



Discussion Report Talking ASEAN Webinar

on

Preserving Peace and Stability in the Taiwan Strait:
Will ASEAN Take Action?

Jakarta, July 22nd 2021



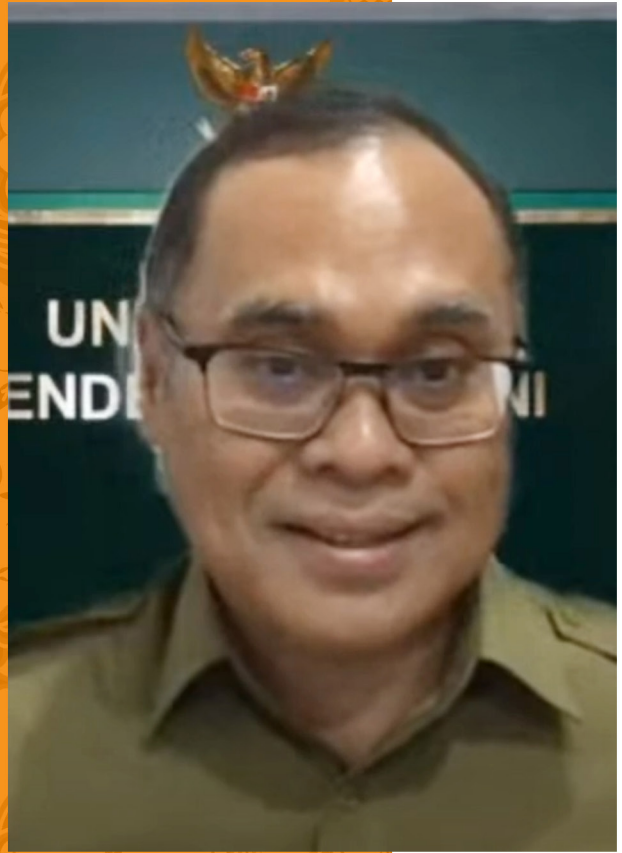
Introduction

JAKARTA – On Thursday, 22 July 2021, The Habibie Center convened the Talking ASEAN Webinar entitled “**Preserving Peace and Stability in the Taiwan Strait: Will ASEAN Take Action?**”. The webinar featured **Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D** (Rector, Jenderal Achmad Yani University), and **Vice Admiral Prof. Dr. Ir. Amarulla Octavian, S.T., M.Sc., DESD** (Rector, The Republic of Indonesia Defense University (RIDU)), with **Taufan Samudra** (Researcher of ASEAN Studies Program, The Habibie Center) acted as the moderator.

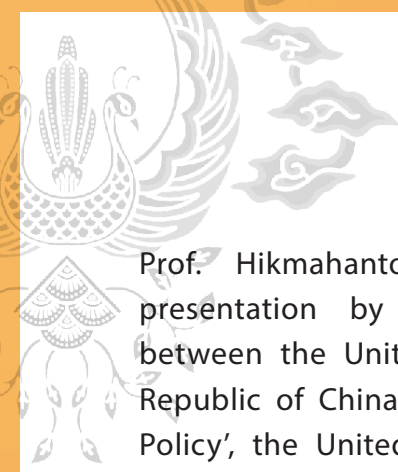
The webinar aimed to: (a) discuss the security dynamics in the Taiwan Strait and its impacts for Southeast Asia region; (b) identify ASEAN’s interests in the peace and stability of the Taiwan Strait; and (c) analyze ASEAN’s stance on preserving peace and stability in the Taiwan Strait.

This discussion report summarizes the key points of each speaker, as well as the question and answer session that followed.

PRESENTATION FROM THE PANELIST



**Prof. Hikmahanto Juwana, S.H.,
LL.M., Ph.D**
(Rector, Jenderal Achmad Yani
University/Professor, Faculty of Law,
University of Indonesia)



Prof. Hikmahanto Juwana began his presentation by raising the situation between the United States and People's Republic of China. Under the 'One China Policy', the United States recognizes the People's Republic of China instead of the Republic of China (Taiwan). Alas, the emergence of power and strong influence of the People's Republic of China in the region has become problematic for the United States.

