Suggested Citation:


Like all coastal states, China seeks to control the maritime spaces and territories over which it claims sovereignty and jurisdiction. However, much Chinese-claimed space is contested by other states. For decades, China’s ability to assert administrative control over most of these contested areas was weak, and in some cases non-existent. One reason for this comparative weakness was that China lacked a unified maritime law enforcement (MLE) system. Instead, it operated several different agencies, each with a narrow mission set and specialized capabilities, resulting in inefficiency and poor coordination.

In 2013, China began a major effort to reform its MLE system, integrating four of these agencies into a new organization called the “China Coast Guard” (CCG). A key driver of this reform was a desire to improve China’s ability to exercise administrative control over its claimed maritime space. This chapter examines the missions of the CCG, with a focus on its role in asserting Chinese prerogatives to administer disputed areas in the East China Sea and South China Sea. It also offers a preliminary assessment of how the reform has impacted the effectiveness of rights protection operations.

China’s Search for a Unified Maritime Law Enforcement Force

By most metrics, China’s civilian law enforcement capabilities had long failed to meet the country’s needs. Chinese policy-makers and scholars pointed out that weak and diffuse maritime law enforcement was to blame for allowing Chinese maritime sovereignty to be encroached upon and exploited by foreign countries.¹

One of the most important and prescient treatises on the need for a unified coast guard came in a book written in 2007 by He Zhonglong, a professor at the China
Maritime Police Academy, entitled *Research on the Formation of China’s Coast Guard*. In the book, Professor He outlined the deficiencies with China’s current law enforcement strategy and advocated for “unified MLE doctrine and capabilities.” He wrote that consolidating China’s MLE capabilities would not only help China “overcome weak management of China’s maritime affairs,” but also “strengthen Chinese administrative control over contested territory, help China seize the initiative in maritime sovereignty and increase public satisfaction.”

Professor He’s book touched upon three broad themes: 1) China’s lack of a MLE presence in disputed territory had for decades allowed foreign countries to illegally occupy Chinese maritime territory and exploit resources in the East and South China Sea; 2) China lacked the relevant laws and regulations to arrest and prosecute violations of Chinese sovereignty; and 3) the large number of China’s MLE agencies prevented unified strategy and operations at sea.

Of these themes, item number three has arguably proved the most important. China’s MLE agencies have long suffered from overlapping missions and jurisdiction leading to inefficient enforcement and infighting over funding and relevance in China’s push to assert its maritime sovereignty claims. As one Chinese scholar put it in 2009, “China’s present maritime administration pattern and efficiency already appear out of date in relation to the rapidly changing circumstances of maritime opening and exploitation.” Maritime governance, according to the scholar, was “being carried out by multiple authorities in the absence of a unified mechanism that concentrates forces for efficient application... resulting in [relevant] departments separately enforcing laws which delayed responses to emergencies.”

**Impetus for Reform: China’s Maritime Power Strategy**

The 18th CCP National Congress in November 2012 set in motion efforts to remedy these organizational deficiencies. Outgoing PRC President Hu Jintao declared that China would strive to become a “maritime power” (海洋强国). Hu identified four pillars of
what came to be called China’s “maritime power strategy: “enhance our capacity for exploiting marine resources, develop the marine economy, protect the marine ecological environment, and resolutely safeguard China’s maritime rights and interests.”7 The first three objectives of the strategy regarding the strengthening of China’s capacity to exploit and protect its marine economy were largely consistent with existing rhetoric in previous government-issued maritime policy documents. By adding the clause, “resolutely safeguard China’s maritime rights and interests,” however, Hu elevated the security and military dimensions of maritime strategy to a level on par with maritime economic development and protection—an explicit linkage between the economic and security goals of the PRC that had not been emphasized in previous policy documents.

