



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



China Maritime Claims “Without Legal Basis”

Australia and the United States have jointly criticised “expansive maritime claims” made in the South China Sea by the People’s Republic of China’s (PRC) following its February 1 implementation of the Coast Guard Law.

The [joint statement](#) followed United States Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin recently hosting Australian Minister for Foreign Affairs and Minister for Women Marise Payne and Minister for Defence Peter Dutton in Washington DC for the 31st Australia-United States Ministerial Consultations (AUSMIN 2021).

Under a “Indo-Pacific Co-operation” heading within the September 16 statement, the Secretaries and Ministers upheld that “adherence to international law is essential for regional and international stability and prosperity”.

“They underlined the importance of countries’ ability to exercise their maritime rights and freedoms in the South China Sea, consistent with the UN Convention on the Law of the Sea (UNCLOS), including freedom of navigation and overflight and other internationally lawful uses of the sea related to these freedoms,” read the section.

“The principals expressed their intention to strengthen co-operation and conduct maritime exercises with a wide range of partners. They also resolved to work with partners to respond to ‘gray zone’ activities.

“The Secretaries and Ministers conveyed ongoing concern regarding the PRC’s expansive maritime claims in the South China Sea that are without legal basis, called on the PRC to implement relevant domestic legislation, including the Maritime Traffic Safety Law, in a manner consistent with UNCLOS, and reiterated that the 2016 Arbitral Award is final and legally binding on the parties.

“The principals reiterated their strong opposition to the militarisation of disputed features and other destabilising actions, including the dangerous use of coast guard and maritime militia, and efforts to disrupt other countries’ offshore resource exploitation activities.”

PRC Response

On September 17, the Chinese Embassy in Australia issued a [statement](#) in response to AUSMIN asserting “we firmly oppose and reject the unfounded accusations and erroneous remarks against China”.

“Those assertions, in disregard of basic facts, violated international law and basic norms governing international relations and grossly interfered in China’s internal affairs,” read the statement.

“This petty move to put pressure on China will be of no avail but a staged farce.

“We urge the Australian side to abandon the outdated Cold War zero-sum mentality and narrow-minded geopolitical perception, handle its relationship with China in a genuinely independent manner, stop sliding further down on the road of harming China-Australia relations, and do more to enhance mutual trust and promote pragmatic co-operation.”

Earlier in the year, the Chinese Embassy in the Philippines issued a [statement](#) noting “with regret, many false accusations against China” in regard to the then newly-implemented China Coast Guard Law.

“China Coast Guard is an administrative law enforcement agency,” read the statement.

“The formulation of the Coast Guard Law is a normal domestic legislative activity of China. The content of the law conforms to international conventions and the practices of the international community.

“Enacting such a coast guard law is not unique to China, but a sovereign right to all. Many countries have enacted similar legislation. It is the Philippine Coast Guard Law of 2009 that established the PCG as an armed and uniformed service. None of these laws have been seen as a threat of war.

“China Coast Guard Law doesn’t specifically target any certain country. The enact of the law doesn’t indicate any change of China’s maritime policy. China has always been committed to managing differences with countries including the Philippines through dialogue and consultations and upholding peace and stability in the South China Sea.”

December 2021

