

“From Words to Actions: The Creation of the China Coast Guard”

A paper for the China as a “Maritime Power” Conference

July 28-29, 2015

CNA Conference Facility

Arlington, Virginia

by

Ryan D. Martinson*

Introduction

Hu Jintao’s 18th Party Congress Work Report spawned a thousand essays to interpret and expound on the “maritime power” (*haiyang qiangguo*) concept. What did it mean to be a maritime power? What were the standards for judging success and failure? What policies would be needed to achieve these objectives? What were the biggest challenges, and how might they be overcome? In this discussion, which continues to the present, one thing was clear: Becoming a maritime power would require a comprehensive effort from multiple agencies, departments, and services.

At that time, arguably the most important contributor to the success of the “maritime power” endeavor was China’s maritime law enforcement (MLE) forces. They helped regulate the maritime economy; they deterred and punished environmentally destructive economic behavior; and they performed missions to “safeguard maritime rights and interests,” a function that came to the foreground in the turbulent year of 2012.

Yet despite the vital part played by China’s constabulary forces, there were severe problems with the country’s maritime law enforcement system. Each of the five departments responsible for overseeing activities that in any way involved the sea funded its own maritime law enforcement force. Therefore, China’s claimed 3 million square kilometers of jurisdictional waters, 32,000 kilometers of coastline, and 6,000 land features were administered by several different agencies.

This led to waste, inefficiency, and disarray, a situation summed up by the phrase *wulong naohai*—five dragons stirring up the sea.¹

Soon after the 18th Party Congress, State Oceanic Administration (SOA) Director Liu Cigui published an article in which he outlined his understanding of the new concept. To become a maritime power, China would need to “establish maritime administration and maritime law enforcement systems that are authoritative and highly efficient, have fairly concentrated functions, and have uniform responsibilities; that can perform overall planning for both internally oriented administrative law enforcement and externally oriented rights protection law enforcement; and that can provide organizational support for efforts to build China into a maritime power.”² That is, the five dragon model would have to go.

Liu’s vision was not novel. People both inside and outside government had been calling for maritime law enforcement reform for at least 10 years. It made eminent sense—although, given the bureaucratic interests involved and the scale of the project, it would be both difficult to initiate and difficult to implement. Despite the anticipated difficulties, however, it was only a few months after the 18th Party Congress that Chinese policymakers took a major first step towards building a new system. In March 2013, the National People’s Congress (NPC) passed legislation to re-constitute SOA, empowering it to oversee an entirely new maritime law enforcement entity, to be called the China Coast Guard Bureau (*zhongguo haijingju*).

* Ryan D. Martinson is research administrator at the China Maritime Studies Institute (CMSI). He holds a master’s degree from the Tufts University Fletcher School of Law and Diplomacy and a bachelor of science from Union College. Martinson has also studied at Fudan University, the Beijing Language and Culture University, and the Hopkins-Nanjing Center. He edits the CMSI Red Book series and researches China’s maritime policy. The views expressed are those of the author and do not reflect the official assessments of the US Navy, Department of Defense or the US Government.

¹ Lyle Goldstein, *Five Dragons Stirring Up the Sea*, U.S. Naval War College Press, Newport, Rhode Island, 2010.

² Liu Cigui, “Some Considerations on Building China into a Maritime Power” (*Guanyu Jianshe Haiyang Qiangguo De Ruogan Sikao*), State Oceanic Administration Website, 26 November 2012. URL: http://www.soa.gov.cn/xw/ldhd/lyx/201212/t20121204_19016.html.

The NPC legislation did not set out to create the China Coast Guard out of whole cloth. Rather, the new agency would be built by “integrating” (*zhenghe*) four of the five dragons: SOA’s own China Marine Surveillance (CMS); the Department of Agriculture’s China Fisheries Law Enforcement; the Ministry of Public Security’s Border Defense Coast Guard; and the Maritime Anti-Smuggling Police of the General Administration of Customs. (As will be discussed later, the Ministry of Transport, which manages two maritime law enforcement agencies, was not integrated into the coast guard.)

Four months later, the State Council released an outline of the organizational structure and size of the new SOA and its China Coast Guard Bureau, their respective responsibilities, and their relationships with other government departments. On July 22, 2013, a new “China Coast Guard” sign was installed at SOA headquarters in Beijing, officially inaugurating the new agency.³

Now that more than 18 months have elapsed since the China Coast Guard was created, it is worthwhile to examine the results of the reform and to assess China’s progress towards building an advanced maritime law enforcement system. Although the China Coast Guard was intended to perform the full spectrum of maritime law enforcement activities, this study will particularly focus on the “rights protection” function of the new China Coast Guard. Since the 1980s, the PRC has used unarmed or lightly armed state vessels to uphold its maritime claims. The China Coast Guard was clearly created, at least in large part, to improve the maritime law enforcement system’s capacity to perform these externally oriented missions. This study will look for and assess progress towards this end. It will focus on the internally oriented functions only when doing so helps elucidate overall progress with the reform.

Maritime Law Enforcement Reform in Strategic Context

China’s effort to become a “maritime power” is an aspect of its grand strategy and a comprehensive peacetime effort involving multiple departments and domains. It is a constituent

³ “The Reconstituted SOA and the China Coast Guard Have Been Set Up” (*Zhongguo Hou De Guojia Haiyangju Guapai Zhongguo Haijingju Tongshi Guapai*), The Central People’s Government of the PRC Website, 22 July 2013. URL: http://www.gov.cn/jrzq/2013-07/22/content_2452257.htm.

part of China's "peaceful rise," a shorthand term for China's overall national approach to achieving both development and foreign policy objectives.⁴

In his 18th Party Congress Work Report, Hu Jintao identified four objectives of the maritime power strategy: raise the country's capacity to exploit marine resources, develop the maritime economy, protect the marine environment, and safeguard maritime rights and interests. In remarks delivered at a July 2013 Politburo study session, Xi Jinping reiterated these priorities.⁵ He also connected the maritime power objective with the rejuvenation of the Chinese nation—i.e., the "China Dream"—signaling the earnestness with which China would pursue its maritime transformation.

China's maritime law enforcement forces play an important role in implementing the maritime power strategy. They help ensure the orderly exploitation of marine resources (the first objective), thereby contributing to sustainable expansion of the maritime economy (the second objective). However, while effective maritime law enforcement is important for the maritime economy, its contribution to the growth of that economy is not as direct or immediate as other factors. MLE forces also protect the marine environment, which is the third objective in the maritime power strategy. Yet it is clear from a close reading of Chinese texts and the inherent logic of the term "maritime power" that environmental protection is a subsidiary objective.⁶ Above all, it is to the fourth objective, "safeguard maritime rights and interests," that the MLE forces most directly contribute. A desire to improve the country's capacity to meet this objective was what animated the decision to create the China Coast Guard. In the words of the head of the SOA East China Sea Bureau, Liu Kefu, rights protection is a "precondition" for becoming a maritime power.

⁴ Avery Goldstein, *Rising to the Challenge*, Stanford University Press, 2005; Hu Bo, "The 'he' and 'xin' of China's Maritime Power Path" (*Haiyang Qiangguo Zhilu De 'He' Yu 'Xin'*), *China Ocean News*, 5 August 2013, p 1. *China Ocean News (Zhongguo Haiyang Bao)* is published by the State Oceanic Administration, and thus is one of the most authoritative sources for information on this agency and maritime affairs in general.

⁵ "Do more to take interest in the sea, understand the sea, and strategically manage the sea, and continually do more to promote China's efforts to become a maritime power" (*Jin Yi Bu Guanxi Haiyang, Renshi Haiyang, Jinglue Haiyang, Tuidong Haiyang Qiangguo Jianshe Buduan Qude Xin Chengjiu*), *People's Daily*, 1 August 2013, p 1. URL: http://paper.people.com.cn/rmrb/html/2013-08/01/nw.D110000renmrb_20130801_2-01.htm.

⁶ In the words of SOA Director Liu Cigui, the big concern is to "correctly handle the relationship between development of the maritime economy and marine environmental protection." Sun Anran, "Liu Cigui Meets the Vice Governor of Zhejiang Province, Huang Xuming" (*Liu Cigui Huijian Zhejiangsheng Fushengzhang Huang Xuming*), *China Ocean News*, 17 April 2013, p 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20130417/32255.shtml>.

That is, China cannot do all the things it wants to do in its waters until it first has full control over them.⁷

Officially, the term “maritime rights and interests” refers only to the rights to be enjoyed—and the interests they engender—within the zones of jurisdiction and sovereignty extending from Chinese territory.⁸ Where the extent and shape of these zones conflict with the zones set and administered by other coastal states, Chinese rights/interests are threatened. China disputes maritime boundaries with Japan in the East China Sea and with several other states in the South China Sea. Chinese rights/interests are also imperiled by differing interpretations of the nature of coastal state rights within jurisdictional waters. Chinese policymakers believe they have the authority to regulate the activities of foreign naval vessels and military aircraft within China’s exclusive economic zone (EEZ), a view opposed by the United States and many other states. From Beijing’s perspective, when foreign surveillance vessels conduct operations in Chinese jurisdictional waters, this is an infringement of Chinese rights and interests.⁹ In practice, many Chinese sources, mass media especially, often include China’s territorial disputes (i.e., island sovereignty) within the concept of “maritime rights and interests.”¹⁰

Efforts to “safeguard maritime rights and interests” constitute elements of China’s approach to managing its maritime disputes. Analysts disagree about the objectives of China’s approach to sovereignty and jurisdictional disputes. Some, such as Dr. Taylor Fravel of MIT, believe that China is implementing a delaying strategy, and its leaders seek only to “consolidate” China’s current position and prevent other states from advancing their positions.¹¹ Other analysts believe that China’s behavior suggests a well-coordinated strategy to gradually expand its control over disputed waters and territories. They assert that China is using “salami slicing” tactics or

⁷ Liu Kefu, “Using Three Types of Protective Power to Promote Construction of Maritime Power” (*Yi Sanzhong Baohu Lidu Tuijin Haiyang Qiangguo Jianshe*), *China Ocean News*, 17 September 2013, p. 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20130917/35090.shtml>.

⁸ State Oceanic Administration, *China’s Oceans Development Report 2013* (Zhongguo Haiyang Fazhan Baogao), Ocean Press, Beijing, 2013, p. 46.

⁹ Peter Dutton, “Three Disputes and Three Objectives: China in the South China Sea,” *Naval War College Review* 64, no. 4, 2011, pp. 42–67.

¹⁰ Liu Nanlai, “To Safeguard Maritime Rights and Interests One Needs a Global Perspective” (*Weihe Haiyang Quanyi Yao You Quanqiu Shiye*), *China Ocean News*, 17 September 2013, p. 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20131114/36043.shtml>.

¹¹ Taylor Fravel, “China’s Strategy in the South China Sea,” *Contemporary Southeast Asia* 33, no. 3, Dec. 2011, pp. 292-319.

“tailored coercion” to achieve these objectives.¹² Still other scholars acknowledge growing Chinese maritime activism but posit that China has no coherent strategic approach to sovereignty disputes; instead, they believe, observed behavior is an outcome of growing power coupled with “fragmented authority among agencies with vested interests in the maritime domain.”¹³

Regardless of how China’s objectives are conceived, analysts—both foreign and Chinese—generally recognize that China’s approach involves diplomatic, military, and administrative tools.¹⁴ The China Coast Guard sits at the core of the administrative part of this approach. Figure 1 shows where the China Coast Guard fits within this overall framework.

¹² Bonnie Glaser, “China’s Grand Strategy in Asia: Statement before the U.S.-China Economic and Security Review Commission,” 13 March 2014. URL: http://csis.org/files/attachments/ts140313_glaser.pdf. Robert Haddick, “China’s Salami Slicing in the South China Sea: China’s Slow Patient Approach to Dominating Asia,” *Foreign Policy*, 3 August 2012, URL: <http://foreignpolicy.com/2012/08/03/salami-slicing-in-the-south-china-sea/>. Peter Dutton, “China’s Maritime Disputes in the East and South China Sea,” *Naval War College Review* 67, no. 3, Summer 2014.

¹³ Linda Jakobson, *China’s Unpredictable Maritime Actors*, Lowy Institute Report, 11 December 2014. URL: <http://www.lowyinstitute.org/publications/chinas-unpredictable-maritime-security-actors>.

¹⁴ Fravel, in “China’s Strategy in the South China Sea,” particularly distinguishes these approaches. China sources also make this distinction. See, for example, Shu Zhenya, “Strengthen Strategic Planning, Safeguard National Maritime Rights and Interests” (*Jiaqiang Zhanlue Tongchou Weihu Guojia Haiyang Quanyi*), *China Ocean News*, 20 March 2013, p. 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20130320/31736.shtml>.

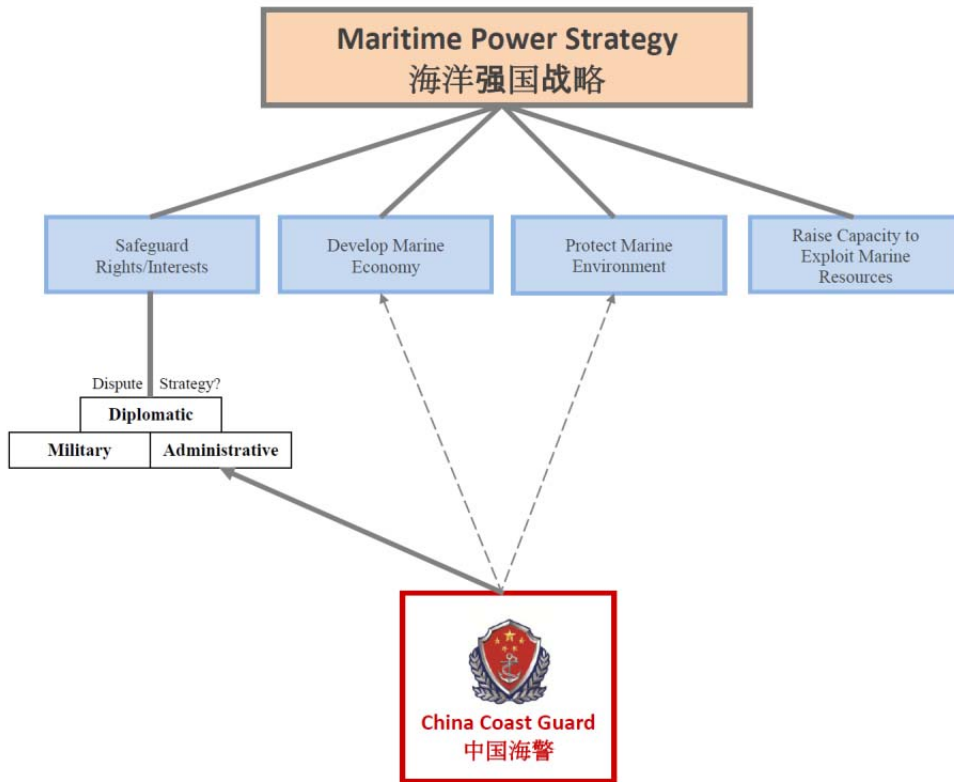


Figure 1. The China Coast Guard’s Position in China’s Maritime Power Strategy

In authoritative texts, Chinese maritime law enforcement forces are regarded as China’s “primary instrument of rights protection in peacetime.”¹⁵ They perform four primary rights protection missions:

- They sail through and linger in disputed waters to bolster a claim of ownership.
- They track, monitor, and sometimes obstruct foreign naval vessels operating in China’s EEZ.
- They ensure the security of Chinese state and private vessels operating in disputed waters.
- They deny foreign use of Chinese-claimed waters.

¹⁵ Duan Zhaoxian, “On the Strategic Objectives of Turning China into a Maritime Power” (*Lun Jianshe Haiyang Qiangguo de Zhanlue Mubiao*), *China Military Science (Zhongguo Junshi Kexue)*, 2013/3.

Inherent in all of these missions are the important tasks of maritime domain awareness and intelligence collection, which indirectly support China's rights protection efforts.¹⁶

Official and quasi-official Chinese texts identify “administrative control” (*guankong*) as the desired end state of China's rights protection activities. By this, they mean imposing the Chinese legal order over disputed waters. The “12th Five Year Plan for Maritime Development,” for instance, calls for China to improve its capacity to achieve administrative control over jurisdictional waters.¹⁷ At the 2013 National Maritime Work Meeting, Xu Shaoshi, head of the Ministry of Land and Resources, gave a speech in which he said that China needs to work hard to become a maritime power—meaning, *inter alia*, “China's right's protection struggle needs to be forceful and effective, and China must do more to strengthen its capacity to exercise administrative control over the sea.”¹⁸ These types of remarks are very common now, and they, coupled with the scale of investment in new rights protection capabilities (which will be discussed below) suggest that China has bigger ambitions than simply maintaining the status quo.

