

China as a Global Maritime Power

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With a focus on China, this paper will address three questions. First, how will regional rivalries manifest in the maritime domain? Second, what are the prospects for high seas cooperation among Russia, China, and India? Third, what are the implications for the United States of the previous issues?

The most crucial regional maritime rivalries China is confronting concern contested territorial sovereignty, resource acquisition, and matters of national pride.

I. Territorial Sovereignty.

These are well-known and vital issues of national sovereignty and security from China’s perspective. Quite simply, Beijing considers the Yellow, East and South China seas to be areas of vital national security interest. That evaluation also may apply to Korea, Japan, and the other South China Sea claimants, of course, but none of those countries have China’s comprehensive national view of these “three seas” geographically, politically, and historically.

--Does it apply to the United States? Has Washington ever spelled out our national security interests in those seas, other than as “freedom of navigation”?

Countering this nationalistic view from Beijing is the centuries-old concept of the “maritime commons,” which views the “high seas” as an area of free access and transit. The United Nations Convention on the Law of the Seas (UNCLOS) is the most recent attempt to delineate the “maritime commons” and the “high seas,” but even this near-universally ratified convention contains significant areas where clarity is lacking.

This particularly is relevant when considering the “declarations” made by states when they signed and ratified the UNCLOS. China, for example, issued four declarations when it signed, and a fifth declaration when it ratified, the UNCLOS. In these declarations, Beijing essentially refused to agree with some very important treaty articles. These are as follows:

Upon ratification (7 June 1996)¹/:

1. In accordance with the provisions of the United Nations Convention on the Law of the Sea, the People's Republic of China shall enjoy sovereign rights and jurisdiction over an exclusive economic zone of 200 nautical miles and the continental shelf.
2. The People's Republic of China will effect, through consultations, the delimitation of the boundary of the maritime jurisdiction with the States with coasts opposite or adjacent to China respectively on the basis of international law and in accordance with the principle of equitability.
3. The People's Republic of China reaffirms its sovereignty over all its archipelagos and islands as listed in article 2 of the Law of the People's Republic of China on the territorial sea and the contiguous zone, which was promulgated on 25 February 1992.
4. The People's Republic of China reaffirms that the provisions of the United Nations Convention on the Law of the Sea concerning innocent passage through the territorial sea shall not prejudice the right of a coastal State to request, in accordance with its laws and

regulations, a foreign State to obtain advance approval from or give prior notification to the coastal State for the passage of its warships through the territorial sea of the coastal State. Declaration made after ratification (25 August 2006)

5. The Government of the People's Republic of China does not accept any of the procedures provided for in Section 2 of Part XV of the Convention with respect to all the categories of disputes referred to in paragraph 1 (a) (b) and (c) of Article 298 of the Convention.

Potentially more serious is the February 2017 report of Beijing's revision of its "Maritime Safety Law" that would require all submarines to travel on the surface in "Chinese waters," perhaps extending to the 200nm EEZ limit.

Other nations also issued such declarations, particularly with respect to requiring permission for armed vessels to operate in the exclusive economic zone and to the limits of the continental shelf, including, for instance, India, Malaysia, Pakistan, Thailand, and Vietnam.

[(b) The Government of the Republic of India understands that the provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or maneuvers, in particular those involving the use of weapons or explosives without the consent of the coastal State.]

The three most important maritime territorial/sovereignty disputes for China are well known to this audience: the East China Sea, the South China Sea, and Taiwan. The first involves seabed resources and the Senkaku/Diaoyu Islands sovereignty issue; the second also involves seabed resources and land feature sovereignty issues—although a more complicated level than those in the East China Sea; finally, in my view, the Taiwan sovereignty issue remains Beijing's number one sovereignty concern, as it does for the People's Liberation Army (PLA).

Second, other conflictual maritime issues include various fishing claims, both with specific nations, such as both Koreas, and globally, where China's huge fishing fleet ignores both national and international restrictions and concerns. Finally, Beijing actively plays the "nationalism" card when addressing domestic and foreign issues. This of course is not unique to China, but given that country's size and investment in so many contentious maritime issues, nationalism is a significant factor, especially with regard to relations with Japan. It is perhaps significant that while China has often been willing to compromise on continental boundary disputes, it has done so in only one case of a maritime dispute, in the Tonkin/Beibu Gulf.