This was evident during Donald Trump's leadership, where the United States has been bluntly facing the People's Republic of China. Last year when Donald Trump bid the White House a goodbye, the People's Republic of China might hope for a shift in the United States' gesture towards them. Yet, as the change of leadership does not necessarily define the change of foreign policy direction, the United States is likely to maintain the gesture and would always balance any emerging rivalry in the world.

Prof. Hikmahanto further touched upon the escalating tension between both countries in the Taiwan Strait. The United States fleet, in retrospect, sailed through the water that separates Republic of China (Taiwan) and Mainland China, where this evoked the People's Republic of China to accuse the United States of threatening the stability in Taiwan Strait. The United States dismissed the accusation and argued that the water is international water, thus their routine Taiwan Strait transit was rightful and in

accordance with international law and Free and Open Indo-Pacific. It is also worth noting that the United States' interest might be rooted from the importance of the Republic of China (Taiwan) to them. Republic of China (Taiwan) is known for procuring military equipment from the United States.

Prof. Hikmahanto also shared his view that ASEAN cannot sit back while the tension is escalating in the Taiwan Strait. However, there would be potential challenges that the ASEAN Countries need to be aware of in taking action towards the tension in that area. Prof. Hikmahanto asserted that the ASEAN Countries might not have adequate economic and military resources that they need to take action. Furthermore, ASEAN Countries need to prioritize more on their internal situation, especially in the time where internal struggles and COVID-19 pandemic raised the concern among ASEAN Countries. More importantly, different views and policies from ASEAN Countries towards the People's Republic of China and the United States might as well hinder ASEAN to address the Taiwan Strait issue.

There are countries within ASEAN that support the People's Republic of China, as well as those that support the United States. Prof. Hikmahanto took an example from Viet Nam, Cambodia and Laos. Vietnam is known to be having disagreement with the People's Republic of China on the nine-dash line issue in the South China Sea. Thus, this would make it possible for Viet Nam to side with the United



SPEAKERS

Hikmahanto Juwana

Rector, Jenderal Achmad Yani University/Professor, Faculty of Law, University of Indonesia



States. Contrary to Vietnam, Cambodia and Laos would side with People’s Republic of China, whereby this difference might make it challenging for ASEAN to reach consensus in order to take unanimous action on the rivalry between the United States and People’s Republic of China.


Despite the challenges, the door would still be open for ASEAN to act on the Taiwan Strait issue. ASEAN could address the important message for the two countries to restrain the actions between them, and to assure that any conflict and “hot war” would not escalate. Aside from addressing the message of peace, one of ASEAN Countries could also undertake to resolve the tension between the rivals through the dialogues within the platforms provided by ASEAN.

In the end of the presentation Prof. Hikmahanto reiterated the ways that ASEAN could act to address the Taiwan Strait issue. Firstly, ASEAN should have a voice on the issue, of which has to be as moderate as possible, so that the ASEAN Countries could reach unanimous agreement on the stance. Secondly, ASEAN should initiate a dialogue between the People’s Republic of China and the United States to ensure that the ‘hot war’ is never going to happen. Thirdly, ASEAN should discuss the implications from the rivalry of the two countries, especially when taking into account the implementation of vaccine diplomacy by both the United States and People’s Republic of China to influence ASEAN Countries during the COVID-19 pandemic era.

PRESENTATION FROM THE PANELIST



**Vice Admiral Prof. Dr. Ir. Amarulla
Octavian, S.T., M.Sc., DESD**
(Rector, The Republic of Indonesia
Defense University (RIDU))




Prof. Amarulla Octavian began his presentation by arguing that the issues on Taiwan Strait are always connected to the People's Republic of China and that the foreign policy of the People's Republic of China towards Republic of China (Taiwan) is influential in "moving the pieces" on its international political chessboard. Over the past decade, the People's Republic of China has seen rapid development and progress in military and economic sectors. Eastern seaboard of Mainland China, although vulnerable to maritime attack, comprises some of global megacities such as Guangzhou, Shenzhen, Hong Kong, Shanghai and Bohai Gulf Region and sustains the economic growth and strength of the country in recent days. Whilst Republic of China (Taiwan) is a *de facto* independent democratic nation in the southeast of Mainland China and borders strategic waters known to be the key area of sea routes of the Pacific Ocean. Despite the struggles for its independence, the People's Republic of China foreclosed that option by threatening war should Republic of China (Taiwan) attempt the effort.