This pursuit of administrative control fits into a larger stated goal of “strategic management of the sea,” which appears to mean a comprehensive state effort to achieve maritime dominance of its near seas in peacetime.¹⁹ As Sun Shuxian, deputy director of the China Coast Guard, writes, “The ocean of our dreams is a secure and harmonious ocean. [In this vision], our maritime disputes are properly resolved, and our maritime rights/interests are effectively protected. These represent the strategic vision for strategic management of the sea and administrative control of the sea.”²⁰

¹⁶ For a brief but excellent description of the functions of Chinese maritime law enforcement in dispute strategy, see James Holmes and Toshi Yoshihara, “Small Stick Diplomacy in the South China Sea,” *The National Interest*, 23 April 2012. URL: <http://nationalinterest.org/commentary/small-stick-diplomacy-the-south-china-sea-6831>.

¹⁷ “12th Five Year Plan for Maritime Development” (*Guojia Haiyang Shiye Fazhan Shi'er Wu Guihua*), 11 April 2013. URL: http://www.soa.gov.cn/zwgk/fwjgwywj/shxzfg/201304/t20130411_24765.html.

¹⁸ Huang Ran, “Central Leadership Make Important Instructions Regarding the Opening of the Meeting and Maritime Work” (*Zhongyang Lingdao Dui Dahui Zhaokai Ji Haiyang Gongzuo Zuo Zhongyao Pishi*), *China Ocean News*, 11 January 2013, page 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20130111/30660.shtml>.

¹⁹ Ryan Martinson, “Jinglue Haiyang: The Naval Implications of Xi Jinping's New Strategic Concept,” *China Brief* 15, issue 1, 9 January 2015.

²⁰ Sun Shuxian, “Provide Powerful Law Enforcement Support in Order to Realize the ‘Maritime Dream’” (*Wei Shixian ‘Haiyang Meng’ Tigong Qiangli Zhifa Baozhang*), *China Ocean News*, 28 June 2013, p. 1.

The Five Dragon Era

Before assessing improvements in the capacity of the China Coast Guard to perform rights protection missions, we must review the maritime law enforcement system that existed on the eve of its creation.²¹ By doing so, we can gain insights into the complexity of what China is attempting, better understand the baseline effectiveness of the old system, and place the recent material expansion of the China Coast Guard in context.

China Marine Surveillance (CMS)

CMS, the maritime law enforcement arm of SOA,²² identifies its founding as January 13, 1999, the date that its national headquarters was set up in Beijing. However, CMS as a law enforcement entity can trace its roots to the early 1980s. Its original function was to implement China's Marine Environmental Protection Law, which went into effect on March 1, 1983. SOA's regional bureaus, located in Qingdao, Shanghai, and Guangzhou, dedicated a number of former surveying ships to this purpose.²³

Chinese policymakers conceived of this early version of CMS with foreign affairs in mind. From its inception, CMS was charged to "safeguard maritime rights and interests." Early rights protection missions included compelling foreign oil rigs operating with domestic Chinese partners in Chinese jurisdictional waters to curtail polluting discharge; monitoring undersea cables that passed through Chinese jurisdictional waters; and, in May 1985, deploying two CMS cutters to harass a Japanese surveying ship operating in China's claimed jurisdictional waters in the East China Sea.²⁴

Thus, when the CMS headquarters was officially set up in early 1999, it inherited a very strong external orientation. It operated on the basis of a small set of domestic laws, most of which reflected Chinese interpretations of the United Nations Convention on the Law of the Sea

²¹ For the sake of readability, this study will avoid inserting the term "rights protection" in quotes every time it is used.

²² SOA is an agency overseen by the Department of Land and Resources.

²³ By the end of 1985, CMS operated 16 ships and one airplane. Wu Jing, "CMS Picked Up the Important Task of Law Enforcement" (*Zhongguo Haijian Daqi Zhifa Zhongren*), *China Ocean News*, 22 July 2014, p. 20.

²⁴ Li Mingfeng, *Yi 'zhongguo haijian,'* *Ocean Development and Management (Haiyang Kaifa Yu Guanli)*, June 2011, pp. 26-31.

(UNCLOS). Aside from the above-mentioned environmental protection law, these included the Law of the People's Republic of China on Territorial Sea and Contiguous Zone (1992), Provisions of the People's Republic of China on Administration of Foreign-related Marine Scientific Research (1996), and the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf (1998).²⁵

Before the CMS headquarters was founded in 1999, CMS was purely a national-level agency. Then, in the early 2000s, it created an extensive bureaucracy that included both national and local units. On the eve of the China Coast Guard reform, this organization had over 10,000 personnel.²⁶ Over the years, CMS played the most prominent role in China's approach to maritime sovereignty issues. As a result of this experience, CMS is at the core of the new China Coast Guard.

The CMS in Practice: National-level Units

The CMS headquarters implemented national policies by operating through contingents (*zongdui*) at each of the SOA's three regional offices (Qingdao, Shanghai, and Guangzhou). Subordinate to the *zongdui* were operational units called detachments (*zhidui*), which were located in coastal provinces and directly administered the cities within the jurisdiction of each regional office.²⁷ On the eve of the reform, CMS operated 10 *zhidui* (see table 1). The 10th *zhidui* was set up in July 2010 in Haikou, Hainan.²⁸ In January 2013, it was moved to Sansha City on Woody Island, as part of an overall effort to expand presence in the South China Sea.²⁹

²⁵ State Oceanic Administration, *China Ocean's Development Report (2012)* (*Zhongguo Haiyang Fazhan Baogao (2012)*), Ocean's Press, Beijing, 2012, pp. 349-350.

²⁶ "Faithful to Its Mission to Protect the Maritime Border It Has Written a Remarkable Chapter: CMS Begins a New Journey" (*Zhongcheng Shiming Hu Haijiang Dili Fenjin Zhu Huazhang: Zhongguo Haijian Jiwang Kailai Tashang Xin Chengzheng*), Ministry of Land and Resources, 23 July 2013, URL: http://www.mlr.gov.cn/xwdt/hyxw/201307/t20130723_1244589.htm.

²⁷ Each *zhidui* probably had 300-400 billets, which means that well over half of the CMS billets were filled by local-level personnel. Lv Ning, "The Female Generals of the Office" (Bangongshi De Nvjianmen), *China Ocean News*, 3 May 2013, p. 3. URL: <http://epaper.oceanol.com/shtml/zghyb/20130503/32547.shtml>.

²⁸ Xu Zhiliang, "CMS 10th Zhidui Formally Establish" (*Zhongguo Haijian Dishi Zhidui Zhengshi Chengli*), *China Ocean News*, 30 July 2010, p. 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20100730/61654.shtml>

²⁹ Zheng Shuping, "Sansha I'm Willing to Protect Your Beauty" (*Sansha Wo Yuanyi Shouhu Ni De Meili*), *China Ocean News*, 22 March 2013, p. 4, URL: <http://epaper.oceanol.com/shtml/zghyb/20130322/31808.shtml>.

Table 1. National-level CMS Units

Regional contingent (<i>zongdui</i>)	Detachment (<i>zhidui</i>)	Location
NORTH (Qingdao)	1 st	Qingdao, Shandong
	2 nd	Tianjin
	3 rd	Dalian, Liaoning
EAST (Shanghai)	4 th	Ningbo, Zhejiang
	5 th	Shanghai
	6 th	Xiamen, Fuzhou
SOUTH (Guangzhou)	7 th	Guangzhou, Guangdong
	8 th	Guangzhou, Guangdong
	9 th	Beihai, Guangxi
	10 th	Sansha, Woody Island (Paracels)

To support these operating units, CMS also established three “rights protection” *zhidui*, one for each regional contingent. These units operated no ships of their own; rather, they comprised specially trained personnel charged with handling the linguistic, intelligence collection, and other sensitive tasks associated with foreign encounters at sea.³⁰ The rights protection *zhidui* were set up in 2008.³¹

The national-level CMS units conducted operations in what is commonly referred to as the “outer seas” (*waihai*), meaning the waters beyond China’s 12-nautical-mile territorial sea. Their primary responsibility came to be called *weiquan zhifa*, meaning “rights protection law enforcement,” or “law enforcement for the purposes of rights protection.”³² For these missions,

³⁰ Lv Ning, “Very Able to Eat Bitterness, Very Able to Fight” (*Tebie Neng Chiku Tebie Neng Zhandou*), *China Ocean News*, 20 December 2013, p. 4. URL: <http://epaper.oceanol.com/shtml/zghyb/20131220/36754.shtml>.

³¹ Sun Yundao, “Iron Warriors Able to Win Victory” (*Neng Da Shengzhan De Tiejun*), *China Ocean News*, 10 May 2013, p. 4. URL: <http://epaper.oceanol.com/shtml/zghyb/20130510/32701.shtml>.

³² Fan Xiaoting, “Analysis of the Legal Basis of Maritime Rights Protection Law Enforcement” (*Haiyang Weiquan Zhifa De Falv Yiju Zhibian*), *Xingzheng Yu Fa*, 2009/12. National-level CMS units also performed “administrative law enforcement” (*xingzheng zhifa*), i.e., enforcing laws and regulations governing use of the sea, primarily on and near the coast. For instance, much effort has been expended in recent years to curtail environmentally destructive land reclamation activities and illegal mining of sea sand.

they operated the CMS's oceangoing cutters. Their activities naturally brought them into contact with foreign mariners. In the early years of the organization, these encounters mostly took place in undisputed Chinese waters. Moreover, presence at sea was "irregular" (i.e., periodic—*bu dingqi*). The units would be dispatched, as opposed to being permanently on station at sea. National-level CMS surface ships, tied up at pier, would receive orders to intercept, track, monitor, and sometimes harass foreign survey and surveillance ships operating in China's EEZ. One of the earliest, if not the earliest, example of this took place in May 2001, with the CMS tracking of USNS *Bowditch*.³³

Eventually national-level ships began patrolling the sea on a regular basis. In 2006, at the suggestion of the commander of the PLA Navy East Sea Fleet, CMS requested that the State Council grant it permission to begin conducting "regular" (*dingqi*) rights protection patrols in the East China Sea. Premier Wen Jiabao approved the plan in July 2006, and the first patrols took place within weeks.³⁴ CMS gradually expanded these patrols to other areas, such that by the end of 2008 it could claim regular rights protection patrol coverage of all of China's claimed jurisdictional waters. By the middle of 2012 CMS had nine ships at sea at any given time, six of which were operating in the South China Sea.³⁵

The geographic expansion of regular rights protection operations meant that CMS ships were now regularly active in disputed waters in the East China Sea and the South China Sea. The primary purpose of these patrols was very basic: presence—presence to demonstrate

³³ Yu Zhirong, Dong Xiji, and Zhang Ying, "Creating Blue Glory in the East China Sea—A Recollection of CMS East China Sea Rights Protection Law Enforcement" (*Hunxi Donghai Zai Zhu Lanse Huihuang—Ji Zhongguo Haijian Donghai Zongdui Haiyang Weiquan Zhifa*), *Ocean Development and Management*, 2005/04.

³⁴ In 2006, SOA invited experts from different parts of the government and military to visit a CMS unit responsible for law enforcement in the East China Sea. CMS officer Zhang Huirong gave a presentation recounting the agency's role in monitoring Japanese operations to salvage a North Korean naval vessel sunk in Chinese-claimed waters in the East China Sea in late 2001. After the brief, Vice Admiral Xu Hongmeng of the PLA Navy suggested that CMS write a report requesting permission to begin regular patrols in the East China Sea. Xu's idea was passed on to leaders at the SOA headquarters in Beijing, who subsequently submitted a proposal to that effect to the State Council—which quickly approved it. Wu Qiaong, "CMS Regular Law Enforcement Patrols in All of China's Waters" (*Zhongguo Haijian Dingxun Zhifa Quan Haiyu*), *China Ocean News*, 22 July 2014, p. 41. URL: <http://epaper.oceanol.com/shtml/zghyb/20140722/v41.shtml>.

³⁵ Zhao Lingfei, "CMS on the Waves: A History of the Development of CMS Regular Rights Protection Patrols" (*Liangjian Shang De Zhongguo Haijian: Zhongguo Haijian Dingqi Weiquan Xunhang Zhifa Gongzuo Fazhan Jishi*), *Ocean Development and Management*, 2012/06.

administration, presence to collect intelligence (or, to use the Chinese euphemism, “collect evidence,” *quzheng*).³⁶

CMS personnel were civil servants operating unarmed state vessels (*gongwu chuan*). They had no police powers. Their patrols were largely a passive but visible way to indicate Chinese claims of sovereignty.

This is not to say that national-level CMS forces did not act aggressively on occasion. While unarmed, they did have water cannons, sirens, and floodlights with which to intimidate noncompliant foreign seamen. Moreover, the CMS was sometimes willing to use its ships themselves as instruments of coercion. CMS skippers would sometimes attempt to drive away foreign ships conducting economic or state activities in Chinese-claimed waters. For example, in March 2011, CMS 71 and CMS 75 tracked and impeded the surveying operations of an MV Veritas Voyager operating near the Reed Bank.³⁷ Then, in June 2012, two CMS ships, out on regular rights protection patrol, raced to Scarborough Reef to confront the Philippine Navy destroyer BRP *Gregorio del Pilar* (a former USCG cutter).³⁸

CMS ships have also supported Chinese State owned enterprises seeking to exploit resources in disputed waters. For example, in June 2007 a flotilla of CMS ships defended at least one Sinopec surveying vessel under assault from Vietnamese paramilitary vessels.³⁹ Being non-

³⁶ This motive appears to have been behind China’s first administrative patrol to the Senkakus in December 2008. For a fascinating account of that mission, see Xu Hui, “Three Year Retrospective of CMS Inaugural Patrol of the Senkaku Islands” (*Zhongguo Haijian Xunhang Diaoyudao Sanzhou Nianji*), *East West South North (Dong Xi Nan Bei)*, 2012, no. 24, pp. 10-12. Chinese texts frequently describe the purposes of these types of missions with the 12-character phrase “show presence, manifest jurisdiction, and declare sovereignty” (*xianshi cunzai, tixian guanxia, xuanshi zhuquan*).

³⁷ See Carl Thayer, “China's New Wave of Aggressive Assertiveness in the South China Sea,” *International Journal of China Studies*, Dec 2011. Chinese sources also reveal that CMS 17 was also involved in this or another incident. That CMS 17, part of the 1st *zhidui* based in Qingdao, was patrolling these waters shows how ships from all over the country might be deployed to trouble spots in the East China Sea and South China Sea. See <http://mil.news.sina.com.cn/2012-02-06/1437681534.html>.

³⁸ Zhao Lingfei, “CMS on the Waves: A History of the Development of CMS Regular Rights Protection Patrols.”

³⁹ This episode was covered in a CCTV 4 television program aired on 31 December 2013. See *Travelling Around China (Zoubian Zhongguo)*, *South China Sea Travel Notes (Nanhai Jixing)*, Episode Eight: “Blue Border Guards” (*Lanjiang Weishi*). URL: <http://news.cntv.cn/2013/12/31/VIDE1388496485764597.shtml>.

routine, these operations were often referred to as “special rights protection” operations (*zhuanxiang weiquan*).⁴⁰

Expanded CMS presence at sea was made possible by new ships entering the CMS inventory. In 1999, the State Council authorized a major shipbuilding plan, with ships to be delivered in two phases. The Phase I plan, completed in 2005, resulted in six new large-displacement ($\geq 1,000$ metric tons) ships. The Phase II plan led to the construction of seven additional large displacement cutters, completed in the 2010-2011 period.⁴¹ All were unarmed.

The national-level CMS units also received a material boost in the last quarter of 2012. As discord over the Senkaku Islands escalated, the PLA Navy transferred 11 large-displacement over-age naval vessels—mostly fleet auxiliaries—to the CMS, where they were distributed among the three regions. While some of these ships needed major overhauls before they could be put into service, several were immediately painted with CMS colors and sent to trouble spots.⁴² At the end of 2012, national-level units operated close to three dozen cutters displacing at least 1,000 tons, forming China’s far largest oceangoing MLE force.

