

## CHAPTER 4

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### China's Maritime Strategy and Maritime Law Enforcement Agencies: Quest for a Maritime Power

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The maritime domain has been increasingly important for China's national strategy. At the end of July 2013, Chinese Communist Party (CCP)'s Politburo held a study session on how to turn China into a major maritime power. CCP General Secretary Xi Jinping pointed out that as a land power, and also a maritime power, China possesses extensive strategic interests in the oceans.<sup>1</sup> Maritime issues are, first and foremost, sovereignty issues. The People's Republic of China (PRC) has territorial disputes with several Southeast Asian countries in the South China Sea. In the East China Sea, Beijing claims territorial sovereignty over the Senkaku Islands, insisting that a territorial dispute exists between China and Japan.

Second, maritime issues for China are closely related to the country's sustainable economic development. As its economic development progresses, the Chinese economy has become increasingly dependent on maritime transport. With 90% of China's exports and imports of cargo and oil imports said to be transversing through key sea lanes of communication (SLOCs),<sup>2</sup> ensuring the safety of sea lanes is of decisive importance for sustainable economic growth in China. Furthermore, China, which has become further reliant on other countries for vital resources, including oil and natural gas, has been attaching greater importance to the development and exploitation of the seas as new resource base. In this regard, operating within and controlling its maritime contiguities holds significant importance for China realizing lasting

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<sup>1</sup> "Jin yibu guanxin haiyang renshi jinglue haiyang, tuidong haiyang qiangguo jianshe buduan qude xin chengjiu [To further care for, know about and manage the seas, pushing forward building China into a maritime power]," *Renmin Ribao* [People's Daily], August 1, 2013.

<sup>2</sup> "Zhongguo jinkou shiyou 90% yilai haishang yunshu [90% of Chinese imported oil depends on maritime transport]," *Guangmin Ribao* [Guangmin Daily], May 14, 2010; Miao Yinchun, "Zhongguo haiwai jingji liyi de weihe yu tuozhan [Protection and expansion of Chinese overseas economic interests]," *Hongqi Wenzhai* [Red Flag Manuscript], No. 8 (2011), p. 24.

economic growth.

In addition to the above, China's maritime focus is underscored by various military dimensions. Since the late 1990s, China has rapidly strengthened its naval, air, and strategic missile forces, and honing its offshore military capabilities by implementing an anti-access/area denial (A2/AD) strategy to deter or counter U.S. forces from operating within the "first island chain." According to China's defense white paper, *China's National Defense in 2008*, the People's Liberation Army Navy (PLAN) "enhances integrated combat capability in conducting offshore campaigns and the capability of nuclear counterattacks."<sup>3</sup> In December 2006, Hu Jintao, until recently the CCP General Secretary and Chairman of China's Central Military Commission (CMC), is believed to have observed: "The PLAN must actively prepare itself to cope with the U.S. sea and underwater supremacy." Specifically, he is said to have called on the PLAN to strengthen its air operation capabilities and to expand blue-water power projection capabilities.<sup>4</sup> Moreover, during the 17th National Congress of CCP in 2007, Hu observed that: "while enhancing our general offshore operational capabilities, we must gradually change to a blue-water defensive strategy and improve our blue-water operational capabilities; by doing so, we will protect our nation's territorial waters and maritime rights and interests, and safeguard the security of our rapidly developing ocean industries, maritime transportation, and strategic routes to energy resources."<sup>5</sup>

This chapter examines key transitions in Chinese maritime strategy. In doing so, it weighs various internal circumstances that sheds light on those fundamental driving that strategy.

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<sup>3</sup> Information Office of the State Council of the People's Republic of China, *China's National Defense in 2008* (January 2009).

<sup>4</sup> "Zhongguo huishi mingtian de chaoji daguo ma? [Can China become a military superpower?]," *Guoji Zhanwang [World Outlook]*, No. 24 (2007), p. 12.

<sup>5</sup> National Institute for Defense Studies (NIDS) ed., *East Asian Strategic Review 2010* (Tokyo: The Japan Times, 2010), p. 126.

## “Marine Development” Strategy

### *Twelfth Five-Year Plan*

Despite the obviously critical importance of the maritime domain in contemporary geopolitics, China did not initially present a national ocean strategy. Although many policy proposals and recommendations have been made since the late 1990s to establish a maritime strategy at the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC), these generated little in the way of tangible strategic policy for many years. The efforts to establish a maritime strategy experienced a breakthrough with the unveiling of the Twelfth Five-Year Plan (2011-2015) in March 2011. The Five-Year Plan included a new chapter called “Promote the Development of Marine Economy,” and clearly set out a policy guideline for “develop and implement a marine development strategy based on unified sea and land planning, and improve marine development and control capabilities.”<sup>6</sup>

A key feature of this posture is that, as utilizing the phrase “marine *development* strategy” (italics by the author), accentuates, in particular, the importance of the maritime domain in the context of economic development. Above all, China aspires to develop and utilize marine resources for the purpose of securing energy, and in this light, it has elaborated on “marine development” in the Twelfth Five-Year Plan. While China's total imported energy dependency rate is around 10%,<sup>7</sup> its dependence on other countries for important resources, including crude oil, is rapidly increasing. The external oil dependency rate in China exceeded 50%—the cautionary zone set by the Chinese government—

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<sup>6</sup> “Zhonghua renmin gongheguo guomin jingji he shehui fazhan di shi'er ge wunian jihua gangyao [Outlines of Twelfth Five-year Plan for National Economic and Social Development of the People's Republic of China],” *Xinhua*, March 16, 2011.

