

## China's Increasing "Rights Defense" (*weiquan*) Activities on the Sea

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China's interest in maritime affairs is becoming more substantial. The Twelfth Five-Year Plan (2011–2015) released in March 2011 has for the first time incorporated a new chapter on "promotion of the development of a marine economy" that specifies the guidelines for "developing and implementing a marine development strategy, improving maritime development and control capabilities, and strengthening integrated maritime management." Specifically, it defines the future direction for promoting development and use of marine resources including oil and natural gas, as well as the guidelines for strengthening maritime management systems.

### **Toward Full-scale Marine Resources Development**

Maritime issues for China are closely related to the country's economic development. China is becoming increasingly dependent on critical natural resources from abroad such as oil and natural gas. China's dependency on foreign oil was over 40% in 2004, and it exceeded 50%, which the Chinese government considers to be the danger zone, for the first time in 2009. Under such circumstances, the ocean is attracting significant attention as a "strategic base" for natural resources (*China Business News*, August 3, 2011). The South China Sea is considered to be the most powerful strategic bases; however, China has yet managed to start resources development activities in this area apart from the coastal waters near the continent.

Needless to say, the leadership of China and the government sector has been demonstrating their intention to promote development and use of marine resources. For example, at the National Science and Technology Congress held in January 2006, the first year of the period of the Eleventh Five-Year Plan (2006–2010), Hu Jintao, the General Secretary of the Communist Party of China (CPC), stated "it is necessary to accelerate the development of scientific technologies related to the space and ocean for the peaceful use of space and marine resources." In addition, the Guidelines on National Medium and Long Term Program for Science and Technology Development released in February 2006 expressed a sense of crisis in terms of the expanding energy supply gap in China, and as the countermeasures for this issue, it specified the guidelines for improving resource exploration technologies in the ocean.

Following the Congress and the Medium and Long Term Program, the State Oceanic Administration (SOA), the Ministry of Science and Technology (MST), the Commission of Science, Technology and Industry for National Defense (COSTIND), and the National Natural Science Foundation of China (NSFC) invited maritime-related governmental departments and agencies, and experts from research institutions to draft the outline of the maritime engineering program in November 2006. One of the important missions of this maritime engineering program is the improvement of technologies for deep-sea development and resource exploration/development. The outline of the program specifies the scope of exploration/development of marine resources as "mainly coastal waters," but it also specifies that the scope will be expanded to "deep-sea, the ocean and the entire globe" in a longer-term. In addition, the outline of the National Maritime Development Program drafted by the National

Development and Reform Commission (NDRC) and the SOA was approved by the State Council of the People's Republic of China (PRC) in February 2008, which defined the targets and guidelines for China's maritime development until 2010.

China has been achieving concrete results for the task of technological innovation that is specified in the outline of the National Maritime Development Program. This is partly due to the progress of the development of maritime resource exploration technology. For example, in July 2011, China's "first independently designed and assembled" manned research submersible, the *Jiaolong*, successfully reached a depth of 5,188 meters in the Pacific Ocean, and collected sea/deep-sea creatures and nodules of manganese. The Minister of Science and Technology Wan Gang praised the success of deep-sea research at a depth of 5,000 meters as "a new milestone for the development of marine science technology in China," and expressed his strong determination for resource exploration, stating that they will "continue strengthening research and development of deep-sea advanced technology, as well as providing support for scientific technology in order for China to advance deeper and further into the ocean" (*China Land and Resources News*, August 19, 2011).