Authoritative texts state that the Scarborough Reef and Senkaku Island conflicts “sounded the bell” for the need to build up the fleet.⁴³ In 2012, CMS signed the first of a series of contracts to build a number of very-large-displacement ($\geq 3,000$ metric tons) ships, which the service had long wanted.⁴⁴ None was delivered before the creation of the China Coast Guard. In anticipation of these new ships, national-level units began requesting bids on projects to expand

⁴⁰ Sun Shuxian, “Perform Rights Protection and Administrative Law Enforcement Work and Raise Capacity for Maritime Administrative Control” (*Zuohao Weiquan Xingzheng Zhifa Gongzuo Tigao Haiyang Zonghe Guankong Nengli*), *China Ocean News*, 28 January 2013, p. 1. URL: <http://epaper.oceanol.com/shtml/zghyb/20130128/30891.shtml> See also Andrew Chubb, “China’s expansion of “Regular Rights Defense Patrols” in the South China Sea: a map, courtesy of CCTV,” *South Sea Conversations*, 4 September 2014. URL: <https://southseaconversations.wordpress.com/2014/09/04/chinas-expansion-of-regular-rights-defense-patrols-in-the-south-china-sea-a-map-courtesy-of-cctv/#more-1999>.

⁴¹ Xi Zhigang, “The Mainland Builds a Quasi ‘Coast Guard’” (*Dalu Haijian Dazao Zhun ‘Haiyang Jingwei Dui’*), *Phoenix Weekly (Fenghuang Zhoukan)*, 24 July 2012.

⁴² In fact, many of the ships were delivered with the PLA Navy crews too. Sun Ding, “This is How CMS Officers are Trained” (*Haijian Duiyuan Shi Zenyang Liancheng De*), *China Ocean News*, 27 December 2013, p. 3.

⁴³ “Our Recollections of 2012” (*Pandian 2012 Women De Jiyi*), *China Ocean News*, 4 January 2013, p. 3.

⁴⁴ Li Xiaochuan, “The Main Force For Building State Vessels” (*Gongwuchuan Jianli De Zhulijun*), *China Ship Survey (Zhongguo Chuanjian)*, Feb 2013.

support infrastructure, especially wharfs. By the end of 2012, work was underway on 29 new piers capable of accommodating the large-displacement ships.⁴⁵

The regional contingents also commanded aviation units, one *zhidui* each. On the eve of the reform, each *zhidui* operated no more than two fixed-wing aircraft (variants of the Y-12 twin-engine turboprop). As part of the regular rights protection program, each region consistently employed aircraft to monitor the maritime domain and establish administrative presence. Each aviation detachment also operated one or two helicopters.⁴⁶

Ultimate command over CMS ships and aircraft resided in Beijing, at the CMS Command Center.⁴⁷ This provided a degree of central control over actions at sea, essential given that CMS cutters were often performing enforcement operations that had the potential for foreign policy repercussions.⁴⁸ The command center helped coordinate routine rights protection deployments, balancing resources and requirements, while approving deployment plans submitted by commanders at regional contingents. This allowed for better coordination of national policy, especially since deployments often crossed regions. Many CMS ships had satellite communications systems, enabling Chinese leaders to have a high degree of control over ships at sea. During the Scarborough Reef standoff, for instance, SOA Director Liu Cigui communicated directly with local commanders via video teleconferencing equipment.⁴⁹

The cream of the CMS personnel were civil servants, many former military. In its final years CMS received an infusion of young, college-educated personnel, recruited for their fluency in foreign languages, knowledge of engineering and the physical sciences, and awareness of international law. However, CMS also claimed to be a paramilitary organization, meaning that it

⁴⁵ “2012 CMS in Numbers” (2012 *Shuzi Haijian*), *China Ocean News*, 25 January 2013, p. 3.

⁴⁶ Ryan D. Martinson and Takuya Shimodaira, “Curing China’s Elephantiasis of the Fleet,” *China Brief* 15, issue 10, 15 May 2015.

⁴⁷ Once CMS South China Sea Bureau learned that Chinese fishermen were being threatened with detention by the Philippine Navy at Scarborough, it immediately directed CMS 75 and 84 to aid them. At the same time, it alerted Beijing, which then took command of the two ships. Long Quan, “Rationally Examining the Sino-Philippines Scarborough Reef Confrontation” (*Lixing Kandai Zhongfei Huangyandao Shijian*), *China Ocean News*, 20 April 2012, p. 4.

⁴⁸ A modern CMS Command Center was operating as early as 2007. See Wu Qiaong, “CMS Regular Law Enforcement Patrols in All of China’s Waters.”

⁴⁹ “SOA Director Liu Cigui Greets Front Line Forces at Scarborough Shoal Via VTC” (*Guojia Haiyang ju Liu Cigui Juzhang Shipin Lianxian Weiwen Huangyandao Weiquan Zhifa Yixian Haijian Biandui*), *Ocean’s Development and Management (Haiyang Kaifa Yu Guanli)*, June 2012.

shared some of the features of military services. It was a uniformed service, with personnel receiving some military training. Moreover, national-level cutters, although bereft of deck guns, did keep a number of assault rifles on board.⁵⁰

The CMS in Practice: Provincial-level Units

Following the founding of CMS headquarters in 1999, each province and directly administered city was expected to set up a CMS contingent of its own. These organizations did not take shape overnight. As late as 2003, Shanghai, Zhejiang, and Liaoning had not yet created CMS contingents.⁵¹ Coastal cities and counties also were asked to set up lower-level CMS organizations.

The provincial-, municipal-, and county-level CMS units were collectively referred to as local (*difang*) CMS forces. Their personnel carried the same credentials and wore the same uniforms as those in national-level units, but they were part of a largely autonomous system. The provinces had the most direct relationship with the central government bureaucracies. Provincial-level CMS contingents resided within the oceans management departments of each province. These departments were subject to the “guidance” (*zhidao*) of SOA.⁵² However, this relationship was tenuous. The provincial People’s Congresses had the power to formulate local ocean policy and pass related laws and regulations, which local-level CMS units would be expected to enforce. The municipal and county CMS units also answered to the local-level administrative departments to which they belonged.

Local-level CMS units generally patrolled the inner seas (*neihai*). Whereas rights protection was the most important mission of the national-level units, local-level CMS units focused on domestic matters. Their primary responsibility was to enforce local laws legislated to manage use of the sea—i.e., performing administrative law enforcement (*xinzheng zhifa*). Areas of concern

⁵⁰ See *Travelling Around China*.

⁵¹ Ryan Martinson, “Power to the Provinces: The Devolution of China’s Maritime Rights Protection,” *China Brief* 14, issue 17, 10 September 2014.

⁵² Wang Gang and Liu Han, “A Discussion of Basic Issues Related to Marine Policy” (*Haiyang Zhengce Jiben Wenti Tantaoyan*), *Journal of China Ocean University (Social Sciences Edition) (Zhongguo Haiyang Daxue Xuebao (Shehui Kexue Ban))*, January 2012, p. 19.

for local units were preventing and punishing illegal land-reclamation projects, dumping of unwanted materials into the ocean, and mining of sea sand.⁵³

Since local CMS units were considered extensions of government administrative organizations, they lacked the independence to perform their law enforcement duties. Chinese commentators frequently lamented the inability of CMS personnel to enforce laws that conflicted with the interests and prerogatives of local officials, who paid their bills. To quote one vivid characterization, local-level CMS personnel were often required to “wipe the behinds” of local government officials who felt they were not subject to local law enforcement entities.⁵⁴

In general, local CMS units had little interaction with the national-level CMS bureaucracy. However, local CMS units did sometimes operate in conjunction with national-level units on important national-level initiatives. In 2009, CMS launched what has become an annual event, the “Blue Ocean” (*Bihai*) mission, which brings together national and local units to crack down on environmentally destructive practices such as illegal mining of sea sand. Local and national units also began cooperating to check illegal coastal land reclamation activities as part of the annual “Sea Shield” (*Haidun*) mission. Despite these efforts, however, coordination between the local- and national-level bureaucracies was always regarded as needing improvement.⁵⁵

Given their responsibilities along and near the coast, the local-level units operated small craft, mostly motor boats with some small-displacement steel-hulled ships. Some provincial-level CMS units gradually acquired larger, oceangoing cutters. SOA leaders, almost certainly with the permission of national decision-makers, eventually decided to deploy the larger local-level cutters in rights protection law enforcement operations. Fujian forces, responding to orders from

⁵³ For a useful anthology of case studies of CMS administrative law enforcement, see Zhang Huirong (ed.), *Maritime Administrative Law Enforcement: Case Studies (Haiyang Xingzheng Zhifa: Anli Huibian)*, Ocean Press, Beijing, 2006.

⁵⁴ Shi Zhixin, “Thoughts on Implementing Oversight of Government Use of the Ocean” (*Dui Zhengfu Yonghai Xingwei Shishi Jianguan De Sikao*), *China Ocean News*, 23 October 2009, p. 1.

⁵⁵ CMS national-level units frequently cited the need to improve coordination with local-level units. For instance, at the annual SOA South China Sea Bureau meeting held in January 2013, leaders identified the need to strengthen coordination and “supervisory work” with local-level law enforcement forces. See “The South China Sea Bureau Begins Its Annual Work Meeting” (*Nanhai Fenju Zhaokai 2013 Nian Gongzuo Huiyi*), *China Ocean News*, 25 January 2013, p. 3. This problem is also highlighted in Wang Gang and Liu Han, “A Discussion of Basic Issues Related to Marine Policy.”

the national CMS headquarters, began patrolling the EEZ in April 2009.⁵⁶ Hainan set up a CMS *zhidui* on Woody Island in May 2011, better positioning it to participate in rights protection operations.⁵⁷ In the South China Sea, forces operated by Guangdong and Guangxi also perform major rights protection missions.

In recent years, provincial-level cutters have played increasingly important roles in rights protection operations.⁵⁸ Central government support for local participation in maritime rights protection was powerfully endorsed by a 2010 decision to aid local CMS units (provincial and even municipal) to purchase a total of 36 large-displacement cutters (ranging from 600 to 1,500 metric tons). While these ships would surely perform a range of missions, they were identified as “rights protection” cutters, indicating that their core mission was externally oriented patrols in the outer seas. The first of these ships, the 1,000-metric-ton CMS 2008, entered service with the Fujian province’s CMS contingent in March 2013.⁵⁹

China Fisheries Law Enforcement

China’s national and local fisheries law enforcement organizations—collectively called China Fisheries Law Enforcement (*zhongguo yuzheng*)—made up the second major MLE entity to be integrated into the China Coast Guard. Before the merger, central government units were managed by the Ministry of Agriculture, specifically its Bureau of Fisheries Administration (*yuyeju*). The Bureau of Fisheries Administration operated through three regional organizations, one each in Yantai, Shandong; Shanghai; and Guangzhou, Guangdong.

These organizations performed many functions, including collecting and analyzing data, providing resources and guidance to fishermen and other government entities, and performing fisheries law enforcement. Fisheries law enforcement was conducted by a regional fisheries

⁵⁶ Cai Zhengwen, “A Review of Fujian Contingent’s Work During First Half of the Year” (*Fujian Sheng Zongdui Shang Bannian Gongzuo Huigu*), *China Ocean News*, 19 July 2013, p. 3.

⁵⁷ See “Ten Big Things for CMS in 2011” (*2011 Niandu Zhongguo Haijian Shijian Dashi*), *China Ocean News*, 6 April 2012, p. 5, URL: <http://epaper.oceanol.com/shtml/zghyb/20120406/70195.shtml>.

⁵⁸ Li Peng, “Work Hard to Temper the Force for Real Battle” (*Keku Dili Wei Shizhan*), *China Ocean News*, 26 April 2013, p. 4. See also Martinson, “Power to the Provinces.”

⁵⁹ Local-level CMS rights protection ships were, in theory at least, supposed to be subject to orders from the CMS Command Center (*tongyi bushu*). See Yang Chang, “CMS Tianjin Rights Protection Law Enforcement Fleet Is Set Up” (*Zhongguo Haijian Tianjin Shi Weiquan Zhifa Chuandui Guapai*), *China Ocean News*, 19 April 2013, p. 4.

patrol contingent (*zongdui*) housed under each regional Bureau of Fisheries Administration organization. Like CMS, these national-level units had chief responsibility for operating in the outer seas.

Provinces, cities, and counties with access to the sea also operated their own local (*difang*) fisheries law enforcement bureaus. The 1986 Fisheries Law of the PRC gave local governments a lot of responsibility for overseeing fisheries management.⁶⁰ At the provincial level, fisheries administration bureaus resided within provincial maritime administration departments, often the same departments that also oversaw provincial-level CMS units. Given the nature of their responsibilities, they spent most of their time on or near the coast, seldom leaving the inner seas.⁶¹

The Ministry of Agriculture operated the Fisheries Law Enforcement Command (FLEC—*yuzheng zhihui zhongxin*), located in Beijing.⁶² It was set up in May 2000 to coordinate blue-water operations, which had become increasingly important after UNCLOS went into effect and China assumed responsibility for managing vast new areas of maritime space.⁶³ Since many of these waters were disputed, safeguarding maritime rights and interests was clearly an important consideration in creating FLEC.⁶⁴ Blue-water fisheries operations for rights protection purposes were known as *huyu weiquan* (literally, “protecting fisheries rights protection”), the analog of the *weiquan zhifa* done by CMS cutters.

⁶⁰ This law was later amended in 2000 and 2004. See the NPC English-language web page: http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383934.htm.

⁶¹ As with CMS, local fisheries law enforcement personnel eventually came to wear the same uniform and hold the same credentials. Their ships did all have the characters *yuzheng* painted on the hull, but they shared no pennant number system: local-level cutters often had pennant numbers containing five digits, whereas national-level ships had three-digit pennant numbers. Few, if any, provincial-level YZ cutters have been painted with China Coast Guard colors and pennant numbers.

⁶² This is an administrative entity located in Beijing that approves and coordinates blue-water operations carried out by the three regional contingents. It is more than just a room with consoles and screens (though it does have those). FLEC is overseen by a director, who also serves as the deputy director of the Bureau of Fisheries Administration. A direct translation of the Chinese is “Fisheries Law Enforcement Command Center.” The Chinese themselves translate it as “Fisheries Law Enforcement Command.”

⁶³ For a useful discussion of China Fisheries Law Enforcement, see Lyle Goldstein, “Chinese Fisheries Enforcement: Environmental and Strategic Implications,” *Marine Policy* 40, July 2013, pp. 187-193.

⁶⁴ *China’s Ocean Development Report (2012)*, pp. 344. See also Ministry of Agriculture Fisheries Administration, *2009 China Fisheries Yearbook (Zhongguo Yuye Nianjian 2009)*, China Agricultural Publishing Company, Beijing, 2009, p. 335.

Huyu weiquan involved both protecting Chinese fishermen and harassing foreign fishermen seeking to operate in disputed waters. Fisheries Law Enforcement ships also conducted symbolic patrols in disputed areas. In September 2010, for example, the 1,000-metric-ton YZ 202 patrolled the Senkakus to express China's dissatisfaction with Japan's detention of the Chinese fishing vessel *Minyinyu 5179*.⁶⁵ At least one Fisheries Law Enforcement cutter was involved in the harassment of USNS *Impeccable* in 2009, an operation purportedly directed by the then-head of the South China Sea Bureau of Fisheries Law Enforcement, Wu Zheng.⁶⁶

Over time, blue-water fisheries law enforcement patrols became more systematic. FLEC planned annual fisheries deployments in China's EEZ.⁶⁷ This made Fisheries Law Enforcement the only maritime law enforcement entity aside from CMS that regularly patrolled beyond the country's territorial sea. FLEC operated through the regional Fisheries Law Enforcement bureaus, relying heavily on their ships for the blue-water patrols. But there were never enough national-level fisheries administration cutters for the tasking. To remedy this shortfall, FLEC was given the right to, if necessary, enlist "qualified" (*fuhe tiaojian*) provincial-level ships to support the EEZ patrol system.⁶⁸

The annual EEZ patrols failed to curb one of the most nettlesome problems faced by the service: foreign harassment of Chinese fishermen operating in the more remote sections of China's claims. To improve its capacity to protect Chinese fishermen and their property, Fisheries Law Enforcement took a two-pronged approach. First, in 2006, the Ministry of Agriculture initiated a program to equip Chinese fishing vessels with satellite navigation and communications hardware.

⁶⁵ See "A Record of the Diaoyu Island Patrols of YZ 202" (*Zhongguo Yuzheng 202 Chuan Diaoyudao Xunhang Ji*), Xinhua, 21 October 2012, URL: http://news.xinhuanet.com/mrdx/2012-10/21/c_131919757.htm.

