antoine Martin, "Unmanned Maritime Systems Defense & Security UUV & USV Markets, Technologies and Opportunities Outlook 2012-2020, 2011," *Market Intel Group LLC*, <https://www.marketresearch.com/product/sample-6558458.pdf>, p. 33.

complied with international law.² However, China considers UUVs as unknown objects so they seized it and brought it on board to ascertain ownership, then returned it to the United States.³ Even though there was no further issue between the the U.S. and China, this incident left room to discuss the legal status of UUVs as either a warship or a vessel and further discuss China UUVs development.

The Likely Legal Status of UUVs

Before we go on to the discussion of legal status of UUVs we need to know what rights and duties UUVs can enjoy and assume. Based on United Nations Convention on the Law of the Sea (hereafter refer to as the Convention),⁴ a vessel enjoys innocent passage in territorial seas (hereafter refer to as TS), and freedom of navigation in exclusive economic zones (hereafter refer to as EEZ) and in the high seas. Warships enjoy the same EEZ and High Seas' rights; however, regarding innocent

² United States Department of Defense, Statement by Pentagon Press Secretary Peter Cook on Incident in South China Sea, December 16 2016, *United States Department of Defense*, <https://www.defense.gov/Newsroom/Releases/Release/Article/1032611/statement-by-pentagon-press-secretary-peter-cook-on-incident-in-south-china-sea/#.WFQ8NU7JZT0.twitter>.

³ "Spokesperson of the Ministry of National Defense Yang Yujun answered the question," PRC Ministry of National Defence, http://www.mod.gov.cn/big5/info/2016-12/17/content_4767072.htm; "China and the United States successfully handed over the underwater drone," PRC Ministry of National Defense, http://www.mod.gov.cn/big5/topnews/2016-12/20/content_4767292.htm.

⁴ United Nations, United Nations Convention on the Law of the Sea, 10 December 10, 1982 (entered into force on November 16 1994), http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

passage in TS, there remains ambiguity as the Convention does not require warships to obtain prior notification or permission to sail through TS, but there are opposing views on this as some countries insist to regulate warships passing through TS. This is why we need to establish the legal status of UUVs.

(a) Vessel or Warship?

According to the Convention, article 94 (4) states that each ship must have masters and officers possessing appropriate qualifications, especially in seamanship, navigation, communications and marine engineering. Likewise, the crew are required appropriate qualifications and numbers for the type, size, machinery and equipment of the ship. Additionally the crew are required to follow international regulations relating to safety at sea, the prevention of collisions and the reduction and control of marine pollution.⁵ In addition, article 1 (b) of the International Convention On Salvage shows “Vessel means any ship or craft, or any structure capable of navigation.”⁶ Furthermore, article 29 of the Convention states “warship means a ship...under the command of an officer duly commissioned by the government of the State...and manned by a crew which is under regular armed forces discipline.”⁷ In other words, a ship is not only a structure to sail, but also requires human presence.⁸

⁵ United Nations, Convention Article 94 (4), *supra* note 4.

⁶ IMO, International Convention on Salvage, 1989, *IMO*,
<https://www.jus.uio.no/lm/imo.salvage.convention.1989/doc.html#8>.

⁷ United Nations, Convention Article 29, *supra* note 4.

⁸ The level of Maritime Autonomous Surface Ships distinguishes into four levels: first is automated processes and decision support; second is remotely controlled ship with seafarers on board; third is Remotely controlled ship

The above discussion states that a vessel is defined by having a human presence. What separates a warship from a vessel is according to the Convention, article 29 defining warships as.

“a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline”.⁹

At this point, we need to establish a legal definition for UUVs as they relate to warships. James Kraska states UUVs are not warships due to the absence of human presence. Therefore UUVs are entitled to sovereign immunity as a property of a State¹⁰ because articles 1.3.3 & 1.3.4 of the Code for Unplanned Encounters at Sea state that.

“...a naval ship is a descriptor that is assumed to include warships, naval auxiliaries, and submarines;...a naval auxiliary is a vessel, other than a warship, that is owned by or is under the exclusive control of the armed forces of a State and used for the time being on government non-commercial service. Because they are State owned or operated and used for the time being only on government, non-commercial service, auxiliary

without seafarers on board; fourth is fully autonomous ship. See IMO, Autonomous shipping, IMO, <https://www.imo.org/en/MediaCentre/HotTopics/Pages/Autonomous-shipping.aspx>.

⁹ United Nations, Article 29, *supra* note 4.

¹⁰ James Kraska and Raul “Pete” Pedrozo, “China’s Capture of U.S. Underwater Drone Violates Law of the Sea,” *Lawfare*, December 16 2016, <https://www.lawfareblog.com/chinas-capture-us-underwater-drone-violates-law-sea>.

vessels enjoy sovereign immunity".¹¹

After examination of the said treaties, there is no clear definition of UUVs' legal status¹² but at least UUVs do enjoy sovereign immunity as UUVs are working for States.

However, the Convention does not mention what is the requirement of "human presence" and whether it is necessary for the crew of armed forces to be on board, or if remote control meets the requirement. Thus, we still have to know states' practices representing customary international law.¹³

(b) How do States' Practices define the legal status of UUVs?

The previous paragraph shows human presence is one of the conditions for having a legal status of UUVs based on treaties. So, this section will examine States' practices on how they treat UUVs.

At first, the IMO (International Maritime Organization, hereafter refer to as IMO), being in charge of maritime issues, in the 98th meeting in July 2017 enacted some rules for Maritime Autonomous Surface Ships

¹¹ U.S. Navy Judge Advocate General's Corps, Code for Unplanned Encounters at Sea, *U.S. Navy Judge Advocate General's Corps*, April 22 2014, https://www.jag.navy.mil/distrib/instructions/CUES_2014.pdf.

¹² Eric Van Hooydonk, "The law of unmanned merchant shipping-an exploration," *Journal of International Maritime Law* 20, no. 6 (2014): 403-423.

¹³ United Nations, Article 31 (3) (b) of the United Nations Vienna Convention on the Law of Treaties, 23 May 1969 (entered into force on 27 January 1980), *United Nations*, <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>.

(hereafter refer to as MASSs) in order to facilitate safe navigation.¹⁴ The IMO defines MASSs “as a ship which, to a varying degree, can operate independently of human interaction”¹⁵ and “...Most predictions are that autonomous or semi-autonomous operations would be limited to short voyages, for example from one specific port to another, across a short distance”.¹⁶ In brief, IMO basically defines MASSs as a ship for the purpose of managing and ensuring the navigation safety of autonomous vessels and other vessels at sea. However, IMO’s definition of MASSs’ navigation is assumed to be conducted over short distances.

In addition, Maritime UK published a guidebook, “Being a Responsible Industry-an Industry Code of Practice,” regulating the use and military application of UUVs. However, the text does not specifically indicate the legal status of UUVs and pertain only to the vehicles’ use within the territorial sea of the United Kingdom.¹⁷ In other words, the Royal Navy has not define the legal status of UUVs but has formulated relevant regulations and requested all relevant units to follow the rules and to use the vehicles only in its territorial sea.

Additionally, the German Navy issued a handbook, “Commander’s Handbook: Legal Bases for the Operations of Naval Forces,” pointing out

¹⁴ IMO, “Interim Guidelines for MASS Trials,” *IMO*, June 14, 2019, <https://www.register-iri.com/wp-content/uploads/MSC.1-Circ.1604.pdf>.

¹⁵ IMO, IMO takes first steps to address autonomous ships, *IMO*, May 25, 2018, <http://www.imo.org/en/MediaCentre/PressBriefings/Pages/08-MSC-99-MASS-scoping.aspx>.

¹⁶ IMO, Autonomous shipping, *supra* note 8.

¹⁷ Maritime UK, “Being a Responsible Industry - an Industry Code of Practice,” *Maritime UK*, November 8, 2017, p. 8, 17, 38 & 43. <https://www.maritimeuk.org/media-centre/publications/being-responsible-industry-industry-code-practice/>.

UUVs are considered as equipment of warships and is controlled by the warship and therefore its legal status should be the same as warships and enjoy the rights given by the Convention.¹⁸ In short, if UUVs are dispatched by warships and perform the assigned tasks, the vehicle is equivalent to the legal status of warships.

According to the U.S. Navy's publication, "Navy Unmanned Undersea Vehicle (UUV) Master Plan," UUVs are defined as a

*"Self-propelled submersible whose operation is either fully autonomous (pre-programmed or real-time adaptive mission control) or under minimal supervisory control and is untethered except, possibly, for data links such as a fiber optic cable".*¹⁹

The U.S. Navy's Commander's Handbook mentions "UUVs engaged exclusively in government, noncommercial service are sovereign immune craft".²⁰ The United States believes that if UUVs are used to perform official duties then it would be regarded as a ship enjoying sovereign immunity. Therefore, UUVs enjoy rights and assume obligations of ships under the Convention. Even though they are never

¹⁸ German Navy, *Commander's Handbook: Legal Bases for the Operations of Naval Forces*, SM 3, 2002, p. 45.

¹⁹ "Self-propelled submersible whose operation is either fully autonomous (pre-programmed or real-time adaptive mission control) or under minimal supervisory control and is untethered except, possibly, for data links such as a fiber optic cable." U.S. Navy, *The Navy Unmanned Undersea Vehicle (UUV) Master Plan*, U.S. Navy, November 9, 2004, p. 4., <https://www.navy.mil/navydata/technology/uuvmp.pdf>.

²⁰ U.S. Navy, *The Commander's Handbook on the Law of Naval Operations*, NWP 1-14M/MCTP 11-10B/COMDTPUB P5800.7A, August 2017, para. 2.3.6, https://www.jag.navy.mil/distrib/instructions/CDRs_HB_on_Law_of_Naval_Operations_AUG17.pdf.

clearly defined as warships.

Thus, based on IMO and states' practices, UUVs are regarded as ships and enjoy sovereign immunity but are only used in short-distance navigation in territorial waters and if UUVs are performing official duties. UUVs are not equivalent to the legal status of warships.

In summary, lack of clarification leaves the legal status of UUVs to be uncertain. States' practices of UUVs' use show that they can be regarded as ships. However, with the increased appearance of autonomous UUVs, they still do not meet the requirement of human presence. This leads to a situation where we have no standard definition or classification of UUVs upon which to create a legal status. Hence UUVs' legal status is defined by States' practices. This explains the different points of views on legal status of UUV belonging to the USS Bowditch. Thus, some experts call for the internationalization for a legal status of UUVs for them to be regulated for safety of navigation. UUVs are still in a legal grey area encouraging nation states on the misuse of UUVs. The following section will discuss the development of China's application of UUVs.

The Development of China's Application of UUVs

The main advantage of UUVs is that it operates without a human, is less expensive than a human operated vehicle and replaces human risk in the conduct of dangerous operations. They operate in conditions and perform tasks that humans are not able to do efficiently, or at all.²¹ In addition, Artificial Intelligence (AI) is seen as indispensable to the development of future warfighting capabilities or support for military

²¹ W.H. Wang, et al, "The State-of-Art of Underwater Vehicles – Theories and Applications," in edited by Xiao Qi Chen, *Mobile Robots - State of the Art in Land, Sea, Air, and Collaborative Missions* (InTech: Rijeka, 2009), p. 129.

operations.²² The Chinese government sees AI technology as a “leapfrog development” opportunity to catch up with the U.S. military, implying AI technology for less advanced countries can skip a development stage. In other words, for countries behind the current generation of technologies it actually offers an advantage in adopting the next generation technology.²³

Although there still are limitations of underwater communications, China is forging ahead and making some forms of AI mandatory. China shows its intentions for AI to transform their military into the worlds’ strongest. For example, the Chinese government released “New Generation Artificial Intelligence Development Plan” in 2017.²⁴ It reveals China’s ambition to “lead the world” in AI by 2030. According to a report, in the *South China Morning Post* in July 2018, Lin Yang, a scientist of Shenyang Institute of Automation of the Chinese Academy of Science, claimed China has plans to develop new-generation military underwater robots by 2021. He also runs a project with the goal to develop AI-driven unmanned submarines to handle surveillance, mine laying, and attack

²² Edmund J. Burke, et al., *People’s Liberation Army Operational Concepts* (Washington DC: Rand Cooperation, 2020), p. 23.

²³ Gregory C. Allen, “Understanding China’s AI Strategy,” *Center for a New American Security*, February 6, 2019, <https://www.cnas.org/publications/reports/understanding-chinas-ai-strategy>.

