



REPORT

China's unpredictable maritime security actors

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EXECUTIVE SUMMARY

In recent years China's good-neighbourly pledges of increased trade and investment have stood in stark contrast with its provocative actions in its near seas. In part this reflects contradictions in China's core interests. On the one hand, economic growth — vital for China's political stability — requires cooperative relations with neighbours. On the other hand, defending sovereignty causes friction with neighbours who are rival claimants to contested islands and seas on China's periphery.

China's claims in the East and South China Seas have not changed in decades. What has changed is China's capacity and desire to defend its maritime claims. Moreover, since becoming leader, Xi Jinping has placed greater emphasis on defending China's sovereignty. But there is no evidence that China's recent actions in the maritime domain are part of a grand strategy Xi is pursuing to coerce China's neighbours in a tailored way towards a pre-defined goal. Despite the image of Xi as a strong leader, systemic problems and fractured authority in China leave substantial room for myriad maritime security actors to push their own agendas, especially in the South China Sea. These include local governments, law enforcement agencies, the People's Liberation Army (PLA), resource companies, and fishermen.

All of these actors stand to gain from China's defence of its maritime interests, including commercially, or through increased government funding, or in terms of prestige. Many actors push the boundaries of the permissible, using the pretext of Xi's very general guidelines on safeguarding maritime rights. They grasp every opportunity to persuade the government to approve new land reclamation projects, fishing bases, rescue centres, tourist attractions, larger and better-equipped patrol vessels, resource exploration, and legal instruments to codify claims. Xi relies on these actors to maintain the unity of the Communist Party. In the present nationalistic political atmosphere, Xi cannot denounce an action taken in the name of protecting China's rights.

The central leadership has tried to better coordinate maritime policies, in particular by restructuring the maritime enforcement agencies. But the plan to establish a unified China Coast Guard, announced in March 2013, has not yet been fully realised. The complex management structure of the consolidated organisation has given rise to a power struggle between the State Oceanic Administration and Ministry of Public Security that has yet to be resolved. Additionally, it is unclear whether the PLA will expand its present role as an 'over the horizon' force, on hand only in case it is needed. According to some Chinese sources, the PLA had a coordinating role during the stand-off between the Chinese and Vietnamese patrol vessels over the HYSY-981 oil rig in May 2014. Joint military–civilian exercises have since increased, possibly indicating that the PLA will take on a more active role in maritime law enforcement.

It is these actors and the complex interactions between them that make China's behaviour unpredictable. These actions will continue to be ad hoc rather than systematic as part of any grand strategy. But they will also continue to upset neighbours and raise concerns about China's strategic intentions.

PREFACE

This publication is part of a broad research, outreach, and publication project on Indo–Pacific maritime security at the Lowy Institute for International Policy, which is generously supported by the John D. and Catherine T. MacArthur Foundation. I extend my thanks to the MacArthur Foundation for its support of research toward this report.

The report is based on extensive research on the Indo–Pacific maritime security domain starting in 2011. This research includes scrutinising more than 100 Chinese- and English-language published sources as well as conducting dozens of interviews. These for the most part took place in China, but also in Australia, Indonesia, Japan, Norway, the Republic of Korea, Singapore, Sweden, and the United States. Unless otherwise specified interviews with Chinese interlocutors were conducted in China from 17–28 March and 1–10 September 2014. Nearly all interviews were conducted off the record because both Chinese and foreigners whose work relates to official Chinese policy are reluctant to express candid views on the record.

The report is a sequel to my research report on new foreign policy actors in China (Sipri Policy Paper 26/2010, with Dean Knox). The Sipri report identified two trends relevant to this report. First, decision-making is increasingly fractured in China, even in the realm of foreign policy. Second, new foreign policy actors would like to see the government more staunchly defend China's interests. Within all emergent interest groups, the Sipri report concluded, there are voices that urge China to take a “less submissive stance” towards the demands of industrialised countries.¹

A word about place names is in order. In the propaganda war in which all claimants in the East and South China Seas energetically engage, what one calls a disputed island or shoal can be interpreted as a political statement. The only way to be absolutely neutral would be to provide the name of each island or sea as it is used in China, Indonesia, Japan, Malaysia, the Philippines, Taiwan, and Vietnam. This would of course be extremely cumbersome for the reader. Therefore I have mostly tried to use only the English name, even if it in some instances is a bit obscure or could be perceived as a remnant of colonial times. My intention is not to make any judgement on the basis of the names I have chosen to use.

I am deeply grateful to Dirk van der Kley, research associate in the East Asia Program at the Lowy Institute from January 2012 to July 2014, and Chris Lanzit, my husband, for their tireless efforts in searching for and poring over Chinese-language literature to glean useful tidbits of information about Chinese maritime security actors. Their research input, together with their comments on several drafts, was invaluable. I also thank Dr Philippa Brant, Anthony Bubalo, Dr Michael Fullilove, Rory

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ABBREVIATIONS

ADIZ	air defence identification zone
CC	Central Committee
CMC	Central Military Commission
CMS	China Maritime Surveillance
CNOOC	China National Offshore Oil Corporation
CPC	Communist Party of China
EEZ	exclusive economic zone
FLEC	Fishing Law Enforcement Command
GPD	General Political Department
HYSY	Hai Yang Shi You ('maritime oil')
LSG	Leading Small Group
MFA	Ministry of Foreign Affairs
MSA	Maritime Safety Administration
PLA	People's Liberation Army
PLAN	People's Liberation Army Navy
PRC	People's Republic of China
PSC	Politburo Standing Committee
RMB	renminbi (Chinese currency)
UNCLOS	United Nations Convention on the Law of the Sea
USD	United States dollar

China's foreign policy, especially in the maritime domain, appears to be inconsistent, even erratic. On the one hand, China expends a great deal of effort to convince others that it is a good neighbour. On the other hand, China continually antagonises its neighbours by its assertive actions at sea and in the air.