Prof. Amarulla subsequently assessed the strategic ends of the People's Republic of China towards Republic of China (Taiwan) based on the findings from the Academy of Military Sciences in Beijing in the year 2013 and the speech of President Xi Jinping during the 19th National Congress of the Chinese Communist Party in the year 2017. The findings from the Academy of Military Sciences in Beijing suggested that the 'East could give more serious threat of war than the West',

'the threat of war from the sea exceeds the one from the land' and that 'the most serious threat of war comes from formidable enemy through an unexpected attack to destroy the ability of People's Republic of China to wage war'. Moreover, President Xi Jinping in his speech mentioned that the People's Republic of China has firm will and sufficient capability to defeat any form of independence secession plot from the Republic of China (Taiwan).

The People's Liberation Army Navy Power Development Plan also embedded the strategic ends since 1980's. The plan stipulates important milestones for the People's Liberation Army Navy, which include the capability of the People's Liberation Army Navy to defend People's Republic of China's maritime security interests out to the two "island chains" that cover the Island of Taiwan by the year 2020. The "first island chain" draws a line from the Kuril Islands down to Ryukyu Islands, the Philippines and ends in Indonesian Archipelago. Meanwhile, "second island chain" connects Kuril Islands, Bonin Islands, Mariana Islands, Palau, and Indonesian Archipelago with extension to Java, Singapore and Malacca Strait.

In the context of involvement of the United States in the Taiwan Strait issue, their interest, aside from Republic of China (Taiwan) being their fellow democracy, would go beyond the democratic narrative. Geographical location of the Republic of China (Taiwan), which borders the East China Sea and South China Sea, is strategic for the United States for



implementing their freedom of navigation and the policy of military deployment in both seas. The demonstration of the latter policy is visible in the routine joint exercise between the United States Navy and its allies that would ignite a powerful response from the People's Republic of China, of which this could create a higher tension in the Taiwan Strait, and if not, a "hot war".

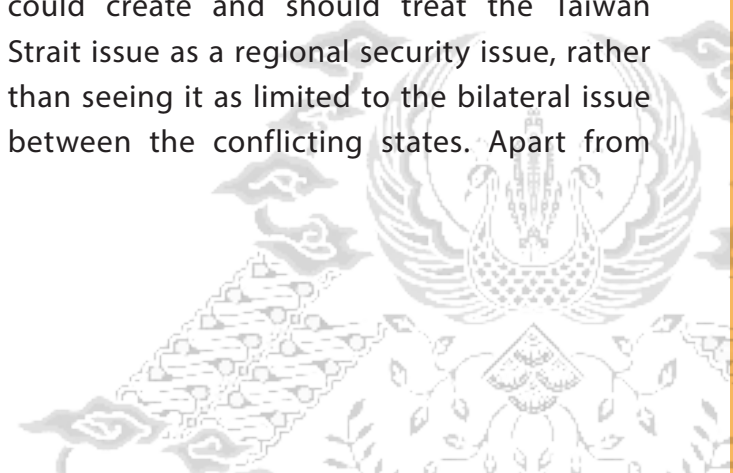
Besides military importance, Prof. Amarulla Octavian also highlighted how economic importance in the Taiwan Strait could influence international political chessboards. Projections by world economic experts estimated that world economic power would shift to Asia and by the year 2050, East Asian Nations would become the global economic powerhouses, such as Japan, Republic of Korea, Republic of China (Taiwan) and People's Republic of China. This would strengthen the need for global communities to assure the security, safety and navigation activities in all maritime trade lanes, especially those in strategic waters such as Taiwan Strait. Therefore, any disruption in the trade lanes in the area would mean a disruption to the global economy and interests.

