

Building the 21st Century Maritime Silk Road: Its Impact on the Peaceful Use of the South China Sea*

Zewei Yang**

Building the 21st Century Maritime Silk Road is a new initiative for international cooperation. It will have a positive impact on the peaceful use of the South China Sea by encouraging a Code of Conduct to Parties in the South China Sea between China and ASEAN members; realizing a breakthrough of jointly developing oil and gas resources in the area; promoting comprehensive cooperation in maritime non-traditional security field; and providing a peaceful external environment for the South China Sea dispute settlement. The South China Sea dispute is a negative challenge to building the 21st Century Maritime Silk Road. However, the pace building should not be stopped because of it. In the future, the 21st Century Maritime Silk Road will be on the international consensus as an international legal regime. Also, it will improve the domestic legal system regarding building the 21st Century Maritime Silk Road for China as well as the countries along the Belt and Road, especially the ASEAN members.

Keywords: The 21st century Maritime Silk Road, the South China Sea dispute, international cooperation, Marine Non-Traditional Security

* This article is a part of the research project, "Study on Cases and State Practices of offshore Joint Development" (Project No.: 13JZD039), sponsored by the Great Project of China's Ministry of Education.

** LuoJia Distinguished Professors at the Center for Collaborative Innovation on Territorial Sovereignty and Maritime Rights of Wuhan University Law School, China. Ph.D. (Wuhan) ORCID: <http://orcid.org/0000-0002-3173-570X> The author may be contacted at: fxyyzw@whu.edu.cn or 2293639101@qq.com/Address: Wuhan University Law School, LuoJia Hill, Wuhan 430072, Hubei Province, P. R. China.

1. Introduction

When Chinese President Xi Jinping visited the ASEAN countries in October 2013, he raised the strategic conception of jointly building the 21st century Maritime Silk Road (hereinafter the Silk Road).¹ At the China-ASEAN Expo in 2013, Chinese Prime Minister Li Keqiang also emphasized the need to build the Maritime Silk Road oriented towards the ASEAN and creates strategic propellers for hinterland development.² The initiative that was raised at the third plenary session of the 17th central committee of Communist Party of China (“CPC”) in November 2013 opined that the 21st century Maritime Silk Road enables China to build a new pattern of all-round opening-up.³ The Silk Road initiative was finally referred to by Chinese Prime Minister Li Keqiang’s government work report in March 2014.⁴ The government work report clearly demanded:

We should combine the building of the Belt and Road as well as China’s regional opening-up and we should strengthen the new Eurasian continental bridge along with creating propellers for ports on land and at sea.⁵

The primary purpose of this research is to analyze the impacts of building the 21st century Maritime Silk Road and its relevance with the peaceful use of the South China Sea.

This paper is divided into five parts including short Introduction and Conclusion. Part two will define the Silk Road under international law as perhaps being a new form of international cooperation. Part three will emphasize the positive impacts of building the Silk Road on the peaceful settlement of the South China Sea dispute. Part four will examine the future of the South China Sea dispute as the biggest challenge on the Silk Road.

2. The 21st Century Maritime Silk Road under International Law

A. The Objective of the 21st century Maritime Silk Road

Building the 21st century Maritime Silk Road is in the common interests of China