²⁴ “A series of The State Council on the issuance of a New Generation artificial Intelligence Development Plan,” *The State Council circular on the issuance of a New Generation of artificial intelligence Development Plan*, June 20, 2017, http://www.gov.cn/zhengce/content/2017-07/20/content_5211996.htm.

missions.²⁵

When China seized a the U.S. UUV in December 2016 this further convinced Beijing to enhance its unmanned military systems to counter an enemy such as the U.S. and invest in developing its own capabilities.²⁶ Some unmanned military systems have been approved for utilization in a potential invasion scenario against Taiwan or U.S. and its allies.²⁷ As stated in China's military strategy "White Paper," the global trend of the military modernization is characterized by long-range, precise, smart, stealthy, and unmanned weapons.²⁸ An April 2020 Rand report, "People's Liberation Army (PLA) Operational Concepts," reveals China's innovative military strategy and doctrine integrates big data and AI technologies with military concepts of joint force operations.²⁹ Thus, we see China's effort to prioritize and integrate AI technology across the

²⁵ Stephen Chen, "China Military Develops Robotic Submarines to Launch A New Era of Sea Power," *South China Morning Post*, July 22, 2018, <https://www.scmp.com/news/china/society/article/2156361/china-developing-unmanned-ai-submarines-launch-new-era-sea-power>.

²⁶ Tong Zhao, *Tides of Change* (Washington, DC: Carnegie Endowment for International Peace, 2018), p. 67.

²⁷ "It is rumored that there are only 300 of our 3,000 PLAF J-6 fighters to attack Taiwan" · *Sina*, Dec 9, 2016, <http://mil.news.sina.com.cn/jssd/2016-12-09/doc-ifyxypipt0654560.shtml>; Ellen Ioanes, "China Just Unveiled An Underwater Drone that Could One Day even the Odds against the US and Its Top Allies," *Business Insider*, October 2, 2019, <https://www.businessinsider.com/chinas-underwater-drone-allies-in-pacific-2019-10>.

²⁸ "Xi Jinping: Keeping abreast of the new trends in global military development, we will vigorously promote military innovation", *People's Daily*, Aug 31, 2014, <http://cpc.people.com.cn/n/2014/0831/c64094-25572459.html>.

²⁹ Burke, et al., *People's Liberation Army Operational Concepts*, pp. 22-23.

military spectrum including UUVs.

China released its Belt and Road Initiatives (BRI) in 2013, outlining Beijing's long-term plans to become a major maritime power. The PLA is actively advancing its employment of military robotics and "unmanned" (無人, i.e., uninhabited) systems.³⁰ Chinese sources indicate that this includes using AI to build a concept of "intelligentized military."³¹ According to Lyle J. Goldstein's article in *The National Interest*, the PLA Navy is promoting their capabilities in submarine warfare with a heavy emphasis on UUVs and integrated AI technology.³²

There is a significant trend by the PLA Navy in expanding its development and increasing the deployment of unmanned systems such as autonomous vessels and UUVs. The PLA Navy signaled its intention by displaying its very first large-size UUV, the HSU001, during the PRC's 70th Anniversary Parade on October 1 2019. The HSU001 could sit on the ocean floor for extended periods of time to gain artificial maritime intelligence, surveillance, reconnaissance and play an outsized role in PLA Navy amphibious warfare.³³ China also shows its ambition to elevate its presence in the Indian ocean with increasing deployment of UUVs. The Indian government discovered 12 China-deployed Haiyi class

³⁰ Elsa Kania, *The PLA's Unmanned Aerial Systems* (Montgomery, AL: China Aerospace Studies Institute, 2018), p. 3.

³¹ Burke, et al., *People's Liberation Army Operational Concepts*, p. 22.

³² Lyle J. Goldstein, "China Hopes UUVs Will Submerge Its Undersea Warfare Problem," *The National Interest*, March 28, 2020, <https://nationalinterest.org/blog/buzz/china-hopes-uuv-will-submerge-its-undersea-warfare-problem-138597>.

³³ Dave Makichuk, " Silent Running: China Embraces Undersea Warfare," *The Asia Times*, March 12, 2020, <https://asiatimes.com/2020/03/china-embraces-uuv-in-undersea-warfare/>.

UUVs in the eastern Indian Ocean this April. An *Asia Times* report points out these UUVs could be utilized to facilitate submarine movements and in case of a conflict locate and disable underwater mines.³⁴

Conclusion

As of yet no standard definition or classification of UUVs exists upon which to define a legal status. UUVs are still in a legal grey area allowing some nation states to exploit the unrestricted usage of UUVs. The Chinese government sees AI technology as a “leapfrog development” opportunity to catch up to a U.S. super power. China is also relying on AI technology to support its ambition for a world class military by 2050.

The PLA Navy is making continues gains in UUV technology extending the underwater operational duration for maritime intelligence, surveillance and reconnaissance. Clearly, UUVs will play a significant role in the PLA Navy’s amphibious warfare plan. The take-away here is that China has committed itself to the application of its considerable AI technology to strengthen their underwater warfare capacity as evidenced by their continued advances in UUV development.

³⁴ Bertil Lintner, “China Eyes a Covid-19 Edge in the Indian Ocean,” *The Asia Times*, April 23, 2020, <https://asiatimes.com/2020/04/china-eyes-a-covid-19-edge-in-the-indian-ocean/>.

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An Emerging Island Chain within the Island Chains

By Jung-Ming Chang¹

Introduction

After Liu Huaqing, former admiral of the People's Liberation Army Navy (PLAN) of the People's Republic of China (PRC) proposed in 1982 his version of naval strategy for China, the PRC has been constructing a blue navy. As Alfred Thayer Mahan² points out the importance of military bases to a blue water navy, seeking and turning foreign ports into military use has become China's priority. Therefore, China established ties with countries in the South Pacific in order to conduct a breakthrough of the three island chains set up by the United States during the Cold War. These island states, then, constitute an emerging island chain. To prevent a military confrontation, or even a war, from occurring in the region, looking squarely into the emerging island chain within the island chains is necessary.

An Emerging Island Chain and Its Significance

The world has recently witnessed an expansion of China's influence in

¹ The author would like to thank Christian Castro, Sifu Ou, Liang-Chih Evans Chen, Kuochou Peng (ROC Navy Rear Admiral) , Hsinbiao Jiang (ROC Navy Captain, retired) and Grant Newsham (US Marine Colonel, retired) for helpful comments. All errors are of course mine.

² Alfred Thayer Mahan, *Naval Strategy. Compared and Contrasted with the Principles and Practice of Military Operations on Land*. (Boston: Little, Brown, and Company, 1911), pp. 200-201.

the South Pacific, a region that has long been mostly under the influence of the United States, Australia, and New Zealand. The switch of diplomatic recognition from Taiwan to China by the Solomon Islands and Kiribati in September 2019 served as two examples of the rise of China's influence in the region.³ More importantly, Honiara switched diplomatic ties to Beijing after resisting Washington's opposition. Therefore, the switch was not a simple move of changing partners. It was, in fact, a behind-the-scenes competition between China and the United States.

Establishing ties with countries in the South Pacific not only extends China's Belt and Road Initiative (BRI) but also brings the nation tremendous strategic advantages. Directly after the diplomatic switch, China's state-owned Sam Enterprise signed a lease with the Solomon Islands' Central Province to rent Tulagi Island for 99 years. The attempt was later rebuked by the Attorney General's Chambers of the Solomon Islands, stating that the signing was illegal and should be terminated immediately.⁴ China's second attempt was to provide economic assistance to improve roads and railroads in Guadalcanal, a transportation hub and bloody battlefield during World War II, to

³ Chris Horton, "In Blow to Taiwan, Solomon Islands Is Said to Switch Relations to China," *The New York Times*, September 16, 2019, <https://www.nytimes.com/2019/09/16/world/asia/solomon-islands-taiwan-china.html>; Melissa Clarke, "Kiribati cuts ties with Taiwan to switch to China, days after Solomon Islands," *ABC News*, September 20, 2019, <https://www.abc.net.au/news/2019-09-20/kiribati-to-switch-diplomatic-ties-from-taiwan-to-china/11532192>.

⁴ Neal Conan, "Pacific News Minute: Chinese Bid to Lease Tulagi Island Fails," *Hawai'i Public Radio*, October 30, 2019, <https://www.hawaiipublicradio.org/post/pacific-news-minute-chinese-bid-lease-tulagi-island-fails#stream/0>.

facilitate the reopening of the Gold Ridge Mine on the island.⁵ What should not be overlooked is that both attempts indicate China's intentions to seek strategically located allies in the South Pacific.

The idea of using island chains to prevent the spread of communism from USSR was proposed in the early days of the Cold War, and over the years, this idea has evolved further. The First Island Chain starts from Japan and extends southbound to Ryukyu Islands, Taiwan, the Philippines, and Malaysia. The Second Island Chain comprises Japan, the Ogasawara Islands, the Mariana Islands, Guam, Palau, and Indonesia, with a view to intercepting the remaining communist forces. Alaska, the Aleutian Islands, Midway Atoll, Hawaii, the Line Islands (partly controlled by Kiribati), and New Zealand form the Third Island Chain that constitutes the last line of defense that deters adversarial forces from reaching the U.S. continent.

An emerging island chain that starts from Papua New Guinea and ends in Kiribati, however, is located within the Second and Third Island Chains and has shown support to China. More importantly, countries in the emerging island chain have existing commercial ports that could be turned into military use. Port of Rabaul (Papua New Guinea) and Port of Nuku'alofa (Tonga) both have a pier depth of more than 14 meters and could accommodate almost any vessel in the world, commercial or military ones. A pier that is at least 9 meters in depth could dock most of the PLAN vessels and there is one port of this kind in Fiji, seven in Papua New Guinea, and two in Vanuatu. For more information, please see Table 1. Even if the rest of the existing commercial ports do not have adequate pier depth, China would not mind to conduct some construction projects

⁵ "Gold Ridge gold mine relaunched in Solomon Islands," *Radio New Zealand*, October 26, 2019, <https://www.rnz.co.nz/international/pacific-news/401844/gold-ridge-gold-mine-relaunched-in-solomon-islands>.

in exchange for free use of these ports.

After greatly enhancing its national capabilities, China certainly desires to reach out to the Pacific and penetrate the three Island Chains. If deployed deliberately, China's capability of Anti-Access/Area Denial (A2/AD) could be extended by 3,000 miles. Therefore, the strategic importance of the emerging island chain should not be overlooked.

A Possible Extension of China's Anti-Access/Area Denial

Weapon System

Originally, the A2/AD strategy was established by China after the 1995–96 missile crisis to prevent U.S. forces from coming to Taiwan's aid again. During the crisis, the U.S. government deployed two aircraft carrier battle groups to obstruct the Chinese communists from taking any military actions in addition to test-firing missiles to influence Taiwan's presidential election. USS Independence aircraft carrier combat group embarked from Yokosuka, Japan to an area near northern Taiwan; a combat group led by Nimitz-class aircraft carrier that traveled from the Arabian Gulf to south of Taiwan.

Seeing how the PLAN was no match for the military prowess of the U.S. aircraft carriers, the strategy of preventing the U.S. forces from reaching international waters near Taiwan in the future was conceived. To this end, long-range Dongfeng-21D (DF-21D) ballistic missiles were developed and dubbed "carrier killers." Additionally, mid-range Dongfeng-26 (DF-26) ballistic missiles, nicknamed the Guam Express, were added to China's Rocket Force in 2018. Recently, China has developed a type of hypersonic glide missile, the Dongfeng-17 (DF-17), which can strike targets at a speed of Mach five.

Following China's strengthening of its naval force, the PLAN could deploy

vessels in the East China Sea in advance to deny access to the U.S. warships coming from Japan. Similarly, China's recent construction and fortification in the Spratly Islands also poses a direct threat to any U.S. combat group traversing the South China Sea. To some extent, China's air force and land-based batteries are capable of impeding the movement of U.S. vessels in these regions.

After the PLAN conducting long voyages through the Miyako Pass, its vessels have had the ability to stymie U.S. vessels rushing to the First Island Chain. To bring a quick end to the combat, China has devised tactics, such as ensuring that the first battle is the decisive one. Hence, any delay in the U.S. rescue mission increases China's likelihood of success in blitzkrieg warfare. Currently, the PLAN has two Kuznetsov-class aircraft carriers, Liaoning (CV16) and Shandong (CV17), and two more carriers will join the fleet in the near future.