Later on, while arguing that ASEAN could see the impact from the tension in the Taiwan Strait, Prof. Amarulla also shared his view on the role that ASEAN could play for the common interest. ASEAN has an extensive network of cooperation schemes that could connect to its platform, such as ASEAN Political and Security Community, where it aims to create

and maintain political stability in the region. However, in discussing ASEAN's position on this issue, there would be a potential split among ASEAN Countries that needs to be considered as some countries maintain their traditional closeness to People's Republic of China, while some others either involve themselves in territorial disputes or choose to maintain the neutral stance.

This split of position among the ASEAN Countries would potentially make ASEAN vulnerable in determining its position on Taiwan Strait issue and could further disrupt the agenda within ASEAN Political and Security Community and its correlating Asia-Pacific cooperation scheme, especially those which might have correlation with the Taiwan Strait dynamics. Moreover, the "hot war" could have an impact on ASEAN if the tension in Taiwan Strait would continuously escalate. By taking into account the close proximity between Taiwan Strait and the South China Sea, a "hot war" could result in the spill-over of the war zone into Southeast Asian waters. ASEAN could also see the destructive impact from the "hot war" occurrence as both of the conflicting states would possibly employ their weapon of mass destruction, of which its range covers Southeast Asia.

Moving forward, ASEAN cannot overlook the collision that the Taiwan Strait tension could create and should treat the Taiwan Strait issue as a regional security issue, rather than seeing it as limited to the bilateral issue between the conflicting states. Apart from





SPEAKERS

Amarulla Octavian

Rector, The Republic of Indonesia Defense University (RIDU)



that, ASEAN should pursue multitrack defense diplomacy and initiate discussions with the People's Republic of China and the United States to create a new scheme of international instrument and find possibilities in preparing a peace resolution.



QUESTION AND ANSWER SESSION

Questions

Kang (Jakarta):

Will ASEAN put the wording, the importance of peace of Taiwan Strait, into any of ASEAN meeting, statement or declaration?

Responses

Vice Admiral Prof. Dr. Ir. Amarulla Octavian, S.T., M.Sc., DESD (Rector, The Republic of Indonesia Defense University (RIDU)):

Prof. Amarulla mentioned that ASEAN Countries have actually already brought and discussed the topic of Taiwan Strait issue for quite some time. Moreover, Prof. Amarulla also expressed that ASEAN, aside from raising the Taiwan Strait issue and making certain declarations following particular ASEAN Summits, could also establish a new scheme to discuss the solution to the tension in the area in a separate platform. The platform should be able to accommodate the perspectives from academicians from both the United States and the People's Republic of China.

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

Prof. Hikmahanto reiterated that the security of Taiwan Strait, as a strategic area for all communication of international trades, is an important issue. In order to achieve security and safety in the strait and some other waters of great importance to ASEAN, ASEAN Countries should bring forward a statement. He saw that ASEAN's effort to put forward the issue is the least of what ASEAN could respond to. ASEAN, however, should carefully consider the potential split among its member states in responding to the issue and therefore should put importance on the wording and drafting the statement or the declaration, as he suggested that it should implicitly elaborate the comprehensive stance of ASEAN towards the issue.

Questions

Luthfy Ramiz (Researcher, The Habibie Center):

We have seen how ASEAN and the People's Republic of China go back and forth with the South China Sea issue. In your perspective, would ASEAN centrality work well with the Taiwan Strait issue?

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

Prof. Hikmahanto answered the question by referring to the previous disagreement between ASEAN Countries on the jurisdiction and award of Permanent Court of Arbitration on the nine-dash line case which eventually led to a statement not being made by ASEAN. He then argued that this might also be the case in discussing the role of ASEAN centrality on this matter, that each of ASEAN Countries would have a different stance on the Taiwan Strait issue.

Furthermore, by taking into consideration that many ASEAN Countries recognize People's Republic of China under the "One China Policy" and that the basis of the United States' claim on their right to international navigation in the Taiwan Strait could be seen as lawful as Taiwan Strait is not part of People's Republic of China's territorial claim given their status of not being an archipelagic state, ASEAN needs to be agile yet careful in discussing and making statement. In the end, Prof. Hikmahanto added that it is important to bear in mind that the issue would not see its end in the near future as it has been reoccurring repeatedly. The Taiwan Strait issue could rather be as dynamic as it is just now and therefore the agility and carefulness from ASEAN is important to assure that a "hot war" is not going to happen when the tension escalates in the Taiwan Strait.