⁶⁶ This is according to retired Rear Admiral Zheng Ming, interviewed for a September 2012 *Modern Ships* article. See "Perhaps the Scarborough Shoal and Diaoyu Island Incidents Can Serve as an Entry Point for Formulating and Implementing a Maritime Development Strategy" (*Diaoyudao, Huangyandao Shijian Huo Ke Chengwei Wo Guo Zhiding He Shishi Haiyang Fazhan Zhanlue De Yige Qierudian*), *Modern Ships* (*Xiandai Jianchuan*), September 2012. This is confirmed by Liu Bin, "One Year Retrospective after the Creation of the China Coast Guard Bureau: Forces No Longer Operate on their Own" (*Zhongguo Haijingju Zujian Yi Nian Guancha: Zhixing Renwu Bu Zai Danda Dudou Le*), *Southern Weekend* (*Nanfang Zhoumo*), 9 October 2014. URL: <http://www.infzm.com/content/104611>.

⁶⁷ For a copy of instructions for Fisheries Law Enforcement EEZ patrols in 2010, see the following: http://www.lawyee.org/Act/Act_Display.asp?ChannelID=1010100&RID=660366&KeyWord=.

⁶⁸ *China's Ocean Development Report (2012)*, p. 345.

These systems enabled Fisheries Law Enforcement forces to respond to distress calls more quickly and to collect information on the disposition of foreign vessels.⁶⁹

As this program unfolded, China Fisheries Law Enforcement also began implementing a convoy system for fishing fleets operating in the more perilous sections of the South China Sea.⁷⁰ This began in 2010. Since national-level units lacked ships, this effort also came to rely heavily on provincial-level fisheries administration forces.⁷¹

Provincial-level fisheries law and law enforcement is particularly important in the case of Hainan, which has jurisdiction over all of the land features of the South China Sea and all of the waters within the nine-dash line. Thus, when the Hainan People's Congress promulgated measures for administering these waters in late 2013, foreign analysts debated the potential implications for China's dispute policy.⁷² Few, however, noted that Hainan then only operated a single true oceangoing Fisheries Law Enforcement cutter, the 576-metric-ton YZ 46012.

Whether national or local, Fisheries Law Enforcement personnel were uniformed civil servants empowered to impose civil penalties—fines and confiscation. They were not policemen with the power to arrest and charge with crimes. However, unlike those of CMS forces, many Fisheries Law Enforcement ships were equipped with deck-mounted weapons (large-caliber machine guns). Of course, Fisheries Law Enforcement vessels themselves, aggressively operated, could

⁶⁹ Ju Li, "The Use of Beidou Satellite Navigation System in Oceanic Fisheries" (*Beidou Weixing Daohang Xitong Zai Haiyang Yuye De Yunyong*), *Satellite and Network (Weixing Yu Wangluo)*, March 2013. These systems, already operational by 2007, also played important roles in the *Impeccable* incident and the Scarborough Shoal incident.

⁷⁰ Su Taoxiang, "China's First Pair of Fisheries Law Enforcement Ships to Convoy Fishing Vessels Set Sail Yesterday" (*Woguo Shou Dui Nansha Yuzhengchuan Bansuishi Huyu Biandui Zuori Qihang*), *Southern Daily (Nanfang Ribao)*, 2 April 2010. URL: <http://news.163.com/10/0402/10/638P6SBD000146BB.html>; Li Mingshuang, "The Ministry of Agriculture Commends Advanced Collectives and Advanced Individuals" (*Nongyebu Biaozhang Huyu Weiquan Xianjin Jiti He Xianjin Geren*), *China Fisheries (Zhongguo Shuichan)*, December 2011, pp. 13-14.

⁷¹ Provincial-level fisheries law enforcement cutters have operated near the disputed Paracel Islands since at least 2002. Provincial-level cutters later participated in the EEZ patrol regime. Provincial patrols to the Spratley Islands probably began in 2009. See Ryan Martinson, "Power to the Provinces: The Devolution of China's Maritime Rights Protection," *China Brief* 14, issue 17, 10 September 2014.

⁷² For a useful discussion of this episode, see Taylor Fravel, "Hainan's New Fishing Rules: A Preliminary Analysis," *The Diplomat*, 10 January 2014, URL: <http://thediplomat.com/2014/01/hainans-new-fishing-rules-a-preliminary-analysis/>.

be used to threaten foreign mariners, and they were sometimes used to drive away foreign fishermen operating in Chinese-claimed waters, especially in the Paracel chain.⁷³

Despite their many pressing missions, the national-level Fisheries Law Enforcement units procured very few new ships in the years leading up to the reform. One noteworthy addition was YZ 310, a very advanced, large-displacement (2,500 metric tons) ship delivered in 2010. Although based in Guangzhou, this ship has performed rights protection operations as far north as the Senkaku Islands and as far south as James Shoal in the South China Sea. It appeared at Scarborough Reef in April 2012, during the standoff with the Philippines.⁷⁴ It was also involved in a tense confrontation with Indonesian Coast Guard vessels, in which it may have used jamming equipment to intimidate its victims.⁷⁵

While national-level Fisheries Law Enforcement units built few new ships in the decade prior to being integrated into the China Coast Guard, they did receive several transfers from the PLA Navy. For example, the 4,000-metric-ton YZ 311, a former PLA Navy submarine rescue ship, joined the South China Sea contingent in March 2009. It was involved in the June 2011 molestation of *Viking II*, a Norwegian surveying vessel operating on behalf of the Viet Nam National Oil and Gas Group.⁷⁶ YZ 88, a 15,000-metric-ton former PLA Navy supply ship, was transferred to the South China Sea contingent in 2009.⁷⁷ The 5,800-metric-ton YZ 206, a former PLA Navy surveillance vessel, joined the East China Sea contingent in December 2012.⁷⁸ Fisheries Law Enforcement operated no aviation units.

⁷³ Fravel, “China’s Strategy in the South China Sea,” p. 305.

⁷⁴ See “The Full Story of the Scarborough Shoal Incident” (*Huangyan Shijian Lailong Qumai*), *People’s Navy* (*Renmin Haijun*), 11 May 2012, p. 23.

⁷⁵ Scott Bentley, “Indonesia’s ‘global maritime nexus’: looming challenges at sea for Jokowi’s administration,” *The Strategist*, 24 September 2014,

URL: <http://www.aspistrategist.org.au/indonesias-global-maritime-nexus-looming-challenges-at-sea-for-jokowis-administration/>.

⁷⁶ Ramses Amer, “China, Vietnam, and the South China Sea Dispute: Disputes and Dispute Management,” *Ocean Development and International Law* 45: 1, 2014, p. 23. See also Fravel, “China’s Strategy in the South China Sea,” pp. 306-307.

⁷⁷ It was later returned to the PLAN, probably in 2014. See “Replenishment Ship 888 Transferred Back to the Navy,” *China Defense Blog*, URL: <http://china-defense.blogspot.com/2014/08/replenishment-ship-888-transferred-back.html>.

⁷⁸ *China’s Ocean Development Report (2013)*, p. 267.

While the national and local units of the Fisheries Law Enforcement possessed far fewer oceangoing ships than did CMS, the former was a much larger agency. In 2007, Fisheries Law Enforcement, including both local and national units, comprised 33,000 law enforcement personnel.⁷⁹ An April 2012 *Legal Daily* article also puts the total force at 33,000 officers, of which 17,000 were involved in maritime fisheries management.⁸⁰ These figures convey the reality that while Fisheries Law Enforcement was a major participant in China's rights protection operations, rights protection was just one of many, many functions performed by this important agency.⁸¹

Border Defense Coast Guard

The third dragon comprised the maritime units of China's Border Defense Force (*bianfang budui*), a specialized branch of the People's Armed Police (PAP—*renmin wuzhuang jingcha*).⁸² They were called the *bianfang haijing*, or Border Defense Coast Guard, and now are frequently referred to as the "old Coast Guard" to distinguish them from the new service set up in 2013.⁸³ As units within the PAP, the Border Defense Coast Guard were considered a military force, albeit separate from the People's Liberation Army. Border Defense Coast Guard personnel had military ranks. They were called soldiers (*guanbing*), or active-duty military (*xianyi*), and wore military uniforms. However, they also had functions and attributes similar to those of a police force. Thus, it is useful to see them as "paramilitary police."⁸⁴

The primary mission of the old China Coast Guard was public security (*zhi'an*). Their primary concerns were drug smuggling, terrorism, theft, illegal border crossing, and civil disputes that

⁷⁹ Niu Dun, "Nongyebu Fubuzhang Niudun: Shenru Guanche Luoshi Kexue Fazhanguan Kaichuang Woguo Yuzheng Gongzuo Xin Jumian," *China Fisheries (Zhongguo Shuichan)*, December 2007.

⁸⁰ See "Pulling Back the Mysterious Veil of CMS and China Fisheries Law Enforcement" (*Jiekai Zhongguo Haijian Yu Zhongguo Yuzheng De Shenmi Miansha*), *Legal Daily (Fazhi Bao)*, 22 April 2012, URL: http://www.legaldaily.com.cn/index/content/2012-04/22/content_3520667.htm.

⁸¹ Most Fisheries Law Enforcement personnel spent the bulk of their time on or near the shore regulating aspects of the fishing industry, such as licensing, shore-based infrastructure, fishing vessel registration, and coastal aquaculture. Fisheries Law Enforcement personnel also patrolled and enforced fisheries law on China's major internal waterways such as the Yangtze River.

⁸² The Border Defense Force operated under a dual command structure, including the Ministry of Public Security and the Central Military Commission. Dennis Blasko, *The Chinese Army Today: Tradition and Transformation for the 21st Century*, Routledge, New York, 2012, pp. 27.

⁸³ Its full name is *gongan bianfang budui haiyang jingcha*.

⁸⁴ Blasko, *Chinese Army Today*, p. 28.

turned violent. Unlike CMS and Fisheries Law Enforcement personnel, Border Defense Coast Guard officers had powers to investigate, detain, and arrest suspected criminals. The policing and administrative powers of the Border Defense Coast Guard were spelled out in the January 2004 *Ministry of Public Security Circular Regarding Issues Relating to Coast Guard Law Enforcement*.⁸⁵

The Border Defense Coast Guard was part of a true vertically oriented (*chuzhi guanli*) organizational structure—that is, a chain of command. A Border Defense Force contingent was stationed in each province, below which were detachments (*zhidui*) and even smaller groups (*dadui*). At least one Border Defense Coast Guard *zhidui* was stationed in each coastal province or directly administered city. Table 2 shows all of the old Coast Guard *zhidui* at the time of the reform.

Table 2. Border Defense Coast Guard Units

Border Defense Force contingent (<i>zongdui</i>)	Border Defense Coast Guard detachments (<i>zhidui</i>)
Liaoning	1 st (Dalian), 2 nd (Dandong)
Hebei	1 st (Qinhuangdao)
Tianjin	1 st (Tianjin)
Shandong	1 st (Weihai), 2 nd (Qingdao)
Jiangsu	1 st (Taicang), 2 nd (Haimen)
Shanghai	1 st & 2 nd (Shanghai)
Zhejiang	1 st (Taizhou), 2 nd (Ningbo), 3 rd (Wenzhou)
Fujian	1 st (Fuzhou), 2 nd (Quanzhou), 3 rd (Xiamen)
Guangdong	1 st (Guangzhou), 2 nd (Shantou), 3 rd (Zhanjiang)
Hainan	1 st (Haikou), 2 nd (Sanya), 3 rd (Wenchang)
Guangxi	1 st (Beihai), 2 nd (Fangchenggang), 3 rd (Qinzhou)

⁸⁵ A copy of this document can be found here: <http://www.scxsls.com/a/20110701/33105.html>.

In theory, the Border Defense Coast Guard had a mandate to enforce criminal law in all of China's jurisdictional waters, including, of course, large expanses disputed by other states.⁸⁶ In practice, however, Border Defense Coast Guard units seldom patrolled the outer seas.⁸⁷ This meant that they played only a small role in supporting China's position in its maritime disputes.

There were some exceptions, however. Border Defense Coast Guard units based in Hainan were active in the Spratly chain, which meant that they supported Fisheries Law Enforcement efforts to prevent Vietnamese fishermen and other vessels from plying these waters. More dramatically, in May 2006 Border Defense Coast Guard forces performed escort duty for Sinopec ships operating in waters south of the islands, during which they purportedly drove away Vietnamese vessels seeking to obstruct operations.⁸⁸

The Border Defense Coast Guard operated many small craft, useful only in and around harbors and along the coast. However, in the years leading up to the integration, the service did experience a quiet buildup. It received delivery of over 20 Type 618B patrol ships. At 600 metric tons, these ships are capable of operating in blue water for short spells, but they were less suited for the type of extended presence needed in China's more distant maritime frontiers. These ships were equipped with deck guns. The "old Coast Guard" also owned three larger-displacement ships, including HJ 1001, which at 1,500 metric tons is a true blue-water patrol ship. In 2005, two units—one in Guangdong and one in Hainan—each received a decommissioned PLA Navy destroyer. The service operated no aviation units.

The Border Defense Coast Guard functioned on the basis of both national and local laws and regulations. Its officers derived police powers from the Criminal Law of the PRC and the PRC Law on Public Security Management and Punishment.⁸⁹ Coastal provinces also had the power to

⁸⁶ This is clearly stated in the Rules on Maritime Law Enforcement Work by Public Security Organs (*gongan jiguan haishang zhifa gongzuo guiding*). An English version of this law is available here: <http://www.lawinfochina.com/display.aspx?lib=law&id=6429&CGid=>.

⁸⁷ Yang Lin, Huang Jihui, and Zhu Geqi, "Put to Sea, On a Long Patrol!" (*Chuhai, Yuanhang Qu!*), *Frontier Defense Police China (Zhongguo Bianfang Jingcha)*, July 2010.

⁸⁸ See "Coast Guard Warrior He Chongjun Gives His True Emotion to the People" (*Haijing Zhanshi He Chongjun Wei Min Xian Zhenqing*), *Legal Daily (Fazhi Bao)*, 27 February 2008, URL: http://www.legaldaily.com.cn/misc/2008-02/27/content_806642.htm.

⁸⁹ *China's Ocean Development Report* (2012), p. 350.

pass laws that directly impacted the missions of the Border Defense Coast Guard. These laws often had little impact on China's external relations.

Again, the province of Hainan, with its jurisdiction over vast sections of the South China Sea, is a noteworthy exception. In November 2012, the Standing Committee of the Hainan People's Congress made updates to the "Regulations for the Management of Coastal Border Security and Public Order in Hainan Province." While the bulk of its text addresses less controversial crimes, the revised law also included new language directed at foreign vessels operating in Chinese-claimed waters.⁹⁰ To date, the law appears not to have led to an uptick in law enforcement directed at foreign mariners.⁹¹

Maritime Anti-Smuggling Police

The Maritime Anti-Smuggling Police, as the fourth dragon was known, was chiefly tasked with enforcing customs regulations. It comprised the maritime units (*chu*) of the Anti-Smuggling Police (*jisi jingcha*), itself a part of the General Administration of Customs (GAC).⁹² Officers derived authority from the PRC Customs Law, the revised version of which was promulgated in July 2000.⁹³

Like the Border Defense Coast Guard, the Maritime Anti-Smuggling Police had legitimate police powers. Officers were empowered to investigate (*zhencha*), detain (*juliu*), and arrest (*daibu*) those accused of violating the criminal code. They also enforced administrative law.⁹⁴

⁹⁰ Taylor Fravel, "Hainan's New Maritime Regulations: A Preliminary Analysis," *The Diplomat*, 1 December 2012, URL: <http://thediplomat.com/2012/12/hainans-new-maritime-regulations-a-preliminary-analysis/> Taylor Fravel, "Hainan's New Maritime Regulations: An Update," *The Diplomat*, 3 January 2013, URL: <http://thediplomat.com/2013/01/hainans-new-maritime-regulations-an-update/>.

⁹¹ For a one-year Chinese retrospective on the law, see http://www.legaldaily.com.cn/police_and_frontier-defence/content/2014-01/02/content_5170372.htm?node=23290.

⁹² The Anti-Smuggling Police operated under a dual leadership system, governed by both the GAC and the Ministry of Public Security.

⁹³ Wang Guang, Wang Yihong, and Li Xia, "Examining Trends in Reform in Managing the Police Force from Historical Changes in China's Police Ranks" (*Cong Woguo Jingcha Duiwu De Lishi Bianqian Kan Gong'an Bianzhi Guanli Gaige De Fazhan Qushi*), *Police Education and Training (Gongan Jiaoyu)*, June 2013.

⁹⁴ Other relevant documents include the "List of Items Prohibited from Entering or Leaving China," the "List of Items Limited from Entering or Leaving China," and the "PRC Customs Regulations for Protecting Intellectual Property." See *China's Ocean Development Yearbook (2012)*, p. 348.

