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# RSIS COMMENTARIES

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## **Restructuring China's Maritime Security: Lofty Ambition, Little Progress**

By Zou Wentao

### **Synopsis**

*China announced the restructuring of its maritime law enforcement agencies more than half a year ago, but progress has been slow and the real change could take years to realise.*

### **Commentary**

IN THE past few years, China's maritime law enforcement vessels attracted media attention for playing a leading role in "protecting its legitimate maritime rights and interests". Recently, however, these vessels have been getting less international attention, due partly to changes in China's maritime security policy. It is also due to the fact that China's maritime law enforcement agencies are undergoing restructuring. The progress of this restructuring, however, has been slow.

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### **Changing structure, but limited progress**

Following Deng Xiaoping's 'Reform and Opening-up' policy in 1978, China's maritime administration has been decentralised to support economic development and ocean protection. This decentralised system comprised a number of ministries having to do with land, agriculture, transportation, public security, and oceanic administration. According to the 2012 China Ocean Development Report, there are more than 17 governmental agencies handling the different dimensions of marine affairs management.

Although such a management method appears to have laws and rules to follow, in effect, there is an absence of a centralised management. This weakness, marked by the lack of good communication and cooperation mechanisms, has created problems.

In 1984, the State Council envisaged using the centralised leadership system to manage China's marine industry. However, this system was accepted only in March last year. According to the new plan, various maritime law enforcement forces, hitherto scattered throughout different ministries and departments, would be merged to form a single new institution - the China Coast Guard (CCG).

### **Lack of coordination**

There has, however, been very little information about the progress of this government institutional reform. China appeared to have blacked out further information on the reform following the publication of a news report by a Japanese news agency about newly-unified CCG vessels departing a naval port in Xiamen for the Diaoyu/Senkaku Islands to conduct surveillance.

Beijing in fact classified the report as a “threatened national security”. Since then, local authorities were required to tighten security on these ports and vessels and everything about maritime law enforcement seemed to have become confidential.

In reality, besides the change in uniform and colour of the surveillance vessels, there has been very little substantive progress in the restructuring process. A few factors could account for the slow progress. Firstly, there is an absence of a well-developed and effective system for rights protection. In the Chinese context, marine surveillance law enforcement is divided into two parts. The first is administrative enforcement which employs laws intended to manage the use of the sea, such as the protection of the marine environment and island protection.

The second part is the enforcement of rights largely based on the United Nations Convention on the Law of the Sea (UNCLOS), and China’s 1996 Regulations on the Management of Foreign-related Marine Scientific Research. Rights enforcement aims to acquire the target’s deployment activities, followed by carrying out general inquiries and declaring sovereignty or sovereign rights.

Currently, China’s rights enforcement regulations, usually against foreign targets, are relatively under-developed. There are no detailed regulations for rights enforcement. The different agencies also had their own guidelines to follow. With all the different maritime-related units coming together now, it has become critical to develop more concrete and unified regulations for rights enforcement operations.

### **Dual leadership**

Moreover, China’s law enforcement officers are aware of the lack of effective coordination which is needed to mobilise other agencies. Coordination is needed to increase the response options to maritime challenges: legal means, diplomacy, negotiation, and when necessary, the use of force to drive away foreign vessels in waters claimed by China.

Secondly, maritime surveillance personnel have mentioned the difficulties of coordination and collaboration among new colleagues who come from different backgrounds. Further complicating their coordination is the lack of training on their respective roles, resulting in some agencies adhering to old practices. For example, when a CCG vessel sets out to patrol the waters near the Diaoyu/Senkaku Islands, officers from the old Marine Surveillance, the old Marine Police Force, and the Fishery Administration would all come on board, wearing vests with “China Coast Guard” prints. As a result, officers of the old Marine Surveillance would complain of increased workload and work stress from working with new colleagues.

Thirdly, the agencies deprived of law enforcement roles are reluctant to render full support for the restructuring plan. China’s unique administrative pecking order further hampers the restructuring process. For instance, Liu Cigui, Director and Party Secretary of the State Oceanic Administration (SOA), is a vice-ministerial level official under the supervision of the Ministry of Land and Resources. At the same time, Liu holds the position of political commissar of the newly-merged China Coast Guard. Meng Hongwei is the deputy director of the SOA and concurrently the director of the China Coast Guard. But Meng is also a vice minister at the Ministry of Public Security who enjoys full ministerial rank because of his experience and seniority.

The China Coast Guard is supposed to be under the administrative supervision of the SOA and at the same time comes under the Ministry of Public Security for actual law enforcement operations. Obviously, this dual-leadership of the CCG makes the restructuring process a cumbersome one.

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