Three aircraft carriers constitute a reliable force; one of each can be assigned for active duty, training, and repair and maintenance. With three aircraft carriers at its disposal and after securing deep-water ports in the emerging island chain, the PLAN could well deploy these carriers to the South Pacific. Because the current and upcoming PLAN aircraft carriers are powered by steam turbines, their fuel tank capacity limits the voyage duration to 7 days. However, considering the length between Guam and Honiara, a PLAN combat group comprising one aircraft carrier and escort vessels can feasibly make one roundtrip within a week. For voyages further north, an auxiliary oiler replenishment ship can be used.

Moreover, the PLAN fleet in the South Pacific is likely to be accompanied by submarines and unmanned underwater vessels (UUVs), thereby posing a considerable potential threat to the U.S. fleets. The PLAN submarines and the JL-class ballistic missiles on board are grave concerns for the U.S. Navy. To deceive the U.S. Navy, the PLAN could have

its supply vessels sauntering in the middle of the North Pacific Ocean to give the impression that the PLAN submarines are on active duty nearby.

Additionally, the PLAN can deploy SHU001 UUVs, which were unveiled on the People's Republic of China's National Day in 2019. Unlike PLAN aircraft carriers that are constrained by short refueling cycles, UUVs are powered by batteries and can be operational for at least 30 days. These unmanned vessels can not only detect U.S. fleets but plant mines. Additionally, if China's HSU001 is proven to be reliable in terms of intelligence, surveillance, and reconnaissance, the military prowess of DF-17s and DF-21Ds could be greatly enhanced.

Confronting or disturbing the U.S. fleets will be possible for the PLAN vessels if they are stationed on the emerging island chain. Additionally, they can be used to limit the reach of the U.S. Navy. In the occasion that a PLAN task force fails to deter a U.S. fleet rushing to the aid of countries in the First Island Chain, it could follow the U.S. fleet and strike from behind. In this case, the U.S. fleet may need to engage on both fronts (front and back).

One could argue that for a Chinese military base to exercise its maximum military power in the emerging island chain, defense is of utmost concern for China. In other words, China must be able to protect its military compound in the South Pacific before using it as a forward outpost. However, no military base in modern warfare is absolutely safe; hence, focusing on defense capabilities is less critical. Even if U.S. forces conduct a preventive strike, defeating all PLAN aircraft carriers, surface ships, submarines, and UUVs in a single military action would be almost impossible as some of them would still be operational. Additionally, one could argue that the United States, with the support of its allies, could deploy military forces in advance to prevent PLAN vessels from leaving base in the South Pacific. However, this argument is void because no legal solution is available to prevent a PLAN fleet from enjoying the freedom

of navigation.

Other strategies have been proposed to counter China, such as preventing the PLAN from making inroads into the First Island Chain during wartime by deploying a multi-domain task force or developing land-based missiles to safeguard the choke points. The First Island Chain remains the central focus, despite the knowledge that the PLAN can deploy aircraft carriers and escort vessels in the South Pacific in advance before the onset of war.

Put differently, the aforementioned strategies only tighten the fishing net but fail to capture the fish that has already escaped. Moreover, runaway PLAN ships can easily be refueled and resupplied if the deep-water ports in the upcoming island chain are utilized. Thus, confining the PLAN within the First Island Chain has become more difficult. This is a significant concern because the more the PLAN deploys its ships in the South Pacific in advance, the more the First Island Chain loses its strategic importance. This begs the question: is there any way out?

Military Versus Diplomatic Solutions

Aware of the situation, the Australian and U.S. governments have started making military preparations. For example, the Australian government is planning to construct a naval base at Glyde Point in Australia's Northern Territory, which will be used by U.S. Marines.⁶ Moreover, the Lombrum naval base on Manus Island of Papua New Guinea has been under development since 2018 as a joint effort by the United States and

⁶ Andrew Greene, "Secret plans for new port outside Darwin to accommodate visiting US Marines," *ABC News*, June 19, 2019, <https://www.abc.net.au/news/2019-06-23/navy-port-us-darwin-glyde-point-gunn-marines-gunn-military/11222606>.

Australia.⁷

Besides, Palau President Tommy Remengesau urged the United States to build military bases in his country during U.S. Secretary of Defense Mark Esper's visit to the archipelago in late August 2020.⁸ Additionally, the U.S. Department of Defense has proposed building a fleet of 355 vessels by 2030 at an average annual cost of US\$26.6 billion (2017 currency rate) per year over the next 30 years.⁹ However, consider inflation and the declining U.S. economy, whether the goal can be reached in a timely fashion is debatable.

All the aforementioned problems stem from the Chinese government's possible control over the ports in the emerging island chain. In other words, if the PLAN does not touch the ports, regional countries can rest assured that the South Pacific would remain as peaceful as always. Since the military perspectives previously mentioned have been inefficient in resolving this issue, diplomatic means that are both time and budget efficient must be proposed.

Strengthening economic ties with countries in the South Pacific is a strategic objective of China's BRI. Moreover, the BRI is welcomed by island states in the South Pacific for the economic and infrastructural benefits it promises. Given that the island countries in the South Pacific

⁷ "PNG to review deal with Australia for naval base on Manus," *Radio New Zealand*, June 12, 2020, <https://www.rnz.co.nz/international/pacific-news/418860/png-to-review-deal-with-australia-for-naval-base-on-manus>.

⁸ "Palau invites US to build military bases as part of strategic tug of war with China," *South China Morning Post*, September 4, 2020, <https://www.scmp.com/news/asia/australasia/article/3100244/palau-invites-us-build-military-bases-part-strategic-tug-war>.

⁹ "Costs of Building a 355-Ship Navy," Congressional Budget Office, April 24, 2017, <https://www.cbo.gov/publication/52632>.

are generally economically weak, providing free-of-cost infrastructure to these countries is an easy means of exerting influence. Therefore, a counter measure to cope with the BRI must involve financial assistance.

The United States does not need to provide financial assistance alone, but could coordinate with Taiwan, Japan, New Zealand, Australia, or France, to enlarge the funding base. These countries have been providing economic assistance to nations in the South Pacific; therefore, continuing to donate makes sense for them. Additionally, in light of the growing strategic importance of the South Pacific, these donor countries may be willing to donate more than before. To avoid a war with China, it is logical for the U.S. government to take the lead in rallying donor countries to better gauge the needs of recipient countries.

Two such collaborative projects are currently operational: The Global Cooperation and Training Framework and Pacific Islands Dialogue between the United States and Taiwan. Additionally, ad hoc cooperation is underway to prevent the possible outbreak of the coronavirus pandemic in the South Pacific. As the late Director of the American Institute in Taiwan, Darryl Johnson, said to me in his office 21 years ago, “diplomatic business offers various means to solve problems,” perhaps more could be done in the future to strengthen ties with the South Pacific allies to secure regional stability or even world peace.

Another possible solution is to establish more air traffic routes to connect the South Pacific island states with the outside world. Even though United Airlines, famous for its “island hopper” route from Guam to Honolulu, and a few local airlines have been operating in the region, air travel is still inconvenient for island states that are not on the busy routes. For example, the direct distance from Brisbane, Australia to Majuro of the Marshall Islands is approximately 4,000 miles; however, passengers have to transit through Honolulu; this lack of a direct flight

makes the journey 2.6 times longer. Similarly, Palau is located between Taipei and Brisbane. Ideally, a traveler from Taipei should be able to visit Palau first and then Brisbane second; however, because no direct flights exist between Palau and Brisbane, a traveler has to return to Taipei after visiting Palau and fly to Brisbane from Taipei instead. Many such cases of poor air connectivity can be cited. It is necessary to enhance the convenience of transportation to create a stronger bond between South Pacific island states and other countries in the region.

Conclusion

China has been attempting to establish an emerging island chain in the South Pacific to expand its influence. Utilizing the maintenance and supply provided by the ports of this emerging island chain could easily turn it into a forward military base, which would devastate regional security or even world peace. To start a war with the United States might not occur in the near future, but to “liberate Taiwan” could be imminent. It is necessary to tackle this issue before China strengthens its beachhead in the South Pacific. When choosing which actions to take, diplomatic means are time and budget efficient than military means.

Table 1: Ports in the Emerging Island Chain

Country	Pier Depth	Beyond 14 Meters	In Between	Within 9 Meters
Cook Islands		N/A	N/A	Port of Avatiu
Fiji		N/A	Port of Malau	Port of Suva Port of Levuka Port of Lautoka Port of Savusavu
Kiribati		N/A	N/A	Port of Betio
Niue		N/A	N/A	Port of Alofi
Papua New Guinea		Port of Rabaul	Port of Lae Port of Oro Bay Port of Moresby Port of Alotau Port of Kieta Port of Madang Hamburg Harbor	Port of Samarai Port of Wewak Port of Vanimo Queen Carola Harbor Port of Kokopo Longan Island Suloga Harbor
Solomon Islands		N/A	N/A	Port of Daru Port of Honiara Port of Noro Port of Yandina Port of Gizo Port of Tulagi
Tonga		Port of Nuku'alofa	N/A	Port of Neiafu Port of Pangai
Vanuatu		N/A	Port Vila Port of Santo	N/A

Sources: World Port Source, available at <http://worldportsource.com/>; World Seaports Catalogue, Marine and Seaports Marketplace, available at <http://ports.com/>.

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Futile Efforts: Abe's Northern Territory Policy

By Che-Jen Wang

Introduction

Prime Minister Shinzo Abe's sudden resignation put an end on the 7-years-and-8-months long pro-Russian administration. Although having built a strong personal connection with President Vladimir Putin and promoted economic projects in the Far East Siberia of Russia, Abe failed to solve this problem during his entire life as a Prime Minister. The reasons are two folds. The first is the lack of trust between Moscow and Tokyo which primarily comes from the military alliance between Japan and US. The second is domestic constraints on territorial dispute. Before striking a territorial deal with Russia, the new Suga administration has to avoid the possible US encroachment in the future on Russia's national security concern in the Pacific. For domestic issues, the administration must reach agreements among the Japanese society on the number of islands returned and the procedure of returning the islands.

On August 28, 2020, Prime Minister Shinzo Abe suddenly announced to resign due to his health issue and put an end on the 7-years-and-8-months long administration's Russia policy. Former Secretary of State Suga was elected as the successor prime minister. Since his third administration in 2012, Abe has attended 27 summit meetings with Putin, visited Russia nine times, while Putin has visited Japan only twice. It should be noted that there was no meeting for leaders of both states for consecutive 11 years (2005-2016). That's why many consider the

best Japan-Russia relations has passed.¹ Solving the territorial dispute with Russia is one of Abe's diplomatic goal, which is inherited from his father and his grandfather. Although having built a strong personal connection with Putin and promoted economic projects in the Far East Siberia of Russia, Abe failed to solve this problem all his life as a Prime Minister. This paper explains why Prime Minister Abe can't achieve the mission in solving the 70-year historical dispute.

The Kuril Islands Disputes: A Brief Review

Before the WWII, the demarcation of the Russia-Japan borders over Sakhalin and the Kuril Islands were settled by The Treaty of Commerce and Navigation between Japan and Russia in 1855, the Treaty of Saint Petersburg and in 1875 and The Portsmouth Treaty in 1905, as shown in Figure 1.² As the WWII approaching to the end, the Soviet Union (SU) declared war on Japan on August 9, 1945, quickly occupied the entire

¹ Professor Iwashita Akihiro of Hokkaido University claims that the rare pro-Russian government in Japanese political history is over. (original text:稀にみる親ロシア政権が終わった。) See 〈岩下明裕・日本はロシアに見下げられた...安倍政権が「北方領土交渉」で失ったもの〉・《現代ビジネス》・2020年9月26日・<https://gendai.ismedia.jp/articles/-/75916>。Another scholar taking the similar point of view is: Джеймс Браун, "Забыть о Москве. Что предвещают России первые решения нового премьера Японии", Московский Центр Карнеги, October 20, 2020, <https://carnegie.ru/commentary/82997>.

² The Treaty in 1855, known as the Treaty of Shimoda, is the Japanese first treaty to settle the border. See Masaharu Yanagihara, "Japan," in Fassbender, Bardo, et al., eds. *The Oxford Handbook of the History of International Law* (Oxford University Press, 2012), p. 488. For detailed discussion of the Portsmouth Treaty, see March, G. Patrick, *Eastern Destiny: Russia in Asia and the North Pacific* (Praeger, 1996), p. 90.