The past year provides numerous examples of China's contradictory behaviour. In October 2013, while travelling across Southeast Asia, China's president and general secretary of the Communist Party of China (CPC), Xi Jinping, pledged beneficial terms for trade and investment, committed to setting up an Asian infrastructure bank, and called for a "Maritime Silk Road" to connect China with Southeast Asia. Back home, Xi spoke at a major CPC conference on peripheral diplomacy and advocated a new outlook on security, featuring mutual trust, reciprocity, equality, and coordination. "The basic tenet of diplomacy with neighbours," Xi said, "is to treat them as friends and partners, to make them feel safe, and to help them develop."²

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These pledges would have made any neighbour happy had they not been given while Chinese authorities were taking heavy-handed measures to strengthen a number of China's territorial claims. In November 2013 China deepened its ongoing rift with Japan over the Senkaku/Diaoyu Islands by announcing an air defence identification zone (ADIZ) over the East China Sea, including the islands.³ In March 2014 Chinese law enforcement vessels tried to stop a Filipino vessel from providing supplies to eight military personnel stationed on a stranded vessel at Second Thomas Shoal, a tiny reef within the Philippines' 200-mile exclusive economic zone (EEZ) in the South China Sea. In May, China National Offshore Oil Corporation (CNOOC) moved its HYSY-981 oil rig to waters near the disputed Paracel Islands in the South China Sea. In the ensuing stand-off between Chinese and Vietnamese maritime law enforcement vessels, water cannons were used, and in one instance a Vietnamese vessel sank after being rammed by a Chinese vessel.⁴ Anti-Chinese protests erupted in Vietnam, causing some fatalities. These are just three examples from a long list.

How should one interpret this contradictory behaviour? There is no single answer. Several factors — some of which are evolving — need to be considered in trying to understand China's actions, motives, and policies. From a Chinese point of view, the contradiction is not as stark as it seems to Westerners. *Mao dun*, the Mandarin word for contradiction, consists of the characters for 'sword' and 'shield', and does not have an overtly negative connotation. To quote Phillip Saunders of the US National Defense University, from a Chinese

perspective “a contradiction is a tension to be managed, not an imperative to choose between conflicting goals.”⁵

A nation's interests are often in tension, and these interests have to be balanced. China continues to define its core interests as the following: first, China's political stability, namely the stability of the CPC leadership and of the socialist system; second, sovereign security, territorial integrity, and national unification; and third, sustainable economic and social development.⁶ While economic development demands cooperative relations with neighbours, standing up for sovereignty can cause friction with neighbours that are rival claimants to contested islands and seas. Both economic development and the safeguarding of territorial integrity are paramount to the CPC's legitimacy.

China's claims to numerous reefs, shoals, and islands have not altered for decades. What has changed is China's capacity to defend these maritime claims. China's naval capabilities have strengthened, and the fleets of China's law enforcement agencies have expanded. Over the past five years, dozens of ocean-going patrol ships, either decommissioned from the People's Liberation Army Navy or specifically built for civilian use, have been integrated into the fleets of China's law enforcement agencies. Chinese patrol vessels today often dwarf those of other South China Sea claimants in both size and numbers. Only Japan's coast guard is a match for China's maritime law enforcement capabilities.⁷ If current plans materialise, in the next decade China's law enforcement agencies are expected to have greater tonnage in ships than the coast guards of the United States and Japan combined.⁸

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Alongside these new capabilities is an unprecedented willingness by China's leaders to use stronger measures to defend territory that they perceive as rightfully China's. They are bolstered by the view among Chinese elites and various groups of maritime actors that China's past weakness, restraint, and conciliatory approach to the issue of maritime claims have resulted in encroachments on China's sovereignty and interests.⁹ More generally Chinese people today feel that it is high time that China become less submissive and cease acquiescing to outsiders, especially Japan and the United States. Many Chinese regard their government's diplomacy as “weak-kneed.”¹⁰ The same is true of public opinion in other South China Sea claimant countries; citizens across Indo-Pacific Asia demand stronger measures to protect what is perceived as sovereign territory.