Vice Admiral Prof. Dr. Ir. Amarulla Octavian, S.T., M.Sc., DESD (Rector, The Republic of Indonesia Defense University (RIDU)):

Prof. Amarulla started the statement by expressing the importance of evaluating and analyzing the influential factors in implementing the diplomatic process. As the lessons were learned from the diplomatic process on the Code of Conduct in South China Sea, the factors which might be significant in establishing a new scheme in conducting diplomacy with the People's Republic of China include defense diplomacy.

Defense diplomacy played an important role in accelerating agreement on the Code of Conduct in the South China Sea. This strength is attributable to the recognition of the importance of the role of the navy in a diplomatic process that employs dialogue. The role of navy could be applied through the navy-to-navy, military-to-military and even coast guard-to-coast guard dialogue. As for the use of diplomacy in general, Prof. Amarulla reiterated his view during his presentation that diplomacy also needs to be conducted through multi track diplomacy with the involvement of the relevant stakeholders. However, as he also noted that the differences on political stance exist between diplomats and military in ASEAN Countries, both sides need to discuss in order to present a concrete diplomatic goal when conducting dialogue with the People's Republic of China.

Questions

Kang (Jakarta):

Has ASEAN or Indonesia already mentioned the importance of peace of the Taiwan Strait to the Government of the People's Republic of China, whether in public or privately?

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

Although there was no definite answer to the question, Prof. Hikmahanto assured that the Governments of ASEAN Countries acknowledged the importance of peace and stability in the Taiwan Strait as any tension between the United States and the People's Republic of China will have an impact on ASEAN Countries. The Government of Indonesia and ASEAN have discussed the Taiwan Strait issue with the Government of People's Republic of China. Alas, both governments and ASEAN did not reach any point that would result in the statement.

In Indonesian perspective, the government would keep upholding the Free and Active Policy in regards to the Taiwan Strait issue. This policy leaves no room for Indonesia to support either the United States or the People's Republic of China. Therefore, the Government of Indonesia would only pursue the action that enables the achievement of peace, security and stability in the Taiwan Strait.

Questions

Arya Gunawan (Jakarta):

Taking into consideration the growing influence of the People's Republic of China, including in Asia, if there were an open war between the People's Republic of China and Republic of China (Taiwan), how many out of 10 ASEAN countries that will take side with the People's Republic of China, and how many will take a neutral position? And more specifically about Indonesia: which side will it take? And why?

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

Prof. Hikmahanto shared his view on a hypothetical situation of the "hot war" taking place in the Taiwan Strait. In that case, the Governments of each ASEAN Countries would need to assess before taking steps on declaring their support to either the People's Republic of China, or the United

States and the Republic of China (Taiwan). Firstly, these governments would need to go back to their constituents and listen to their aspirations. Secondly, the Governments of ASEAN Countries would need to assess their interest within the Taiwan Strait issue. Thirdly, as the domestic politics of each of ASEAN Countries would play a role on this issue, the governments need to consider how their future decision would influence their internal politics. Indonesia, in this hypothetical situation, would seem to uphold the Free and Active Policy, thus would choose neither the People's Republic of China nor the United States and the Republic of China (Taiwan).

Questions

Arya Gunawan (Jakarta):

How effective and significant the impact of such a gesture demonstrated by President Joko Widodo with his visit to Natuna Island a few years ago to “scare away” the People's Republic of China in order to not try provoking Indonesia.

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

Prof. Hikmahanto saw the gesture demonstrated by President Joko Widodo in Natuna Island as an effective gesture. The gesture that President Joko Widodo showed has implicitly delivered a message to the People's Republic of China that, despite maintaining its relations with its partners, Indonesia could not, at all costs, tolerate any gesture that would jeopardize its sovereignty, sovereign rights and citizens' welfare. However, he emphasized that this gesture is not exclusive as other countries would react the same way should there be any disruption to their sovereignty and sovereign rights.

Questions

Mohammad Syaban (Researcher, The Habibie Center):

How does the individual ASEAN Member States response affect ASEAN - People's Republic of China relations?

