

Beijing's focus on maritime law 'reflects rising concerns over South China Sea'

- Five-year plan includes call to mitigate risks and prepare for legal battles to defend national interests
- Analyst says if rival claimant Vietnam starts arbitration 'there's now a greater chance that China would take part'

Jun Mai in Beijing

Beijing's plan for the next five years includes a call to mitigate risks and prepare for legal battles over its maritime disputes, which analysts say reflects growing concerns over the South China Sea.

The plan – tabled at the ongoing annual legislative sessions in Beijing – also calls for China to draw up a basic maritime law, a task carried over from the previous five-year period.

“[We] must study the current circumstances, mitigate risks and [prepare for] legal struggles,” the plan to 2025 says. “[We] must resolutely defend national maritime interests.”

It is Beijing's first five-year plan since it refused to take part in a 2016 legal challenge brought against it by Manila over the South China Sea. The Hague tribunal rejected Beijing's expansive claims in the region, saying they had no legal basis, but China refused to accept the ruling and called it “a farce”.

Zhu Feng, an international relations expert with Nanjing University, said while the new five-year plan makes no mention of that ruling, its language suggests a rising sense of crisis over the South China Sea.

“China doesn't want to see another legal case but there is likely to be one, so I think preparations are under way,” Zhu said. “If Vietnam starts arbitration, there's now a greater chance that China would actually take part.”

Beijing's territorial claims to almost all of the South China Sea overlap with those of Vietnam, the Philippines, Malaysia, Brunei and Taiwan. Vietnam has become the most vocal critic of China's claims in the strategic waterway, and media reports have suggested Hanoi is considering taking legal action against Beijing.

The two countries have pledged to resolve their dispute peacefully but tensions have flared in recent years. A February report by the Centre for Strategic and International Studies' Asia Maritime Transparency Initiative said Vietnam had been building up its defences in the Spratly Islands to “ensure it can strike Chinese facilities” there.

Wang Jiangyu, an international law expert at City University of Hong Kong, said stressing the importance of maritime law was not new for Beijing. “But discussing it in such a high-level

document says much about China's increasing belief in the need to use international law," Wang said.

"However, it will still decide whether to take part in arbitrations on a case-by-case basis."

China began the push to create its own basic maritime law after two regional powers it has maritime disputes with did so – Japan in 2007 and Vietnam in 2012.

But Wang expected it would take time for the conceptual framework and details of the legislation to be decided. "There's the big legal question of what it needs to cover," he said. "China has ratified the [United Nations Convention on the Law of the Sea]. So it would be pointless to repeat articles from that and difficult to openly contradict the convention."

Zhu from Nanjing University said the legislation was complex and had been in the pipeline for a long time. "If it includes specific clauses about sovereignty disputes it will make it even harder for China to compromise," he added.

It comes after China passed a new coastguard law in January that allows its coastguard vessels to fire on foreign vessels and demolish structures built in disputed waters that China claims as its own.

"That law has been controversial, so I personally think it's not a bad thing to be more cautious with this legislation," Zhu said.