Xi has deftly tapped into the nationalistic sentiment by reviving former CPC leader Jiang Zemin's promotion of the “great rejuvenation of the Chinese nation,” injecting a new call for the “Chinese Dream.” Nevertheless, he must continuously balance the desire among elites for China to stand tall in its international dealings with the reality that China needs a stable external environment to continue to prosper

economically. Xi has said that China will adhere to the path of peaceful development, but:

In no way will the country abandon its legitimate rights and interests, nor will it give up its core national interests.¹¹

Another new factor is the significance of the maritime domain, which is today regarded as far more crucial to China's ongoing modernisation than it was ten years ago. At the turn of the century, leaders in Beijing spoke about promoting marine development.¹² Today they look upon the ocean as an integral part of China's security and development policy. And they have publicly set the goal of China becoming a maritime power.¹³ The country's eleventh five-year plan, for 2006–10, included just one section on the seas, but its twelfth plan, for 2011–15, had an entire chapter on developing the marine economy.¹⁴ China's 2012 defence white paper has a subsection devoted to safeguarding maritime interests and rights.

Because China's economic growth has become increasingly dependent on the maritime environment, the number of actors with a stake in China's maritime affairs has expanded. 'Maritime affairs' is a broad term. It comprises the maritime economy, in other words, shipping, tourism, fishing, and extraction of seabed resources; maritime research, encompassing all areas related to the maritime economy plus climate change and environmental issues; and maritime security, which incorporates maritime traffic control, environmental protection, and elimination of smuggling as well as safeguarding sovereignty, upholding China's rights in its EEZs, and ensuring the security of all those involved in developing the maritime economy, including fishermen. 'Maritime security actors' is also a broad term. For the purposes of this study it includes all the official and unofficial entities (and the people in charge of them) that have an impact on China's policies and actions in its near seas.

Finally, a new and continuously evolving factor when attempting to understand China's maritime behaviour is the impact of actors who previously had little, if anything, to do with China's foreign and security policy. Over the past decade, foreign and security policy decision-making in China has become fragmented. The fracturing of authority has taken place incrementally as a result of the multi-faceted transformation of Chinese society, the expansion of China's global reach, and the emergence of a diverse set of actors with global interests but sometimes competing agendas. Many of these actors are interest groups that the CPC leadership relies on to maintain political stability and economic growth. Hence, they cannot be ignored.

Some observers view China's maritime behaviour as the result of a deliberate and systematic grand strategy, which relies on "salami-slicing" and a pre-designed "policy of tailored coercion" approved by the top leadership.¹⁵ However, a more nuanced picture of decision-making

emerges when examining the complex roles and motivations of multiple actors, which in turn sheds light on China's foreign policy and its confrontational maritime behaviour. This report argues that despite Xi Jinping's image as a strong leader, persistent systemic problems in China, alongside the decade-long trend of fractured authority, leave substantial room for various actors to push their own agendas, especially in the South China Sea.

The report first explains the sources of contention in China's maritime environment and why it is important to understand China's actions. The report then provides an overview of China's maritime security actors, including the 2013 restructure of the maritime law enforcement agencies. The report goes on to examine the complexities of governance in China, including China's political culture, and how this influences the behaviour of maritime security actors. The penultimate section is a case study of the city of Sansha, an example of how the interplay of fractured authority, multiple actors, the current emphasis on "rights consciousness," and competing agendas impacts on Chinese policy in the maritime domain. The report concludes with an assessment of how the proliferation of powerful actors can be expected to affect China's maritime behaviour in the future.

THE ISSUES

But above all, China's rise and the uncertainty of what China will do with its power in the long term has driven these rivalries into the global spotlight.

The sovereignty disputes in the East and South China Seas have caused international tensions for decades. The rival claimants have always been stirred by nationalist passions. New drivers of tensions include deepening energy and food security concerns. Oil and gas deposits under the seabed of the disputed waters are regarded as critical, as are fishing rights. But above all, China's rise and the uncertainty of what China will do with its power in the long term has driven these rivalries into the global spotlight. A complex strategic dynamic is at play, part of the broader question of whether China will one day seek primacy in the South China Sea and push the US military out of the western Pacific.