Given the scope of their work, the Maritime Anti-Smuggling Police operated mostly on or near the shore, concentrating in major trading hubs. For these purposes, they operated over 200 small craft, motor boats, and small ships, some of which were equipped with deck guns.⁹⁵ While they served very important sovereign functions, they did not operate beyond the inner seas and thus do not figure prominently in this study.

The Untamed Dragons

The March 2013 legislation called for the integration of just four of China's maritime law enforcement agencies. The Ministry of Transport, which manages two major maritime law enforcement agencies, remained untouched. However, because its two agencies play important roles in China's efforts to manage the sea, it is worth examining their basic functions and organizational contours.

The first is the Maritime Safety Administration (MSA—*haishi ju*). Its missions primarily comprise marine safety, including search and rescue, and environmental protection (ship discharge, in particular). MSA comprises both national and local units. National-level units have jurisdiction over the maritime domain, while the local-level units are restricted to rivers, lakes, and reservoirs. MSA ships, among China's biggest and most advanced, played a prominent role in Chinese operations to locate the wreckage of Malaysian Airlines flight MH370 in early 2014.⁹⁶

MSA is the “smiling face” of Chinese maritime law enforcement, frequently serving as an instrument of friendly maritime diplomacy with other states. However, it does play a small but noteworthy role in protecting China's maritime rights and interests. In 2005, for example, China deployed MSA ships to the East China Sea at the height of a minor crisis with Japan.⁹⁷ HX 31 and HX 01, which weigh 3,000 and 5,400 metric tons, respectively, regularly patrol out to the Chunxiao Oil Fields in the East China Sea. In 2013, a flotilla of MSA ships conducted a

⁹⁵ Chen Pengpeng, Gao Qing, Ma Jiang, and Shao Zhijun, “Focus on China's Maritime Law Enforcement Forces” (*Jujiao Woguo Haishang Zhifa Liliang*), *People's Navy (Renmin Haijun)*, p. 4.

⁹⁶ The December 2013 issue of *China Maritime Safety (zhongguo haishi)* is devoted to a retrospective on the 15-year history of MSA.

⁹⁷ Yang Zhongxu, “Dispute in the East China Sea: China and Japan Make Their Moves” (*Donhai Zhengyi: Zhongri Tieshen Chuzhao*), *China Newsweek (Zhongguo Xinwen Zhoukan)*, 2005, no. 27, 25 July 2005.

sovereignty patrol through the South China Sea.⁹⁸ More recently, at least one MSA ship was on the scene protecting HYSY 981. With its several large-displacement ships, MSA is in a position to contribute much more to the rights protection mission, and, if advocates have their way, may do so in the future.⁹⁹

The Ministry of Transport also directly manages three regional organizations with specific responsibility for search and rescue operations: the North Sea Rescue Bureau (*beihai jiuzhu ju*),¹⁰⁰ the East Sea Rescue Bureau (*donghai jiuzhu ju*),¹⁰¹ and the South Sea Rescue Bureau (*nanhai jiuzhu ju*).¹⁰² These agencies station ships at multiple ports within their respective regions. They were all created in 2003.

Regional rescue agencies operate some of China's largest maritime law enforcement vessels. They include, for instance, the 4,600-metric-ton *Beihaijiu 101*, the 3,500-metric-ton *Beihaijiu 116*, the 4,700-metric-ton *Donghaijiu 101*, the 4,900-metric-ton *Donghaijiu 116*, the 4,000-metric-ton *Nanhaijiu 101*, the 3,500-metric-ton *Nanhaijiu 115*, and the 3,500-metric-ton *Nanhaijiu 111*. Rescue agency ships also played prominent roles in operations to search for the wreckage of Malaysian flight MH370.¹⁰³ While maritime rights protection is not their priority, several rescue agency ships were also called upon to participate in the defense of HYSY 981.

The fact that the Chinese government elected not to integrate the Ministry of Transport agencies into the China Coast Guard could reflect a desire not to taint these more cosmopolitan agencies by including them in a system that was clearly created in order to get tougher with neighbors.

⁹⁸ Li Wenhua, Yu Lei, and Pang Bo, "Sea Power is Mine, Using the Sea to Rejuvenate the Nation: 21 Century China's Transport Sea Power Construction" (*Haiquan Zai Wo, Haiyang Xingguo: 21 Shiji Zhongguo De Jiaotong Jaiquan Jianshe*), *China Maritime Safety (Zhongguo Haishi)*, August 2014.

⁹⁹ Aside from large oceangoing ships, MSA also operates unmanned patrol craft. One of these vessels operated in the Spratley chain in 2013. Lv Ning, "The Advent of China's First Domestically Developed Unmanned Surveillance Surface" (*Woguo Zixing Yanzhi Kaifa De Shousou Wurenji Celiangting Dansheng*), *China Ocean News*, 6 June 2013, p. 2. For calls for MSA to play a larger rights protection role, see Tao Jian, "Give Play to MSA's Function of Safeguarding National Sovereignty and Maritime Rights and Interests" (*Fahui Haishi Jigou Weihe Guojia Zhuquan He Haiyang Quanyi Zhineng*), *China Maritime Safety (Zhongguo Haishi)*, May 2013.

¹⁰⁰ Website available here: <http://www.bh-rescue.cn/>.

¹⁰¹ Website available here: <http://www.donghai-rescue.cn/>.

¹⁰² Website available here: <http://www.nh-rescue.cn/>.

¹⁰³ See, for instance, Zhao Jiandong, "Unprecedented in the History of Chinese Search Operations" (*Zhongguo Sousuoshi Wu Qianlie*), *China Ocean News*, 28 March 2014, p. 4. URL: <http://epaper.oceanol.com/shtml/zghyb/20140328/38631.shtml>.

Also, more likely, the government felt that adding two more agencies to the original four might make an already difficult integration problem insuperable.

Calls for Reform

Clearly, Chinese maritime law enforcement had severe systemic problems: Relatively stove-piped bureaucratic entities operated with overlapping missions and operating authorities. Six agencies housed in five different ministries managed the sea, enforcing different sets of laws. Some law enforcement personnel were civil servants, some were policemen, and some were active-duty military. All agencies vigorously pursued material and personnel expansion without taking into consideration the big picture, causing “duplicative construction” (*chongfu jianshe*).

Responsibilities sometimes overlapped. Both the Border Defense Coast Guard and the Maritime Anti-Smuggling Police were charged with combating smuggling. Both CMS and MSA were responsible for environmental protection. Yet there was little communication between these agencies. Conversely, given the fragmentation of the service, sometimes law enforcement officers were compelled—or they preferred—to turn a blind eye to violations outside of their respective jurisdictions. These problems were especially acute in the inner seas, where all five dragons operated. But in the outer seas, where rights protection took place, CMS and the Fisheries Law Enforcement also could have done a much better job coordinating their operations and synergizing their efforts. On top of these problems, individual agencies suffered from a divide between national- and local-level organizations, a perennial challenge in Chinese governance.

Chinese commentators recognized and lamented these problems well before the 2013 reform. Many calls for change were general: analysts often concluded that China needed a unified maritime law enforcement agency but did not specify how the reform would be conducted. Others, however, made their views very clear—in effect, lobbying for a specific existing agency to serve as the vessel for a reformed coast guard. These public efforts likely reflected bureaucratic maneuvering.

In February 2005, for example, Xu Kuanyou, a Border Defense Coast Guard officer, advocated for his service to serve as the basis for a unified maritime law enforcement service.¹⁰⁴ The Border Defense Coast Guard, Xu opined, had a national chain of command and thus was largely immune from the local government intervention so common in CMS. Moreover, a militarized coast guard that operated ships with deck guns would add some deterrent power to China's rights protection operations without causing regional alarm, as would happen if the PLA Navy were deployed. Writing a year later, Bai Junfeng, a Border Defense Coast Guard officer, called for combining his service with CMS and placing the new organization under the control of the Ministry of Public Safety.¹⁰⁵

Officers from the MSA also made their pitch in public fora. In June 2005, Qu Xianqin, an MSA officer based in Zhanjiang, Guangdong, outlined the many problems of the existing system before concluding that unifying all the dragons under the MSA would be the best solution. Using a metaphor that would become very popular, Qu likened the impotence of China's maritime law enforcement agencies to a hand with fingers that could not form a fist.¹⁰⁶

In their examination of China's plight, Chinese analysts often sought inspiration from other coast guards. These usually included the United States Coast Guard (USCG), the Japan Coast Guard, and the Korea Coast Guard. Some of these forces, such as the USCG, had undergone major bureaucratic reforms. How did they do it? Foreign states, when they set up their coast guards, had to decide whether to make them more like military organizations, more like police organizations, or more like administrative organizations. Which was better?¹⁰⁷

¹⁰⁴ Xu Kuanyou, "On the Integration and Structure of China's Maritime Law Enforcement Forces" (*Lun Woguo Haishang Zhifa Liliang de Zhenghe Yu Goujian*), *Periodical of PAP Academy (Wujing Xueyuan Xuebao)*, February 2005.

¹⁰⁵ Bai Junfeng, "Conceptualizing the Construction of a Chinese Maritime Police" (*Zhongguo Haiyang Jingcha Jianshe Gouxiang*), *Oceans Development and Management*, March 2006.

¹⁰⁶ Qu Xianlin, "Unify China's Maritime Law Enforcement Collective" (*Tongyi Woguo Haishang Zhifa Zhuti*), *Shipping Management (Shuiyun Guanli)*, June 2005.

¹⁰⁷ Zhang Baochen, "What I have learned from other countries' organizational systems for oceanic and coastal law enforcement" (*Haiyang Daguo Haishang Zhifa Jigou Tizhi De Jiben Guilv Yu Qishi*), *China Maritime Safety (Zhongguo Haishi)*, 2008/04, pp. 23-27; Yan Tieyi, "Research on Maritime Police Power" (*Lun Haiyang Jingcha Quan*), *Chinese Journal of Maritime Law (Zhongguo Haishangfa Yanjiu)* 23, no. 2, July 2012, pp. 78-89; Lin Quanling & Gao Zhongyi, "An Analysis and Consideration of CMS Conduct of Rights Protection Law Enforcement" (*Zhongguo Haijian Weiquan Zhifa De Xingshi Fenxi Yu Celue Sikao*), *Pacific Journal (Taipingyang Xuebao)*; Yan Tieyi & Sun Kun, "On China's Maritime Administrative Law Enforcement Collective" (*Lun Zhongguo Haiyang*

Public discussions on the shortcomings of Chinese maritime law enforcement reflected the concerns of policymakers. The Chinese government took steps to try to rectify many of these problems. In September 2004 the State Council promulgated the *Circular on How to Strengthen Maritime Management Work*. This document highlighted two issues—the failings of local maritime law enforcement agencies to prevent environmentally destructive economic activities, and the generally unsatisfactory coordination between China’s different maritime law enforcement agencies—and called for unspecified efforts to remedy both.¹⁰⁸

Moreover, China took tentative steps to bring the MLEs together. In the 1980s there was at least one aborted effort.¹⁰⁹ Then, in 2005, China initiated a pilot program to unify operations in the Gulf of Tonkin. This plan attracted the attention of the country’s highest leaders. Premier Wen Jiabao stressed the importance of this pilot program by stating, “Failure is permitted, but you must at least try.”¹¹⁰ It is unclear whether this initiative succeeded locally, what is certain is that it did not open the door for broader efforts.

While there were no concrete efforts to integrate maritime law enforcement agencies at the national level, China’s local governments did take steps in that direction.¹¹¹ As mentioned above, most provinces operated a single maritime administration department, which oversaw provincial-level CMS and Fisheries Law Enforcement. At the municipal and county levels, CMS and Fisheries Law Enforcement forces were often blended, with everybody contributing to the full range of missions. Indeed, in the course of his career, a local-level maritime law enforcement officer might command both Fisheries Law Enforcement and CMS forces.¹¹²

Xingzheng zhifa Zhuti), *Journal of Dalian Maritime University*, Soc Sci Ed. (*Dalian Haishi Daxue Xuebao*), February 2011.

¹⁰⁸ *Circular on How to Strengthen Maritime Management Work* (Guowuyuan Guanyu Jinyibu Jiaqiang Haiyang Guanli Gongzuo Ruogan Wenti De Tongzhi), PRC State Council, September 2004.

¹⁰⁹ Han Yong, “Who Will Manage China’s Oceans?” (*Sheilai Guanli Zhongguo De Haiyang?*) *China Newsweek* (*Zhongguo Xinwen Zhoukan*), 26 November 2012.

¹¹⁰ Shi Xiaohan, “The Creation of the China Coast Guard Bureau ‘Is Not Just a Matter of Wearing the Same Uniform’” (*Zhongguo Haijingju ‘Bu Zhishi Tongyi Fuzhuang Wenti’*), *Nanfang Zhoumo* (*Southern Weekend*) 4 April 2013.

¹¹¹ Wu Zhaolin, “MSA Should Proactively Handle the Matter of Unified Maritime Law Enforcement” (*Zhongguo Haishi: Jiji Yingdui Haishang Tongyi Zhifa*), *China Maritime Safety* (*Zhongguo Haishi*), May 2013.

¹¹² Lv Ning, “Performing Rights Protection and Being Devoted to the Territorial Sea” (*Talang Weiquan Zhi Zai Linghai*), *China Ocean News*, 4 April 2014, p. 3; Zhao Jiandong, “The Uncommon Life of a Common Skipper” (*Pingfan Chuanzhang De Bu Pingfan Shenghuo*), *China Ocean News*, 25 April 2014, p. 3.

Despite the general recognition that China needed to rectify what Lyle Goldstein called the “balkanized” state of its MLE agencies, everybody knew it would be a tremendously difficult reform.¹¹³ It would require bringing together soldiers, policemen, and civil servants. It would involve powerful national bureaucracies. A major reform would create losers, and the losers would surely resist.

Cutting the Gordian Knot

In March 2013, China passed legislation to reconstitute SOA and give it custody over a new, “integrated” maritime law enforcement agency: the China Coast Guard. Coming only months after the 18th Party Congress, it is natural to assume that this decision was a direct outcome of a new high-level commitment to the sea. Many Chinese commentators certainly interpreted it as such.¹¹⁴

Perhaps, however, the creation of the China Coast Guard is best seen as a culmination of forces that had been growing for some time and a confluence of secular trends that led right to the 18th Party Congress itself. These trends include expanding reliance on the sea as a medium of international trade, a source of food and energy, and a motor for economic development; worsening relations with other disputants, coupled with perceptions that outside powers were using these disagreements to obstruct China’s rise; and growing recognition that existing policies were not curbing environmental degradation along and near the coast.

The events of 2012 likely served as the ultimate precipitants of the 18th Party Congress decision. 2012 was both a year of triumph and a year of vulnerability. The Scarborough Reef Incident and the Diaoyu/Senkaku tensions highlighted the gains to be won by adroit use of maritime law

¹¹³ Goldstein, *Five Dragons Stirring Up the Sea*, p. 2.

¹¹⁴ Cui Taojing, “Looking Back on 2013: The Dream Sets Sail (Part I)” (*Huishou 2013: Mengxiang Cong Haishang Qihang (Shang)*), *China Ocean News*, 30 December 2013, p 1. “Commentary: The Reform Will Promote the Maritime Power Strategy” (*Shiping: Dabuzhi Gaigei Jiang Youli Tuijin Haiyang Qiangguo Jianshe*), National People’s Congress Website, 12 March 2013, URL: http://www.npc.gov.cn/npc/dbdhhy/12_1/2013-03/12/content_1780160.htm; and Yan Hongmo, “Looking Back on a Few Important Decisions Made By the Party Center to Develop Maritime Affairs” (*Huigu Dang Zhongyang Fazhan Haiyang Shiye Jici Zhongda Jueding*), *China Ocean News*, 8 October 2014, p. 4.

enforcement forces. But they also created the need to protect these new footholds.¹¹⁵ Doing so would require a bigger, more capable force.