Hu’s successor, Xi Jinping, further developed the maritime power concept in July 2013 during the eighth collective study session of the CPC Central Committee Political Bureau. Xi said, “There must be further concern for the sea, awareness of the sea, and management of the sea to promote China’s constant achievement of new accomplishments in building itself into a maritime power.”8

After the formal establishment of the “maritime power” objective, Chinese civilian and military leaders elaborated on the concept in a series of authoritative essays. For example, in May 2013, Liu Cigui, then-Director of the State Oceanic Administration (SOA), explained that one of the drivers behind the Maritime Power Strategy was a desire to address the “struggle over the defense of maritime rights and interests that is escalating daily, and the violations of Chinese maritime rights occurring on a daily basis.”9 Liu added that to build China into a maritime power, it would require the “strengthening of patrols and law enforcement activities to routinely defend our rights and interests in sea areas under China’s jurisdiction, and develop a law enforcement-military-diplomacy trinity coordination mechanism.”10 The contours of a whole-of-government maritime strategy, at this point, had begun to take shape. However, as Liu and others suggested, MLE reform would be an integral part of any effort to achieve these objectives.
Roles and Missions of the China Coast Guard (CCG)

Chinese policymakers announced plans to reform China’s MLE system at the National People’s Congress in March 2013. The plan called for the re-organization of four of five MLE organizations: China Marine Surveillance (CMS), under the State Oceanic Administration; the Border Defense Guard (BDG, also known as the China Maritime Police), under the Ministry of Public Security; the Fisheries Law Enforcement (FLE), under the Ministry of Agriculture; and the Anti-Smuggling Police under the Ministry of Customs. These four agencies were to carry out maritime law enforcement activities under the new name “China Coast Guard” (中国海警局) and be overseen by the State Oceanic Administration (SOA). The announcement stipulated that the SOA would be responsible for enforcing maritime rights and laws under the “operational direction” of the Ministry of Public Security (MPS). Finally, it was announced that a new State Oceanic Commission (SOC) (国家海洋委员会) would be established to serve as a “high-level policy coordination body to set policy for maritime affairs,” the specifics of which, however, have yet to be revealed.

The March 2013 announcement offered few details and was understood more as a statement of policy shift than offering substantive guidance. What was clear was that China decided to place all MLE activities under a civilian organization—the SOA—as opposed to a paramilitary (for example the Ministry of Public Security) or military (Ministry of Defense) bureaucracy, as some other countries have done. With the exception of the SOC, rumored to involve PLAN personnel, the reform firmly placed all aspects of China’s legal, administrative, and law enforcement functions of maritime policy under civilian command and control—an important signal from Chinese policymakers that Chinese policing functions in disputed waters were civilian and non-military in nature.

A few months later in June 2013, the PRC State Council issued a more detailed “Circular” regarding the responsibilities, organization, and mission of the CCG under the SOA. The document, entitled “PRC State Council Issues Circular Regarding the Main Duties, Internal Organization, and Personnel Organization of the State Oceanic
“Administration” (sometimes referred to as the 三定方案, or “Three Decisions Plan”), represents the most authoritative policy document available in open sources on the duties and missions of the newly-formed CCG.\textsuperscript{16} It lists twelve “Main Duties” (主要职责), which, due to their content and scope, can be interpreted as the central missions of the CCG:\textsuperscript{17}

1. implementing rights protection and law enforcement activities in maritime areas under our nation’s jurisdiction
2. controlling maritime borders
3. taking precautions against and cracking down on illegal criminal activities such as maritime smuggling, illegal immigration, and narcotics trafficking
4. protecting national maritime security and order
5. guarding the security of important maritime targets and handling emergency maritime incidents
6. law enforcement-related inspection of fishing vessels trawling outside the border areas closed to fishing and fishing grounds of specific fishery resources, as well as organizing the inspection and handling of disputes arising in the fishery industry
7. law enforcement-related inspection in the areas of maritime area use, island protection and uninhabited island development and use
8. marine environmental protection, marine resource exploration and development, undersea cable and pipeline laying, marine investigation and surveying, and foreign marine scientific research activities
9. guiding the coordination of local government law enforcement work
10. participating in maritime emergency rescue
11. lawfully organizing or participating in investigation and handling of marine fishery work safety incidents)