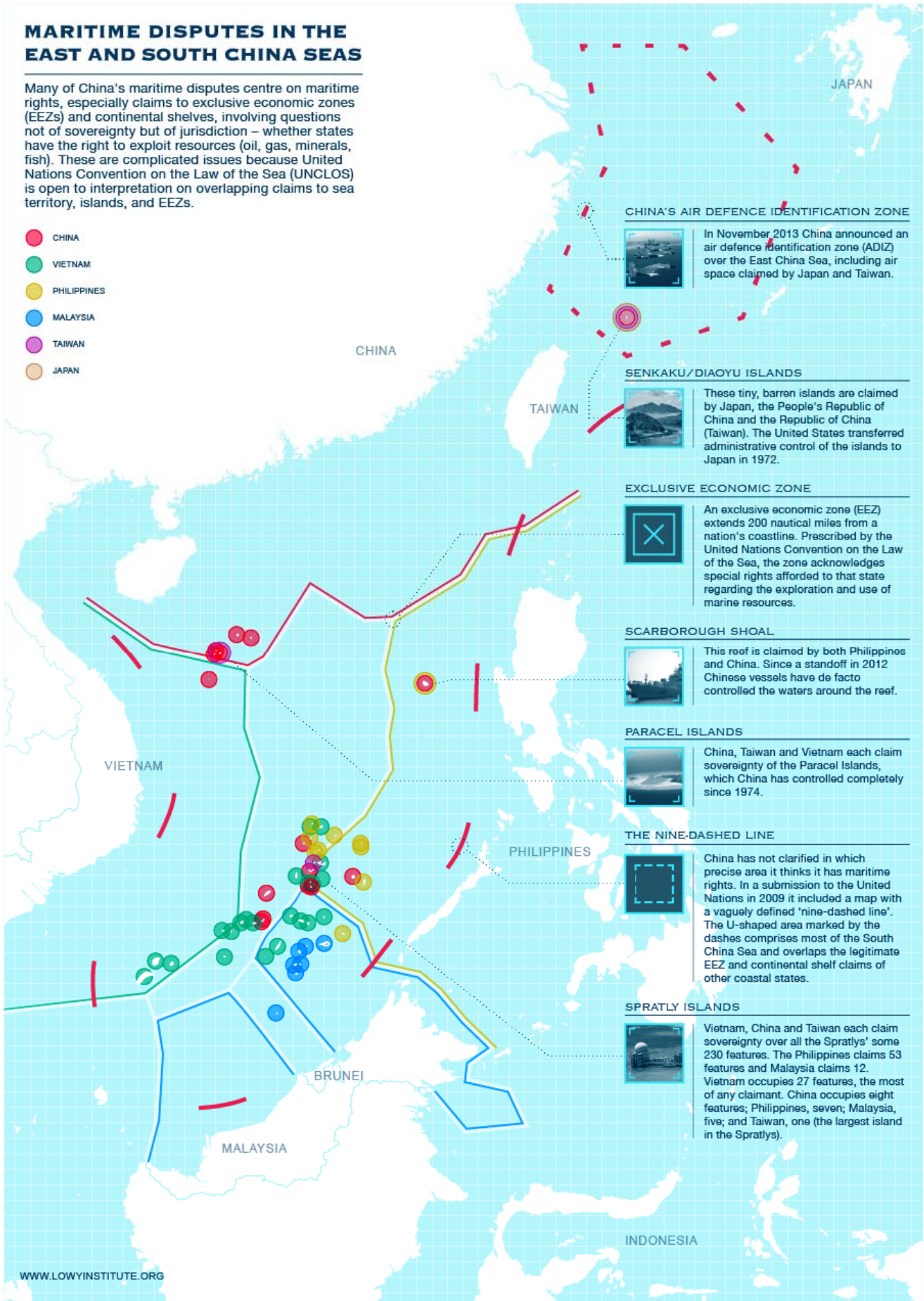
There are three separate contentious issues to consider in China's near seas: China's claims in the East China Sea; its claims in the South China Sea; and China's interpretation of what the United Nations Convention on the Law of the Sea (UNCLOS) stipulates as acceptable behaviour within a nation's EEZs.¹⁶

In the East China Sea there is only one group of islands under contention, called Senkaku in Japanese and Diaoyu in Chinese. They are claimed by Japan, the People's Republic of China (PRC) and the Republic of China (Taiwan). Japan administers the islands and does not acknowledge that any sovereignty dispute exists.

MARITIME DISPUTES IN THE EAST AND SOUTH CHINA SEAS

Many of China's maritime disputes centre on maritime rights, especially claims to exclusive economic zones (EEZs) and continental shelves, involving questions not of sovereignty but of jurisdiction – whether states have the right to exploit resources (oil, gas, minerals, fish). These are complicated issues because United Nations Convention on the Law of the Sea (UNCLOS) is open to interpretation on overlapping claims to sea territory, islands, and EEZs.

- CHINA
- VIETNAM
- PHILIPPINES
- MALAYSIA
- TAIWAN
- JAPAN



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China's challenges in the East China Sea are markedly different from those in the South China Sea, where there are nearly 200 islets to argue over, myriad complex claims, and militarily weak claimants that are economically dependent on China.¹⁷ The two key disputes relate to the sovereignty of the largest island groups: the Paracels and the Spratlys. China, Taiwan, and Vietnam each claim sovereignty of the Paracel Islands, which China has controlled since 1974, while there is a multilateral dispute over the Spratly Islands.¹⁸ None of the claimants in the disputes of the Paracels and the Spratleys has a clear-cut legal case.¹⁹

One further difference is that Chinese maritime security actors have a much greater opportunity to affect strategy and policy implementation in the South China Sea than in the East China Sea. Many Chinese interviewees during 2013 and 2014 emphasised that actors have less room to manoeuvre in the East China Sea because senior leaders pay more attention to the dispute with Japan. The reasons are manifold: China and Japan are each other's vital trading partners so China would suffer considerably if the two countries came to blows. Moreover, Japan is a formidable military power in its own right. It also has President Barack Obama's public assurance that the US–Japan security treaty covers the Senkaku Islands, meaning the United States would be obligated to join Japan in defending the islands in the event of an attack.²⁰ For this reason the report focuses principally on China's behaviour in the South China Sea.