II. Prospects for High Seas Cooperation among Russia, China, and India

High seas cooperation between China and Russia is occurring on a regular basis, evident in regularly scheduled naval and other military exercises between the two nations' militaries. In September 2016, for instance, three Russian combatants and two supply ships joined ten PLAN ships in a week-long exercise in the South China Sea. Moscow has endorsed all of Beijing's positions in maritime sovereignty disputes, although fisheries disputes remain.

Indian and Chinese navy ships have conducted port visits in each other's country, and to some third nations. They have not participated in any meaningful maritime exercises, however, and are not likely to do so in the near future. This is due to Sino-Indian disputes, as well as to the close Chinese-Pakistani alliance and Indian concern about the increasing PLAN presence in the Indian Ocean.

That said, there may be future Indian-Chinese naval cooperation during emergency events such as Non-combatant Evacuation Operations (NEO) or disaster-relief operations.

Russia and India, however, continue to maintain a close military relationship, based in large part on Moscow's arms sales to New Delhi. These continue to include naval combatants from nuclear-powered submarines to aircraft carriers. I note, however, that a counter move in the Indian navy exists in favor of shifting to U.S.-supplied naval weaponry and systems. That shift exists, to an extent, but remains nascent (SH3s, P8s, but not F/A-18s).

The two nations' navies continue to conduct a long-established series of naval exercises, most recently in December 2016. Yet, the prospects for high-seas cooperation between China and India are slight; those between China and Russia likely to continue and to increase in frequency and complexity; those between India and Russia also likely to continue. Two interesting factors cloud China's relations with India and Vietnam. The first is Russia's continuing status as India's primary arms supplier and their generally good relationship, while the second is Russia's similar role with Vietnam. The Russian-U.S. relationship, both at sea and in general, may well be on the verge of significant change, given the publicly expressed views of President Donald Trump.

III. Implications for the United States

The United States is intricately involved in how both of these slates of issues are resolved—or not resolved. In the first case, the U.S. relationships with all the nations disputing Chinese claims are significant. These involve, on one level, mutual defense treaties with South Korea, Japan, the Philippines, and Australia.

At a lesser, but still important level are the U.S. defense relationships with Taiwan, New Zealand, and Thailand. Third are significant U.S. military (naval) relationships with Vietnam, Brunei, Indonesia, Malaysia, Cambodia, Bangladesh, India, and Pakistan. (from Beijing's perspective, when one considers, in addition to these treaties and relations the U.S. military presence in Afghanistan, exercises with Mongolia, and relationships with Central Asian states, the U.S. is indeed “surrounding” China!).

With respect to the second issue, the United States has established and continues to engage in cooperative maritime efforts with China. These range from the Northern Pacific Fisheries Patrol, which also includes Russia, to port visit exchanges, joint exercises in both U.S. and Chinese waters, and war-gaming exercises that include possible future maritime NEO and emergency relief operations in concert if not fully joint.

Well-established cooperative programs exist between the USN and the PLAN. The first of these, the long series of Military Maritime Consultative Agreement (MMCA) meetings, may be little more than a talk shop, but valuable nonetheless, for bringing together flag officers from each navy on a regular basis. The second established measure is much more important. The Code for Unplanned Encounters at Sea (CUES) is a more practical agreement, reminiscent of the Incidents at Sea agreement established by the United States and the Soviet Union to prevent unintended escalation of encounters between ships of the respective navies.

The U.S.-China CUES pact has recently been supplemented by an addendum extending similar conditions and procedures to encounters in the air. This may prove a particularly valuable preventive step, reducing, if not eliminating, an incident like the 2001 EP3-J8II collision.

Future prospects for these activities seems tenuous, however, given apparent attitudes in Xi Jinping's Zhongnanhai and Donald Trump's White House. And maintaining and hopefully expanding maritime relationships with Russia may well have to await the next Moscow ruler.

Two primary problems exist for future U.S. maritime relations on the high seas (or in littoral waters, for that matter). The first is the continuing U.S. refusal to sign and ratify the UNCLOS treaty. Second, and much more important, is that maintaining U.S. maritime interests, which are global and vital, requires rectification of the current imbalance between USN resources and national tasking.