12. investigating and handling incidents such as marine environment pollution according to relevant authorities

Several features are notable from the above list of missions. First, while the CCG is tasked with performing a broad range of traditional “coast guard” missions, operations in disputed waters are clearly a priority. Mission number one makes direct reference to protecting China’s maritime rights and interests. Such an emphasis on rights protection is of course not surprising given the context of China’s territorial disputes, but it gives the CCG a hybrid identity that combines law enforcement and national defense. Second, the list cites an explicit mandate to protect the development of island features and “uninhabited islands”—a direct linkage to the protection of disputed waters and features in the East and South China Sea. Third, the list attaches relatively more emphasis on protecting fishing rights, as evidenced by mission number six and eleven, to include language regarding “inspection and handling of disputes.” As disputes arising from clashes between fishing vessels of other coastal states increase, the mission of the CCG as protector of Chinese fishing rights will only become more important over time.

Assessing Rights Protection Operations Since 2013

Compared with the “five dragon” era, China’s ability to exercise control over disputed areas is likely much improved, yet many organizational and other challenges remain. What follows is an examination of how the CCG reform has impacted the constabulary component of Chinese gray zone operations in the East China Sea and South China Sea.
A More Capable Protector of China’s Maritime Rights

The CCG reform has likely yielded improved MLE capabilities in the East and South China Sea. It has undoubtedly enabled the four “dragons” to streamline operations, intelligence and logistics, creating a unitary hierarchy of command and control with Beijing serving as the geographic and operational headquarters of the CCG. As a result, CCG vessels in the East and South China Sea now operate more widely, more regularly, and more assertively.

Organizational synergies have led to new tactics. Pre-reform, it appears that CMS and FLE vessels adopted a relatively non-confrontational approach when encountering foreign vessels in Chinese-administered waters in the South China Sea. Their tactics typically involved querying other vessels as to their purpose for deployment, verbally declaring Chinese sovereignty through radio communications, and in some cases attempting to expel foreign vessels using floodlights and water cannons.19 In general, very few provocative measures, like ramming other countries’ coast guard or civilian fishing vessels, or non-compliant boardings, were observed before the reform. Now, larger CCG cutters deploy small speedboats or rigid hulled inflatable boats (RHIBs) near foreign vessels—not in an attempt to board and inspect the foreign vessel, however, as would be the case for United States Coast Guard operations, but rather to warn the vessel to leave the area (警告驱离).20 Moreover, some CCG officers are now tasked to go beyond simply “expelling” vessels from sensitive areas. They are now authorized to conduct compliant and non-compliant boardings and, when necessary, fining violators.21 To date, however, here have only been a few instances of the CCG boarding, inspecting and fining foreign vessels in disputed territory.22

While organization barriers still exist between the four “dragons,” the CCG is now starting to mix officers during exercises and patrols of disputed maritime areas, such as near the Senkaku Islands in the ECS and the Spratly Islands in the SCS. Over the last few years, personnel from CMS and FLE cutters have conducted joint exercises, and BDG vessels and officers have taken on an increased role in protecting China’s interests in disputed areas, for example.23
Finally, the CCG is coordinating intelligence, command, and control to a greater degree than before – both amongst the various branches within the CCG and with Chinese fishing, maritime militia, and People’s Liberation Army Navy vessels. Sometime after the reform, a “China Coast Guard Command Center” (中国海警指挥中心) was established in Beijing to coordinate HQ and regional unit operations. The Center was highlighted during CCG coordination efforts for the search and rescue missions to locate Malaysian Airlines flight 370 in 2014, for example.\(^{24}\) The Command Center most likely works with regional CCG units to enhance communication and strengthen command and control during crisis. The Center works in tandem with two other newly-created intelligence fusion centers in the SCS to bolster civ-mil operations between the CCG and Chinese civilian mariners. The first is a “military-police-civilian integrated defense mechanism” (军警民联防), or MPC-IDM in Sansha City on Woody Island in the Paracel Islands.\(^{25}\) The second is a “joint defense command center” (军警民联防指挥中心) (JDCC), also in Sansha, to “facilitate joint command, training, intelligence sharing, management and combat readiness materials storage,” amongst civilian, maritime law enforcement and naval personnel on maritime rights protection in the SCS.\(^{26}\)