As described earlier, resource exploration and development in the deep sea was a long-term target at the time of 2006, however, in just five years, the *Jiaolong* implemented a successful deep-sea research at a depth of more than 5,000 meters. This suggests that the development of marine technology in China has made progress much faster than the Chinese government originally estimated. The *Jiaolong* is scheduled to conduct deep-sea research at a depth of 7,000 meters, the maximum design depth of the submersible, in 2012 (*China National Radio*, March 3, 2012). In addition, the *Jiaolong* will also be deployed for marine resources research in the South China Sea in 2012, which aims to collect methane hydrate samples (*Oriental Outlook Weekly*, Issue 31, 2011; *China Daily*, July 20, 2012). Furthermore, in August 2011, the Ministry of Foreign Affairs of China announced that the application for an exploration permit in a sea-floor hydrothermal deposit in the Southwest Indian Ocean, which was submitted by the China Ocean Mineral Resources Research and Development Association (COMRA) with a guarantee of the government, was approved by the International Seabed Authority (ISBA) in July 2011.

China has also been investing in new equipment in the development of marine oil resources. For example, in May 2011, Marine Oil (*Haiyang Shiyou*) 981, a semi-submersible drilling platform that can operate at a depth of 3,000 meters, was completed. After completion, the Marine Oil 981 implemented a two-month-long test navigating on the sea, and then became ready for operation in December 2011. Following this, from January to February 2012, the Marine Oil 981 implemented an installation test in the East China Sea. This oil rig will be deployed in the South China Sea where China has not managed to start development. Li Jie, a researcher at the Military Academic Research Institute of the People's Liberation Army Navy (PLAN), finds significance in the Marine Oil 981, as it can "drastically change the passive approach" of China, meaning the fact that China has not been able to start resources development in the Spratly Islands area. In addition, Li referred to the foreign policy of China. Specifically, although China has been insisting to implement joint resources development in disputed waters, when the Marine 981 became ready for deployment, he argued that China should change its policy to "mutually combine unilateral development and joint development" (*Modern Ships*, Issue 8, 2011).

### **Accelerating "rights defense" activities in the East China Sea**

In order for China to promote stable resource development, the comprehensive maritime management system needs to be strengthened. As part of the efforts to strengthen the management

system, China has been trying to improve the capacity of maritime law enforcement agencies. In China, five entities are responsible for maritime law enforcement activities: (1) the China Maritime Surveillance (CMS) of the SOA; (2) the Maritime Police of the Border Control Department under the Ministry of Public Security; (3) the Maritime Safety Administration (MSA) of the Chinese Ministry of Transportation; (4) the China Fisheries Law Enforcement Command (FLEC) of the Ministry of Agriculture; and (5) the Anti-Smuggling Bureau of the General Administration of Customs (GAC). Law enforcement activities related to marine resources development are mainly implemented by the CMS, which is accelerating its capacity building efforts. During the period of the Tenth Five-Year Plan (2001 – 2005), large patrol vessels with high mobility that are capable of operating in exclusive economic zone (EEZ) were built, and five long-range aircrafts were deployed to the CMS flotillas. In the period of the subsequent Eleventh Five-Year Plan (2006 – 2010), the deployment of vessels and aircraft continued, and joint training for ships and aircraft began so as to expand the area of operations. The CMS initiated regular patrols of the East China Sea in 2006 and of the Yellow Sea and the South China Sea in 2007. The CMS plans to deploy 36 new large patrol ships in the period of the Twelfth Five-Year Plan. In July 2011, the *Haijian 50* (3,980 tons), capable of accommodating Z-9A helicopters with night-flying capability, was deployed to the East China Sea Branch.

In addition, as part of capacity building efforts, the SOA has been further strengthening cooperation with the PLAN. Historically, both parties have been closely cooperating to develop China's maritime industry. Especially since the 1980s, marine research vessels have been conducting research operation under the protection of the PLAN. Since the establishment of the CMS in October 1998, the PLAN has been providing support for the CMS in terms of equipment development, capacity enhancement, education and training. In February 2012, Liu Cigui, the director of the SOA, had a meeting with Admiral Wu Shengli, commander of the PLAN, and stated that "based on the new situation and the new demand for our mission, the SOA is going to promote closer cooperation with the PLAN." In reply to this, Admiral Wu stated that "the PLAN is willing to work together with the SOA, and will continuously improve the cooperative relationship, continuously develop new fields of cooperation, and continuously strengthen exchange and communication in order to safeguard the maritime rights and interests and security of our country." Both parties agreed to strengthen their cooperation including capacity building of the CMS.