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

Prof. Hikmahanto began his answer by arguing that there lives a complexity within the interactions between one state and the others in recent days. This would make it difficult to see whether one particular ASEAN Country decides to side with the People's Republic of China for the benefits that comes with it, or whether the People's Republic of China uses its relations with a particular country as a proxy in an international organization. Ultimately, the response would greatly depend on the interest of each ASEAN Country and the response of the People's Republic of China. Not only these practices apply to the People's Republic of China and the ASEAN Countries, but also to the United States and its allies as these practices are somehow common in the world of diplomacy.

Questions

Taufan Samudra (Researcher, The Habibie Center):

The issue of Taiwan Strait is intertwined with the international law aspect, yet at the same time we also acknowledged the stance of the People's Republic of China towards the whole international law concept. When international law sees that the People's Republic of China violates particular international law clauses, especially with their claims, again, the Government of the People's Republic of China does not share the mutual view with it. Therefore, what would be the perfect resolution for the People's Republic of China so that they will adhere?

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

It is undeniable that in this particular case, there would entail two different narratives from both the People's Republic of China and the United States. The People's Republic of China would always see that the Taiwan Strait is part of their territorial claim as they see that Republic of China (Taiwan) is a part of them and eventually, one would expect that they will react to any gesture that they see as jeopardizing their sovereignty. While the United States would always see that the Taiwan Strait is an international water thus it is expectable that they would uphold their right to freedom of navigation in the area. However, there would be no presiding judge that could make a decision on whose narrative is rightful and, more importantly, there would be no decision or resolution, and legal enforcement as long as they do not agree with each other to bring the case to the international tribunal, of which this would not make international law as the solution to the issue. Moreover, Prof. Hikmahanto also argued that international law is relative, that there would never

be any limitation for both the People's Republic of China and the United States to find and connect their own narrative to any existing international law if they decide to do so.

Questions

Taufan Samudra (Researcher, The Habibie Center):

The People's Republic of China is known for the historical claims made towards the South China Sea and ASEAN has been maintaining its dialogue with them through ASEAN platforms yet we still have divided views against the issue. When is the perfect timing for ASEAN to finish all the readings of the Code of Conduct and to adopt it, if the mutual voice of ASEAN is still, in a way, unreachable?

Responses

Prof. Hikmahanto Juwana, S.H., LL.M., Ph.D (Rector, Jenderal Achmad Yani University):

The tension between the United States and the People's Republic of China, whether it is about the nine-dash line, the Taiwan Strait or the economic issue, would recur and there would be no end to the tension, either in near future or in the long-term. Prof. Hikmahanto thought that the perfect timing for ASEAN to voice their concern would be the moment when ASEAN Countries could unanimously agree on one voice. This particular moment might be the time when the tension peaks to its highest level as many would think that the "hot war" will happen. ASEAN Countries would face the common threat of "hot war" and it might be expected that in the time when one community faces the common threat, they would react based on the common interest.



ABOUT ASEAN STUDIES PROGRAM

The ASEAN Studies Program was established on February 24, 2010, to become a center of excellence on ASEAN related issues, which can assist in the development of the ASEAN Community by 2015. The Habibie Center through its ASEAN Studies Program, alongside other institutions working towards the same goal, hopes to contribute to the realization of a more people-oriented ASEAN that puts a high value on democracy and human rights.

The objective of the ASEAN Studies Program is not merely only to conduct research and discussion within academic and government circles, but also to strengthen public awareness by forming a strong network of civil society in the region that will be able to help spread the ASEAN message. With the establishment of ASEAN Studies Program, The Habibie Center aims to play its part within our capabilities to the ASEAN regional development.

ABOUT TALKING ASEAN

Talking ASEAN is a monthly public dialogue held at The Habibie Center in Jakarta. Covering a wide array of issues related to ASEAN, Talking ASEAN addresses topics of: Economic Integration, Socio-cultural, & Democracy, human rights and regional peace, among others. Featuring local and visiting experts, Talking ASEAN is one of a series of twelve dialogues regularly held each month and open to a target audience consisting of ASEAN officials, foreign ambassadors & diplomats, academics, university students, businesses, and the media.

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