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Restructuring China's Maritime Law Enforcement: Impact on Regional Security

By Li Mingjiang and Zhang Hongzhou

Synopsis

China has restructured its unwieldy maritime law enforcement apparatus. It is a development that signals Beijing's intention to push ahead with its heavy-handed approach to territorial disputes and maritime contentions with some of its neighbouring countries.

Commentary

CHINA DEPLOYED a naval task force that included four warships at James Shoal, near Brunei and East Malaysia, on 26 March 2013. The crew even had a ceremony on board one of the vessels to pledge to "maintain national sovereignty". This unusual assertiveness comes at a time when China is also reforming its civilian maritime apparatus, which for a long time has been plagued with too many players – as many as 17 agencies. Though little noticed, this restructuring of the maritime apparatus is significant given its implications for the region.

Indeed, for many years, the elite in the Chinese foreign policy community have urged the government to tackle the unwieldiness in managing China's maritime affairs. Now that China has taken steps to reform its maritime apparatus, it is very likely that the reforms will add weight to its current heavy-handed approach to territorial disputes and maritime contentions with some neighbouring countries, which the navy's display of assertiveness at James Shoal has underscored.

Major reform measures

The first major step at reform was the establishment of a Central Leading Small Group on the Protection of Maritime Interests in 2012. This new organ - one of nearly two dozens of similar institutions in charge of other sectors or major policy issues - will be responsible for the deliberation and coordination of China's maritime policy and reporting to the Politburo and the top leaders. It mainly consists of senior officials from the State Oceanic Administration, Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Agriculture, and the PLA Navy. Its administrative issues are handled by the existing Central Foreign Affairs Office.

During its annual National People's Congress (NPC) session in March, China unveiled more plans to restructure the country's main maritime law enforcement agencies. The proclaimed goals are to pursue a unified maritime law enforcement; better protect China's maritime rights and interests; and improve the efficiency and efficacy of law enforcement activities. This is obviously a response to the age-old popular

criticism that China's maritime law enforcement has been too fragmented, poorly coordinated, inefficient and ineffective.

The main point of the new plans is to restructure the State Oceanic Administration (SOA), which is in command of the China Marine Surveillance. The core reform is to merge four of the major maritime law enforcement forces, including the China Marine Surveillance, the old Coast Guard of the Ministry of Public Security, the Fishery Administration of the Ministry of Agriculture, and the Maritime Anti-smuggling Police of the General Administration of Customs. They will now form one unified new China Coast Guard.

The restructured SOA will still be under the administrative leadership of the Ministry of Land and Resources. While the new China Coast Guard will remain part of the SOA, its operations will be supervised by the Ministry of Public Security.

In addition to the merger of the four law enforcement agencies, it was decided that a National Oceanic Commission (NOC) is to be established and placed at the SOA. The NOC is expected to formulate China's oceanic development strategies and coordinate the different agencies involved in important maritime affairs.

The reforms in China's maritime sector need to be understood in the domestic context. The merger was made possible because of China's bigger initiative to deepen administrative reforms by streamlining functions and improving efficiency of the government. However, the SOA was not upgraded to a ministry, contrary to wide expectations. This was partly because of the general policy of reducing the number of ministries in the central government. Chinese sources suggest that it was also partly due to the opposition from the civilian foreign policy community, especially the Ministry of Foreign Affairs, which feared that a stronger oceanic ministry would further weaken its role in managing the country's maritime disputes.

Remaining uncertainties

It is, however, unclear how fast these reform measures will be implemented. A few other aspects can be highlighted in this round of restructuring. Firstly, the Maritime Safety Administration (MSA), in charge of navigational safety and search and rescue missions, was not merged into the newly formed China Coast Guard. Sources in China suggest that the MSA strongly opposed the merger, making a strong case that it is also involved in supervising navigation in the numerous rivers in China. Secondly, the SOA was not upgraded to become a ministry-level body as many Chinese policy analysts had advocated.

Thirdly, it appears that the new China Coast Guard will be under the dual leadership of the SOA and Ministry of Public Security, which has traditionally exercised supervision of China's border control forces. How this dual leadership will affect the operation of the new Coast Guard remains to be seen.

Fourthly, the composition and functions of the National Oceanic Commission are still unclear. Whether this Commission will conflict or overlap with the Small Leadership Group is also an open question.

Lastly, perhaps more importantly for the region, it is unclear whether the new China Coast Guard will be equipped with heavy arms. This is a serious issue because the old Coast Guard, which was also part of the border control forces of the Chinese Armed Police Force, has always been armed. It is unclear whether all the boats of the new China Coast Guard will be armed. It would be a bit strange if some of the ships are armed and some are not.

Implications for regional security

The restructuring of the maritime sector is a reflection of Chinese decision makers' desire to strengthen China's maritime law enforcement capability, which is widely regarded as an indispensable step towards transforming China into a maritime power. Also, it is widely seen in China that its maritime interests have been increasingly encroached upon and having a unified law enforcement force was primarily intended to assert China's maritime interests. But it is popularly believed that the country's law enforcement forces, and the foreign policy community at large, have not done a proper job in protecting China's rights and interests in the sea.

Thus Beijing is unlikely to back down from the maritime security policy which has been described as assertive by many analysts in the past few years. In the meantime, China seems to believe that using the civilian law enforcement forces helps demilitarise the conflicts and avoid direct military confrontation with any neighbouring country.

This clearly illustrates that the essence of China's regional security policy continues to be what can be described as non-confrontational assertiveness. This gives credence to the view that tensions and disputes will very likely persist in the East Asian Seas at least for the next few years.

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