



SEMAPHORE

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Tensions Rise in South China Sea

New measures granting the Chinese Coast Guard (CGC) the right to use armed force have caused tensions to rise in the countries surrounding the South China Sea, with claims that international maritime law is being infringed.

China's newly-enacted Coast Guard Law allows the agency to "take all necessary measures, including the use of weapons, when national sovereignty, sovereign rights, and jurisdiction are being illegally infringed upon by foreign organisations or individuals at sea". This includes the use of small arms, based on the "nature, degree and urgency" of the case and the personnel's "reasonable judgement".

In the event of serious non-compliance, the use of deck guns would be permitted.

The law also empowers the CGC to halt construction or destroy foreign structures on Chinese-claimed land features, like those on the Philippine-occupied Pag-asa Island and Second Thomas Shoal. It gives the CCG broad discretion to set up temporary exclusion zones and to board and inspect foreign vessels within Chinese-claimed waters.

The initial international reaction to the new law was muted, with the Philippines Government taking the position the legislation was a domestic Chinese matter. However, the Philippines then reconsidered after recognising the wider implication of the law, given that China claims a significant portion of the South China Sea, including large segments of the Philippine exclusive economic zone.

The Government then reversed course and filed a formal objection.

Philippines Foreign Secretary Teodoro Locsin Jr (pictured) said that while enacting law is a sovereign prerogative, this one – given the area involved in the South China Sea – constitutes a verbal threat of war to any country that defies the law.

Filipino fishers and vessel operators are also worried by the Chinese moves. Fishing industry association, Pamalakaya, believes the law contradicts the principle of freedom of navigation recognised by international maritime law. It believes Filipino fishers could be threatened within their own territorial waters.

The rising tension has prompted the United States to warn China against the use of force in disputed waters.

The United States Department of State also voiced concern about the new law, saying it could be used to intimidate China's maritime neighbours.

"We remind the People's Republic of China and all whose forces operate in the South China Sea that responsible maritime forces act with professionalism and restraint in the exercise of their authorities," said a state department spokesperson.

"We are further concerned that China may invoke this new law to assert its unlawful maritime claims in the South China Sea."



The Biden administration has reaffirmed a statement on the South China Sea issued last year by then Secretary of State Mike Pompeo, which declared that Beijing's claims to offshore resources across most of the South China Sea were "completely unlawful".

New Secretary of State Antony Blinken also raised concern about the Chinese maritime law in a call with his Japanese counterpart, Toshimitsu Motegi. The Secretary of State reaffirmed that the Senkaku islands in the East China Sea – also claimed by Beijing, which calls them the Diaoyu – fall under a security treaty that commits the United States and Japan to each other's defence.

The United States and the Philippines are also long-time military allies.

Tensions have been rising for some time in the South China Sea due to Chinese territorial claims. An international tribunal in The Hague rejected those claims in 2016, following a case brought by the Philippines, but China refuses to recognise the ruling.

Recently the United States sent naval vessels through the area to promote "freedom of the seas", to which China objected.

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