<sup>7</sup> “2015 nian woguo nengyuan duiwai yicundu jiang chao 15% [China's external energy dependence will exceed 15% in 2015],” *Zhongguo Nengyuan Bao [China Energy News]*, January 24, 2011.

in 2009,<sup>8</sup> and reached 58.7% in 2012.<sup>9</sup> This situation shows that fluctuations in the international resource market are having greater impact on China's economic development. It follows the energy risks are assuming center-stage in this process.<sup>10</sup>

Along with enhancing resource efficiency through technological development and diversification of the sources of resource imports, China has prioritized the exploring, extraction and development of resources. Indeed, 23% of the crude oil and 29% of the natural gas produced in China are derived from the ocean. In this connection, the ocean is drawing increasing attention as a "strategic base" for Chinese energy resources.<sup>11</sup> Nevertheless, China's crude oil exploration success rate in the ocean remains at 12%, below the 30% world average, making the development and acquisition of technologies and equipment necessary for marine resource development an urgent task.<sup>12</sup> With regard to resource development, China started developing resources in the East China Sea ahead of Japan on the one hand, but on the other hand it had not even commenced oil and natural gas development in the South China Sea, except for the northern sea area close to the continent. Therefore, calls have intensified within Chinese policy-making circles for eliminating or at least mitigating energy risk through resource development in the South China Sea.<sup>13</sup> In this context, China's target of promoting the development and exploitation of marine resources, such as crude oil and natural gas, was incorporated into the Twelfth Five-Year Plan.

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<sup>8</sup> Ibid.; Huan Wen, "Woguo lijiang nengyuan duiwai yicundu [China tries to cut energy dependence]," *Zhongguo Kuangye Bao* [China Mining News], August 2, 2005.

<sup>9</sup> "Lixing kandai 'shiyou duiwai yicundu' [Treat rationally China's external oil dependence]," *Guoji Shangbao* [International Business], August 27, 2013.

<sup>10</sup> Li Zimu, "Yuanyou duiwai yicundu guogao, nengyuan anquan shou weixie [Steady rise in China's external oil dependence threatens China's energy security]," *Zhongguo Chanjing Bao* [China Industrial Economy News], August 22, 2011.

<sup>11</sup> "Haiyang kaifa, qieshao guojia zhanlue [Marine development, lack of national strategy]," *Diyi Caijing Ribao* [China Business News], August 3, 2011.

<sup>12</sup> "Haigong zhuangbei qianyi meiyuan dangao daifen [Huge market of marine engineer equipments to be divided equally]," *Shanghai Zhengquan Bao* [Shanghai Securities News], August 19, 2011.

<sup>13</sup> "Zhongguo jiasu kaifa naihái youqi, yuènan deng guo yì dòngshòu èrshì duōnián [China accelerates exploiting oil and gas in South China Sea, Vietnam and other countries has already worked for more than 20 years]," *Huaxia Shibao* [China Times], April 17, 2011.

Of course, China has always had an energy risk. Even before the Twelfth Five-Year Plan, the Chinese leadership and government agencies indicated their intention to promote the development and exploitation of oceans for risk mitigation purposes. For example, during the Fourth National Conference on Science and Technology held in January 2006, General Secretary Hu observed: “it is necessary to accelerate the development of scientific technologies related to the space and ocean for the peaceful use of space and marine resources.”<sup>14</sup> In addition, the Outline on National Medium- and Long-Term Program for Science and Technology Development (2006-2020) released in February 2006 expressed a sense of crisis over the expanding energy supply-demand gap in China. To deal with this issue, specific guidelines for improving marine resource exploration technologies were drawn up.<sup>15</sup>

Taking into account the National Conference on Science and Technology and the Long-Term Program, the State Oceanic Administration (SOA), the Ministry of Science and Technology (MST), the Commission of Science, Technology and Industry for National Defense (COSTIND), and the National Natural Science Foundation of China (NSFC) invited maritime-related governmental departments as well as experts from maritime institutions in China's coastal areas to draft an outline of a maritime technology program over an eight month timeframe.<sup>16</sup> One of the important missions designated in this outline is improving technologies for deep-sea resource exploration and development. The outline specifies that the venue and scope of immediate exploration and development of marine resources will be “mainly coastal waters,” and that in the long-term the scope will be expanded to “deep-sea, the ocean and the entire globe.” In addition, the Outline of the National Maritime Development Program drafted by the National Development and Reform Commission (NDRC) and SOA was approved by the State Council in

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<sup>14</sup> “Fazhan haiyang keji, jianshe haiyang qianguo [Develop marine technology to become a maritime power],” *Zhongguo Haiyang Bao* [*China Ocean News*], November 24, 2006.

<sup>15</sup> The State Council of the People's Republic of China, “Guojia zhongchang qi kexue he jishu fazhan guihua gangyao: 2006-2010 [National Outline for Mid- and Long-Term Science and Technology Development Planning: 2006-2020],” *Xinhua*, February 9, 2006.

<sup>16</sup> “Fazhan haiyang keji, jianshe Haiyang qianguo [Develop marine technology to become a maritime power],” *Zhongguo Haiyang Bao* [*China Ocean News*], November 24, 2006.

February 2008, which defined the targets and guidelines for China's maritime development until 2010.<sup>17</sup>

The Twelfth Five-Year Plan is an extension of these efforts of the Chinese government, and is also underpinned by the advancements made in the technologies relevant to maritime development. With regard to marine resource exploration, in July 2011, China's "first independently designed and assembled" manned research submersible, the *Jiaolong*, successfully reached a depth of 5,188 meters in the Pacific Ocean, and collected sea and deep-sea creatures and nodules of manganese.<sup>18</sup> Chinese Minister of Science and Technology Wan Gang praised the success of deep-sea research at a depth of over 5,000 meters as "a new milestone for the development of marine science technology in China," and expressed his strong determination for pursuing deep-sea exploration. He stated that the PRC will "continue strengthening research and development of deep-sea advanced technology, as well as providing support for scientific technology in order for China to advance deeper and further into the ocean."<sup>19</sup> As noted earlier, resource exploration and development in the deep sea was a long-term target as of 2006. However, in just five years, the *Jiaolong* implemented a successful deep-sea research, suggesting that the development of marine development technology in China has progressed much faster than the Chinese government originally anticipated. In June 2012, the *Jiaolong* conducted a successful marine research at a depth of 7,000 meters, the maximum design depth of a submersible.<sup>20</sup> In theory, such an operating depth would enable a submersible to carry out research in 99.8% of oceans throughout the world.<sup>21</sup>

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<sup>17</sup> "Guowuyuan pifu 'Guojia haiyang shiye fazhan guihua' gangyao [State Council replies officially to National outlines for development of marine program]," February 29, 2008. [http://www.sdpc.gov.cn/zjgx/t20080229\\_195306.htm](http://www.sdpc.gov.cn/zjgx/t20080229_195306.htm) (January 20, 2014, Date last accessed).