Kuril Islands,³ nationalized all the property on the Islands, and finally amended the Soviet Constitution to include the Islands as part of Soviet Territory. In 1951, Japan signed the San Francisco Peace Treaty to terminate the war with other Allied Powers and to renounce the territories occupied before/during the WWII, including the South Sakhalin and the Kuril Islands. However, the term of "Kuril Island" mentioned in the Treaty were not clearly defined.⁴ Although taking part in the Treaty Conference, the SU delegation refused to sign the Treaty for the US not amending the Treaty according to SU's demand for including Communist China. These reasons make room for dispute from both

³ For the dates of occupation for different islands, please see Keith A. Call. "Southern Kurils or Northern Territories: Resolving the Russo-Japanese Border Dispute." *BYU L. Rev.* (1992), p. 731.

⁴ Seokwoo Lee. "The 1951 San Francisco peace treaty with Japan and the territorial disputes in East Asia," *Pac. Rim L. & Pol'y J.*, 11 (2002): 63, 76. Hara argues that the vague text in the Treaty was left on purpose, as the tension between the US and the Soviet Union started emerging. See, Kimie Hara. *Japanese-Soviet/Russian Relations since 1945: A Difficult Peace* (Routledge, 2003), pp. 20-23.

countries.⁵



Figure 1: The Demarcation of Territory Between Russia and Japan (1855-1905)

The most important step toward solving the Kuril Islands dispute⁶ after the end of WWII is the signing of The Joint Declaration in 1956. Not only does the Declaration put an end to the state of war between Russia and Japan and restored the diplomatic relations, but stated that Russia agrees to transfer the Habomai Islands and Shikotan to Japan, after signing the peace treaty. However, as the Soviet-West tension grew in the late 1950s, the Japanese government, supported by the US, changed its position by asking the return of all four disputed islands in one time, known as “All-Four-Islands-Return-Together” policy (四島一括返還).⁷ Later the renewed US-Japanese Security Treaty signed in 1960 allowing the US military presence in Japan and terminated SU’s willing to negotiate as SU

⁵ James Brown, *Japan, Russia and their territorial dispute: The northern delusion* (Routledge, 2016), p. 11.

⁶ The disputed islands are the Etorofu Island (Japanese:択捉島), the Kunashiri Island (国後島), the Shikotan Island (色丹島), and the Habomai Islands (歯舞群島).

⁷ Hara, *Japanese-Soviet/Russian*, pp. 106-107.

perceived threats from the US. Later Andrei Gromyko, then foreign minister of the SU, delivered a memorandum to Japan requiring the withdrawal of all foreign troops from Japan as a fresh condition for signing a peace treaty.⁸ Japan rejected the demand. Since then on, the Soviets turn to a more abstinent stance, nullifying their part in the Joint Statement and refusing the returning the two smaller islands.

Many efforts had been tried before 2012 when Putin and Abe started their respective third term as national leaders. However, these efforts did not bear any concrete result. The relationship between Japan and Russia deteriorated substantially after the Crimea Crisis, because Japan, in order to maintain solidarity with the West, imposed sanctions against Russia in August 2014. The discussion of Putin's visit to Japan was abruptly postponed right after the sanction. Not until Abe successfully met Putin in Sochi in May 2016 the negotiation started again. During the meeting, Abe presented an eight-points economic cooperation plan, which includes cooperation in sectors like energy, transportation, agriculture, science and technology, health care, urban infrastructure, culture, and investment in small and medium-sized enterprises.⁹ It is

⁸ Shigeo Omori, "Japan's Northern Territories," *Japan Quarterly* 17, no. 1, (January 1, 1970): 21-22.

⁹ Details of the cooperation plans are: (1) extending healthy life expectancies, (2) developing comfortable and clean cities easy to reside and live in, (3) fundamentally expansion medium-sized and small companies exchange and cooperation, (4) energy, (5) promoting industrial diversification and enhancing productivity in Russia, (6) developing industries and export bases in the Far East, (7) cooperation on cutting-edge technologies, and (8) fundamentally expansion of people-to-people interaction. For details of current projects, please refer to <http://rjif.org/#prior>.

deemed as a “New Approach”.¹⁰ The \$1-billion Russia-Japan Investment Fund was established jointly by two government-backed investment vehicles – the Russian Direct Investment Fund and Japan’s Bank for International Cooperation in August 2017. The Fund focuses on projects that foster economic cooperation between the two nations. After 2 years of devotion in promoting bilateral cooperation, there are, by the end of October 2018, about 150 joint projects have already been created within the framework of the eight-point cooperation plan, and about half of them are already at the stage of concrete implementation.¹¹ It is clear that although not clearly stipulated, Abe tries to use the economic cooperation and benefit to soften Russia’s tough stance on territorial negotiation. This strategy is known as “Two Islands Plus Alpha,” and Alpha means economic cooperation.

On September 12, 2018, Putin suddenly proposed that Moscow and Tokyo should sign, without precondition, a peace agreement as the foundation to resolve their long-running territorial dispute by the end of 2018. The offer, contradicting Japanese long-term strategy to use the peace agreement as a negotiation chip for the return of the Kuril Islands, was rejected by the Abe Government right after the proposal was raised.¹² Abe, when addressing speech in UN Assembly, emphasized that

¹⁰ J. D. Brown, “The Moment of Truth for Prime Minister Abe’s Russia policy,” *Asia-Pacific Journal-Japan Focus* 6, no.10 (2018).

¹¹ “В Токио открылось двустороннее заседание РФ и Японии по экономическому сотрудничеству,” TASS, ноя. 19, 2018, <https://tass.ru/ekonomika/5806840>.

¹² For Putin's proposal, please refer to Павел Казарновский, “Путин предложил премьеру Японии заключить мирный договор до конца года,” Сен. 12, 2018, RBC.RU, <https://www.rbc.ru/politics/12/09/2018/5b98b2fe9a79471316561f40>; for Japanese reply to the proposal, please refer to Павел Казарновский и Анжелика

the territorial issue must be dealt before concluding the peace treaty.¹³

Perspectives of Territorial Dispute: Russia VS Japan

In terms of the territorial dispute of Kuril Islands, Russia has inherited the standpoint of SU, who claimed the occupation of the Kuril Islands is based on the Cairo Declaration in 1943, the Potsdam Proclamation and the Yalta Agreement¹⁴ in 1945 and the subsequent General Order No. 1, which issued on 2 September 1945 by Truman later in the same year. The Cairo Conference did not mention Kuril islands, but the Potsdam Proclamation and the Yalta Agreement state that “the Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine” and “the Kurile Islands shall be handed over to the Soviet Union” respectively.¹⁵ The following

Басисини, “Власти Японии не поддержали идею Путина о мирном договоре без условий,” RBC.RU, 12 Сен. 2018,
<https://www.rbc.ru/politics/12/09/2018/5b98efd39a794724b0f74365>.

¹³ 地曳航也・〈自由貿易の強化訴え首相、国連演説へ 日本条約は領土解決前提〉・《日本経済新聞》・2018年9月26日・
<https://www.nikkei.com/article/DGKKZO35739020V20C18A9PP8000/>。

¹⁴ Elleman, Nichols and Ouimet argue that Roosevelt thought that the entire chain of Kuril Islands was ceded to Japan after the Russo-Japanese war, and therefore mistakenly support the SU's claim that the entire chain of islands should be returned to the SU. See Bruce A. Elleman, Michael R. Nichols, and Matthew J. Ouimet, “A historical reevaluation of America's role in the Kuril Islands dispute,” *Pacific Affairs* 71, no.4 (Winter, 1998-99): 492-491.

¹⁵ The Avalon Project, “The Berlin (Potsdam) Conference, July 17-August 2, 1945 (a) Protocol of the Proceedings, August 1, 1945,” The Yalta Conference, Yale Law School, https://avalon.law.yale.edu/20th_century/decade17.asp; The Avalon Project, “The Yalta Conference”, Yale Law School, <https://avalon.law.yale.edu/wwii/yalta.asp>.

General Order No. 1 agrees Soviet occupation all of Kuril Islands.¹⁶ So when Japan relinquished all rights, titles and claims to the Kuril Islands in the San Francisco Peace Treaty, it has no ownership to the Islands, even that the SU did not sign the Treaty has no effect on Japan's renouncing of the Islands. In addition, Russia believe that the casualty of Shumshir battle justifies the liberation of Kuril Islands at the end of WWII.¹⁷ The Kremlin does not consider there is a territorial dispute with Russia as early as Khrushchev and Brezhnev's time and the discussion was only limit to the upper echelons of the Communist Party. Local authorities like Sakhalin did not consider the chain of Kuril Islands to be broken, and the border between the SU and Japan, according to the Soviet's perspective, are "in the middle of Nemuro Strait, Notsuke Strait and Goyomai Strait."¹⁸

Since SU was not a signatory to the San Francisco Treaty, Japan, therefore, argues the seizure of the four islands and their subsequent incorporation into the SU were of no legal grounds in the following three points.

Firstly, although the Yalta Agreement did state that "the Kurile islands shall be handed over to the Soviet Union," Japan's Ministry of Foreign Affairs argued that Yalta Agreement "did not determine the final settlement of the territorial problem, as it was no more than a statement by the then leaders of the Allied Powers as to principles of the postwar settlement... Japan is not bound by this document, to which it did not

¹⁶ United Nations Treaty Collection, "Treaty of Peace with Japan," <https://treaties.un.org/doc/publication/unts/volume%20136/volume-136-i-1832-english.pdf>.

¹⁷ Akihiro Iwashita. *Japan's border issues: Pitfalls and prospects* (Routledge, 2016), p. 6.

¹⁸ Hara, *Japanese-Soviet/Russian*, p. 93.

agree.”¹⁹ Secondly, although Japan renounced all right, title and claim to the Kuril Islands in the San Francisco Treaty, the Treaty did not specify to whom the islands were renounced. Since the SU was no party to the San Francisco Peace Treaty, it is arguable that the SU has sovereignty right over the Kuril Islands.²⁰ Thirdly, the SU violated the Atlantic Charter for aggression on Japan’s territorial integrity and Japanese islanders’ right to self-determination.²¹

Why Abe’s Administration Failed?

The lack of trust between Moscow and Tokyo and domestic political constraints on territorial dispute cause the failure of Abe’s Russian policy.

(1)The lack of trust between Moscow and Tokyo

When asked about whether to apply Russia-China model to settle the Kuril Islands dispute, Putin said the territorial dispute between China and Russia was resolved “only due to a high level of trust between the states”.²² As Kuril Islands serve as Russian naval access to the Western Pacific and play a critical role in Russia’s nuclear deterrence strategy. The islands’ strategic value to Russia has been increasing in recent years.

¹⁹ Ministry of Foreign Affairs, Japan, “Japan’s Northern Territories-For A Relationship of Genuine Trust,”
<http://www.mofa.go.jp/region/europe/russia/territory/pamphlet.pdf>.

²⁰ Brown, *Japan, Russia and their territorial dispute: The northern delusion* (Routledge, 2016) pp.11-12.

²¹ Ministry of Foreign Affairs, Japan, Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia.

²² “‘We do not trade territories’: Putin on Kuril Islands compromise with Japan,” *Russia Today*, September 2 2016, <https://www.rt.com/news/357970-putin-japan-bloomberg-interview/>.

Returning the islands to Japan would make Moscow lose the control of the whole Sea of Okhotsk and no longer has unrestricted access to the open seas. This will reduce the Russian Pacific Fleet's effectiveness and lower Russia's security. The obstacle of trust does not come from Japan only, but, more importantly, from US.

The Article VI of the Treaty of Mutual Cooperation and Security between the United States and Japan (安保条約, the Security Treaty thereafter) allows the US troops to use the military facilities in Japan.²³ Would the US, after Japan taking over the islands, take advantage of the Security Treaty and use the naval base in the islands to undermine the Russia's interest in the Pacific? This sets Russia's national security on alert. Under the on-going contending phenomenon between the West and Russia due to the Ukraine crisis, US military presence in Japan has complicated the search for a formal peace treaty between Moscow and Tokyo.²⁴

²³ The VI article states that "For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan. The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon." For details, please see "Treaty of Mutual Cooperation and Security Between Japan and The United States of America," Ministry of Foreign Affairs of Japan, <https://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>.

²⁴ Putin said that, without an answer to the role of US presence in Japan after concluding a peace treaty, it will be very difficult for Russia to make any critical decisions. And, of course, we are worried about the plans to deploy missile d be very difficult for us to make any cardinal decisions. <http://www.kremlin.ru/events/president/news/59455>.

