# China's Basic Perceptions and Recent External **Involvement Concerning the Deep Sea**

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#### Introduction

The deep sea generally refers to the areas of the ocean which are at least 200 meters deep.<sup>1</sup> There are reserves of nickel, copper, cobalt, rare earths, and other resources essential to modern high-tech industries in the deep sea. Furthermore, the deep sea is also of increasing military value, including the deployment of uncrewed underwater vehicles.2

At a time when other countries are showing interest in the deep sea, China is also showing an increased interest. President Xi Jinping, in his speech at the National Science and Technology Innovation Conference held in May 2016, promoted the importance of the development of deep-sea resources, saying "the deep sea contains treasures that remain undiscovered and undeveloped, and in order to obtain these treasures we have to control key technologies in getting into the deep sea, discovering the deep sea, and developing the deep sea."<sup>3</sup> Furthermore, China is stepping up its external activities concerning the use of the deep sea. For example, it signed a Memorandum of Understanding (MOU) concerning deep-sea exploration with the Cook Islands, a Pacific island country, on February 14, 2025.

Due to the harsh environment of the deep sea, use by humans has been difficult over the ages. For that reason, it can be said that international norms regarding its use are a field that is still developing. In this context, it is conceivable that China is trying to secure a dominant position in the international community regarding the use of the deep sea. Based on this assumption, this paper will outline the positioning of the deep sea under international law and discuss China's basic perceptions concerning the deep sea. Taking into account these perceptions held by China, we will analyze what kinds of external involvement China is undertaking in order to advance the formation of an advantageous position concerning the use of the deep sea.

# Overview of the positioning under international law and management system

### of the deep sea

In addition to the geographical definition of the deep sea as "sea areas at least 200 meters deep," there is also a definition in international law. The United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS") states that the deep sea (written as "The Area" in the original English text of UNCLOS) and its resources "are the common heritage of mankind" (Article 136), and stipulates that no State shall exercise sovereignty over it (Article 137). In other words, we can conclude that the "deep sea" refers to the seabed and the area below it that is outside the scope of jurisdiction of any state. Exploration of the deep sea is managed by the International Seabed Authority (hereinafter referred to as the "ISA;" its headquarters are in Jamaica), which was established in 1994 based on a provision in UNCLOS. The 168 countries and organizations (including the EU) which are parties to UNCLOS are members of the ISA, and member countries need to obtain permission from the ISA in order to explore the deep sea. Note that the current situation is that regulations on the development of deep-sea resources are still at the negotiation stage in the ISA and have not been finalized.

The characteristic point of international systems concerning the deep sea is that the United States has not ratified UNCLOS and is therefore not a formal member of the ISA but only participates as an observer. On the other hand, China ratified UNCLOS in 1996 and is *ipso facto* a member of the ISA. There is a view that the absence of the United States works to the advantage of China by strengthening China's position.<sup>6</sup>

# China's basic perceptions concerning the deep sea

(1) China has designated the deep sea as a target of security in a broad sense and put policies for securing interests and its use into law

China's interest in the deep sea is not necessarily new. HIRAMATSU Shigeo points out that China has been conducting surveys of deep-sea mineral resources since the 1980s.<sup>7</sup> However, it can be concluded that the construction of systems for the use of the deep sea has progressed since the inauguration of the Xi Jinping administration. The Xi administration perceives the deep sea as one of the areas in which security in the broad sense must be ensured and this idea is reflected in the National Security Law enacted in July 2015. Article 32 of the law positions the deep sea, along with outer space and the polar regions, as one of the domains in which China should ensure its interests, stating "The Statepersists in the peaceful exploration and use of outer space, the international seabed and the polar regions, it strengthens its capacity for secure comings and goings, scientific observation, exploitation and use, it strengthens international cooperation, and safeguards the security our country's activities, assets and other interests in outer space, the international seabed and the polar regions." The point which these domains have in

common is that their strategic value has increased as technological development has made it possible for humans to use them. Furthermore, Holistic Approach to National Security, which is the comprehensive security concept proposed by President Xi in April 2014 included a wide range of fields in the target of security, and that range is continuing to expand. The Historical Resolution adopted in the sixth plenary session of the 19th Central Committee of the Communist Party of China (November 2021) listed the deep sea as one of the targets of national security based on a Holistic Approach to National Security.<sup>8</sup>

Furthermore, in February 2016, China enacted the Law of the People's Republic of China on Exploration for and Exploitation of Resources in the Deep Seabed Area (hereinafter referred to as the "Deep Sea Law") for the purpose of regulating deep-sea exploration and development and promoting research, resource exploration, and use. Note that this law's definition of the deep sea is "the seabed, ocean floor and subsoil beyond the limits of national jurisdiction e" (Article 2), invoking the UNCLOS definition.