Lingering Problems

Due to the availability of Chinese language open sources, analysts and scholars now have access to a wide array of materials offering insights into how the CCG assesses its own performance. This section will rely primarily on articles from the Journal of Maritime Police Academy (JMPA), written by officers and instructors at the China Maritime Police Academy. The JMPA offers very candid assessments of the state of the CCG reform and provides in this author’s assessment some of the best insights into CCG tactics, operations and training available in open sources.

A review of articles written between 2014-16 reveals several ongoing challenges. First, the CCG is struggling to institute a unified training and recruitment system across the four MLE agencies. Second, while captains are being tasked with increasing CCG vessel presence in disputed waters in the East and South China Seas, many still lack the required skills and experience to effectively execute their missions. Third, the CCG lacks
a proper legal framework outlining the proper roles, missions and tactics to be undertaken at sea.

**Lack of Unified Recruitment and Training System**

Fundamental to effective coast guard operations are the institutions charged with recruiting and training cadets for operations at sea. Before the reform, each MLE agency was responsible for recruitment, testing and training. After the reform, the SOA in theory inherited these functions for a new unified CCG corps made up of the four MLE agencies. Yet implementation of a new recruitment and training system has apparently not taken place, or has only begun to take place behind the scenes.

As one coast guard officer notes in an article from September 2015, the newly formed CCG now has the monumental task of integrating enlisted (BDG) and civilian (CMS, FLE, and Anti-Smuggling) personnel under one training system. Adding to the burden is the fact that each agency has its own culture, ships, training techniques and use of force doctrine and these vary widely from agency to agency. For example, the BDG tends to enlist younger recruits with lower education levels than those from the CMS or FLE, whose corps is composed of older, in some cases decommissioned, officers from the People’s Liberation Army Navy (PLAN). That patrols of disputed maritime areas were increasingly conducted by units whose officers had little or no experience operating there further compounded this problem. For example, recent trends indicate that Chinese leaders have empowered units of the former China Maritime Police (CMP) to play a more prominent role in the assertion of China’s sovereignty claims, resulting in a “militarization of China’s maritime frontier.”

To address the lack of unified training, one officer at the CMP Academy wrote an article advocating for the creation of a new “Maritime Police Law Enforcement” (海警执法) subject within “Public Security” majors in undergraduate universities across China. This would provide all aspiring coast guard cadets with a common foundational knowledge of maritime law enforcement studies. As of now, no such specialized subject exists in Chinese universities. The closest approximation that currently exists is the “Public Security” major, which is almost exclusively oriented towards law enforcement
on land, not at sea, and includes classes such as criminal law, drug toxicology, border and firefighting command, and law enforcement tactics. The author of this article envisions expanding the current curriculum to include “maritime law and order, maritime counter-smuggling and fisheries regulation” to account for the enlarged scope of skills a unified CCG corps must train for. Eventually, the author envisions a unified “coast guard academy” that standardizes subjects and training methods across all subject areas of BDG, CMS, FLE and Anti-Smuggling.

**Gaps in Skills and Experience**

An artifact of the specialization of the “five dragons” era, few CCG units have truly comprehensive law enforcement capabilities. Before the reform, each MLE agency had a different area of operations. The BDG, for example, patrolled the 12 nautical mile territorial seas and dealt primarily with drug smuggling, terrorism, and customs protection at sea. Up until roughly 2012, it had very little experience patrolling disputed maritime zones in the East and South China Sea. The CMS and FLE, by comparison, had more experience patrolling sensitive and contested maritime areas. The CMS first patrolled the Spratly Islands in the SCS in 2007 and routinized its patrols of the SCS in 2008, for example. China’s FLE did not start patrolling the Spratly’s until 2009 but did not “routinize” its patrols until 2013. Not all CCG personnel have developed the skills or experience to handle all of the operational and tactical challenges that they may encounter as members of the new service.