<sup>18</sup> "Sici tupo wuqian mi xiaqian, 'Jiaolong' hao daihui shenhai de mimi [*Jiaolong* succeeds in sinks to new depths with 5,000-metre dive four time, and brought back the secret in the deep sea]," *Guangming Ribao* [*Guangming Daily*], August 19, 2011.

<sup>19</sup> "Jiaolong hao wancheng haishi renwu kaixuan [*Jiaolong* completes a sea trial mission and returns home]," *Zhongguo Guotu Ziyuan Bao* [*China Land and Resources News*], August 19, 2011.

<sup>20</sup> "Jiaolong Brings Back 11 New Species from 7,000-meter Dive," *Xinhua*, July 17, 2012.

<sup>21</sup> "Trial Dives of Jiaolong Achieves Great Success," *Xinhua*, July 1, 2012.

China also invested in new equipment for the development of marine oil. For example, in May 2011, Marine Oil (*Haiyang Shiyou*) 981, a semi-submersible drilling platform that can operate at a depth of 3,000 meters, was completed. After its construction, the Marine Oil 981 conducted a two-month test navigation on the sea and was ready for operation in December 2011. From January to February 2012, the Marine Oil 981 implemented an installation test in the East China Sea. Subsequently in May, it began drilling crude oil in the South China Sea, 320 km southeast of Hong Kong. This oil rig is expected to be deployed to the Spratly sea area where China has not yet initiated resource development. Senior Captain Li Jie, a researcher at the Military Academic Research Institute under the PLAN, argues that the significance of Marine Oil 981 lies in its potential to “drastically change [China’s] passive approach,” by allowing China to commence resource development in the Spratly sea area. Li also referred to the foreign policy of China. Specifically, he contended that although China had insisted on joint resource development in disputed waters, now that the Marine Oil 981 is ready for operation China should change its policy to “mutually combine unilateral development and joint development.”<sup>22</sup>

### ***Maritime Law Enforcement Agencies***

In connection with the Marine Development Strategy, another feature of the Twelfth Five-Year Plan was the establishment of a policy to strengthen the comprehensive control and management mechanisms that support the promotion of the development and exploitation of marine resources. This further clarified China’s intentions to enhance maritime law enforcement capabilities. In the PRC, five entities were originally responsible for maritime law enforcement: (1) China Maritime Surveillance (CMS) under SOA; (2) Maritime Police under the control of the Ministry of Public Security; (3) Maritime Safety Administration (MSA) under the Ministry of Transport; (4) Fisheries Law Enforcement Command (FLEC) under the Ministry of Agriculture; and (5) anti-smuggling police under the General Administration

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<sup>22</sup> Li Jie, “Nanhai: qi rong taguo siyi wangwei! [South China Sea: how can it be that China tolerates other countries’ reckless actions?],” *Xiandai Jianchuan* [*Modern Ships*], No. 8 (2011), p. 54.

of Customs (GAC). The Maritime Police, called “China Coast Guard” in English, possessed the small cutter Type 218 (130 tons) and the Seal HP1500-2 high-speed patrol craft. The primary mission of the Maritime Police was fighting crimes in territorial waters.<sup>23</sup> MSA possesses blue-water patrol ships such as *Haixun-31* (3,790 tons) and *Haixun-11* (3,249 tons). In June 2011, the *Haixun-31* visited Singapore via the Paracel Islands and Spratly Islands, which marked the first foreign visit made by a MSA patrol ship.<sup>24</sup> However, the majority of the patrol ships owned by MSA was still small, and designed for law enforcement activities in Chinese rivers.

CMS, established in October 1998, was principally held responsible for defending Chinese maritime rights and interests in territorial waters, contiguous zones, and broad sea areas including exclusive economic zones (EEZs).<sup>25</sup> However, CMS initially had limited law enforcement capabilities, as its vessels were transferred from PLAN and were therefore already severely aging. Its air support component was quite small.<sup>26</sup> Therefore, during the period of the Tenth Five-Year Plan (2001-2005), vessels capable of operating in coastal waters and in the EEZ, such as *Haijian-83* (3,980 tons), *Haijian-51* (1,690 tons), *Haijian-27* (1,200 tons), and *Haijian-46* (1,101 tons), were built along with five aircrafts and deployed to CMS flotillas.<sup>27</sup> During the subsequent Eleventh Five-Year Plan, the development and deployment of more ships and

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<sup>23</sup> Chen Guangwen, “Zhongguo haishang jingbei liliang [China’s maritime guard force],” *Bingqi Zhishi* [Ordnance Knowledge], No. 5 (2009), pp. 50-51.

<sup>24</sup> “Chinese Marine Patrol Ship Haixun-31 Arrives in Singapore for Visit,” *Xinhua*, June 19, 2011. In April 2013, the *Haixun-01* (5,418 tons) was deployed to the MSA East Sea Law Enforcement Fleet located in Shanghai. See Shi Yingying, “Vessel to Strengthen Emergency Rescue,” *China Daily*, April 17, 2013.

<sup>25</sup> “Zhongguo haijian zongdui jianjie [Brief introduction on China Maritime Surveillance],” *Haiyang Kaiifa yu Guanli* [Ocean Development and Management], No. 11 (2000), p. 30.

<sup>26</sup> Liang Caiheng, “Yingjie haiyang xin shiji [New Century of Ocean],” *Renmin Ribao* [People’s Daily], January 16, 1999.