Legislating Reform

On March 10, 2013, the National People's Congress (NPC) passed the Program for Reforming and Transferring Functions of Organizations within the State Council. Provision 5 in the "Reform" section, states the following:¹¹⁶

In order to promote unified maritime law enforcement and raise law enforcement effectiveness, [we hereby] integrate the forces and responsibilities of the State Oceanic Administration and its China Marine Surveillance, the Ministry of Public Security's Border Defense Coast Guard, the Ministry of Agriculture's China Fisheries Law Enforcement, and the General Administration of Customs' Maritime Anti-Smuggling Police, and reconstitute the State Oceanic Administration (SOA), to be managed by the Ministry of Land and Resources. SOA's chief responsibility will be to draft a maritime development plan, implement maritime law enforcement for [the purposes of] rights protection, oversee and manage use of the sea, and protect the environment. SOA will perform law enforcement for [the purposes of] rights protection under the name China Coast Guard Bureau. It will accept operational guidance from the Ministry of Public Security.¹¹⁷

¹¹⁵ CMS and Fisheries Administration forces were overtaxed in 2012, with the most important ships spending well over 200 days at sea. Several CMS ships stationed in the South China Sea were at sea over 260 days in 2012. See Liu Xiaocheng, "The First Regular Rights Protection Patrol of the New Year Begins" (*Jinnian Nanhai Dingqi Weiquan Xunhang Zhifa Diyi Hangci Qihang*), *China Ocean News*, 25 January 2013, p. 2.

¹¹⁶ The whole text is available here: http://www.gov.cn/2013lh/content_2354443.htm.

¹¹⁷ Article 5 also establishes a State Oceanic Commission: "In order to strengthen overall maritime planning and comprehensive coordination, [we hereby] establish a high level procedural coordinating body called the State Maritime Commission. It will be responsible for researching a national maritime development strategy and overall coordination of important maritime-related matters. SOA will undertake the specific work of the State Oceanic Commission."

This brief statement did not reveal much. But it, along with an official question-and-answer session on March 11, did allow for some insights.¹¹⁸ The China Coast Guard Bureau (*zhongguo haijing ju*) was to be created as part of an effort to completely reform SOA. The document used the word “integrate” (*zhenghe*) rather than “unify” (*tongyi*). This was not to be an organizational unification of the different government agencies. It was to be something less: the integration of just those “forces” (or “ranks,” *duiwu*) that performed maritime law enforcement functions.¹¹⁹ At the March 11 press conference, this point was clarified to mean “force integration” (*duiwu zhenghe*), distinct from “organizational integration” (*jigou zhenghe*) and “functional integration” (*zhineng zhenghe*), suggesting that all the organizations involved would not simply be brought together to form a completely new, completely separate organization. In addition, the reform notably did not include the maritime law enforcement forces under the Ministry of Transport.

SOA was, of course, a big winner in this reform. It would take custody of the forces of three other dragons. However, on March 18, the government named Meng Hongwei, vice minister of the Ministry of Public Security, as director of the China Coast Guard Bureau.¹²⁰ Moreover, Meng had a higher rank than SOA Director Liu Cigui, who would serve as the Party secretary of the China Coast Guard Bureau. Clearly, with Meng Hongwei in such a key position and given its “guidance” function, the Ministry of Public Security would have a major say in future developments.

The “Three Decisions Plan”

In July 2013, the State Council released a redacted version of the plan outlining the structure, functions, and size of the reconstituted SOA.¹²¹ This document, commonly referred to as the “Three Decisions Plan” (*sanding fangan*), made clear that the China Coast Guard and the State Oceanic Administration were to be tightly intertwined.

¹¹⁸ The Q&A session was run by Wang Feng, vice minister of the State Commission Office for Public Sector Reform. See http://news.xinhuanet.com/2013lh/2013-03/11/c_124442355.htm.

¹¹⁹ One expert interpreted it to mean that the new China Coast Guard would coordinate the different agencies, which would remain intact. See Xing Dan, “The China Coast Guard Bureau Draws its Sword” (*Zhongguo Haijingju Liangjian*), *China Ship Survey (Zhongguo Chuanjian)*, April 2013.

¹²⁰ Huang Ran, “CCP Center Appoints the Leadership of the Reconstituted SOA” (*Zhonggong Zhongyang Renming Chongxin Zujian De Guojia Haiyang Ju Lingdao Banzi*), *China Ocean News*, 19 March 2013, p. 1.

¹²¹ Available here: http://www.gov.cn/zw/gk/2013-07/09/content_2443023.htm.

The China Coast Guard would be one of 11 departments (*si*) within SOA. It would comprise a Coast Guard headquarters (*silingbu*) and a Coast Guard command center (*zhihui zhongxin*). Other SOA departments, such as the personnel department and the equipment/armaments department, would handle these matters for the China Coast Guard. SOA, working through the China Coast Guard department, would oversee “unified planning, unified construction, and unified command over the China Coast Guard forces; regularize law enforcement behavior, streamline law enforcement processes, raise the capacity to perform maritime rights protection law enforcement, and safeguard the maritime order and maritime rights and interests.” The China Coast Guard would perform maritime rights protection missions on behalf of SOA.

The Three Decisions Plan provides some detail about the specific functions of the China Coast Guard department. It would have responsibility for coordinating the full range of law enforcement activities, which had previously been the work of the different agencies. In particular, it would be charged with setting up and overseeing the national rights protection system, including determining deployment patterns and training schedules.

The China Coast Guard would maintain close relationships with the other departments that have responsibilities in the maritime domain. The Ministry of Agriculture, for instance, would formulate fisheries policy, while the China Coast Guard would perform the actual fisheries law enforcement. Interestingly, the section on the relationship between the China Coast Guard and the Ministry of Public Security was heavily redacted (leaving just two sentences). It says only that when the China Coast Guard performed maritime rights protection law enforcement, it would be under the operational guidance of the Ministry of Public Security.

The structure of the China Coast Guard would be very similar to that of CMS. It would comprise three regional branches (*fenju*)—north, east, and south—which would be responsible for maritime law enforcement in their respective areas. Regional branches would oversee contingents (*zongdui*) located in each province or directly administered city within its jurisdiction (11 total). Beneath these would be detachments (*zhidui*). Together, these branches, contingents and detachments would constitute the national-level China Coast Guard system in a vertical management system.

Of note, the new China Coast Guard would not take full control over the provincial-level maritime law enforcement organizations. They would continue to exist; however, SOA would “guide and coordinate” the maritime law enforcement activities of local agencies.

The Three Decisions Plan left many questions unanswered. For example, what legal status would China Coast Guard forces have? Would the force be a military, police, or civil service? What would be the precise relationships between different command and operational units? The Three Decisions Plan was not a blueprint for how to achieve the integration. It simply outlined the desired end state.

Current Status of the Reform

The new China Coast Guard Bureau was officially established on July 22, 2013. With great alacrity, many Chinese maritime law enforcement units repainted their ships with new China Coast Guard colors and pennant numbers. New life jackets were issued.¹²² Looking beyond these superficial indicators of change, how might we assess its progress towards the ideals of its inception? There are many variables that might be examined in order to evaluate advances in the reform. This section will focus on the three questions that have the most direct bearing on rights protection capabilities.

1. How far has SOA progressed towards the force structure outlined in the Three Decisions Plan?

SOA achieved very little progress during the half year following the creation of the China Coast Guard. In his report at the January 2014 National Maritime Work Meeting, then SOA director Liu Cigui could only claim that SOA had inventoried all of the personnel and assets of the four dragons that would fall under its control in preparation to transfer them to SOA.¹²³ As late as

¹²² The new agency instituted a new numbering system. Former and new ships received four-digit pennant numbers. Ships based in the northern part of the country had pennants beginning with “1,” those in the east had pennants beginning with “2,” and those in the south had pennants beginning with “3.” The second digit indicated displacement. For example, a 2,000-metric-ton ship had a “2” as its second digit. The last two digits usually were retained from previous pennant numbers or were randomly assigned in the case of new ships. Thus, for example, the abovementioned YZ 310 became CCG 3210. Ships operated by the “old Coast Guard” (i.e., the Border Defense Coast Guard) retained their original five-digit pennant numbers, with the addition of the new CCG colors. The first two digits indicated the province in which they were based.

¹²³ “Continuously Make New Achievements to Promote Construction of China into a Maritime Power” (*Tuidong Haiyang Qiangguo Jianshe Bu Duan Qude Xin Chengjiu*), *China Ocean News*, 17 January 2014, p. 3.

February 2014, news reports suggested that SOA had not yet begun to erect the new organizational structure.¹²⁴

However, over the course of 2014 the agency did take a number of noteworthy steps towards the goals outlined in the Three Decisions Plan. In the first half of the year, the Beijing-based China Coast Guard department came together. Senior positions were filled, and new leaders began working to achieve the objectives of the reform. Table 3 shows current China Coast Guard Bureau leadership.

Table 3. China Coast Guard Bureau Senior Leadership

Position	Name	Biographical Notes
Director	Meng Hongwei (孟宏伟)	Vice minister (concurrent), Ministry of Public Security, administrative rank = minister level
Political commissar	Liu Cigui (刘赐贵)	Head of SOA, administrative rank = vice minister level. Promoted to governor of Hainan province in January 2015.
Deputy director	Yang Juan (杨隽) ¹²⁵	Major general, PAP, former dean of the PAP Academy
Deputy director	Sun Shuxian (孙书贤) ¹²⁶	Former deputy commander of CMS
Director, Political Department	Fang Jianmeng (房建孟) ¹²⁷	Also head of SOA Personnel Department; longtime SOA employee
Director, Logistics Department	Wang Qiuyu(王秋彧) ¹²⁸	Major general, PAP, Firefighting Force (<i>xiaofang budui</i>)
Director, Command Department	Wang Hongguang (王洪光) ¹²⁹	Major general, PAP, Border Defense Force

¹²⁴ Guo Silu, “China Coast Guard Bureau: Not as Easy as Just Changing a Name” (*Haijingju: Bushi Huan Ge Mingzi Name Jiandan*), *Southern Weekend (Nanfang Zhoumo)*, 21 February 2014. URL: <http://www.infzm.com/content/98231>. See also Yu Jie & Zhao Wei, “Design and Hopes for the China Coast Guard Bureau in the Context of Building China into a Maritime Power” (*Haiyang Qiangguo Beijing Xia Zhongguo Haijingju Zhi Sheji Yu Zhanwang*), *World Shipping (Shijie Haiyun)*, January 2013.

¹²⁵ See “Fujian Coast Guard 2nd Zhidui Party Committee Promotes Unit Development and Construction” (*Fujian Haijing Er Zhidui Dangwei Tuijin Budui Fazhan Jianshe Jishi*), 10 December 2014, URL: <http://news.hxfzcx.com/view/2014-12-10/show63806.html>.

¹²⁶ Many leaders are identified in the following document: “SOA Notice on Nominating People for National Advanced Collectives and Individuals and Model Workers within the Maritime System, Attachment #1,” SOA Website, 4 November 2014. See http://www.soa.gov.cn/zwgk/gsgg/201411/t20141104_33997.html.

¹²⁷ See SOA Notice.

¹²⁸ See China State Shipbuilding Corporation Website, “CSSC Opens 2015 Work Meeting” (*Zhongchuan Jituan Zhaokai 2015 Niandu Gongzuo Huiyi*), URL: http://www.cssc.net.cn/component_news/news_detail.php?id=18763.

¹²⁹ See SOA Notice.

Senior leadership selections reveal that the new China Coast Guard is dominated by former Border Defense Coast Guard and CMS personnel. Meng Hongwei, of course, is in charge and is the most senior person in SOA.¹³⁰ Moreover, former PAP officers dominate the operational side of the bureaucracy. This arrangement suggests a compromise, power-sharing arrangement.

Lower-level departments (*chu*) within the China Coast Guard were also set up. These include the following: General Office, Legal Office, Deployment and Command Office, Rights Protection Patrol Office, Security Department, Criminal Investigation Office, Anti-Smuggling Office, Fisheries Law Enforcement Office, Fisheries Investigation Office, Resources and Environment Office, Maritime Zone Law Enforcement Office, Island Law Enforcement Office, Training and Inspection Office, Intelligence Office, Communications Office, and Administrative Office.¹³¹

About midway through 2014, the China Coast Guard established embryonic regional branches, called “preparatory groups” (*choubei zu*).¹³² These organizations work under the direction and guidance of China Coast Guard leaders based in Beijing and senior personnel at SOA regional branches, which are located in the same cities, often in the same buildings.¹³³

Sometime in the early fall of 2014, probably September, preparatory groups for *zongdui* based in the 11 coastal provinces/directly administered cities were also stood up.¹³⁴ Former Border Defense Coast Guard forces form their core. But China Coast Guard recruitment materials

¹³⁰ Of note, Meng Hongwei does not appear in public nearly as frequently as Liu Cigui. Meng did attend the 2013 North Pacific Coast Guard Agencies Forum. See Xu Heyun, “The China Coast Guard Bureau Attends the North Pacific Coast Guard Agencies Forum for the First Time” (*Zhongguo Haijingju Shouci Canjia Beitai Diqu Hai’an Jingbei Zhifa Jigou Luntan Huiyi*), *China Ocean News*, 13 September 2013, p. 1.

¹³¹ These departments are listed on the SOA website. URL: <http://www.soa.gov.cn/zwgk/bjgk/jgbm/hjs/>

¹³² CCG South China Sea Preparatory Group, for example, was set up on 25 June 2014. See Zhang Weijian & Lin Xiqiao, “South China Sea Region Launches Large Scale Series of Special Law Enforcement Operations” (*Nanhaiqu Kaizhan Da Guimo Xilie Zhuanxiang Zhifa Xingdong*), *China Ocean News*, 31 October 2014, p. 2.

¹³³ The Preparatory Group of the South China Sea regional contingent has moved into the old Fisheries Law Enforcement building in Guangzhou. Liu Bin, “One Year Retrospective after the Creation of the China Coast Guard Bureau: Forces No Longer Operate on their Own.”

¹³⁴ See, for example, this article from Xinhua that talks about the preparatory groups of Guangxi, Hainan, and Guangdong: Wang Pan, “China Begins South China Sea Region Maritime Special Law Enforcement Operation” (*Zhongguo Qidong Nanhaiqu Haiyang Zhuanxiang Zhifa Xingdong*), Xinhua, 3 October 2014. URL: http://news.xinhuanet.com/politics/2014-10/03/c_1112709090.htm.

released in November 2014 suggest that these *zongdui* also include units from other agencies, including former Maritime Anti-Smuggling Police and Fisheries Law Enforcement units.¹³⁵

In sum, 2014 saw noteworthy progress towards the nominal creation of the organization outlined in the Three Decisions Plan. Senior leadership positions have been filled and national-level departments have been created. However, the fact that the national-level branches and contingents are still identified as “preparatory groups” suggests that they are not fully functional.

2. How much personnel integration has taken place within units and departments?

The China Coast Guard department in Beijing appears to be at least partially integrated. As shown above, senior positions are dominated by former CMS and PAP personnel. Presumably, however, personnel from other agencies head the various functional departments (*chu*). For instance, former Fisheries Law Enforcement officers likely are in charge of both the Fisheries Law Enforcement Office and the Fisheries Investigation Office. Likewise, former Maritime Anti-Smuggling Police officers almost certainly lead the Anti-Smuggling Office. The regional preparatory groups, mentioned above, also appear to have been at least partially integrated.¹³⁶

Front line units—i.e., CMS *zhidui*, Fisheries Law Enforcement *zongdui*, Border Defense Coast Guard *zhidui*, and Maritime Anti-Smuggling Police *chu*—remain intact, with little personnel integration. They continue to operate from their old bases and facilities, which continue to be identified by their old names in the Chinese press.¹³⁷ For example, *Renmin Wang*, the online affiliate of *People’s Daily*, reported that the new 3,000-metric-ton cutter CCG 1306 was delivered to the CMS 1st *zhidui* in October 2014.¹³⁸

Personnel from different services working together in the same department or on the same ship, all nominally part of the new China Coast Guard, continue to wear their old uniforms, clearly

¹³⁵ These recruitment efforts are part of a larger national effort, discussed below. See the Guangdong recruitment flyer, available here: <http://gd.offcn.com/html/2014/11/38449.html>. The Zhejiang recruitment flyer is available here: <http://www.gaoxiaojob.com/zhaopin/wenzhirenyuanzhaopin/20141111/134640.html>.

¹³⁶ See Liu Bin, “One Year Retrospective after the Creation of the China Coast Guard Bureau: Forces No Longer Operate on their Own.”

¹³⁷ Ibid.

¹³⁸ “The China Coast Guard’s Most Modern Ship Enters Service, It Can Turn in Place and Move Sideways” (*Zhongguo Zui Xianjin Haijingchuan Rulie, Ke Yuandi Diaotou Ke Hengzhe Zou*), *Renmin Wang*, 17 October 2014, URL: <http://politics.people.com.cn/n/2014/1017/c70731-25851610.html>.

indicating that no unified personnel system is in place.¹³⁹ However, a recruitment campaign launched in November 2014 indicates that the service has settled on a military-type organizational and personnel structure based on the PAP model. That is, personnel will receive military-type training, be subject to military rules and discipline, and have military ranks—just like the old Border Defense Coast Guard.¹⁴⁰ A class of new officers recruited from the 2015 college graduating class will begin their training in the summer of 2015.¹⁴¹

In sum, personnel from the four dragons are rubbing shoulders with each other, especially in mid- and upper-level staff departments. But front-line forces remain largely homogenous units. With its recruitment campaign, the China Coast Guard Bureau has taken the first steps towards creating a unified force with a single identity. But this is the easiest part of the process. China Coast Guard leaders will have to figure out how to take former CMS, Fisheries Law Enforcement, Border Defense Coast Guard, and Maritime Anti-Smuggling personnel and combine them into what will likely be a military-like organization.