As a result, some skilled positions are stretched very thin. As one CCG author notes, there exists a “chronic shortage of experienced officers to crew the vessels in disputed waters.” Normally, while on patrol a ship of 3,000 tones should embark four law enforcement personal (执法人员): a law enforcement group commander (执法组长) and three junior officers to collect and record visual evidence of violations as well as man radar and communications. For most missions, however, vessels are not given four officers for these posts, and law enforcement personnel that are embarked are often quite fatigued, with some spending more than 250 days at sea per year. In other cases, vessels are provided new recruits who have not yet attained the required three-month credential
in maritime law enforcement operations. The result, according to the author, leaves the CCG ill-equipped to deal with emergency situations at sea involving a skirmish with a foreign vessel or a medical emergency of one of its crew.\textsuperscript{37}

\textit{Lack of a Proper Legal Framework}

While China has laws pertaining to jurisdiction of waters in the East and South China Seas, it has yet to outline the administrative and legal authorities of China’s maritime law enforcement forces.\textsuperscript{38} What exist now are broad pronouncements of civilian law enforcement missions, such as the State Council Circular of 2013. The lack of legal authorities remains one of the most significant impediments to the proper development of the CCG.

The absence of a legal framework prevents the CCG from forming a common legal understanding across all four agencies regarding the actions that law enforcement officers can and cannot take at sea. Basic guidelines governing the use of force or the applicability of Chinese domestic law for domestic and/or foreign infringements in Chinese waters have yet to be formulated. For example, it is still unclear what rights officers have to use force in self-defense or to conduct boardings of non-compliant vessels, and whether the CCG is considered one of China’s “armed forces” with wartime functions.\textsuperscript{39}

CCG officers likely derive their authorities from two laws: the \textit{PRC National Police Law} (中华人民共和国人民警察法) of 1995 and the \textit{PRC National Defense Law} (中华人民共和国国防法) of 1997. The 1995 \textit{PRC National Police Law} provides specific actions and methods of law enforcement for police officers, but applies only to law enforcement on land, not at sea.\textsuperscript{40} The 1997 \textit{PRC National Defense Law} includes language on the areas that Chinese authorities can legally defend, to include “land, internal waters, territorial waters, and territorial airspace to protect China’s maritime rights and interests,” but does not specify which actor should carry out these functions and does not provide details on methods of constabulary enforcement at sea.\textsuperscript{41}
This lack of legal authority likely constrains certain law enforcement actions of the CCG, such as the boarding, inspection and arrest of vessels that violate Chinese laws at sea. It is no surprise, therefore, that as of this writing, no case exists of the CCG opening fire to compel compliance for boarding and inspection of foreign vessels operating in the East or South China Sea.\textsuperscript{42} As one Chinese scholar puts it, “other countries can arrest, penalize and prosecute our fisherman for fishing in disputed waters, but we cannot. Therefore, we need to draft legislation in this area to effectively combat foreign fishing vessels and safeguard China’s maritime rights and interests.”\textsuperscript{43}

Conclusion

For decades, Chinese governance over contested maritime areas in the East and South China Seas lagged behind other countries. Over the past few years, China has pursued an ambitious campaign to consolidate its control over the three million square kilometers of Chinese-claimed maritime space. The creation of the CCG ranks as one of the most important of these efforts.

The reform has enabled the four previously disparate law enforcement agencies to streamline operations and more assertively protect China’s maritime interests in disputed waters. As a result, CCG vessels in the East and South China Sea now operate more regularly and within a unified chain of command and intelligence sharing architecture that ensures more efficient operations than in the past.

Contrary to popular depictions of the CCG, however, this chapter also finds that China’s law enforcement activities in disputed waters have inherent limitations due the immature state of reform. China has the “hardware” but not the “software” for effective maritime law enforcement operations. Insufficient “software” includes the lack of a unified recruitment and training system; persistent gaps in skills and experience; and an underdeveloped legal framework for coast guard operations. In particular, the lack of legal authority underwriting MLE actions and procedures at sea greatly limits certain operations that CCG officers are at liberty to conduct. These organizational factors have
hindered the development of more effective and professional CCG operations and enforcement in disputed areas in the East and South China Seas, and undermined the synergies that should have been achieved with the reform.