#### (2) The deep sea is positioned as the target of various projects promoted in the five-year plan

Since the inauguration of the Xi administration, China has indicated a policy direction of promoting various deep-sea projects in its five-year plan outlining the overall social and economic policy of the nation. The deep sea was mentioned in the 13th Five-year Plan (2016-2020) promulgated in March 2016, which called for technological development related to deep-sea exploration platforms, development of oil and natural gas reserves in the deep sea, active participation in international rules on the deep sea, etc. Moreover, the 14th five-year plan (2021-2026) promulgated in March 2021 praised the projects related to the deep sea in the 13th Five-year Plan, saying they had achieved major scientific and technological results, and stated that going forward China would continue to consider this one of the areas which should be focused on from the perspectives of technology development and resources use, etc. 10

The backdrop to China placing emphasis on the deep sea as one of the important projects in its five-year plan is that it intends to utilize deep-sea resources and promote the high-tech industries which accompany deep-sea exploration and development. In particular, securing the rare metal reserves in the deep sea is meaningful also from the perspective of economic security for China. Specifically, it is likely to contribute to the stable supply of the raw materials necessary for high-tech industries, which China places importance on as a key growth area going forward, and further strengthen China's dominant position in critical mineral supply chains.<sup>11</sup>

#### (3) The perceptions of China regarding the military aspects of use of the deep sea

How does China perceive the military use of the deep sea? Here, I would like to refer mainly to the official publications of Chinese military institutions and the writings of experts belonging to these institutions. For example, *Science of Military Strategy*<sup>12</sup> published by China's National Defense University defines military action in the deep sea (the term is "deep-sea military struggle" in the original text; hereafter the original Chinese term is used) as "actions such as deterrence, strikes, counterstrikes, and defense using underwater military forces in relation to the use and control of the deep sea." Based on this, it points out that through the recent development of unmanned submersible vessels, submarine-launched cruise missiles, antisatellite missiles, and other weapons, deep-sea military conflict will affect combat not only in the ocean

space but also in other domains such as land, air, and outer space. *Science of Military Strategy* then asserts that in order to prepare for deep-sea military struggle it is necessary for China to strengthen surveys of deep-sea areas, research and development of underwater robots, submersible vessels, smart naval mines, etc., and comprehensive use of science, technology, and resources related to the ocean. Furthermore, KUANG Lasheng of the Chinese Academy of Military Sciences, in a paper published in the People's Liberation Army Daily, lists the following characteristics of military operations in the deep sea: (i) they are less constrained by weather conditions, (ii) there is a high degree of freedom in operational deployment and style, (iii) there is a high degree of freedom in activities, and (iv) there is a high degree of secrecy of the actions. He then points out that the United States, Russia, France, Japan, the United Kingdom, India, and other countries are focusing their efforts on the development and operation of military-use unmanned submersible vessels and underwater robots, so the deep sea has become a strategically important domain. Moreover, he asserts that due to the development of AI, communication technology, and other technologies, it is anticipated that operations in the deep sea will be linked to other domains in the future, so it may be possible to control other domains by controlling the deep sea.

Furthermore, views arguing for arms control in the deep sea can also be seen. LIANG Huaixin of the University of International Business and Economics states that as the international militarization of the deep seas progresses, it is necessary for the countries of the world to build an international arms control mechanism, and he argues that China can also participate in the building of this mechanism based on the principle of a Community with a Shared Future for Humanity, while basing its approach on its own interests of security, sovereignty, and development.<sup>14</sup> Furthermore, KUANG Lasheng above, in a different research paper, argues that the stronger military use of the deep sea by the United States and others is inviting military expansion in the deep sea area<sup>15</sup> and further argued that China should promote the establishment of a mechanism for international arms control.<sup>16</sup>

Two directions of thought are evident from the above discourse by Chinese experts. The first direction of thought perceives that military action in the deep sea could have an impact on the success or failure of military action in other domains and argues that it is necessary for China to also enhance its military force in the deep-sea area. The second direction of thought argues that at a time when various countries are strengthening their military forces in the deep sea, China should secure a leading position in the formation of international rules concerning arms control. However, it should be noted that even here we cannot conclude that China is denying its strengthening of military use in the deep sea.