<sup>27</sup> “Zhongguo Haijian-27 chuan shouhang [Maiden voyage of *Haijian-27*],” *Renmin Ribao* [People’s Daily], January 27, 2005; “Zhongguo Haijian-83 rulie nanghai fenju [*Haijian-83* enters service in the South Sea Branch],” *Nanfang Ribao* [Southern Daily], August 26, 2005; “Shijie dingji jianchuan rulie nanghai zongdui [World top-level vessel enters service in the South Sea Branch],” *Guangzhou Ribao* [Guangzhou Daily], August 26, 2005; “Zhongguo Haijian-51 chuan zai hu jiaojie bing rulie donghai zongdui [*Haijian-51* joins East Sea Fleet in Shanghai],” *Zhongguo Haiyang Bao* [China Ocean News], November 25, 2005.

aircraft continued, and joint training for ships and aircrafts began so as to expand China's patrol area.<sup>28</sup> CMS initiated regular patrols of the East China Sea in 2006 and into both the Yellow Sea and the South China Sea in 2007—a significant expansion in its scope of operations.<sup>29</sup> CMS has made clear that it would newly deploy 36 medium- and large-sized patrol ships during the period of the Twelfth Five-Year Plan.<sup>30</sup>

In addition, FLEC, which had been mainly responsible for the protection and use of fishery resources, took steps to strengthen its law enforcement activities in a wider maritime area, including EEZ. The Ministry of Agriculture began its fishery protection activities in the South China Sea in 1994, and initiated patrols there in 1997.<sup>31</sup> However, the majority of FLEC's ships were small with obsolete equipment, and the situation was not such that adequate fishery protection activities were being carried out. The inadequacies of the capabilities and activities of Chinese maritime law enforcement agencies were demonstrated by a series of incidents that took place between 2003 and 2005, in which Chinese fishing boats were captured by the Indonesian Navy while operating in Indonesian waters, and Chinese fishermen and crewmen were killed or wounded. In light of this situation, Chinese domestic public opinion in favor of protecting fishermen was heightened, and the FLEC moved quickly to strengthen its capabilities. Aiming to strengthen its law enforcement activities in the South China Sea, in November 2006, the submarine salvage and rescue ship *Nanjiu-503* of the South Sea Fleet of PLAN was transferred to the South

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<sup>28</sup> “Zhongguo haijian nanhai zongdui shishi shouci chuanji xietong xunlian [CMS South Sea Fleet conducts first-ever joint drill between ships and aircraft],” *Zhongguo Haiyang Bao* [*China Ocean News*], October 24, 2006.

<sup>29</sup> Wu Liang and Wu Tan, “‘Landun’ Haiyang weiquan [‘Blue Shield’ maritime rights protection],” *Liaowang Xinwen Zhoukan* [*Outlook Weekly*], No. 21 (2007), pp. 34-35.

<sup>30</sup> Wang Qian, “Maritime Surveillance Forces Will Expand to Meet Challenges,” *China Daily*, May 2, 2011; “Zhongguo haiyang liyi mianlin gengduo tiaozhan [Chinese maritime interest faces much challenge],” *Renminwang*, July 12, 2011. <http://energy.people.com.cn/GB/15132172.html> (January 20, 2014, Date last accessed).

<sup>31</sup> “Zhongguo yuzheng chuan biandui fu nansha xunhang [FLEC ships cruise to Spratlys],” *Zhongguo Yuye Bao* [*China Fishery News*], June 6, 2005; “Zhongguo yuzheng, lanse guotu de baohuzhe (FLEC: protector of blue territory),” *China Fishery News*, February 21, 2011.

China Sea component of the FLEC.<sup>32</sup> This ship was refitted into *Yuzheng-311* (4,450 tons), and in March 2009 assumed its duties of protecting fisheries and navigation in the Paracel Islands sector of the South China Sea.<sup>33</sup> Furthermore, at the end of September 2010, the *Yuzheng-310* (2,580 tons), a fisheries patrol boat equipped with helicopters on which ten years were spent to design and construct, was deployed to the South China Sea component. *Yuzheng-310* can carry two Z-9A helicopters capable of operating at night time, and is equipped with a 14.5 mm machine gun.<sup>34</sup> Following a collision between a Chinese trawler and Japan Coast Guard vessels in the sea area near the Senkaku Islands in September 2010, the FLEC deployed *Yuzheng-310* and implemented law enforcement activities in the East China Sea.<sup>35</sup> This was FLEC's first law enforcement initiative that straddled across regional components.<sup>36</sup> A National Fisheries Work Conference held in December 2010 confirmed that a framework in which FLEC patrol vessels escort Chinese fishing vessels to safeguard their fishing activities in the South China Sea would be developed. Patrol and fishery protection activities would also be regularly conducted in the East China Sea, particularly the area surrounding the Senkaku Islands.<sup>37</sup>

Nevertheless, it cannot be said that there was sufficient coordination between the activities of the different maritime law enforcement agencies, at least at the start of the Twelfth Five-Year Plan. As already described, China has

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<sup>32</sup> "Haijun wuchang diaobo Nanjiu503 chuan gei nongye bu nanhai qu yuzheng yugang jian du guan li ju shi yong [Chinese Navy transfers the *Nanjiu-503* to the Administration of Fishery and Fishing Harbor Supervision for South China Sea under the Ministry of Agriculture]," December 1, 2006. [http://www.moa.gov.cn/sydw/nhyzj/xwjj/200612/t20061201\\_2111016.htm](http://www.moa.gov.cn/sydw/nhyzj/xwjj/200612/t20061201_2111016.htm) (January 21, 2014, Date last accessed).

<sup>33</sup> "Yuzheng jujian shouhang xisha, qin yuchuan zhi wangfengertao [A large FLEC vessel reaches the Paracel Islands first time, encroaching ships flee away]," *Nongye Ribao* [Agricultural Daily], April 2, 2009.