President Putin has been referring to US threats since 2001, when the Irkutsk statement was announced. Therefore, Russia also requests that the memorandum delivered to Japan in 1960 demanding the pullout of all foreign troops from Japan as a condition for the return of disputed islands should be taken into account in any peace treaty talks between Moscow and Japan.²⁵

In order to dispel Moscow's concern over US presence on the islands, Abe, on the one hand, promised Putin that Japan will not let the US to build any military bases there after Russia returns them to Japan.²⁶ On the other hand, Abe sought the US support for concluding the peace treaty with Russia, saying a closer Tokyo-Moscow ties will help counter a threat posed by China.²⁷ However, Abe administration's effort did not work out, as Moscow did not believe Japan has the ability to reject US request for using the naval base in the islands, as Japan's security still depends on the military alliance with the US. Moreover, rejecting US request is hardly acceptable for Japanese society for, as Muneo Suzuki points out, the mindset of the Japanese media, diplomats and politicians all tend to be

²⁵ "Moscow says 1960 papers demanding pullout of foreign troops from Japan should factor in peace treaty talks with Tokyo," *The Japan Times*, December 14, 2018, <https://www.japantimes.co.jp/news/2018/12/14/national/politics-diplomacy/moscow-says-1960-papers-demanding-pullout-foreign-troops-japan-factor-peace-treaty-talks-tokyo/#.XEAXAlwzY2w>.

²⁶ "Abe tells Putin no U.S. bases to be allowed on returned islands," *Asahi Shimbun*, November 16, 2018
<http://www.asahi.com/ajw/articles/AJ201811160045.html>.

²⁷ "Abe aide seeks US support for Japan's peace talks with Russia," *The Mainichi*, January 9, 2019
<https://mainichi.jp/english/articles/20190109/p2g/00m/0na/020000c>.

influenced by the US.²⁸

Another negative reason for building trust is the economic sanction after Crimea crisis. Though reluctantly and symbolically joined the anti-Russian sanctions, Japan voted for the UN resolution for sanction. In response to Japan's sanction, Putin dropped plans to visit Japan in the following month. The sanction not only damage the economic relationship, but also violate the 1956 Joint Statement.²⁹

(2) Domestic Constraints on Territorial Dispute

Public opinion against territorial cession in both nations create a ravine that is impossible to cover for both administrations. In 2019, around 96% of citizens of the Kuril Islands oppose handing over the territory to Japan. Similar polls held in 2018, 2009 and 1994 find similar results.³⁰

On November 29, 2018, the Sakhalin Oblast Duma appealed to the

²⁸ The original text in Japanese is “日本のメディアは「アメリカマインドですね」という声は何件かあった。私もそう思いながら、官僚もアメリカの価値観に引きずられている。... 特に日本のワシントン大使館勤務経験者は、各省庁とも結果として出世コースとなっている。” 鈴木宗男・ “4月26日(金) ムネオ日記,” 2019年4月26日・ <https://blogos.com/article/373722/>.

²⁹ “Russia seeks a grasp of Japan's military commitments to US — Lavrov,” *TASS*, September 1, 2019, <https://tass.com/politics/1195991>; “Russian envoy claims Japan's sanctions violate 1956 declaration,” *The Japan Times*, March 21, 2019, <https://www.japantimes.co.jp/news/2019/03/21/national/politics-diplomacy/russian-envoy-claims-japans-sanctions-violate-1956-declaration/>.

³⁰ “Most citizens oppose handover of Kuril Islands to Japan, opinion poll says,” *TASS*, February 19, 2019, <https://tass.com/society/1045319>. For the poll results in 2009 and 1994, please refer to Tina Burrett, “An inconvenient truce: domestic politics and the Russo–Japanese Northern Territories dispute,” in Jeff Kingston (ed.) *Critical Issues in Contemporary Japan* (Routledge, 2013), p. 170.

Russian Foreign Ministry with a request to exclude the territorial issue of Kuril Islands from the negotiation process on a peace treaty.³¹ In addition, petition with signatures were collected and an appeal was sent to Putin for preventing an exchange of territorial concession for peace agreement. Therefore, most of the scholars and political elites, with support from the public, insist no-returning of any island to Japan. Political activist and former leader of National Bolshevik Party Eduard Limonov said that Russia has no need of a peace treaty with Japan and that Putin would not be forgiven for transferring territory to Japan.³² Professor Yury Tavrovsky at the Russian Peoples' Friendship University predicts that nothing in signing a peace treaty would really be achieved and "no single stone in the Kuril Islands will become Japanese in the foreseeable future."³³ The constitutional amendment in July 2020 practically made the territorial ceding impossible.³⁴

The Japanese public also shows a strong determination in the returning of the Kuril Islands, as they have been treated as an inherent part of the territory of Japan. Whenever issues infringing Japan's sovereignty on the Kuril Islands happen, a demand of toughing stance to Russia from politicians usually follows. For example, on the news that Russian Prime

³¹ "Депутаты Сахалина попросили МИД исключить Южные Курилы из переговорного вопроса с Японией," 29 ноября, 2018. <https://www.interfax.ru/russia/639931>.

³² Свободная Пресса, "Лимонов считает, что россияне не простят Путину сдачу Курильских островов," Свободная Пресса, November 13, 2018, <http://svpressa.ru/politic/news/215893/>.

³³ РИА Новости, "Эксперт оценил возможность подписания мирного договора России и Японии," РИА Новости, 14 November, 2018, <https://ria.ru/20181114/1532763199.html>.

³⁴ "Japan sticks to its position on Kurils in light of constitutional amendment in Russia," TASS, July 2, 2020, <https://tass.com/world/1173803>.

Minister Dmitry Medvedev was planning in August to visit Etorofu and a Russian A-50 observation plane entered the airspace of Takeshima Island, Yuichiro Tamaki, the leader of National Democratic Party, said Japan need not to speed up for researching a peace treaty. It is necessary to return to the blank basis, including joint economic activities.³⁵ A stronger stance was made by Hodaka Maruyama, a young politician in the House of Representatives in the Diet, suggested, during a visit to the Kunashiri Island, that there is no other solution for the Kuril Islands except war.³⁶

The failure to reach an internal consensus regarding the number of islands returned has been one of the obstacles in Japan's negotiations with Russia. "All-Four-Islands-Return-Together" has been the official position of Japanese Ministry of Foreign Affairs. Therefore, securing the ownership of the 4 disputed islands is the most favored option. A recent Nikkei poll finds 67% of respondents in favor of Abe's agreement with Putin to accelerate peace treaty talks.³⁷ As for how many islands need to be returned, 33% of respondents favored "All-Four-Islands-Return-Together," 46% Two-Islands-First (which implies the negotiation on the returning of Etorofu and Kunashiri will be started after signing of peace treaty) , and only 5% for Just-Two-Islands.

Not only there is no consensus about the number of islands Russian should return, but also the cleft on the approach dealing with Russia. In

³⁵ 〈北方領土交渉、白紙に＝国民・玉木氏〉・《時事通信社》・July 25, 2019, <https://www.jiji.com/jc/article?k=2019072500919&g=pol>.

³⁶ 〈暴言の丸山議員 責任取り辞職すべきだ〉・《北海道新聞》・May 15, 2019, <https://www.hokkaido-np.co.jp/article/305044>.

³⁷ "46% of Japanese favor initial return of 2 islands from Russia," *Nikkei Asian Review*, November 26, 2018, <https://asia.nikkei.com/Politics/46-of-Japanese-favor-initial-return-of-2-islands-from-Russia>.

2017, the Abe's foreign policy circle rifted over the foreign policy priority. Toshihiro Nikai and Takaya Imai, Abe's chief secretary with the background of the Ministry of Economy, Trade, and Industry (METI) rather than the Foreign or Defense Ministry, emphasized on economic cooperation, while the Foreign Ministry underpinned on the security issues.³⁸ After Imai won Abe's trust and played a big role in foreign policymaking, Abe's diplomacy shifted to economic interests. When the rift applied to northern territory issues, Imai represented a soft approach and support the "Two-Island-Plus-Alpha" policy, while the Ministry of Foreign Affairs took a tough stance to Russia and favored the "All-Four-Islands-Return-Together."

Conclusion

Abe's administration's futile efforts in settling the territorial issue between Japan and Russia can be attributable to multiple reasons. Both Abe and Putin have sufficient domestic support and personal willpower to promote the solution to this historical problem, but there are still many obstacles to be overcome in the future. First and foremost, how to pacify Russia's security concern on the possible US military deployment on the islands. Under current situation between the West and Russia, there is no available solution for this yet. Russia currently occupies the islands with stronger military might and, therefore, has the superior bargaining position over the negotiation. Japan cannot help but to recognize that "All-Four-Islands-Return-Together" is not a viable option.

Diplomacy with Russia under the Suga administration, after the telephone talk between Putin and Suga on Sept 29, 2020, seems positive.

³⁸ Tsukasa Hadano, "Japanese government split over China policy," *Nikkei Asia*, July 8, 2017, <https://asia.nikkei.com/Politics/Japanese-government-split-over-China-policy>.

During the conversation, Putin raised the territorial issue and sought confirmation that Suga would continue to negotiate based on 1956 agreement (transfer of 2 islands after peace treaty). This implies that Moscow is satisfactory with Abe's approach. If this is the case, it is still viable for Tokyo and Moscow to reach a peace treaty. Therefore, how to persuade the US to support Japan-Russia talk is the most critical step to solve this long-overdue issue.

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Stuck in the Middle with You: Israel's Geopolitical Dance with Washington and Beijing

By Mor Sobol

Introduction

On May 13, 2020, amid COVID-19 pandemic and strict international travel restrictions, the United States (US) Secretary of State, Mike Pompeo, made a short one-day visit to Israel. His message to Jerusalem and the Israeli Prime Minister, Benjamin Netanyahu, was loud and clear – Jerusalem's close ties with Beijing runs to risk of impairing US-Israel relations.¹ Evidently, Pompeo's warning could not be viewed as an isolated event as the American administration has been warning and pressuring its Israeli allies to limit Israel's engagement with the People's Republic of China for quite some time now.²

¹ Roie Yellinek, "Pompeo's Visit to Israel and the Chinese Connection," June 5, 2020, BESA Center Perspectives Paper No. 1,597, The Begin-Sadat Center for Strategic Studies, <https://besacenter.org/perspectives-papers/pompeo-israel-china/>; Douglas J. Feith, "The Chinese Challenge to the U.S.-Israel Relationship," *Wall Street Journal*, May 15, 2020, <https://www.wsj.com/articles/the-chinese-challenge-to-the-u-s-israel-relationship-11589576485>.

² Bruce Abramson, "Navigating the U.S./China/Israel Triangle | Opinion," *Newsweek*, May 25, 2020, <https://www.newsweek.com/navigating-us-china-israel-triangle-opinion-1506251>; Shalom Salomon Wald, "China's Rise, US

For students of the US-Israel-China triangle, this situation should not come as a surprise since “American displeasure with Israel’s China links is almost as old as Israel itself.”³ In fact, Israel’s recognition of the People’s Republic of China (hereafter China) in January 1950 following Mao Zedong’s independence declaration was not seen favorably by the US.⁴

Still, two more serious incidents took place after Israel and China established formal diplomatic relations in 1992 and revolved around Sino-Israeli security cooperation and arms transfer. The first incident occurred in the late 1990s and concerns the sale of the Israeli Phalcon Airborne Early Warning and Control Radar System. The US objected to the deal as the Phalcon would have provided “China a set of capabilities it would need so as to confront the U.S. Air Force over the Taiwan Strait.”⁵ As such, and due to immense pressure from the American administration, Israel was forced to cancel the deal in July 2000, despite multiple assurances it gave to China that the deal would go through. Eventually,

Opposition, and the Implication for Israel,” The Jewish People Policy Institute, February, 2020, <https://israeled.org/chinas-rise-us-opposition-and-the-implications-for-israel/>; Zhu Zhiqun, “Israel: Caught between a rock and a hard place with China and the US,” *Think China*, November 22, 2019, <https://www.thinkchina.sg/israel-caught-between-rock-and-hard-place-china-and-us>; William A. Galston, “What’s Beijing Doing in Haifa? Chinese investment across the Holy Land threatens the U.S.-Israel relationship,” *Wall Street Journal*, May 28, 2019, <https://www.wsj.com/articles/whats-beijing-doing-in-haifa-11559085122>.

³ Wald “China’s Rise,” 19.

⁴ Ibid.