3. How has coordination between operational units improved since July 2013?

Prior to the reform, each agency had its own command structure and its own command/control system. This meant that coordination was poor and services worked at cross purposes. There is strong evidence that when it comes to maritime rights protection, the reform, while far from complete, has ameliorated the worst of these tendencies.

In the months immediately after the creation of the China Coast Guard, former CMS and Fisheries Law Enforcement ships began sailing together on some high-profile missions, most notably to the Senkaku Islands.¹⁴² This collaboration is now commonplace. For instance, in October 2014, a three-ship China Coast Guard flotilla patrolled the territorial waters of the

¹³⁹ See Liu Bin, “One Year Retrospective after the Creation of the China Coast Guard Bureau: Forces No Longer Operate on their Own.”

¹⁴⁰ The PRC considers the PAP to be part of its “armed forces” (*wuzhuang liliang*)—along with the PLA and the militia. Thus, this study will refer to the PAP as a military organization. See URL: “The Diversified Employment of China’s Armed Forces,” State Council, 16 April 2013, URL: http://news.xinhuanet.com/english/china/2013-04/16/c_132312681.htm.

¹⁴¹ Ryan Martinson, “The Militarization of China’s Coast Guard,” *The Diplomat*, 21 November 2014, URL: <http://thediplomat.com/2014/11/the-militarization-of-chinas-coast-guard/>.

¹⁴² Yu Zhirong, “We Need to Attach Lots of Importance to Regular Law Enforcement Patrols to Diaoyu Island” (*Diaoyudao Changtai Xunhang Zhifa Xu Gaodu Zhongshi*), *Military Digest (Junshi Wenzhai)*, March 2014.

Senkaku Islands. Ships included two former CMS vessels—CCG 2337 (formerly CMS 137) and CCG 2151 (formerly CMS 51)—and a former Fisheries Law Enforcement cutter (YZ 202, now CCG 2102). Moreover, very soon after the creation of the China Coast Guard, CMS and Fisheries Law Enforcement cutters began conducting joint exercises, with CMS officers in command.¹⁴³

The China Coast Guard Command Center was probably set up sometime in early 2014. In March, the command center coordinated Coast Guard efforts to locate the lost Malaysian Airlines flight 370.¹⁴⁴ Chinese media covering the story interviewed a PAP senior captain, Zhang Chunru, who was the command center duty officer (*zhibanzhang*).¹⁴⁵

In mid 2014, the China Coast Guard took a major step towards integrating the dragons, with very important consequences for unified command. In July, it nullified fuel supply contracts between individual services and the PLA Navy, replacing them with a single China Coast Guard/PLAN agreement.¹⁴⁶ This gave the China Coast Guard headquarters leverage to cow obstreperous tendencies in subordinate commands.

Authoritative sources reveal that the preparatory groups of regional China Coast Guard branches determine the routine deployments for all of the rights protection vessels within their respective regions. These vessels include both national- and provincial-level CMS and Fisheries Law Enforcement ships.¹⁴⁷ Assignments almost certainly have to be approved by senior officers at

¹⁴³ Gao Yue, “China Coast Guard ‘Flashes its Sword’ in the East China Sea” (Zhongguo Haijing ‘Liang Jian’ Donghai), *China Ocean News*, 23 August 2013, p. 4.

¹⁴⁴ Cui Jingtao, “China Coast Guard Ship Begins Search and Rescue Work in Area Where Malaysian Passenger Jet Lost” (*Zhongguo Haijingchuan Zai Mahang Keji Shilian Haiyu Kaizhan Soujiu Gongzuo*), *China Ocean News*, 10 March 2014, p. 1.

¹⁴⁵ The command center dispatched CCG 3411, a former China Fisheries Law Enforcement ship, to the southern Indian Ocean to search for wreckage. See CCTV13, “China Coast Guard Ship Discovers Two Oil Slicks and Can Inspect as Soon as Within One Day” (*Zhongguo Haijingchuan Faxian Liangtiao Jiaoda Youwudai Zuikuai Yi Tian Neng Jianchu*), URL: http://news.ifeng.com/world/special/malaixiyakejishilian/content-4/detail_2014_03/10/34620064_0.shtml.

¹⁴⁶ Fang Baoyu, “Navy Provides Fueling Support for China Coast Guard Maritime Law Enforcement Ships” (*Haijun Wei Haijing Haishang Zhifa Chuanzhi Tigong Youliao Baozhang*), *People’s Navy (Renmin Haijun)*, 21 June 2014, p. 1.

¹⁴⁷ The China Coast Guard Bureau appears to have command over large-displacement provincial-level cutters. See Li Peng & Huang Xuemei, “Working Hard in Training Will Help Rights Protection Performance” (*Xunlian Congyan Congnan Weiquan Buru Shiming*), *China Ocean News*, 20 June 2014, p. 2. See also Li Peng, “Red Heart Protects the Deep Blue” (*Danxin Hu Shenlan*), *China Ocean News*, 24 October 2014, p. 4.

the China Coast Guard headquarters, probably in consultation with personnel in the Rights Protection Patrol Office in Beijing. This ensures that the headquarters at the very least has the pulse of rights protection operations and is able to deconflict missions.¹⁴⁸

According to a very important *Southern Weekend* article published in October 2014, deployment tasking now comes directly to each individual cutter from the China Coast Guard Bureau, circumventing unit commanders. Orders must be acted on immediately. This, a former Fisheries Law Enforcement officer explained, was a huge improvement over the past.¹⁴⁹

The command center plays an important role in coordinating deployments *between* regions. This, of course, was necessary from May to July 2014, when vessels from all over China were enlisted to take place in the massive effort to defend HYSY 981. A June 2014 *China Ocean News* article sheds light on the functionality of the command center at that time.¹⁵⁰ On June 5, a shore-based Fisheries Law Enforcement unit received a distress call from a Chinese fishing vessel operating in the western section of the South China Sea. It transmitted that information to the command center, which then directly contacted a ship doing unexplained “convoy” (*huhang*) duty in that vicinity (perhaps as part of the defense of HYSY 981), ordering it to the scene to aid the fishermen.

It is clear, then, that the command center has the power and ability to dictate deployments to individual ships in front-line national-level units and has direct communications with a large

¹⁴⁸ This arrangement is confirmed by reports of the role of the preparatory groups in organizing and coordinating internally oriented missions in the inner seas. For example, in late September 2013 the South China Sea preparatory group organized three major inner seas operations. The first operation was directed against illegal dumping in the waters around the mouth of the Pearl River in Guangdong province. It involved the 7th and 8th *zhidui* of CMS, the 1st *zhidui* of the Border Defense Coast Guard in Guangdong, and Maritime Anti-Smuggling Police units located in Shenzhen and Gongbei. The second operation took place off of Hainan province, the target illegal sea mining. This operation involved the 10th *zhidui* of CMS, and the 1st *zhidui* of the Border Defense Coast Guard of Guangdong. The third operation, taking place off the coast of Guangxi, involved units from the 9th *zhidui* of CMS and the 1st *zhidui* of the Border Defense Coast Guard of Guangxi in joint efforts to patrol and inspect islands. The purpose of all these operations was to “improve unified law enforcement.” See Wang Pan, “China Begins South China Sea Region Maritime Special Law Enforcement Operation.”

¹⁴⁹ The FLE officer, Zhao Jiangtao, explains, “The efficiency of our law enforcement is much better than before. Now when tasks are handed down we have to put to sea within 24 hours. And now the China Coast Guard Department directly communicates tasking to each individual ship. The types of tasking, the time requirements...they’re all very specific.” See Liu Bin, “One Year Retrospective after the Creation of the China Coast Guard Bureau: Forces No Longer Operate on their Own.”

¹⁵⁰ Wu Ling, “China Coast Guard Quickly Save 14 Fishermen in Trouble” (*Zhongguo Haijing Jishi Jiuzhu 14 Ming Yuxian Yumin*), *China Ocean News*, 9 June 2014, p. 1.

number of oceangoing cutters. At the very least, it has direct communications with former CMS ships and new ships delivered since the creation of the China Coast Guard. Given pre-existing command-control systems in the other services, it will take some time before the command center is able to directly communicate with individual former Fisheries Law Enforcement and Border Defense Coast Guard ships.

It is equally evident that the command center has a certain amount of power to assign—or, at least, request—deployments for provincial-level rights protection cutters. Even before the integration, the respective command centers of Fisheries Law Enforcement and CMS had these prerogatives: provincial-level CMS and Fisheries Law Enforcement ships have participated in Senkaku patrols for several years. The advantage now is that deployment tasking stems from a single place—i.e., the command center in Beijing. Some provincial-level CMS cutters are integrated into the national-level command-and-control architecture. For instance, CMS 8002, a Fujian ship, has a direct connection with the CCG Command Center.¹⁵¹

Provincial-level forces were asked to participate in the defense of HYSY 981. For example, at the end of June, the 500-metric-ton YZ 32501, a Jiangsu ship, completed an 80-day deployment to protect the oil rig. Returned crewmembers were visited by the deputy director of the East China Sea Preparatory Group, who personally thanked them for their work.¹⁵² YZ 35001, a 500-metric-ton Fisheries Law Enforcement vessel from Fujian province performed similar service. On July 17, 2014, Li Furong, then director of the East China Sea Preparatory Group, met the ship at the pier, thanking the crew for their sacrifices and applauding their commanders for their willingness to “comply with arrangements” (*fucong anpai*).¹⁵³ This choice of words suggests that control over provincial forces, at least of the Fisheries Law Enforcement forces, is not absolute.

¹⁵¹ Zhao Ning, “Demystifying ‘CMS 8002’” (*Jiemi ‘Haijian 8002’ Chuan*), *China Ocean News*, 15 March 2013, p. 3.

¹⁵² He also introduced a new term in Chinese maritime rights protection: *weiquan huyou* (literally, “rights protection for the purposes of safeguarding oil extraction operations”). See “Zhang Nan, Deputy Director of China Coast Guard East China Sea Preparatory Group Song Zhijun Greets YZ 32501” (*Zhongguo Haijing Donghai Fenju Choubuizhu Fuzuzhang Song Zhijun Weiwen Zhongguo Yuzheng 32501 Chuan*), Jiangsu Ocean and Fisheries Bureau Website, 23 July 2014, URL: <http://www.jsfm.gov.cn/Show.aspx?id=4081>.

¹⁵³ Fujian Ocean and Fisheries Bureau Website, “China Coast Guard East China Sea Preparatory Group Director Li Furong Greets YZ 35001” (*Zhongguo Haijing Donghai Fenju Choubuizhu Zuzhang Li Furong Weiwen Zhongguo Yuzheng 35001 Chuan*), 22 July 2014, URL: <http://fj.people.com.cn/ocean/n/2014/0722/c354245-21737134.html>.

Chinese leaders now have their fingers on the pulse of all rights protection operations in Chinese-claimed waters. This is a significant improvement from the past, with important strategic implications. However, given the lack of a unified rank structure and the lack of joint training between units with different backgrounds, tactical-level coordination is likely quite poor. When rights protection operations involve individual ships or small flotillas on symbolic patrols, this matters little. But when front-line units come together to perform major operations, such as protecting HYSY 981, evidence suggests that they do so ineffectually, as would be expected for a service in this state of reform.¹⁵⁴

Material Expansion of the China Coast Guard

The material capabilities of the China Coast Guard constitute the other set of factors affecting its performance as a rights protection force. These range from shore-based support infrastructure, to space-based communications and surveillance assets. This section will focus on oceangoing patrol vessels, the strongest indicator of growth in the material capabilities of the service.

Oceangoing Cutters

Since its creation, the China Coast Guard has commissioned dozens of new oceangoing rights protection (*weiquan*) cutters, i.e., ships displacing at least 500 metric tons that regularly perform rights protection operations. However, these ships are almost entirely the fruits of procurement programs initiated during the five dragon era. They include both provincial-level and national-level cutters. All of the latter have China Coast Guard pennant numbers and colors, while many of the former are still painted with CMS and Fisheries Law Enforcement colors and pennant numbers, suggesting still unresolved relationship issues between the center and the provinces.

Not only is the CCG adding many new ships, it is also building much larger ships—thereby boosting the average displacement across the fleet. Big ships, of course, have better endurance and are better able to handle rough seas, enabling them to remain on station much longer. They are also more capable of intimidating the state and private vessels of other disputants.

¹⁵⁴ Anecdotal evidence from Linda Jakobson suggests that the effectiveness of the maritime law enforcement forces defending the rig relied heavily on tactical command by PLA Navy units on the scene. Jakobson, *China's Unpredictable Maritime Actors*, p. 19.

By the end of 2014, the China Coast Guard had taken delivery of 13 vessels displacing more than 3,000 metric tons. All of these large cutters have gone to national-level units, mostly CMS *zhidui*. In late 2014, Jiangnan Shipyard launched a 10,000-metric-ton China Coast Guard cutter, the world's largest. It will be delivered to an East China Sea unit sometime in the first half of 2015. During this same time period (July 2013-December 2014), provincial-level maritime law enforcement units—both CMS and Fisheries Law Enforcement—received 21 new ships displacing between 1,000 and 2,000 metric tons. These ships are largely the outcome of the 36-ship CMS construction plan announced in late 2010.¹⁵⁵

How are we to evaluate the scale of this expansion? In a 2007 study, several researchers from the Border Defense Coast Guard conducted mathematical analysis to derive figures for the optimal size of the Chinese MLE fleet, given rights protection and other needs.¹⁵⁶ It is useful to compare their projections, now eight years old, with the current size of the China Coast Guard fleet.

According to the projections, their idealized fleet would have had 19 total ships displacing in the range of 1,500 to 3,500 tons along with 8 ships displacing more than 3,500 tons. In reality, the China Coast Guard has received an even higher number of ships just since mid-2013. At the time of this writing, the China Coast Guard commands at least 79 ships displacing more than 1,000 metric tons, among which at least 24 displace more than 3,000 metric tons. This comparison shows how the current trajectory of CCG fleet growth reflects a different strategic concept than that obtained only a few years ago. It also provides some measure of the tremendous resources available to support the current buildup. Finally, of course, it indicates that China's leadership has elected to field a world-class coast guard, which will be able to “enforce” China's rights in all of its claimed sovereign maritime regions.

Ship armaments are another important factor to consider. Few of the new ships are armed with deck guns—which makes sense, given that they were originally designed to join CMS units.¹⁵⁷

¹⁵⁵ Even though provincial-level ships are not officially a part of the China Coast Guard, they are subject to China Coast Guard command and some of them are painted with China Coast Guard colors and pennant numbers.

¹⁵⁶ This study was a major source for Goldstein's insights in *Five Dragons Stirring up the Sea*. See He Zhonglong, Ren Xingping, Feng Shuili, Luo Xianfen, and Liu Jinghong, *Research on the Building of the China Coast Guard (Zhongguo Hai'an Jingwei Dui Zujian Yanjiu)*, Beijing, Ocean Press, 2007.

¹⁵⁷ In January PRC websites showed images of a new cutter, CCG 3104, with a deck cannon. See “Newly Built China Coast Guard Ship Puts to Sea with Cannons” (*Zhongguo Xinjian Haijingchuan Anzhuang Jianpao Chuhai*), 27 January 2015, URL: <http://military.people.com.cn/n/2015/0127/c1011-26457997.html>.

However, with the creation of the China Coast Guard and the decision to build the service into a military force similar to the Border Defense Coast Guard, it is likely that future designs will incorporate armaments. If this happens, it will reflect a major shift in China's approach to use of the white-hull fleet.

While new ships are generally not armed in the traditional sense, they are equipped with advanced non-lethal weaponry, including water cannons and sirens. For example, CMS 7008, which joined Zhejiang province's CMS contingent in September 2014, has water cannons capable of shooting jets of seawater out to 100 meters and sirens capable of producing deafening noise.¹⁵⁸ These platforms allow the service to intimidate and coerce foreign mariners without leading to bloodshed that could harm China's image.