The third contentious issue involves the near continuous intelligence gathering by the United States in China's EEZs, to which China objects and which Washington states is part and parcel of its defence of freedom of navigation. The United States and China have both stated a firm commitment to freedom of navigation. However, Beijing and Washington have different interpretations of the actions that UNCLOS deems acceptable in the EEZ extending 200 nautical miles from a nation's coastline. China, along with a handful of nations including Brazil and India, maintains that military activities, including intelligence gathering, are not allowed in the EEZ without the permission of the coastal state. The United States disagrees.²¹ On a number of occasions China has intercepted US aircraft and vessels on intelligence-gathering missions, risking a collision.²²

Any of these disputes could escalate into conflicts that endanger regional stability. The East and South China Seas are crucial to the global economy due to the enormous volume of trade and petroleum that pass through their waters. All the claimant countries have remained steadfast. China is seen by many outsiders as using its enhanced capabilities to intimidate, bully, and coerce its neighbours to accept China's claims. China dismisses this view, instead stating that its passive stance in the past has led to its rights being encroached on by others.²³

Additionally, China often states that it does not initiate incidents; rather it reacts to provocations.

China has upset its neighbours in recent years not only by increasing its patrols of disputed waters and air space; it has also strengthened its presence on contested islands by fortifying them, constructing lighthouses, piers, and airstrips; and it has engaged in propaganda warfare about their ownership. China counters criticism of its increased presence and actions by accurately pointing out that other countries have also increased the frequency of patrols, built structures on islands, and waged propaganda warfare. But China's size is intimidating. And the ambiguity of China's intentions evokes fear.

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THE ACTORS

To better grasp Chinese policy and actions with respect to these maritime issues it is essential to know who the key actors are. They include the official foreign and security policy establishment and "actors on the margins."²⁴ The establishment embodies central CPC organs, central government agencies, and the PLA — units tasked with protecting China's territorial integrity as well as units that participate in strategic decision-making. Actors on the margins are those who strive to influence key Chinese policy-makers on maritime security issues because they or their constituencies have an interest in or are affected by China's maritime behaviour. These include: provincial and municipal officials in coastal areas; officials in charge of maritime law enforcement agency activities; executives in a number of industries including resources, tourism and aquaculture; fishermen; and maritime specialists, media commentators, and netizens at large.

THE PARTY: XI JINPING AND CPC LEADERSHIP BODIES

The most important decision-maker in China is Xi Jinping. He heads the Party, the state and the military in his roles as general secretary of the CPC, president of the People's Republic of China, and chairman of the Central Military Commission. He chairs the seven-member Politburo Standing Committee (PSC) of the CPC Central Committee, the highest decision-making body in China. The PSC derives from the 25-member Politburo, which in turn derives from the Central Committee (CC). There are 205 CC members and 171 alternate members. Xi also heads other important decision-making or -shaping bodies, including the new State Security Committee announced in October 2013. Officially, maritime security falls under its purview, but little is known about the new committee's other members or its functions.²⁵ Many analysts presume its focus is on domestic security.²⁶

In the maritime security sphere, besides Xi and the other PSC members, there are three important policy-makers who do not even hold a government position. Wang Huning, a Politburo member, heads the

CPC Central Committee Policy Research Office and presumably has a role in foreign policy. A former professor of international relations, Wang is a veteran behind-the-scenes adviser who also served Xi's predecessors, Jiang Zemin and Hu Jintao. Another Politburo member, Li Zhanshu, heads the CPC Central Committee General Office, which is significant because it controls the flow of information to senior leaders and manages their schedules. Li is believed to be a personal friend of Xi's.²⁷ A third Politburo member without a government position is Liu Qibao, head of the Central Committee Propaganda Department, who shapes China's public rhetoric on maritime security policies. In part because they do not hold posts representing the state, China's external face to the world, interaction between these three CPC Politburo members and foreigners is minimal. Consequently their personalities and views are even more opaque than those senior CPC leaders who also hold top state positions, like Li Keqiang, second in authority in the Party and China's premier.

Other significant Party officials in the maritime security sphere include provincial Party secretaries in the coastal provinces. Guangdong's Hu Chunhua is one of six provincial Party secretaries in the Politburo. Luo Baoming, Hainan's Party secretary and member of the Central Committee, has served on the island since 2001 and is described as an energetic politician who advocates for the central government to improve China's maritime law enforcement capabilities.

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LEADING SMALL GROUPS

The CPC Central Committee Leading Small Groups (LSGs) are secretive bodies that deliberate, draft, and coordinate policy on major issues and report to the PSC. Because the Party's power is paramount over the state, these LSGs are as important, if not more important in terms of power, than government ministries.²⁸ LSGs are headed by a PSC member and are intended to bring together all the relevant actors on a given policy issue to provide expertise and overcome coordination problems.

Xi Jinping is believed to head the National Security LSG and the Foreign Affairs LSG, which are basically one and the same, as both groups are composed of the same members. These two LSGs are serviced by the same office, headed by Yang Jiechi, state councillor in charge of foreign affairs.²⁹ That office has reportedly been combined with the office of the relatively new LSG for the Protection of Maritime Interests, established in 2012. That LSG too is headed by Xi.³⁰

The maritime LSG is believed to include senior officials from the Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Agriculture, State Oceanic Administration, and the PLA Navy. As with PSC meetings, the agendas for LSG meetings and decisions made by the LSGs are not made public.