⁵ Binyamin Tjong-Alvares, “The Geography of Sino-Israeli Relations,” *Jewish Political Studies Review* 24, no. 3-4 (2012): 25.
https://www.jstor.org/stable/41955510?seq=1#metadata_info_tab_contents.

not only that Israel lost a significant financial opportunity (ca. \$1-2 Billion), and had to pay China \$350 million as compensation, but the dispute over the *Phalcon* is also considered one of the lowest points in Israel's relations with both the US and China.⁶

Four years after the failed *Phalcon* deal, a similar dispute took place. Essentially, during the 1990s, Israel sold around 100 *Harpy* drones to China. According to the contract signed between Jerusalem and Beijing, the drones were to be sent to Israel in 2004-2005 for maintenance. Although the US did not object to the original deal, it was worried about the expected outcome of the maintenance work. Specifically, Washington suspected that rather than conducting a routine check and repair, Israel would actually upgrade the drones. Thus, the US was not only concerned that joint US-Israeli advanced technologies might leak to the Chinese, but also that "the upgrade would make it technologically superior to that of the U.S. Military."⁷ In the end, due to American opposition, Israel had to break its contract with China and also paid compensation to Beijing. Once again, military deals managed to deteriorate Israel's relations with both China and the US. What is more, following the *Harpy* fiasco, "[e]xplicit rules regarding the transfer of technologies to China have since been agreed on, or more precisely, dictated to Israel by

⁶ Aron Shai, "The Evolution of Israeli-Chinese Friendship," Research Paper 7, The S. Daniel Abraham Center for International and Regional Studies/ Confucius Institute, Tel Aviv University, 2014; see also in P.R. Kumaraswamy, "Israel-China Relations and the *Phalcon* Controversy." *Middle East Policy* XII, no. 2 (2006): 93-103. <https://doi.org/10.1111/j.1061.1924.2005.00204.x>.

⁷ Chen Yiyi, "China's Relationship with Israel, Opportunities and Challenges, Perspectives from China," *Israel Studies* 17, no. 3 (Fall 2012): 7, <https://muse.jhu.edu/article/483254>.

Washington.”⁸

Notwithstanding the aforementioned, and despite the fact that further Sino-Israeli cooperation in the context of military technology transfers was blocked by the Americans, the relationship between Jerusalem and Beijing has significantly developed in other policy areas.

An-all-too-short Sino-Israeli Honeymoon?

Since the establishment of diplomatic relations in 1992, and particularly in the last two decades, the relations between China and Israel have been growing exponentially on all fronts including, *inter alia*, trade, investment, culture, healthcare, education, and scientific exchanges. For example, in terms of economic cooperation, in the last decade, the trade between the two countries grew by 402% and reached about \$14 billion in 2018.⁹ Accordingly, China is Israel’s largest trade partner in Asia and third in the world after the US and the European Union. In terms of investment, Chinese investments and construction in Israel reached \$12.97 billion between 2005 and 2020, according to the American Enterprise Institute’s China Global Investment Tracker.¹⁰ Against this backdrop, during the visit of Prime Minister Netanyahu to China, Sino-Israeli relations have been upgraded to ‘innovative comprehensive partnership,’ while Netanyahu told the Chinese President, Xi Jinping, that

⁸ Shai, “The Evolution,” 26.

⁹ Lahav Harkov, “Israel caught in the middle of growing US-China tensions – analysis,” *The Jerusalem Post*, May 13, 2020, <https://www.jpost.com/israel-news/israel-caught-in-the-middle-of-growing-us-china-tensions-analysis-627773>; see also in “China-Israel relations enjoy sound momentum of growth: Chinese ambassador,” *Xinhua*, September 26, 2019, http://www.xinhuanet.com/english/2019-09/26/c_138425793.htm.

¹⁰ “China Global Investment Tracker,” American Enterprise Institute, accessed October 25, 2020, <https://www.aei.org/china-global-investment-tracker/>.

Israel is “your perfect junior partner,” and adding that this “is a marriage made in heaven.”¹¹

Now, when we examine the strategic interests involved in the US-Israel-China triangle, it is rather clear why Israel views the US as its most important ally and seeks to maintain a good and stable relationship with the American administration. Indeed, one could highlight that both countries share similar democratic values, underline the longevity of Israel-US relations, or mention the fact that the US hosts the largest Jewish community in the world besides Israel. More importantly, the US is not only Israel’s biggest trade partner, but also serves the role of Israel’s key security and political patron in the international sphere.¹²

That said, it is worthwhile to identify the strategic interests that brought Israel and China closer in the last two decades. In the case of China, there are various reasons why Beijing wishes to strengthen its ties with Jerusalem. First, China has started to direct its efforts towards economic development and modernization while endeavoring a shift from an export-oriented to an innovation-oriented economy. As such, it views Israel as a major source of advanced technological innovation that could provide China with the necessary knowledge to pursue this strategic

¹¹ Shannon Tiezzi, “Israel and China a ‘Marriage Made in Heaven,’ Says Netanyahu,” *The Diplomat*, March 22, 2017, <https://thediplomat.com/2017/03/israel-and-china-a-marriage-made-in-heaven-says-netanyahu/>.

¹² Roie Yellinek, “The Israel-China-U.S. Triangle and the Haifa Port Project,” Middle East Institute, November 27, 2018, <https://www.mei.edu/publications/israel-china-us-triangle-and-haifa-port-project>; Rupert Stone, “US-China rivalry comes to Israel,” *Middle East Eye*, June 16, 2020, <https://www.middleeasteye.net/opinion/us-china-israel-netanyahu-jinping-trump-rivalry>.

shift. Furthermore, in a broader geopolitical context, the Middle East plays an important role in the realization of China and President Xi Jinping's flagship project, that is, the Belt and Road Initiative (BRI). Due to its strategic geographical location, level of technological development, as well as its stable economic and political situation, Israel is viewed as a regional hub and important partner in Beijing ambitious infrastructure plan of connecting China with its immediate and wider periphery (including Eurasia, Africa, and Europe). Finally, China has attempted to be more involved in the Middle East Peace Process in general and the Israeli-Palestinian peace process in particular as it wishes to improve its image as a responsible global actor that seeks peace and regional stability.¹³

As for Israel, one could underline a number of reasons that could explain Israel's motivation in strengthening its relations with China. First, Israel's interest in China is economic. On the one hand, Sino-Israeli economic cooperation provides Israeli businesses access to the second-largest (and ever-growing) economy in the world. On the other, Israel benefits from Chinese investments in its economy. Here, one should highlight the significance of the Chinese investment in Israeli technology as it "represent[s] an important opportunity for Tel Aviv to keep its absolute edge in the high-tech sector over the competition."¹⁴ Moreover, China, as the world's leading (and cost-efficient) infrastructure actor, plays a crucial role in improving Israel's deficient infrastructure.¹⁵

¹³ Zhu, "Israel"; Harkov, "Israel"; Ludovica Castelli, "The U.S.-Israel-China Triangle and the Sorek B Project," Centro Studi Internazionali, June 6, 2020, <https://www.cesi-italia.org/en/articoli/1137/the-u-s-israel-china-triangle-and-the-sorek-b-project>.

¹⁴ Castelli, "The U.S.-Israel-China."

¹⁵ Wald, "China's Rise"; see also in Zhu, "Israel."

What is more, strong relations with Beijing allows Israel to diversify its partnerships with its traditional allies, namely the US and Europe. In this context, the rationale is not only economic (i.e. due to uncertainties regarding the growth rate of American and European markets), but also political. Specifically, the economic partnership with China provides Israel with a safety net in case of a deterioration of Israel's relations with the US or the European Union (EU), as the US or the EU could decide to place significant pressure (or even sanctions) on Israel due to stagnation in the Israeli-Palestinian peace process.¹⁶

Now, the question is what has led the American administration to increase its efforts to limit Israel's engagement with China. In general terms, the tension in the US-Israel-China triangle is caused by the growing rivalry between the two great powers. Evidently, this rivalry has intensified following the election of Donald Trump to office, and against the backdrop of US-China trade war and the COVID-19 pandemic.¹⁷ Principally, what worries the American administration the most regarding the growing Sino-Israel cooperation is the transfer of technologies (including US technologies) that would strengthen China's military and (to a lesser extent) economic edge. Evidently, during a

¹⁶ Shira Efron, Howard J. Shatz, Arthur Chan, Emily Haskel, Lyle J. Morris, and Andrew Scobell, *The Evolving Israel-China Relationship* (Santa Monica, California: Rand Corporation Publishers, 2019), https://www.rand.org/pubs/research_reports/RR2641.html; Zhu, "Israel."

¹⁷ Shira Efron, "The U.S.-Israel Relationship's China Problem," Israel Policy Forum, May 6, 2020, <https://israelpolicyforum.org/2020/05/06/the-u-s-israel-relationships-china-problem/>; Lahav Harkov, "US concern about Chinese biotech investments in Israel rises with COVID-19," *The Jerusalem Post*, May 13, 2020, <https://www.jpost.com/international/us-china-ties-have-hit-another-low-point-in-the-wake-of-coronavirus-627848>; Yellinek, "Pompeo's Visit."

conference in Israel, the US Undersecretary of Defense for Policy, John Rood, stated: "For us in the United States, the long-term threat from China is the greatest national security threat we face."¹⁸ Moreover, the American administration has voiced its concerns that enhanced Sino-Israeli ties that includes the acquisition of Israeli companies and assets in strategically important sectors (e.g. infrastructure, communication, and health), as well as over-reliance on Chinese investment represent a threat to Israel's own political, security, and economic interests.¹⁹

There are two prominent examples that could illustrate the increasing tension in the US-Israel-China triangle, namely the disputes over the Haifa Port and the Sorek B project.

In 2015, the Shanghai International Port Group (SIPG) won a bid to build and operate the new Haifa Port for 25 years, beginning in 2021. Accordingly, Israel's Minister of Transportation, Israel Katz, declared: "This is an historic day for Israel...It's an expression of confidence in the State of Israel on the part of a superpower, which has decided to invest billions of shekels in Israel and turn it into an international cargo center for all the world."²⁰ Nevertheless, in the last 3 years, US officials, former diplomats, navy, and intelligence officers, as well as policy analysts have started to raise concerns regarding the implications of Chinese control of

¹⁸ Quoted in Daniel Estrin and Emily Feng, "There's A Growing Sore Spot In Israeli-U.S. Relations: China," *NPR*, September 11, 2019, <https://www.npr.org/2019/09/11/757290503/theres-a-growing-sore-spot-in-israeli-u-s-relations-china>

¹⁹ Efron *et al.*, *The Evolving*, Mercy A. Kuo, "Israel Balancing US-China Relations: Geostrategic Context," *The Diplomat*, April 16, 2019, <https://thediplomat.com/2019/04/israel-balancing-us-china-relations-geostrategic-context/>; Zhu, "Israel."

²⁰ Quoted in Yellinek, "The Israel-China-U.S."

the Haifa Port.

Principally, the key problem is the proximity of the new port to Israel's navy port, which serves as a port of call to the US Sixth Fleet. Importantly, the navy port is also where the Israeli submarine fleet is based. Therefore, the location of the Haifa Port provides China with the opportunity to gather critical intelligence concerning Israel and American navy operations.²¹ Furthermore, Yellinek maintains that "the duration of the initial contract to operate the port (i.e., 25 years) would allow for China to implement a long-term plan of espionage."²²

Against this background, the American administration including, *inter alia*, President Trump himself, National Security Adviser John Bolton, US Secretary of State Pompeo, and other senior officials, warned Israel that if it would continue to allow increasing Chinese investment in strategic sectors and assets, US-Israel relations would suffer, especially in the context of security cooperation and intelligence sharing.²³

Now, a more recent controversy is linked to the tender for building a desalination plant in Israel – the Sorek B project. The plant is expected to be the world's largest, with an annual production of 200 million cubic meters of water (i.e. a quarter of Israel's annual consumption). Worthwhile to mention, though, that besides its importance in the context of Israel's water supply, the desalination plant is located near Air Force base Palmachim, which serves as Israel's primary spaceport.²⁴ Initially, two companies have reached the final stage of the tender

²¹ Ibid.; Efron *et al.*, "The Evolving"; Zhu, "Israel."

²² Yellinek, "The Israel-China-U.S."

²³ Efron, "The U.S.-Israel"; Harkov, "Israel"; Galston, "What's Beijing"; Estrin and Feng, "There's A Growing"; Zhu, "Israel."