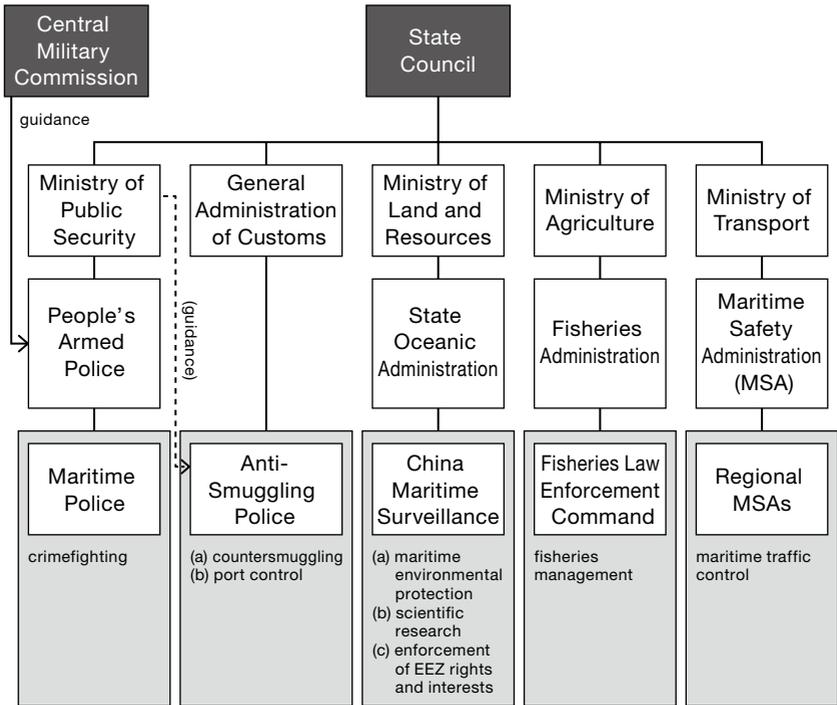
<sup>34</sup> Jin Zhu and Ma Liyao, "Stronger Fleet for Fishery Administration," China Daily, November 17, 2010; NIDS ed., *NIDS China Security Report 2011* (Tokyo: NIDS, 2012), p. 8.

<sup>35</sup> "Chufadi: Guangzhou, mudidi: diaoyudao haiyu [Starting point: Guangzhou, destination: waters off the Diaoyu Islands]," *Guangzhou Ribao* [Guangzhou Daily], November 17, 2010.

<sup>36</sup> "Zhongguo Yuzheng 310 chuan jinri yingxiong kaixuan [*Yuzheng-310* returns in triumph]," *Nanfang Ribao* [Southern Daily], December 6, 2010.

<sup>37</sup> "Zhongguo jiang qianhua yuzheng zhifa guanli, weichi guojia haiyang quanyi [China will strengthen law enforcement and control by the FLEC, maintaining its maritime rights and interests]," *Zhongguo Xinwen She* [China News], December 23, 2010.

**Figure 1: Maritime Law Enforcement Agencies in China (1999-2013)**



Sources: China Institute for Marine Affairs, *China's Ocean Development Report 2013* (Beijing: China Ocean Press, 2013), p. 261; "Customs Law of the People's Republic of China," *New Law and Regulations Monthly*, No. 8 (2000), p. 22; "Law on People's Armed Police of the People's Republic of China," *PLA Daily*, August 28, 2009.

five maritime law enforcement agencies as well as over ten government departments engaged in maritime affairs and law enforcement. Attempts were made to clarify the roles of each government department concerned with such activities through the government's structural reform in 1998. However, many of their functions and roles still overlapped. Consequently, proposals were made at NPC and CPPCC to establish a "basic ocean law" which would spell out these agencies' specific functions and roles more clearly.<sup>38</sup> Similar reviews are also believed to have taken place within other parts of the Chinese government. Nonetheless, it was not easy for the government to adjust policies and interests among the relevant departments in establishing the basic law. For example, according to Jin Mao, a former deputy commander of PLAN and NPC delegate, the People's Liberation Army (PLA) conducted a study on the basic ocean law in 2010. However, coordinating interests among departments proved to be difficult, and the study was able to accomplish no more than presenting the opinion that a basic law should be legislated at "an appropriate time."<sup>39</sup>

SOA, on the other hand, was enthusiastic about enacting the basic ocean law. The annual report published by the China Institute for Marine Affairs of the SOA, *China's Ocean Development Report 2010*, argued that the development of a more unified legal system was indispensable. The report proposed that the Chinese government tackle maritime issues in a unified way by establishing a constitutional provision regarding oceans and enacting the basic ocean law.<sup>40</sup> The SOA thus aimed to strengthen its comprehensive interagency policy coordination function. According to *China's Ocean Development Report 2010*, the SOA came under the direct control of China's State Council through the administrative reform in 1983. Furthermore, the SOA's function of interagency

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<sup>38</sup> "Jinzhao ziding zhongguo haiyang jiben fa [Basic ocean law should be legislated as soon as possible]," *Shenzhen Shanbao* [*Shenzhen Economic Daily*], March 14, 2007; "Jinkuai ziding haiyang jiben fa [Basic ocean law should be legislated as soon as possible]," *Tianjin Ribao* [*Tianjin Daily*], March 15, 2007.

<sup>39</sup> "Cong 'lantu' dao 'luxiantu' [From 'blue print' to 'road map']," *Jiefangjun Bao* [*PLA Daily*], March 10, 2011.

<sup>40</sup> China Institute for Marine Affairs, *Zhongguo Haiyang Fazhan Baogao 2010* [*China's Ocean Development Report 2010*] (Beijing: China Ocean Press, 2010), p. 121.

coordination with other maritime departments was reinforced as a result of the administrative reforms in 1998 and 2001.<sup>41</sup> Nevertheless, this description is not necessarily on the mark. Why? Because the 1998 reforms established the Ministry of Land and Resources with the aim of strengthening the integrated management of land and ocean resources, and the SOA became one of its departments.<sup>42</sup> As a result, the SOA Director became the Vice Minister, making it difficult for the SOA to fulfill a high-level policy coordination function.