(4) Characteristic point of China's perceptions regarding the deep sea: positioning as different from the "maritime rights and interests" concept

It can be seen that, as perceived by China, the deep sea is positioned in a slightly different context than so-called maritime rights and interests. Although maritime rights and interests are not necessarily clearly defined, in China they refer to the rights and interests concerning use of the ocean as stipulated in international laws such as UNCLOS.<sup>17</sup> However, for example, the National Security Law stipulates that maritime rights and interests are a concept adjacent to national sovereignty,<sup>18</sup> stating that "the state shall [omitted] take all necessary defense, management, and control measures to [omitted] maintain the state's

territorial sovereignty and maritime rights and interests" (Article 17), while, as noted above, it positions the deep sea as a new domain which humans have become able to access in recent years.

Why does this difference arise? One reason we can propose is that the deep sea is a domain over which no nation can exercise its jurisdiction if the deep sea is interpreted in the context of international law. It may have been necessary to position the deep sea in a somewhat different context from maritime rights and interests, which tend to be tied to national sovereignty, in order to assert that China has interests in that domain. The fact that the deep sea and maritime rights and interests are differentiated concepts is evident from the fact that the definition of "deep sea" in the National Security Law and the Deep Sea Law invokes the definition of UNCLOS.

Of course, even in the sea areas (which China perceives) China has jurisdiction over, the deep sea exists in the geographical sense. There is no doubt that China intends to engage in economic and military use of those sea areas and, due to that point, those areas are also thought to be covered by the maritime rights and interests that China often mentions in connection with national sovereignty. Actually, it can be seen that in the statements of authorities, official documents, and the discourse of Chinese experts concerning the deep sea, its definition is not necessarily rigorous and is ambiguous.

# Penetration into international organizations and promotion of cooperation among nations

As stated above, China has presented a policy of involvement in formulation of international rules for use of the deep sea. In this section, we analyze two aspects of this involvement: (i) involvement in the ISA, and (ii) promotion of bilateral cooperation.

#### (1) Involvement in the ISA

China is seeking involvement in a variety of aspects of the ISA, including finance, technology, personnel matters, and others. For example, China has been the biggest contributor to the ISA since 2021. <sup>19</sup> Furthermore, in 2019, the Ministry of Natural Resources of China and the ISA jointly established the ISA-China Joint Training and Research Centre in Qingdao City, Shandong Province, and this Centre is responsible for developing the human resources of developing countries and others to provide them with know-how in the area of deep-sea exploration. <sup>20</sup> Moreover, the ISA is headed by a Secretary-General and each of the organizational units belonging to the Secretariat presides over daily operations. Chinese people have been appointed to multiple top posts. For example, CAI Yongsheng, <sup>21</sup> who has worked in the Ministry of Foreign Affairs of China, has taken up the post of the head of the Office of Legal Affairs (as Acting Director). <sup>22</sup>

Furthermore, the ISA manages 31 exploration areas in sea areas around the world, and the exploration rights for five of these areas have been acquired by three Chinese organizations and state-owned

enterprises (China Ocean Mineral Resources R&D Association, a subordinate organization of the Ministry of Natural Resources of China; China Minmetals Corporation, a state-owned enterprise; and Beijing Pioneer Hi-Tech Development Corporation, a state-owned enterprise), the highest number of exploration rights acquired by a single country in the world.<sup>23</sup> In addition, China has influence on the proceedings within the ISA. For example, in the Session of the ISA Assembly held in July 2023, China blocked discussions on marine ecosystem protection and opposed a resolution calling for a moratorium on deep-sea exploration until rules concerning the development of the deep sea are established (the resolution was not adopted).<sup>24</sup>

#### (2) Exploring ways to promote bilateral cooperation

China and the Cook Islands signed a Memorandum of Understanding (MOU) concerning the deep sea on February 14, 2025. The MOU includes promotion of the exploration of seabed resources and related capacity-building and technology transfer, and lists methods for achieving this such as human resource development, academic exchange, joint research, and sharing of research results.<sup>25</sup> It is unclear whether the deep sea that will be explored under the MOU is within the area under the jurisdiction of the ISA or is the deep sea within the EEZ of the Cook Islands. The Cook Islands has acquired the exploration rights for one area under the jurisdiction of the ISA (located in the Pacific Ocean),<sup>26</sup> so there is a possibility that China will support exploration by the Cook Islands. In any case, it is thought that the sharing of data concerning the deep sea of the Pacific Ocean with China will contribute to the activities of the Chinese Navy in the Pacific Ocean.