As a result of the capacity building efforts of the CMS, surveillance activities against foreign vessels/aircrafts have been strengthened in China's surrounding waters. In 2010, the CMS implemented surveillance operation against a total of 1,303 vessels and 214 aircrafts of other countries. This is a significant increase from the result of 2008 (285 vessels, 43 aircrafts). Liu Cigui pointed out that one reason behind the strengthened patrol activities such as surveillance operation by the CMS was because "battles for maritime rights and interests between countries, mainly surrounding competition for resources and strategic interests, are becoming more intensified and complicated" (*People's Daily*, June 8, 2011).

The CMS has been strengthening its patrol operation in the East China Sea as well. For example, the *Haijian 50* was deployed to the East China Sea Branch in July 2011, and it implemented the first patrol operation in November 2011. The *Haijian 50* was dispatched to the waters where Japan and China agreed to implement joint development in June 2008, and the surrounding waters of the Shirakaba oil and gas field (Chunxiao in Chinese) and the Heiko oil and gas field to accomplish "rights defense" mission jointly operated by ships and aircraft. In February 2012, there were incidents that a fleet of the *Haijian 66* (1,290 tons) and the *Haijian 46* (996 tons) approached the survey vessels of the Japan Coast Guard that were conducting marine research in the Japanese

EEZ, claiming that the water where the survey vessel was working was under jurisdiction of China, and requesting to stop the survey by radio (February 19 and 28). Regarding these incidents, China's major media reported that the CMS vessels "stopped illegal survey activities of Japanese vessels," and "both the Japanese vessels, the Shoyo and the Takuyo, left the Chinese EEZ toward the southeast direction under the surveillance of the fleet" (*Xinhua*, February 21, 2012).

In addition, *Legal Daily* (March 2, 2012) published an article about this "rights defense" operation written by a reporter who was on board one of the vessels, and it revealed another "fact." The article reported a conversation between the *Haijian 66* and the *Shirakaba* (Chunxiao) over the radio as follows:

Haijian 66: Chunxiao, Chunxiao. This is the Haijian 66. We would like to show our respect for you. How is the situation?

Chunxiao: Japanese surveillance vessels come here every day, but everything is normal.

Haijian 66: Please conduct your *production activity* in compliance with the regulations of the Marine Environment Protection Law to prevent environmental pollution. If something happens, please contact us as needed (*italic by the author*).

In June 2008, an agreement between Japan and China was announced, which mainly refers to the participation of Japanese corporations in development of the *Shirakaba* oil and gas field. The Government of Japan has been "strongly requesting China to refrain from one-sided activities" until the implementation of the agreement. Needless to say, it is not clear what exactly the "production activity" in the report is referring to. However, the article also describes how the flame was coming out from the facility. If the content of the article is based on the fact, there is a high possibility that China has already unilaterally started production of gas.\*

\* In late March, *Legal Daily* published an article with a correction, stating that the natural gas field in question was not the Chunxiao (*Shirakaba*) gas field but the Tianwaitian (*Kashi*) gas field. Japan and China have not reached any agreement on the joint development of this gas field.

China's interest in the ocean is becoming more substantial in the form of enhancement of resources development and law enforcement activities to support the development. The activities of the CMS have been significantly increasing, especially as a result of equipment improvement, and also China's claim on its sovereignty over the Senkaku Islands has been strengthened through the patrol activities in the East China Sea. On the other hand, there has been an increasing argument that law enforcement activities of the CMS is not powerful enough to cover the three million square kilometers of the "marine territory" that China claims, to protect China's rights and interests in the ocean, and to promote resource exploration/development. There are some suggestions to integrate maritime law enforcement agencies and establish a "ministry of maritime affairs" (*Beijing News*, March 5, 2012). In any case, it is expected that China will accelerate and strengthen its "rights defense" activities in the surrounding waters.

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