Even in the area of maritime law enforcement, the CMS, which was under the SOA's umbrella, had limited authority. Quickly making equipment enhancements, it was CMS which actively conducted law enforcement activities in a broader maritime area, including in various EEZs. But the CMS was not authorized to exercise actual police authority at sea. It was the Maritime Police that was under the control of the Ministry of Public Security and the anti-smuggling police of GAC which had police authority in maritime jurisdictions.<sup>43</sup> Yet, as already noted, the Maritime Police and anti-smuggling police did not conduct law enforcement activities in a broad sea area. As law enforcement activities in EEZs increased, the CMS claimed that it needed to exercise police power in its law enforcement activities. Additionally, while CMS officials noted the need for establishing a unified maritime law enforcement agency, they claimed that until this objective was realized, policy coordination authority and the right to command other maritime law enforcement agencies regarding "vital 'rights protection' missions" should be granted to the CMS.<sup>44</sup> At this time, the Maritime Police, as well as the Ministry of Public Security, both endeavored to strengthen their authority and

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<sup>41</sup> Ibid., pp. 421-423.

<sup>42</sup> "Woguo gutu ziyuan shixian jizhong tongyi guanli [China realizes unified control of national resources]," *Zhongguo Jinshu Tongbao* [*China Metal Bulletin*], No. 8 (1998), pp. 3-4.

<sup>43</sup> Zhang Junshe, "Xikan 'jiulong' gui yi [Happy to see nine dragons become one]," *Jiefangjun Bao* [*PLA Daily*], July 23, 2013.

<sup>44</sup> Lin Quanling and Gao Zhongyi, "Zhongguo haijian weiquan zhifa de xingshi fenze yu celue [An analysis on CMS's maritime rights protection and law enforcement activities and strategic thinking]," *Taipingyang Xuebao* [*Pacific Journal*], No. 9 (2009), p. 84.

capabilities, including their maritime policy coordination functions.<sup>45</sup> In this vein, coordinating the relationship between then-SOA and the Ministry of Public Security became increasingly difficult.

## **“Maritime Power” Strategy**

### *From “Five Dragons” to “Two Dragons”*

During the 18th CCP National Congress convened in November 2012, General Secretary Hu stated: “We should enhance our capacity for exploiting marine resources, strengthen the marine economy, develop the marine economy, protect the marine ecological environment, resolutely safeguard China’s maritime rights and interests, and build China into a maritime power.”<sup>46</sup> Hu’s remarks at the 18th National Congress gave a new focus to the debate in China over what the PRC’s maritime strategy should entail. The first part of the statement, “We should enhance our capacity for exploiting marine resources, develop the marine economy, protect the marine ecological environment,” was congruent to existing Chinese policy documents concerning marine development strategy. By adding the clause, “resolutely safeguard China’s maritime rights and interests,” Hu integrated security and military dimensions into the Chinese debate on what an appropriate maritime strategy should be.

Other key Chinese officials joined this discussion. For example, Admiral Wu Shengli, Commander of PLAN, in reference to “building China into a maritime power,” stressed that the PLAN “must resolutely execute its holly mission of safeguarding China’s territorial sovereignty and maritime rights and interests.” Liu Cigui, Director of SOA, explained that one of the factors behind the unveiling of the goal of “building China into a maritime power” during the 18th National Congress was the following: “The struggle over the

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<sup>45</sup> Hu Ben, “Wuli zhuhoujingzhu zhongguo haishang guanliquan [Five agencies compete for China’s maritime administration rights],” *Nanfang Zhoumo* [Southern Weekly], September 25, 2010.

<sup>46</sup> “Full Text of Hu Jintao’s Report at 18th Party Congress,” *Xinhua*, November 17, 2012. [http://news.xinhuanet.com/english/special/18cpenc/2012-11/17/c\\_131981259\\_9.htm](http://news.xinhuanet.com/english/special/18cpenc/2012-11/17/c_131981259_9.htm) (January 20, 2014, Date last accessed).

defense of maritime rights and interests is escalating daily, and the contest in maritime domain is intensifying day by day.” Liu observed that to build China into a maritime power, “We will [need to] strengthen our patrols and law enforcement activities to routinely defend our rights and interests in sea areas under China’s jurisdiction, and develop a CMS-military-diplomacy trinity coordination mechanism.”<sup>47</sup>

Of course, it was not that because the strategic guidance to build China into a maritime power was presented by Hu Jintao, only the security and military aspects of China’s maritime efforts came to the fore. In the first place, the maritime power statement at the 18th National Congress was made not during the national defense or diplomacy sections, but during the “Making Great Efforts to Promote Ecological Progress” section of Hu’s speech. SOA Director Liu offered an explanation of maritime power drawing from the five perspectives of the understanding (of ocean), use and development (of ocean), marine ecological environment, management and control (of ocean), and friendly and cooperative maritime relationship (with neighboring countries).

The “building China into a maritime power” statement impacted the development of China’s maritime security policy in significant ways. One such effect was that sifts towards the integration of maritime law enforcement agencies accelerated—something that had long been considered a daunting task. Vice Premier Li Keqiang who visited SOA in February 2013 underscored this sentiment: “maritime law enforcement agencies must be integrated scientifically, and a comprehensive law enforcement must be strengthened.”<sup>48</sup> This is believed to be the first time that a member of China’s top leadership (member of the Standing Committee of the Politburo) was reported as

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<sup>47</sup> Liu Cigui, “Cong xin de lishi qidian chufa, wei jianshe haiyang qiangguo er nuli fendou [Starting from the new period of historical point, strive for new victories in China’s becoming a major maritime power],” in China Institute for Marine Affairs ed., *Zhongguo Haiyang Fazhan Baogao 2013 [China’s Ocean Development Report 2013]* (Beijing: China Ocean Press, 2013), p. 2.