²⁴ Castelli, "The U.S.-Israel-China"; Efron, "The U.S.-Israel."

process: Hutchison, a Hong Kong-based Chinese company with an Israeli subsidiary, and the Israeli company IDE Technologies. Still, Hutchison was considered as the frontrunner to win the \$1.5 billion, 25-year-long contract. Also in this case, senior officials from the American administration have expressed their strong disapproval and raised their concerns regarding the possibility that a Chinese firm would build and control this strategically important infrastructure project. In fact, Secretary of State Pompeo's visit to Israel in May 2020 is linked to the increased American pressure on Israel to reassess the Sorek B tender.²⁵

Against this background, it is important to examine what Israel has done to mitigate the American pressure and respond to the American concerns. First and foremost, the Israeli government established in October 2019 an interagency advisory committee that would screen foreign investments in Israel. The Israeli Prime Minister's Office stated that the Committee's objective is to "find the appropriate balance between the need to encourage foreign investments in Israel and ensure continued economic prosperity and considerations of national security."²⁶ Indeed, no foreign country was mentioned by name, but "it is clear that this decision was concerned primarily with China, with the aim of easing the tensions with the U.S. without compromising the relationship with Beijing."²⁷ Second, two weeks after Pompeo's visit to Israel and following reports that Prime Minister Netanyahu order the screening committee to reassess the Sorek B tender, it was announced that the Israeli company IDE Technologies is the winning bidder for the project.²⁸ Finally, there are recent reports that Israel signed a

²⁵ Harkov, "Israel"; Castelli, "The U.S.-Israel-China."

²⁶ Quoted in Harkov, "US."

²⁷ Castelli, "The U.S.-Israel-China."

²⁸ Ibid.; Yellinek, "Pompeo's Visit."

Memorandum of Understanding (MoU) agreeing not to use Chinese equipment in its 5G networks.²⁹

Principally, the Israeli reaction is certainly a step in the right direction. The establishment of a foreign investment screening mechanism and the fact that Hutchison eventually lost the Sorek B deal could be viewed as an important win for the US, and a demonstration by Israel that it understands and takes into consideration the concerns of its most important ally. In the words of Witte: “Sorek-2 was a good result. It shows the Americans we get it.”³⁰

Notwithstanding the aforementioned, the Israeli response might be viewed by the American administration as too little, too late.

It is too late since it will not prevent China from taking over the Haifa Port or diminish its present involvement in other infrastructure projects such as the Tel Aviv Light Rail project. Furthermore, China already owns, has shares, or heavily invested in various strategically important sectors and companies in Israel. Prominent examples include the acquisition of Tnuva Food Industries by China’s Bright Food Group; the acquisition of Adama Agriculture Solutions by ChemChina; the acquisition of an Israeli state-owned electric power plant by a group that includes China Harbor

²⁹ “China has proven to be a bad actor. We owe them nothing. Editorial,” *The Jerusalem Post*, August 19, 2020, <https://www.jpost.com/opinion/china-has-proven-to-be-a-bad-actor-we-owe-them-nothing-639116>; Yaacov Ayish, “Israel must partner with US in power competition with China - opinion,” *The Jerusalem Post*, October 6, 2020, <https://www.jpost.com/opinion/israel-must-partner-with-us-in-the-great-power-competition-with-china-644668>.

³⁰ Quoted in James M. Dorsey, “Israel caught in the middle of intensifying rivalry between US and China,” *Wionews*, June 1, 2020, <https://www.wionews.com/opinions-blogs/israel-caught-in-the-middle-of-intensifying-rivalry-between-us-and-china-302292>.

Engineering and; the significant Chinese investment in the Israeli health and biomedical sectors.³¹

Equally worrisome are the various deficiencies of the newly-established screening committee. First, the committee is not formalized through legislation, thus lacking transparency. Second, it is an advisory committee. As such, not only that its decisions are not legally-binding but “regulators in different fields can choose whether to bring a potential investment before the committee.”³² Third, the committee’s mandate is rather narrow as it includes only investments in finance, communications, infrastructure, transportation, and energy. Hence, the technology sector, which is the main target for Chinese investments in Israel, does not fall under the mandate of the committee. Finally, the committee does not have the competences to review a tender that was open before the committee was established.³³ In this context, the Sorek B case illustrates the problem since in response to American inquiry as to how Hutchison’s bid passed through the screening committee, Israeli officials argue that the committee could not intervene in a bid that was opened a year before it was established.³⁴ Against this background, I agree with Feith’s assessment that the committee’s “limitation was crafted to avoid offending China, so it antagonized U.S. officials instead.”³⁵

³¹ Efron *et al.*, *The Evolving*, Estrin and Feng, “There’s A Growing.”

³² Harkov, “US concern.”

³³ Efron, “The U.S.-Israel.”

³⁴ Barak Ravid, “Scoop: U.S. asked Israel to clarify Chinese-controlled company’s role in \$1.5B desalination plant bid,” *Axios*, May 2, 2020, <https://www.axios.com/scoop-us-asked-israel-to-clarify-chinese-controlled-companys-role-in-15b-desalination-plant-bid-9022c780-14d0-4f22-acc7-f954d0d557e9.html>.

³⁵ Feith, “The Chinese Challenge.”

In fact, not only that Israel's response did not satisfy the Trump administration, but there are also some signs that China is displeased with the fact that the US is endeavoring to obstruct valuable Sino-Israeli cooperation. For instance, since the sudden death of Mr. Du Wei, the Chinese ambassador to Israel, in May 2020, China has delayed the appointment of a new ambassador.³⁶ Moreover, while trying not to be excessively critical towards Israel; China is viewing the American concerns as unfounded allegations and "trust that the Jewish friends are not only able to defeat the coronavirus but also the "political virus", and choose the course of action that best serves its interests."³⁷ Still, Chinese commentators appear to be more critical of what they view as an Israeli surrender to American pressure. For example, following the reports of US-Israel MoU regarding 5G networks, Chen Weihua, a journalist for the China Daily, a Chinese state media outlet, tweeted that "Chinese cities like Shanghai provided safe haven to some 30,000 Jews fleeing Nazi Europe in WWII, but now Israel returns the favor by being a US poodle against China in 5G."³⁸

Concluding Remarks

Regardless of the upcoming US 2020 election results, it seems that the

³⁶ Eyal Propper, "Autumn Chills: Israel-China Relations and the Normalization Agreements with the Gulf States," INSS Insight No. 1389, October 12, 2020, The Institute for National Security Studies, <https://www.inss.org.il/publication/china-abraham-accords/>.

³⁷ "The Chinese Embassy in Israel published the response on China-related comments by Secretary Pompeo," *Xinhua*, May 17, 2020, http://www.xinhuanet.com/english/2020-05/17/c_139064061.htm.

³⁸ "China has proven"; see also in Jin Liangxiang, "Pointless Pressure on Israel," *China US Focus*, June 12, 2020, <https://www.chinausfocus.com/peace-security/pointless-pressure-on-israel>.

American approach towards China is not going to change. After all, both Republican and Democratic parties share the view of China as a threat to US' position in the international arena. Thus, Israel's dilemma as to how to balance its relations with Washington and Beijing will likely continue to trouble Israeli policy-makers in the near future. Still, the question stands: how to mitigate the tension in the US-Israel-China triangle?

Indeed, it will be rather unrealistic to assume that the US and China will significantly change their views of each other anytime soon. Moreover, it is questionable whether both the US and China will devote substantial resources to easing the pressure on Israel. That said, both sides could still take some confidence-building steps. Specifically, China and the US should enhance their bilateral dialogue with Israel in order to ensure Jerusalem understands their position and concerns, as well as anticipating problems in any future cooperation.

In the case of the US, whereas the American administration seeks to limit the ties between Jerusalem and Beijing, it would be wise not to over-securitize every policy area and every project that involves Sino-Israeli cooperation. Furthermore, in the future there will be certainly more cases where Israel is forced to concede to the American pressure, thus not only losing financial opportunities but also the prospect of strengthening its relations with China. In those cases, it would be beneficial if the US could make an effort to find other alternatives that will somewhat compensate for Israel's loss.

As for China, Beijing has to make it clear that under no circumstances it aims to replace the US as Israel's key ally or cause any conflict between Washington and Jerusalem. As such, and in order to protect its strategic interests in cooperating with Israel, Beijing has to demonstrate some restraint and understand that 'you win some you lose some' (as in the case of losing the Sorek B bid).

At any rate, while strong American and Chinese public condemnations can be utilized as a tool to 'blow off steam' and for domestic consumption, both Washington and Beijing should not put Israel in the impossible position that it has to choose sides.

Now, the case of Israel is more complicated as it is the smallest and weakest player in the triangle. Accordingly, Jerusalem is burdened with the task of finding ways to keep both sides happy. In other words, it needs to find the right balance that would allow it to enjoy the vast opportunities that enhanced Sino-Israeli cooperation entails while avoiding a situation that will antagonize the American administration.

First of all, Israel must develop a long-term plan as to how to make this triangle work. In order to do so, it should obtain a better understanding concerning its cooperation with the US and China as well as the American and Chinese way of thinking. Specifically, this means not only to open a dialogue with Washington and Beijing (and maybe other countries that face the same challenge), but also building expertise. In this context, Israel would benefit from integrating more China and (to a lesser extent) US experts into official positions.

Second, I am in agreement with Witte who maintains that "[i]n order for Israel to have what it wants...it's going to need to show the Americans that it takes Washington's strategic perceptions into consideration and not only that, that it's two steps ahead on strategic thinking with respect to China."³⁹ In this regard, it would be useful to establish an inter-ministerial coordination body that will manage Israel's policy towards China. In addition, Israel should expand the mandate of its screening committee. In so doing, Jerusalem should not only make the committee's rulings legally-binding, but also broaden the committee's mandate to

³⁹ Quoted in Dorsey, "Israel."

include investment in key areas in the technological sphere (e.g. biotechnology and artificial intelligence).⁴⁰

Finally, Israel should convey its appreciation to China and express the strong Israeli interest in further cooperation. At the same time, Israel needs to highlight the challenging geopolitical environment in which Jerusalem and Beijing operate, and the fact that there will be times when Israel would be forced to surrender to the American pressure. Still, Israel should be exceptionally careful as to avoid any chance of repeating past mistakes (such as the Phalcon, Harpy, and to a lesser extent, Sorek B incidents) thus allowing Beijing to save face; a concept of utmost importance in the Chinese culture.

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⁴⁰ See also in Efron *et al.*, *The Evolving*.

The Logic of the Strategic Thinking and Defensive Measures of the Overall Defensive Concept of Taiwan

By Hsinbiao Jiang

Introduction

While China has never renounced the use of force against Taiwan, the unification with Taiwan is still one ultimate goal of the Chinese regime. By 2035, China will seek to increase its economic and technological strength to become a “global leader in innovation” and to “basically” complete its military modernization.¹ China has been building and modernizing its military at an unprecedented rate.² The huge gap of military forces of the two sides of the Taiwan Strait, as a result, prohibits Taiwan from engaging in a traditional war of attrition with China. To safeguard national security, Taiwan needs to implement the Overall Defense Concept (ODC) and, accordingly, build a reasonable force structure, acquire adequate weapons and equipment, develop joint

¹ Office of the Secretary of Defense, “Military and Security Developments Involving the People’s Republic of China 2020,” p. 4.

² Ben Westcott, “A Chinese invasion of Taiwan would be a bloody, logistical nightmare,” *CNN*, June 24, 2019, <https://edition.cnn.com/2019/06/23/asia/taiwan-china-invasion-intl-hnk/index.html>.

doctrines, formulate joint plans, and improve joint training.

Wars are generally fought at strategic, campaign/operational, and tactical level. The ROC Armed Forces, however, tend to approach the conduct of war from the four aspects of strategy, tactics, battles, and warfighting skills. The text below will focus on the thinking of the superstructure on the operational level. The ODC covers all aspects of war based on a strategic thinking to prevent war from being waged by the enemy and to require Taiwan exercising discretion while building up a credible defensive force that can fight as well as end a war. These are the conditions for Taiwan to “win the war.” The three tenets of the ODC is force preservation, decisive battles in littoral zone, and destruction of enemy at landing beach.³ They must be given high priorities so that the “winning of war” could be achieved to defend the homeland.