Meanwhile, the conclusion of this MOU could be to the benefit of China in two other ways in addition to the obtaining of deep-sea data about the Pacific Ocean. The first benefit is the expansion of China's diplomatic influence concerning the deep sea. Opinions are divided among the Pacific island countries concerning the rules for the exploration and development of deep-sea resources, with Fiji and others in favor of suspending exploration until rules concerning development are established by the ISA, while the Cook Islands are said to be reluctant to do this.<sup>27</sup> For that reason, it could be thought that China has attempted to bring in the Cook Islands, which is likely to express understanding of China's position, in order to continue to actively advance deep-sea exploration going forward. Furthermore, it has been reported that Kiribati held negotiations with China in March on cooperation in the area of deep-sea exploration.<sup>28</sup> It is unclear whether this move was led by China, but it can be seen that China recognizes it as an opportunity to expand its diplomatic influence over deep-sea exploration.

The second benefit is that the MOU will be useful for enhancing China's domestic legal system. Among Chinese experts, there are commentators who argue that the deep sea-related legislation of South Pacific Ocean [as in the original text] countries, including the Cook Islands, comprehensively regulates application procedures, finance, capacity-building, dispute resolution, liability, etc., for activities in the deep sea, and that the Cook Islands in particular was the first in the world to establish a government agency specialized in managing seabed resources.<sup>29</sup> These commentators go on to argue that China should enhance its own laws with reference to the legislation of South Pacific Ocean countries, keeping in mind the use of deep sea-related legislation to support the further development of China's deep sea-related industries.<sup>30</sup> Furthermore, immediately after the Deep Sea Law was enacted in China (February 2016), ZHAI Yong, (then)

director of the legislation department of the Environmental Protection and Resources Conservation Committee of the National People's Congress, published a paper introducing the trends in other countries concerning the establishment of legislation regarding the deep sea, and in that paper he mentioned the status of the establishment of legislation by the Cook Islands.<sup>31</sup> Therefore, it can be seen that China has been paying attention to the legislation of the Pacific island countries, in particular the Cook Islands, for some time. For that reason, there is a possibility that going forward China will seek to enhance its legislation modelled on the system of the Cook Islands through exchanges with the Cook Islands based on this MOU, in order to advance its building of a basis for legitimizing its domestic and international activities concerning the deep sea.

#### **Conclusion**

Unlike so-called maritime rights and interests, the deep sea in the sense defined under international law is not linked to national sovereignty, and is unlikely to provoke conspicuous conflicts among states over the interests they have in the deep sea. For that reason, the focus of international relations concerning the deep sea is mainly diplomatic activities in international organizations and bilateral forums. We can conclude that China has used that point to strengthen its international influence concerning the deep sea in a "quiet" form. The fact that the United States is outside the international frameworks on the use of the deep sea also works, in one aspect, to the advantage of China's activities. It is thought that going forward, China will leverage this diplomatic influence to strengthen its deep-sea exploration further while also utilizing the outcomes of that exploration in its military.

Furthermore, as argued by some Chinese experts, it is anticipated that China will develop its own claims regarding arms control for the deep sea in the international community going forward. This is similar, for example, to China's moves to submit its own regulatory plans to the United Nations and other forums regarding the military use of outer space, which is one of the new domains in the same way as the deep sea.<sup>32</sup>

The deep sea is a domain that can be called a "modern frontier" and there is a lot of room for China to expand its influence. Going forward, it will be necessary to closely monitor not only what kinds of deep-sea technologies China develops, but also what diplomatic actions it will take.

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<sup>&</sup>lt;sup>1</sup> Ministry of Agriculture, Forestry and Fisheries website, https://www.maff.go.jp/j/pr/aff/2008/spe1\_01.html.

<sup>&</sup>lt;sup>2</sup> Naval News, September 7, 2024, https://www.navalnews.com/naval-news/2024/07/first-us-navy-submarine-will-deploy-with-new-uuv-capability-this-year/.

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<sup>&</sup>lt;sup>5</sup> ISA website, https://www.isa.org.jm/the-mining-code/draft-exploitation-regulations-2/.

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