The office assigned to each LSG is influential as it prepares the LSG meeting agendas and serves as a gatekeeper for material passed on to the LSG. It is also responsible for providing analysis pertaining to its specific area ahead of PSC meetings. For example, according to an unconfirmed account, the controversial plan to tow the HYSY-981 oil rig to disputed waters near Vietnam in May 2014 would not have been approved if Yang Jiechi had not passed it on to the maritime LSG. A senior official working in one of the key CC offices said that for years many people — especially Hainan provincial officials — had lobbied aides of senior leaders to gain approval to explore the waters off the disputed Paracel Islands.³¹ However, Dai Bingguo (Yang's predecessor as head of the CC Foreign Affairs Office during the Hu Jintao era) did not pass the plan upwards to any meeting of the senior leadership. The senior official presumed Yang made the decision because safeguarding China's rights has been elevated in the transformed political climate under Xi, and Yang wanted to show his nationalist credentials. It is possible that Yang also wanted to curry favour with those seeking to expand exploration in disputed waters. The senior official said:

It would be unusual for the senior leadership not to sign off on a plan approved by the state councillor in charge of foreign affairs.

THE STATE: GOVERNMENT BODIES

The central government bodies most relevant to maritime security issues include the Ministry of Foreign Affairs; the Ministry of Public Security; the Ministry of Defence; the Fishing Administration under the Ministry of Agriculture; the State Oceanic Administration under the Ministry of Land and Resources; the Maritime Safety Administration under the Ministry of Transport; the Ministry of Environmental Protection; General Administration of Customs; the Ministry of Science and Technology; the National Tourism Association; the Ministry of Industry and Information Technology; and the so-called super-ministry, the National Development and Reform Commission that is responsible for economic development generally and resources in particular.

In many cases, there are subsections or departments within a ministry or administration with overlapping areas of authority for some maritime issues. This significantly complicates decision-making and leads to slow or contradictory policy responses. For example, at the Ministry of Foreign Affairs (MFA), at least three departments manage East and South China Sea issues: the Departments for Asian Affairs, North American Affairs, and Boundary and Ocean Affairs. The Department of Boundary and Ocean Affairs, established in 2009, is meant to develop policies for maritime boundaries, handle external boundary matters and cases concerning territories, maps, and place names, and engage in diplomatic negotiations on maritime delimitation and joint development. All of these tasks are central to reducing tensions between China and its neighbours in the maritime periphery. But the department is one of the

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weakest in the MFA. Its decisions are routinely overridden by either of the other two longer-standing departments, according to several MFA interviewees. “A weak department within a weak ministry,” was how one senior researcher dealing with maritime affairs described the MFA’s standing among central government bodies.³² But, he added, the MFA is one of the few maritime security actors that has experience dealing with international issues. Most of the other maritime actors lack international experience and in his view do not always realise — or care — how their actions affect China’s dealings with other countries.

Although ministries are subordinate to the State Council, and all government agencies are subordinate to the CPC, ministries cannot be overlooked as possibly significant maritime security actors. Ministries can “wield decisive tactical influence over policy” because of their role as drafters of laws and regulations, and implementers of the sometimes ambiguous national policy goals set by top leaders.³³

Central government bodies have bureaus in the provinces. These bureaus report both to their parent organisation in Beijing and to the provincial leadership. When priorities are in conflict, the leaders of such bureaus “tend to put the provincial leadership’s interests first, not least because the provincial leadership controls personnel assignments” (except for the provincial Party secretary and governor, which are decided by the CPC Organisation Department in Beijing).³⁴

Provincial leaders are powerful. They all share at least the same bureaucratic rank as central government ministers and are sometimes higher in Party rank. For example, the six provincial Party secretaries who are Politburo members all outrank Yang Jiechi, the state councillor in charge of foreign affairs, who in Party ranking is merely a Central Committee member. Yang implements policy; he does not craft it. The Guangdong and Hainan provincial leaders are prominent actors in the South China Sea disputes.

Provinces also have the right to pass their own laws and regulations, which may extend national laws and regulations, but not conflict with them. This right, among others, makes the local government agencies in the coastal provinces significant actors in the maritime sphere. For example, the central government was reportedly not consulted in advance of Hainan’s 2012 announcement about new regulations for the management of public order for coastal and border defence.³⁵ The regulations that went into force on 1 January 2013 authorise public security units to inspect, detain, or expel foreign ships illegally entering waters under Hainan’s jurisdiction. In November 2013, concerns in neighbouring countries were further heightened when the same legislative body issued “measures” (办法) or rules for the province’s implementation of China’s 2004 fisheries law. The measures included a clause that required foreign fishing vessels to gain approval from the

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relevant State Council departments before engaging in activities in “sea areas administered by Hainan.”³⁶

MARITIME LAW ENFORCEMENT AGENCIES

Many of the incidents in the East and South China Seas have involved vessels of China’s maritime law enforcement agencies. Before 2013 there were five civilian law enforcement agencies, each with its own fleet, and each administratively subordinate to a different central government ministry or agency. These were:

- the *China Maritime Police*, belonging to the Border Control Department under the People’s Armed Police, which in turn was under the ‘dual command’ (双重领导) of the Ministry of Public Security and the Central Military Commission.³⁷ In English, the China Maritime Police was also referred to as China’s Coast Guard. Its responsibilities included protection of China’s security and the law and order of China’s maritime territory.³⁸
- the *China Maritime Surveillance* (CMS), a department of the State Oceanic Administration (SOA) administered by the Ministry of Land and Resources. The CMS was founded in 1998 with the explicit mission of protecting China’s extensive EEZs from various forms of encroachment.³⁹ ‘Safeguarding rights patrols’ by CMS vessels, in particular, have caused friction between China and neighbouring countries. The SOA, in terms of government hierarchy, is only a second-tier agency under a ministry.
- the *Fisheries Law Enforcement Command* (FLEC), a part of the Fisheries Bureau administered under the Ministry of Agriculture. In recent years FLEC vessels have accompanied fishing vessels into disputed waters.
- the *Maritime Anti-Smuggling Bureau* under the General Administration of Customs operated its own fleet of fast patrol boats.
- the *Maritime Safety Administration* (MSA) was — and still remains — under the Ministry of Transportation and Communication. Its responsibilities include control of maritime traffic.

Many articles were written prior to 2013 by Chinese analysts lamenting China’s weak and ineffective maritime law enforcement agencies. The criticism was blunt: narrow-mindedness, selfish departmentalism, overlapping areas of authority, and too little funding hampered the work of maritime law enforcement agencies, thus weakening China’s capacity to defend its maritime interests.⁴⁰ At the same time, senior officials and officers publicly demanded that the government create a unified national coast guard.⁴¹ As early as 2003 a senior official from the prestigious Development Research Center under the State Council noted that Japan, Korea, and the Southeast Asian nations were actively developing

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an integrated maritime force, creating a potential threat to China's oceanic development.⁴² Scholars and officials also pointed to the pressing need for a legal framework for maritime law enforcement. Lyle Goldstein of the US Naval War College, author of a groundbreaking English-language report in 2010 about the disarray in China's maritime law enforcement agencies, described China's weakness in the crucial "middle domain of maritime power, that between commercial prowess and hard military power," as a "mystery."⁴³

The decision in March 2013 to consolidate these agencies was intended to strengthen China's maritime law enforcement capabilities and address severe problems arising from overlapping jurisdiction, poor coordination, and inefficient use of resources.⁴⁴ It is an elucidating example of how changes may occur — albeit slowly — as a result of bottom-up and top-down pressure. However, the restructure appears to have created a new set of problems. The resistance the restructuring efforts continue to encounter reflects the difficulties Chinese entities have in cooperating, coordinating, and communicating despite central government directives.

One of many uncertainties pertains to the establishment of the State Oceanic Commission, announced in conjunction with the restructuring as a new high-level organ for policy coordination. As of November 2014 the names of Commission members had not been made public, nor had there been any news of it convening. Some analysts now presume the commission's main tasks are — or will be — to oversee the drafting of a national maritime strategy and a basic law of the ocean.⁴⁵ Both will be lengthy processes, requiring extensive inter-agency consultations.

According to the restructuring announcement, China's maritime law enforcement will henceforth be done in the name of the Maritime Police Bureau (海警局). All of the fleets, except that of the Maritime Safety Administration, are to be incorporated into one fleet, to be called in English the 'China Coast Guard'.⁴⁶ But while administrative oversight of the China Coast Guard was given to the SOA, it is to receive operational "guidance" from the Ministry of Public Security (MPS).⁴⁷ There is conflicting information about how this is intended to work in practice, even 21 months after the announcement. A department under the SOA (Maritime Police Command Centre 中国海警指挥中心) will have some responsibility for the Maritime Police Bureau, and one report indicated that the command centre would give orders.⁴⁸ But at the same time a number of interlocutors indicated that the MPS would be primarily in charge of leading the Maritime Police Bureau.

Although no public document has explicitly stated this, one can surmise that the China Coast Guard is under the dual command of the State Council and Central Military Commission. (This was previously the case with China Maritime Police, which took orders from the People's Armed Police under the MPS.⁴⁹) A Chinese news report alluded to this arrangement by stating that:

Personnel changes and functional adjustments will gradually clarify what is meant by 'China Coast Guard to receive operational guidance from the Ministry of Public Security'.⁵⁰

According to the new China Coast Guard's recruitment page that went live in November 2014, in the future the Coast Guard will be led by commissioned armed police officers with military ranks.⁵¹

This dual chain of command, one for administration and the other for operations, is sufficiently complex to make oversight of the operations of the new China Coast Guard a challenge. Moreover, personnel appointments and the leadership structure have further transformed the management of the China Coast Guard into "a nightmare," according to several officials working in the maritime domain at the central and local levels.⁵² An ongoing power struggle between two government bodies and their leaders hampers coordination within the new organisation at all levels, as well as impeding operations on board at least some China Coast Guard vessels.