<sup>48</sup> “Li Keqiang Urges Marine Interests Safeguarding”, *Xinhua*, February 7, 2013; “Li Keqiang weiben woguo jidi dayang kekao duiyuan he haijian gongzuo renyu [Li Keqiang greets scientists performing duties in polar regions and on the ocean and staff of the State Oceanic Administration],” *Renmin Ribao [People’s Daily]*, February 9, 2013.

having made an explicit comment regarding the integration of maritime law enforcement agencies.<sup>49</sup>

During the NPC in March 2013, the Chinese government announced a plan that the State Oceanic Commission would be established to serve as a high-level policy coordination body for maritime affairs. It was also announced that a new SOA would be organized by combining the organizations and the responsibilities of the existing SOA and four maritime law enforcement agencies—CMS, Maritime Police, FLEC, and anti-smuggling police. In addition, it was decided that SOA would carry out maritime law enforcement activities under the name of China Coast Guard (CCG).<sup>50</sup> In June 2013, a State Council notice was issued regarding the responsibility, organization, and formation of the new SOA, and the CCG Department was also established under SOA. Under the CCG Department, the CCG Headquarter and the CCG Command Center were established. It was determined that they would be responsible for drafting maritime law enforcement mechanisms and measures, proposing various regulations, coordinating the joint command of the maritime law enforcement activities carried out by CCG units, and the training of CCG personnel.<sup>51</sup> China thus consolidated its previously divided maritime law enforcement agencies for the most part, except for MSA of the Ministry of Transport.

However, it is not clear whether power relations between the former SOA and the Ministry of Public Security have been fully resolved. Indeed, the new SOA/CCG has assumed a complex organizational structure. This is clearly evident from examining the relationship between SOA/CCG and the ministries which give them guidance. Under the new arrangement, regulations regarding maritime management and law enforcement are to be drafted by SOA and

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<sup>49</sup> Fen Xiao, “Zhongguo haijian haijun cuoshang zhifa hezuo [CMS and Navy consults law enforcement cooperation],” *Dongfang Zaobao* [*Oriental Morning Post*], February 21, 2013.

<sup>50</sup> “Xin yilun guomuyuan jigou gaige jiang qidong [A new round of institutional restructuring of the State Council starts],” *Renmin Ribao* [*People’s Daily*], March 11, 2013.

<sup>51</sup> “Provisions on Main Functions, Internal Structure and Staffing of the State Oceanic Administration,” (No. 15 [2013] of the State Council).

promulgated by the Ministry of Land and Resources following its screening. Meanwhile, the maritime law enforcement activities carried out under the auspices of CCG requires the operational guidance of the Ministry of Public Security.<sup>52</sup> Second, the complexity of the new structure is demonstrated by power relations emerging within it. Liu Cigui went straight from being the Director of SOA before the integration to Director of the new SOA and Party Chief of SOA. Meng Hongwei, Vice Minister of Public Security, was appointed to Deputy Director of SOA and Deputy Party Chief of SOA, while remaining the Vice Minister of Public Security. Furthermore, Meng Hongwei was appointed as CCG Director which was created by the restructuring while Liu Cigui assumed the post of its Political Commissar of the CCG. The problem is that Meng Hongwei concurrently serves as Vice Minister of Public Security. The Vice Minister of Public Security is deemed a minister-level position, and in the government, ranks above the vice minister-level position of SOA Director.<sup>53</sup> Accordingly, between the new SOA Director and CCG Director, there is much uncertainty including their hierarchies and inter-relationships.

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<sup>52</sup> Ibid.

<sup>53</sup> “Meng Hongwei ren guojia hanyangju fu juchang, zhongguo haijingju juchang [Meng Hongwei will be assigned to deputy director of the State Oceanic Administration and director of the China Coast Guard],” *Bianfang Jingcha Bao* [Border Defense and Police News], March 21, 2013.



***PLAN and Maritime Law Enforcement Agencies***

Another effect of Hu's aforementioned statement on the "building China into a maritime power" is the strengthening of partnerships between PLAN and maritime law enforcement agencies on the operational front. This is not to say that there had been no efforts to explore the strengthening of partnerships.<sup>54</sup> For example, in May 2008, the PLAN Xiamen Maritime Garrison led a joint exercise "Luhai-2008" for maritime search and rescue as well as transportation of the injured, in cooperation with such agencies as the Xiamen Maritime Affairs Bureau, Xiamen Customs, and the Xiamen Search and Rescue Center.<sup>55</sup> In May of the following year, the Xiamen Maritime Garrison also led the full-scale joint air and maritime search and rescue exercise "Luhai-2009" with such entities as PLAN units, the Xiamen Maritime Affairs Bureau, the Xiamen Customs, the Xiamen Search and Rescue Center, and the fire department.<sup>56</sup> In this exercise, rescue helicopters, submersibles, frigates, transportation boats, and tugboats were deployed, and mission categories, information sharing, and chains of command in maritime rescue operations were checked.

More recently, the PLAN Shanghai Maritime Garrison, a garrison newly established in March 2012 based at PLAN Shanghai Logistic Base, led a joint exercise on patrol operations in June.<sup>57</sup> Not only PLA units such as PLAN, but also other departments, including the Border Control Department of Shanghai Municipal City, the Shanghai Branch of SOA, the Shanghai Maritime Affairs Bureau, the East China Sea Fishery Bureau, and the East China Sea Search and Rescue Center, took part in the exercise of operational missions, such as early warning operations, maritime defense operations, attacks on enemy vessels, island defense from land, and anti-torpedo operations. In the series of drills,

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<sup>54</sup> See NIDS ed., *NIDS China Security Report 2012* (Tokyo: NIDS, 2012), pp. 28-37.

<sup>55</sup> Wang Wei and Li Xiaoping, "Jundi gongjian gongxiang ping'an Xiamen [Military and civilian jointly constructs and enjoys safe and sound Xiamen]," *Xiamen Ribao* [*Xiamen Daily*], October 14, 2009.