The Logic of the Strategic Thinking of the ODC

The fundamental national strategies encompass political, economic, psychological, technological, and military strategies. At the military front, multiple forms of hybrid warfare could be fought throughout all levels of war. They are guided by the national security strategy (NSS), national defense strategy (NDS), national military strategy (NMS), and the operational-level strategies. The ODC is focused and functioned differently at different levels of war. The logic of its thinking, nevertheless, is all based on the elements of “ends, ways, means, and risk” to allow in-depth analyses at all levels of war that lead to feasible courses of action with deliberate planning and arrangements to shape the conditions in favor of the execution of asymmetric defensive operations. The ends,

³ Michael Mazza, “Time to Harden the Last Line of Defense: Taiwan’s Reserve Force,” *Global Taiwan Brief* 5, no. 8, (April 22, 2020): p. 16.

ways, means, and risk form the logic of the thinking process and are also the first questions to be answered by strategic planners when they develop courses of action. The end is the goal and the desired end state of the strategic actions. The way refers to how the resources are spent to realize the intent and objective. The means is the resources used to accomplish strategic actions. They include human, financial, and material resources as well as space and time. The element of risk is the functioning of a risk control mechanism to minimize the risks and also set the bar of acceptable risks. The ends, ways, and means at all levels of war are laid out in the following table.

Table: The ends, ways, and means at all levels of war

Levels of War	Ends	Ways	Means
National Security Strategy	Prevention of War	Strategic choices & resource allocation	Defend strategic centers of gravity
National Defense Strategy	Discretion on the conduct of war	Rational decision-making through proper mechanism	Defensive and offensive actions at critical areas
National Military Strategy	Capability to fight a war	Develop doctrines that win the war	Joint command & control
Operational-level Strategy	Capability to end a war	Build C5ISR that react to complex forms of threat	Negate enemy air and maritime superiority & destroy hostile amphibious and airborne landing forces
Data Sources: Policy Analyst Jiang organized his thoughts from Admiral Richard Y.K. Chen's strategy.			

National Security Strategy Level

For an island nation that faces a much stronger enemy, the priority of the NSS is definitely the prevention of war. It is the objective of both the NSS and the ODC with the emphasis on strategic choices and resource allocation. As a defender, you need to first identify your own strategic centers of gravity, i.e., the strongest and weakest points of your advantages and inferiorities. However, the aggressor could also have a grasp of your strengths and weaknesses and make them the priority targets in wartime. The aggressor could first attack and destroy the defender's critical forces and nodes, such as the main battle tanks, fighters, and destroyers, which tend to be the representation of warfighting capabilities in the people's eyes. It could also target the electricity, oil and gas supplies, which directly link to the people's morale. These actions could deal a serious blow to the morale and the will to fight and trigger an adverse chain of reactions leading to the defender's failure. Therefore, the ODC at the NSS level is focused on peacetime effort to build the capabilities to react to enemy attacks by consolidating warfighting capabilities and securing critical energy supplies. It's not out of fear that Taiwan intends to prevent war. Prevention is premised on readiness. Readiness offers opportunities to end the war and therefore minimize the risks. It's just as John F. Kennedy once said, "we prepare for war in order to deter war."⁴

National Defense Strategy Level

Under the guidance of the NSS, the NDS ultimately aims to reflect a

⁴ "Remarks of Senator John F. Kennedy in the United States Senate, National Defense, February 29, 1960," *John F. Kennedy Presidential Library and Museum*, <https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/united-states-senate-national-defense-19600229>.

posture and resolve founded on discretion – being neither provocative nor intimidated – in the face of war. It is a war posture that supports the NSS and also the main purpose of the ODC. The NDS emphasizes the design of a mechanism that promotes rational decision-making and also focuses on the defensive and offensive actions at decisive points. Therefore, in the process of building up forces and readiness under the ODC, Taiwan must constantly be aware of how the means would be critically affecting the operations and what would be the key factors in operational sustainability. At this level, the resources are often the decisive factors. They could be tangible as the troops or fires or intangible as the morale, intelligence, or technological prowess. We can say it's the resources that make the decisions. They are assets that a defender must protect and targets that an aggressor would want to attack.

National Military Strategy Level

The NMS aims to build capable warfighting capabilities. The ODC at the NMS level aims at setting the criteria for success, albeit not necessary the winning formula. It is like a manual of “the master’s secrets of martial art” which lay out the fundamentals as well as solutions that could be adaptively implemented. The ROC Armed Forces’ Gu-An Operations Plan (GAOP), which is a collection of scenarios and corresponding solutions, is one such manual. It could be read as a set of standard operating procedures (SOPs), but also allows dynamic adjustments and updates according to the development on the battlefield. Commanders should not stubbornly stick to the doctrines or confine themselves in formalities, but instead be responsive to the situations and adaptively implement the GAOP. The winning formula is embodied in operational design. The operational plans developed by the Office of the Deputy Chief of the General Staff for Operations and Planning (J3) of the Ministry of National

Defense are executed by the Joint Operations Command Center (JOCC), or generally referred to as the Heng-shan Command Post, to command and control the strategic units and SOF units. In order to be more effective in joint missions and attain the objectives at operational and tactical level, the ODC at the NMS level should first identify the right mix of forces. To facilitate peacetime to wartime transition, joint forces commands (JFC) have been established at the level of the ten strategic units of the ROC Armed Forces. They include the Fleet Command, Marine Command, Joint Air Operations Center (JAOC), numbered armies, and regional defense commands. A joint command mechanism familiarized in peacetime will be a solid foundation for more efficient C2 operation in wartime.

Operational Level

The objective of strategies at the operational level is to stifle the sustainability of war. It requires being capable of fighting the war and therefore capable of ending the war. Building such capabilities relies on peacetime effort of force development and management. Geographically, Taiwan is a typical island nation. Taiwan's ODC at the operational level is mainly focused on building capabilities to defend the nation's maritime rights and to maintain a well-functioning command, control, communications, computer, cyber, intelligence, surveillance, and reconnaissance (C5ISR) system as well as a defensive force capable of responding to complex forms of warfare. The construct of island defense first requires integrated air and missile defense capabilities to negate the enemy's air and maritime superiority. It also needs swarming warfare capabilities to contain and destroy hostile amphibious/airborne landing forces. Therefore, an indispensable means of the ODC is building a joint strike force (JSF) with rapid mobility and highly efficient fires. When the JSF is able to contain and destroy hostile landing forces in the littorals

and at landing beaches as well as airborne fields and successfully prevent the enemy from reinforcing their landing forces, it would then be possible for Taiwan to create turning points on the battlefield and deny the enemy's intent of taking over Taiwan. This is the way to achieve the desired end state through the result of the operations. One example is the Battle of Kinmen of 1949 when the ROC Armed Forces annihilated three People's Liberation Army (PLA) landing regiments of about 9000 troops and obtained absolute victory that secured Taiwan and the offshore islands.⁵

The Defensive Measures of the ODC

Before developing defensive measures, the definition of “winning the war” should first be made clear. In the case of Taiwan, it means to deny the enemy's intent of taking over Taiwan. Strategically, the traditional war of attrition should be abandoned. Instead, Taiwan should adopt asymmetric measures that aim to defeat the missions of the enemy and prevent the enemy from landing on Taiwan through amphibious and airborne operations. Under the guidance of the military strategy of “resolute defense and multi-domain deterrence,” the ODC's three tenets for force buildup are force preservation, conventional capabilities and asymmetric capabilities.⁶ The ODC of “force preservation, decisive battles in littoral zone, and destruction of enemy at landing beach” was

⁵ Edward F. Chen, “Battle of Guningtou: The Republic of China Fights for Survival,” *Warfare History Network*, December 6, 2016, <https://warfarehistorynetwork.com/2016/12/06/battle-of-guningtou-the-republic-of-china-fights-for-survival/>.

⁶ Lee Hsi-min and Eric Lee, “Taiwan's Overall Defense Concept, Explained,” *The Diplomat*, November 3, 2020, <https://thediplomat.com/2020/11/taiwans-overall-defense-concept-explained/>.

developed. Under the ODC, the direction of force buildup plans should emphasize on the three areas of enhancing force preservation measures, developing asymmetric capabilities, and maintaining basic conventional capabilities.

1. Force Preservation Guidance and Force Buildup Principles

There should first be a clear awareness that the implementation of operational guidance is hinged upon the success of force preservation, while mobility is the key principle of force preservation. Ground troops should be able to maneuver to their tactical positions, conceal and disperse into urban or mountainous areas, and use fake targets for deception and camouflage. Light naval forces should be dispersed to fishing ports around Taiwan, while mid-to-large combatants should take advantage of Taiwan's unique terrain features and maneuver to the eastern coast to take shelter under the screen of coastal cliffs and a noisy background that would undermine enemy radars' surveillance and reconnaissance. One major military disaster of Taiwan is the inability to generate fighter sorties and thus seriously affect the employment of air combat capabilities. The Patriot Missiles and Tien Kung (TK, or Sky Bow) missiles should therefore be used to strengthen the protection of important airfields. There is also a necessity to diversify runways and a priority to build alternative runways, tilted runways, ski-jumps, highways, rapid runway repair capabilities, as well as anti-blast walls and close-in weapon systems for the protection of hangars. The principles of developing force preservation measures are mainly about mobility, deception, anti-blast, redundancy, close-in weapon systems (CIWS), diversification of runways, expanded utilization of civilian resources (communications, Internet, etc.), camouflage, concealment, jamming, rapid repair, emergency C2 systems, etc. Depending on the urgency of requirement, they should be built up in a phased manner to complete

Taiwan's force preservation mechanism.

The development of asymmetric capabilities should focus on systems that can be easily developed, difficult to detect, able to complicate enemy operations, small, numerous, smart, stealthy, precision, cheap, and mobile. They include mobile radars, mobile air defense systems, UAVs, stealthy light forces, micro-class missile assault boats (for swarm tactics), coastal mobile anti-ship missiles, rapid minelayers, low-cost short-range precision weapons, man-portable air defense systems, and mobile anti-armor weapons.

On the buildup of basic conventional capabilities, the concept is to maintain a limited but high-quality regular force that is able to patrol territorial air and sea and respond to local conflicts, while being capable of executing high-precision fire strike operations. The Ministry of Education and Ministry of Culture should implement policies to boost the people's morale. There should also be seamless interagency cooperation to implement the mobilization of resources.

2. The Operational Guidance on Decisive Battles in Littoral Zone

The first thing is to define the "decisive battles in littoral zone." Simply put, the battles will be fought in areas within the coverage of air support and anti-air missiles as well as the effective range of coastal anti-ship missiles. They are where naval forces and fires can be effectively employed and opportunities are the greatest for the joint fires to zero in on the enemy. The battles will happen in dynamically demarcated areas that change according to the reach of defensive forces and fires.

3. The Operational Guidance of Destruction of Enemy at Landing Beach

Amphibious landing operations are highly complicated military

operations. The hostile boat waves heading toward the beach are at their most vulnerable time. Micro-class missile assault boats can be employed under the swarm tactics to attack hostile amphibious vessels in an overwhelming manner. Sea mines can also be laid along the anticipated incoming routes of hostile amphibious vessels, which will also sustain serious damages once they come into the range of coastal short-range precision ammunitions. The defensive obstacles should also be positioned on landing beaches in conjunction with the arrangement of coastal fires. It is absolutely critical for Taiwan to prevent the enemy's heavy equipment from landing and therefore be able to defeat the enemy's landing operations.

Conclusion

The strategic guidance of “winning the war” is to prevent war from happening in the first place, to exercise discretion in the conduct of war, to be capable of fighting a war, and therefore capable of ending a war. At any phase of the defensive operations of Taiwan, “winning the war” for the ROC Armed Forces means defeating the enemy's mission to occupy Taiwan. There are four pathways to defeating enemy missions. First, Taiwan must abandon traditional war of attrition and look squarely at the reality of insufficient war resources. Taiwan should neither be in an arms race with the enemy, nor in a war of attrition. Taiwan should, instead, select the most ideal timing to chip away enemy advantages. Second, Taiwan should adopt asymmetric concepts and build weapon systems that are easy to develop and maintain and difficult to be attacked by the enemy, so as to complicate enemy operations. Third, Taiwan should aim at attacking enemy missions. This is an attack strategy of specific targeting. When the enemy is staging an amphibious invasion, Taiwan attacks the hostile amphibious landing ships. When the enemy is launching an airborne operation, Taiwan attacks the hostile airborne

platforms. Fourth, Taiwan must prevent the enemy from landing and establishing footholds. This is the goal of “destruction of enemy at landing beach.” If the hostile forces fail to set up beachheads, they cannot augment their landing force and will be vulnerable to the defender’s attacks. When airborne troops are yet to secure their positions on ground, they are also extremely vulnerable and provide a good timing for the defender to wipe them out. The failure of enemy landing operations means that Taiwan can be secured. This is essential for homeland defense. In order to defeat the enemy’s mission to occupy Taiwan, the ROC Armed Forces must consolidate all defensive mechanisms and segments at all levels of war, thus laying the foundation to win the war and fully implement the ODC to safeguard national security.

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Submission

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