To be sure, the CCG is gaining confidence with each passing year and should correct the legal and organizational impediments that currently hinder its development. However, as of now, the CCG is still in the early stages of reform and the issues identified in this chapter will likely continue to hamper its operations for many years.

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3 He, Research on the Building of the Chinese Coast Guard, 70.
6 Ibid.
10 Ibid., 2.
11 The Maritime Safety Administration (MSA), under the Ministry of Transportation, was not included in the overhaul, most likely because its mission is oriented towards search and rescue and less on protecting Chinese territorial integrity.
13 Ibid.
15 See, for example, Lyle J. Morris, “Blunt Defenders of Sovereignty: The Rise of Coast Guards in East and Southeast Asia,” Naval War College Review 70.2 (Spring 2017): 76-112,

As of this writing, the CCG has yet to issue a formal coast guard law or manual stipulating the legal, operational, and tactical procedures governing the conduct of the CCG. In lieu of such a document, the most authoritative document analysts have to rely on is the State Council Circular. Additional Chinese language sources indicate that the duties outlined in the Circular are consistent with CCG missions. “中国海警局举行首场记者会 明确海上维权职责” [“China Maritime Police Hold First Ever Press Conference, Clarifies Rights Protection Responsibilities"], China News Agency, May 25, 2015, http://www.chinanews.com/gn/2015/05-25/7300168.shtml.

“PRC State Council Issues Circular Regarding the Main Duties, Internal Organs, and Personnel Organization of the State Oceanic Administration,” 2.

“蓝疆卫士” [“Blue Border Guards"], from the documentary “南海纪行” [“Travel Notes of the South China Sea"], “走遍中国” [“Journey Through China"], China Central Television (CCTV), December 31, 2013, http://tv.cntv.cn/video/C10352/3cc8c1e4f7e04e10adceee4ba1bf93fd4.


One article, written by CCG officer, suggests that the CCG should “no longer adopt singular law enforcement action of expelling, but can now detain and fine vessels ("不再单一采取驱离的执法措施, 还可以扣押侵渔渔船, 并对其处以罚金") as well as adopt more forceful measures to repel other countries’ vessels from disputed waters, like use several CCG ships to “redirect target vessels to new course of navigation” ("必要时, 两船协同迫使目转向"). 冯志 [Feng Zhi], “当前海警巡航急需解决的问题及对策” ["Current Problems and Countermeasures of Coast Guard Patrols"], 公安海警学院学报 [Journal of China Maritime Police Academy] 14.4 (Winter 2015): 72.


Additional information on the JDCC: "省委 2015 年度践行“三严三实”理论研讨会论文摘登" [Provincial Party Committee in 2015 to Practice the “Three Straits, Three Reals” Theory Seminar].
People’s Government of Hainan Province Website, January 25, 2016,


28 Ibid., 16.


30 Martinson, The Arming of China’s Maritime Frontier.


32 Ibid., 35-36.


34 刘江平 [Liu Jiangping], “中国应有自己的海岸警卫队” [China Should Have Its Own Maritime Border Guard], International Herald Leader, March 20, 2009; Gai, et. al., “CMS Vessel 83 Carrying Out Rights Protection in the South China Sea.”


36 Ibid., 73.

37 Ibid., 73.

38 For example, China issued the 1992 PRC Law on Territorial Seas and Adjacent Waters and the 1998 PRC Law on Special Economic Zones and Continental Shelf.

39 An agreement between SOA and the PLAN may foreshadow greater linkages and roles for the CCG during wartime, however. See “Oceanic administration, Navy sign cooperation agreement,” Xinhua News, April 21, 2017.


41 Ibid., 58.


43 Feng Zhi, “Current Problems and Countermeasures of Coast Guard Patrols,” 73.