<sup>56</sup> Xu Gangyao and Si Yanwen, "Luhai 2009 jun jing min haishang jiu yuan yanxi juxing [Military-police-civilian joint search and rescue exercise Luhai-2009 held]," *Jiefangjun Bao* [*PLA Daily*], May 30, 2009.

<sup>57</sup> Zhang Jun and Wu Shangrui, "Shuishang jingying, lijian chuqiao [Elite maritime force, sword drawn]," *Jiefang Ribao* [*Liberation Daily*], July 12, 2012.

based on a scenario that an “enemy” ship was conducting an ocean survey in China’s EEZ in the East China Sea, a frigate, two tug-boats, a CMS patrol vessel, and a CMS aircraft were deployed to conduct a drill for patrolling and obstructing the “enemy” ship.

In October, to strengthen capabilities in defending maritime rights and interests, East Sea Fleet of PLAN, the East China Sea Branch of SOA, and the East China Sea component of FLEEC conducted a joint exercise “East Sea Collaboration-2012” off the coast of Zhoushan, Zhejiang Province.<sup>58</sup> Based on a scenario in which PLAN provides cover for the law enforcement activities performed by maritime law enforcement agencies, this joint exercise also practiced responses in the event of a collision between foreign vessel and a CMS vessel.<sup>59</sup> Supported by 11 vessels and 8 aircraft, this was the largest exercise held in recent years. Information sharing and interoperability improvements are also believed to have been key themes of this exercise.<sup>60</sup>

Such efforts to strengthen coordination and efficiency on the operational front have been highly acclaimed within official Chinese circles. During a discussion meeting which the General Staff Department of PLA held on February 4, 2013 regarding cooperation with government departments, Lieutenant General Qi Jianguo, Deputy Chief of the General Staff, insisted that this “strategic cooperation . . . determine[s] the overall situation of China’s core interests and economic development.”<sup>61</sup> During an annual conference of PLAN and the SOA held on February 19, Admiral Ding Yiping, PLAN Deputy Commander, and SOA Director Liu Cigui both touched on the need to

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<sup>58</sup> “Zhongguo haijun liangjian, riyuefei xiu chengkuang [Incisive sword of Chinese Navy, Japan, Vietnam and Philippines make a big fuss],” *Takungpao*, October 22, 2012; “Wo donghai jiandui kaifu donghai, jiang yanlian haishang weiquan zhifa [Chinese Navy goes to East China Sea and conducts maritime law enforcement drill],” *CCTV-13*, October 18, 2012.

<sup>59</sup> “China Conducts Exercise in East China Sea,” October 19, 2012. [http://www.gov.cn/english/2012-10/19/content\\_2247515.htm](http://www.gov.cn/english/2012-10/19/content_2247515.htm) (January 21, 2014, Date last accessed).

<sup>60</sup> “Jiefangjun fuzongcanmouzhang chen guojia lingdu yicun bunengshao [PLA chief of staff said China would never give up national territory],” *Jinghua Shibao* [*Beijing Times*], February 5, 2013.

<sup>61</sup> Fen Xiao, “Zhongguo jiaqiang Haiyang weiquan tongchou xietiao [China strengthens overall plan and coordination of rights protection at sea],” *Dongfang Zaobao* [*Oriental Morning Post*], February 5, 2013.

strengthen law enforcement cooperation for defending China's maritime rights and interests.<sup>62</sup> Furthermore, in a white paper released in April, *The Diversified Employment of China's Armed Force*, it was observed that "Together with CMS and FLEC, PLAN has conducted numerous joint maritime exercises and drills for defending rights and interests and enforcing laws, and has continuously enhanced its capabilities to coordinate command and respond to emergencies in joint military-civilian operations to safeguard maritime rights and interests." The example of "East Sea Collaboration-2012" was offered as a case-in-point.<sup>63</sup> Based on such remarks made by Chinese leadership and in official documents, it can be surmised that China's policy vision is clear—that it will enhance the joint emergency response capabilities of PLAN and maritime law enforcement agencies.

## Conclusion

China's maritime policy is evolving rapidly. In particular, since the strategic goal of "building China into a maritime power" was presented at the 18th CCP National Congress, China has continued to accelerate its moves toward the integration and strengthening of its maritime security. There has been organizational restructuring towards the integration of maritime law enforcement agencies. Moves have also been made to strengthen partnerships between maritime law enforcement agencies and PLA, in particular, PLAN. With regard to the first initiative, a notice was issued in June 2013 endorsing the integration of maritime law enforcement agencies, except for MSA of the Ministry of Transport. In the sense that the integration of maritime law enforcement agencies enables the focused distribution of resources and leads to enhancing operational capabilities, such consolidation has implications that neighboring countries cannot ignore. Furthermore, the newly established CCG, including the former Maritime Police, seems to exercise police power

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<sup>62</sup> "Zhongguo haijian haijun cuoshang zhifa hezuo [CMS and Navy consults law enforcement cooperation]." *Dongfang Zaobao* [Oriental Morning Post], February 21, 2013.

<sup>63</sup> Information Office of the State Council of the People's Republic of China, *The Diversified Employment of China's Armed Forces*, April 13, 2013.

which neither CMS nor FLEC had previously.<sup>64</sup> However, it is still possible that the new power structure associated with this process of maritime security integration has not been delineated as clearly between the former SOA and the Ministry of Public Security. It can be reasonably surmised that China's maritime strategy—and, in particular, those political dynamics and reforms underpinning the policy and organizational adjustments described above—remain fluid, at best.

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<sup>64</sup> Yu Zhirong, “Zhongguo tese haishang zhifa huzhiyuchu [Maritime law enforcement with Chinese characteristics is vividly portrayed],” *Huanqiu Shibao* [*Global Times*], March 11, 2013; He Xianchen, “Haiyang guankong xingshi yu gong’an haishang jingwu jiaoyu zhiliang tigao duice [Situation of maritime control and rights protection, and measures to improve education standards of maritime police],” *Gong’an Jiaoyu* [*Police Education and Training*], No. 8 (2013), p. 66.