Other Material Capabilities

Fixed- and rotary-wing aircraft sit at the heart of first-class coast guards. The USCG operates dozens of both. They perform missions such as search and rescue, and contribute to maritime domain awareness. However, the China Coast Guard has received very few new aircraft since it was founded. It still primarily relies on the nine Y-12 aircraft and three helicopters operated by CMS. Guangdong province did take delivery of a single helicopter in 2013, making it the only provincial-level maritime law enforcement agency with an aviation asset.¹⁵⁹ Former CMS units operate some small unmanned aerial vehicles (UAVs), probably with limited utility beyond the inner seas.¹⁶⁰ The China Coast Guard's lack of aviation units stands in stark contrast to its shipbuilding efforts.

China has also taken steps to improve the ability of civilian maritime agencies to track developments at sea by using space-, land-, and sea-based surveillance platforms. A full

¹⁵⁸ The Fujian cutter CMS 8002 is similarly equipped. Its sirens can reach 153 decibels. See Zhao Ning, "Demystifying 'CMS 8002'" See also Ryan Martinson, "Here Comes China's Great White Fleet," *The National Interest*, 1 October 2014, URL: <http://nationalinterest.org/feature/here-comes-china%E2%80%99s-great-white-fleet-11383>.

¹⁵⁹ "Promote Strong Maritime Province Construction and Create New Development Strengths" (*Tuijin Haiyang Qiangsheng Jianshe Zengchuang Fazhan Xin Youshi*), *China Ocean News*, 22 July 2014, p. 106.

¹⁶⁰ Shandong province, for instance, operates three small UAVs, for which it paid 6 million RMB. See URL: Wang Yongwei, "Shandong CMS Equipment Construction Achieves a New Breakthrough" (*Shandong Sheng Haijian Zhuangbei Jianshe Shixian Xin Tupo*), *China Ocean News*, 21 June 2013, p. 2, URL: <http://epaper.oceanol.com/shtml/zghyb/20130621/33408.shtml>.

treatment of this important topic is beyond the scope of this study. However, it is still worthwhile to point out a few recent developments. In 2008, SOA began a major program to improve surveillance on remote islands (*bianyuan dao*) and their adjacent waters. This program involved a range of technologies, including satellites, buoys, and undersea sensors. SOA began trials in the years leading up to the reform, and these platforms are probably already providing data to the sea services.¹⁶¹ Since the creation of the China Coast Guard, SOA has made progress in developing high-frequency surface wave radar. These systems, supported by transmitters placed on buoys, enable detection of surface vessels hundreds of nautical miles from the coast.¹⁶² Both of these advances have taken place within the context of long-standing intelligence-sharing programs between maritime law enforcement forces and the PLA Navy.¹⁶³

Assessment

The China Coast Guard defends and advances China's position in its maritime disputes, performing what Chinese officials call "safeguarding China's maritime rights and interests." It was created, at least in large part, to improve Chinese maritime law enforcement's capacity to serve this function. Given organizational and material developments, how might we assess progress in the ability of the China Coast Guard to perform this mission in the 18 months since its inception?

As outlined above, the rights protection operations of the China Coast Guard range from mere presence in disputed waters (a mission that might be termed "declaratory law enforcement"), to actual efforts to impose Chinese law on foreign mariners (actions that may run the gamut from preventing "illegal" use of the sea, to protecting Chinese economic and other activities in disputed waters). To evaluate progress, we need to track improvements in the country's capacity to have maritime law enforcement ships at sea where and when they are needed and capable of performing these diverse missions.

¹⁶¹ Jiang Huarong, "Many Types of Technology Allow for Monitoring and Control Over Remote Islands" (*Duoxiang Jishu Jicheng Shixian Bianyuan Dao Jiankong*), *China Ocean News*, 23 May 2013, p. 3, URL: <http://epaper.oceanol.com/shtml/zghyb/20130523/32928.shtml>.

¹⁶² Li Xuye and Wang Liyi, "Helping the Development of Domestically Built High Frequency Surface Wave Radar" (*Zhuli Guochan Gaopin Dibo Leida Fazhan*), *China Ocean News*, 7 March 2013, p. 3, URL: <http://epaper.oceanol.com/shtml/zghyb/20130307/31485.shtml>.

¹⁶³ Wu Qiang, "An Analysis of Maritime Rights Protection Law Enforcement Options" (*Haiyang Quanli Weihu Zhifa Duice Fenxi*), *Ocean's Development and Management (Haiyang Kaifa Yu Guanli)*, June 2004.

Success, then, is primarily a function of the capacity to be present and the capacity to intimidate. Presence is an outcome of both material capabilities—above all, numbers of ships and average ship endurance—and organizational acumen, i.e., the ability of an agency to harness the full potential of its available assets and personnel. To have forces present where they are needed, they must be numerous enough and they must be well coordinated. In the 18 months since its creation, the China Coast Guard has taken delivery of dozens of new rights protection cutters. Particularly remarkable is the number of large-displacement ships added to its inventory. Augmentation of both variables has led to significant improvements in the ability of the force to be *where* it is needed *when* it is needed.¹⁶⁴

To be sure, the China Coast Guard lacks the aviation assets and capabilities that characterize world-class coast guards. This means that there are grave limits to its capacity to perform important coast guard missions—search and rescue chief among them. Moreover, having long-range, fixed-wing maritime patrol craft would be useful to the rights protection mission, both for the purposes of maritime domain awareness and to demonstrate Chinese claims to disputed waters. However, aircraft have far less utility than surface ships in actually imposing the Chinese legal order on claimed jurisdictional waters. Additionally, other programs—including space-based and sea-based assets—can contribute to picture building, minimizing the detrimental effects of a small aircraft fleet.

What about organizational factors affecting presence at sea? As described above, the organizational integration of the China Coast Guard is very much a work in progress. Despite noteworthy advances in 2014, the structure outlined in the Three Decisions Plan has not been fully erected. Moreover, the China Coast Guard has not taken significant steps towards melding the old agencies into an integrated force with a single identity. To paraphrase one SOA official, China has made progress towards achieving a “physical integration” but has failed to achieve a

¹⁶⁴ It is important to note that there is not a direct relationship between growth in fleet size and amount of presence at sea. In 2012 especially, the fleet was greatly overtaxed, with the most important rights protection cutters remaining at sea for over 200 days per year. Having more ships enables overtaxed ships to receive neglected maintenance, and allows ships time to conduct training, something that fell by the wayside in 2012 and into 2013. See Lv Ning, “Strengthen Construction to Ensure Safe Operation of CMS Ships” (*Jiaqiang Duiwu Jianshe Quebao Haijian Chuan Anquan Yunxing*), *China Ocean News*, 15 May 2013, p. 3.

“chemical integration.”¹⁶⁵ Given the short time since the establishment of the China Coast Guard and the tremendous challenges inherent in such a reform, these conclusions are natural enough.

However, the China Coast Guard has unquestionably achieved important improvements in one very important respect. The new system has fostered much improved coordination between rights protection forces. The reform was supposed to synergize Chinese maritime law enforcement—to form a fist out of formerly ineffectual fingers. This, we can say, it has done, at least to some extent. Deployments are now far better coordinated than they were in the past. This is largely an outcome of the creation of the China Coast Guard Command Center, working through regional preparatory groups. Whereas in the past, CMS and Fisheries Law Enforcement forces operated through their respective command bureaucracies, now they deploy on the basis of a single chain of command, led by PAP officers at the Beijing headquarters.¹⁶⁶ These improvements have no doubt enhanced presence at sea.

Coercive potential, the other major variable to assess China Coast Guard capabilities, has also improved markedly, with growth in numbers and average displacement of cutters. With more and bigger ships present at sea, foreign private and state actors will be less likely to violate the Chinese legal order—a large, unfriendly white vessel could be nearby. Improvement in non-lethal capabilities on new ships, most notably high-performance water cannons, is another factor contributing to enhanced coercive capacity.

Organizational matters also have direct bearing on the ability of China’s rights protection forces to intimidate foes. The lack of a unified force of coast guardsmen operating on a common set of law no doubt hampers rights protection efficacy. This awkward state was vividly highlighted in a November 2014 incident involving a domestic law enforcement matter. CCG 3113 boarded a Chinese fishing vessel operating in the South China Sea and discovered a hold full of endangered sea turtles. The coast guard personnel had no independent authority to handle the case. All they

¹⁶⁵ Zhao Qian, “Make Maritime Law Enforcement More Exacting and Safeguard Maritime Rights and Interests” (*Yan ge Hai shang Zhifa Weihu Hai yang Quanyi*), *China Ocean News*, 25 December 2014, p. 3.

¹⁶⁶ Coordination of China Coast Guard units for inner seas (i.e., internally oriented) missions has not achieved anything close to the same kind of success. The operations organized by the regional preparatory groups in fall 2014 were intended to develop a system to coordinate operations of different Coast Guard units, meaning, of course, that no such system exists. This system needs to integrate both the national-level units of the four dragons and the provincial, municipal, and county units of CMS and Fisheries Law Enforcement—a very formidable task.

could do was bring the skipper back to Woody Island and have him processed by Border Defense Force personnel.¹⁶⁷ The slow progress of organizational reform means that forces operating in disputed waters are not all on the same page. It means that when forces from different units operate together, as they do in the waters near HYSY 981, they do so much less effectively than they might. It means that law enforcement outcomes are inconsistent. It means that civil servants—not military personnel—are still handling the vast majority of encounters with foreign mariners. All of these factors diminish the coercive capacity of the China Coast Guard.

Although beyond the scope of this paper, we also need to at least mention the indirect role played by the PLA Navy in China Coast Guard rights protection missions. China’s white-hulled forces operate under the implicit and explicit protection of the Chinese navy, which performs what Edward Luttwak calls “active and latent naval suasion.”¹⁶⁸ Implicit in its mere existence, the PLA Navy deters foreign decision-makers from taking forceful steps to counter the China Coast Guard’s rights protection operations. The Chinese navy also takes more directed steps—deploying surface combatants in the vicinity of coast guard cutters, and conducting joint PLA Navy-China Coast Guard exercises—to explicitly signal resolve to perform its “backstop” (*houdun*) function for the rights protection fleet.¹⁶⁹

Since 2013, the PLA Navy has seen significant improvements in its capabilities, especially with the addition of the Type 056 corvette, a light-yet-lethal ship perfectly suited for near-seas operations. Because of this relationship, each incremental improvement in the combat capabilities of the Chinese navy yields a proportional increase in the coercive potential of each individual coast guard cutter, regardless of its size and capability.

¹⁶⁷ Xin Dongwei, “Hainan Coast Guard Breaks a Case Involving Purchasing and Transportation of Endangered Animals Seizing 24 Sea Turtles” (*Hainan Haijing Pohuo Haishang Feifa Shougou Yushu Zhengui Binwei Yesheng Dongwu’an Chahuo 24 Zhi Haigui*), *Legal Daily*, 7 November 2014. URL: http://www.legaldaily.com.cn/index/content/2014-11/07/content_5837013.htm?node=20908.

¹⁶⁸ Edward N. Luttwak, *The Political Uses of Sea Power*, The Johns Hopkins University Press, Baltimore, 1974.

¹⁶⁹ One very public exercise to signal Chinese resolve took place in October 2012, at the height of Sino-Japanese tensions over the Senkaku/Diaoyu Islands. The exercise, called “East China Sea Coordination-2012” (*donghai xiezu 2012*), involved Fisheries Law Enforcement, CMS, and PLA Navy forces. The scenario involved a Chinese MLE ship being assaulted by a foreign vessel while conducting a rights protection patrol. Chinese media coverage of this event was very heavy. A CCTV 12 report is available here: https://www.youtube.com/watch?v=3g_DSG1sSCE. The PLA Navy also conducts what it calls “readiness patrols” (*zhanbei xunhang*) through disputed waters to signal resolve to protect Chinese rights protection cutters. This is another example of active naval suasion. See Li Tang, “Regular Naval Patrol Cover the Maritime Frontier” (*Haijun Changtaihua Xunluo Fugai Wanli Haijiang*), *People’s Navy (Renmin Haijun)*, 23 June 2014, p. 1.

Future Prospects

The last 18 months have witnessed impressive progress in the capacity of the China Coast Guard to maintain coercive presence in disputed waters in the East China Sea and the South China Sea. But there remains much more to be done to synergize the forces under its control. What are the chances that the China Coast Guard will develop into the effective rights protection force that Chinese policymakers hope it will become?

SOA has a lot of work to do to complete the organizational integration outlined in the Three Decisions Plan of 2013. Indeed, the hardest part is yet to come: the next steps will be to re-orient existing facilities and close old ones; institute a unified personnel system; and train Chinese coast guardsmen to agency-wide standards, policies, and practices. Some of these things probably cannot take place until China totally revises and revamps its patchwork of maritime law.¹⁷⁰ Moreover, SOA personnel have publicly lamented the obstructionism of other ministries involved in the reform.¹⁷¹

But there is reason to believe that the reform will succeed, notwithstanding the complexity and difficulty of the project. It is now bound up with the maritime power goal, which is itself entwined with China's dream of national rejuvenation, both of which Xi Jinping has fully invested in. Chinese commentators are correct when they state that China cannot be considered a maritime power until it operates a truly advanced maritime law enforcement force. Thus, much hinges on its success.

The current paroxysm of shipbuilding shows no signs of subsiding. Chinese commentators, some at high levels of authority, continue to claim that China's maritime law enforcement fleet is inadequate to the task at hand, despite the fact that the China Coast Guard alone—i.e., excluding the ships of the two agencies within the Ministry of Transportation—already boasts the world's

¹⁷⁰ On China's challenges with domestic maritime law, see Yu Zhirong, "The Time is Now to Accelerate Construction of Maritime Rights Protection Rule of Law" (*Jiakuai Haiyang Weiquan Fazhi Jianshe Ke Bu Ronghuan*, *China Ocean News*, 28 July 2014, p. 3. Also, Luo Manli and Li Fang, "A Word on the Need to Pass Legislation for a Maritime Basic Law" (*Wei Haiyang Jibenfa Lifa Jin Yi Yan*), *China Ocean News*, 4 September 2014, p. 3.

¹⁷¹ See, for instance, Wang Quanming, "Work Hard to Implement Comprehensive Management of the Sea" (*Nuli Shishi Hao Haiyang Zonghe Guanli*), *China Ocean News*, 18 August 2014, p. 3.

largest fleet.¹⁷² U.S. Department of Defense analysts predict that Chinese maritime law enforcement hulls will continue to see tremendous expansion over the coming years.¹⁷³ Some of these ships will replace elderly vessels from a different era, but the average age of the white fleet is already very young. Other disputants—and states with an interest in maintaining the balance of power in maritime East Asia—will need to reckon with this future.

Notwithstanding these advances, it is also important to highlight the tremendous scale of the challenges that China will face in order to achieve “administrative control” over disputed waters. Control of the sea, whether in wartime or peacetime, has always been a function of time, extent, and degree. The sea is vast. It cannot be garrisoned. Even a very large ship must return home to be replenished and have its crew rested or rotated.¹⁷⁴ Moreover, by opting not to use force, Chinese policymakers have greatly limited the deterrence potential of their ships. Lastly, it is far easier to disrupt the activities of other states than it is to protect Chinese efforts to use the sea.¹⁷⁵ It took dozens of cutters to ensure the safety of HYSY 981 against assault by a handful of Vietnamese ships—and this confrontation occurred in waters near land features that the PRC already controls. Other disputants need to recognize the limits of China’s current model of maritime expansion, and tailor their policies to exploit them.

¹⁷² As late as March 2014, RADM Zhang Zhaoyin, deputy commander of the PLA Navy South Sea Fleet, lamented the lack of adequate numbers of rights protection ships. See Zhang Zhaoyin, “Truly and Effectively Safeguard Our Maritime Rights and Interests in the South China Sea (*Qieshi Youxiao Weihu Nanhai Haiyang Quanyi*), *People’s Navy*, 19 March 2014, p. 3. The Japanese Coast Guard operates 54 cutters displacing more than 1,000 tons. See *The Japan Coast Guard Pamphlet*, available here: <http://www.kaiho.mlit.go.jp/e/pamphlet.pdf>. The USCG currently operates 38 cutters displacing more than 1,000 tons. See USCG website: <http://www.uscg.mil/datasheet/>.

¹⁷³ U.S. Department of Defense, Annual Report to Congress (2014), p. 38, URL: http://www.defense.gov/pubs/2014_DoD_China_Report.pdf.

¹⁷⁴ Island reclamation projects in the Spratly chain, should they yield greatly improved facilities, will make this challenge somewhat less daunting.

¹⁷⁵ This insightful observation was made by a CMS officer in the 31 December 2013 CCTV episode of *Travelling Around China*.