Liu Cigui has been director and Party secretary of the SOA since 2007. Liu is embittered because he lobbied hard but failed in his attempt to upgrade the second-tier SOA to a fully fledged ministry in conjunction with the government's restructuring plans announced in 2013. In part this was due to Premier Li Keqiang's desire to decrease rather than increase the number of ministries. But not only was Liu not given a ministry to head; he also was not given control of the restructured Coast Guard. A man senior in rank to Liu in the Party, veteran police officer and MPS vice-minister Meng Hongwei was appointed as the director and Party secretary of the new Maritime Police Bureau.⁵³ Meng was also made a deputy director of the SOA.⁵⁴ Titularly Liu's deputy at SOA, Meng made it clear who the real boss was by demanding a larger office than Liu's at SOA headquarters, and ordering the office be thoroughly renovated (despite reportedly spending most of his time at his main office in the MPS). Meng has appointed close MPS associates to senior positions in the Maritime Police Bureau as well as in its provincial and municipal offices. Furthermore, there are scores of bitter senior officials at the three agencies deprived of their status as separate law enforcement bodies.⁵⁵ From sporadic Chinese news reports alluding to the tensions it is evident that the "division of power" has been difficult.⁵⁶

The abrasive manner in which the reorganisation of the SOA is being conducted has created ill will among long-serving SOA officials.⁵⁷ Two Chinese academics specialising in maritime affairs elaborated on the broader problems in an industry journal, stating that maritime law enforcement continues to lack a legal foundation, that harmonisation of cross-department relationships is difficult, and that the skills of personnel are limited. Finally, the scholars pointed out that collaboration between the new Maritime Police Bureau and the military is imperative but, they

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pessimistically concluded, “this requires long term exploration and practice.”⁵⁸

In July 2013, when the new China Coast Guard officially became operational, Xinhua news agency distributed photos of law enforcement agency vessels prominently featuring the words ‘China Coast Guard’, and of officers with new uniforms. In reality, an integrated coast guard does not yet exist.⁵⁹ Because it was so arduous to muster the political will to get the restructuring plan approved by the State Council before the National People’s Congress in March 2013, no action plan to implement the actual integration of the four agencies was drawn up. In a rare public admission of slow progress by a government official, a department chief in Hainan said in January 2014 that preparations to reform the Coast Guard were only half completed.⁶⁰ In February a Chinese news report stated that the final management system of the China Coast Guard was still being negotiated at the highest levels, and the division of labour among the four agencies was unclear.⁶¹

Experts presume that agreeing on the Maritime Police Bureau’s budget is a further reason for delays.⁶² In October 2014, a long article in the *Southern Weekend* newspaper stated that on the inside, the Maritime Police Bureau is still “not unified.”⁶³ News reports quoting government officials continue to refer separately to the four former law enforcement agencies and their fleets.⁶⁴ Interestingly, there have been public statements that the SOA should be upgraded to a ministry, a tacit criticism of the State Council decision.⁶⁵

Perhaps in an effort to convey something positive about the restructuring, the *Southern Weekend* article quoted a former Fisheries Law Enforcement Command employee, who is now assigned to the Maritime Police Bureau, saying that enforcement effectiveness has improved. In the past, each agency vessel usually patrolled alone, whereas now two or three vessels are dispatched together so they no longer “have to struggle alone.”⁶⁶

Other sources claimed that cooperation and communication between the agencies has actually deteriorated. In September 2014, SOA interlocutors recounted unconfirmed reports of personnel on board China Coast Guard vessels refusing to speak to anyone other than personnel from their former units. The fact that operations in May 2014 around the HYSY-981 oil rig, involving dozens of maritime security vessels, were reasonably well coordinated was attributed by most interlocutors to the coordinating role of the People’s Liberation Army Navy (PLAN).⁶⁷ Many interviewees, including officials from other government agencies at the local level, praised the professionalism of the PLAN officers compared with the officers on board law enforcement agency vessels. Numerous articles published in China point to the low education level of law enforcement officers while noting that substantial training is required to strengthen China’s law enforcement capabilities. For example, Li

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Tiansheng of Dalian Maritime University wrote that the “juridical knowledge of the enforcement personnel is rather low... which seriously impacts the image and effectiveness of maritime enforcement.”⁶⁸

THE PEOPLE'S LIBERATION ARMY

The People's Liberation Army (PLA) is unquestionably an important maritime security actor. Its role is both operational and political. Its mission is to safeguard national sovereignty, security, and territorial integrity, and support the country's peaceful development; since 2013 it has specifically been tasked with “resolutely” safeguarding China's maritime rights and interests.⁶⁹ Even though China has decided to rely primarily on the fleets of civilian law enforcement agencies – not the PLA Navy – to assert sovereignty and defend maritime interests (including fishing rights) in disputed waters, PLAN vessels still regularly patrol much of China's claimed territory. The PLAN provides a “backup” security guarantee to agency vessels.⁷⁰ As China's naval capabilities develop, the PLAN patrols will likely increase in scope and frequency. Moreover, the PLAN often leads joint exercises with the law enforcement agencies.⁷¹ This collaboration appears to be increasing.

The precise role of the PLA in China's security policy formulation is not known.⁷² Some of the most esteemed China researchers have opposing views on the question of how much political power the PLA has.⁷³ Whichever view one holds — and it is indeed merely a view as no outsider knows with certainty — key points need to be kept in mind: the military is subordinate to the Party; the Party decides on top military appointments; the military is not represented on the most powerful decision-making body (the PSC); and both Party and military elites need to ensure the Party stays in power. In fact, regime survival is the first of the PLA's “new historic missions,” outlined by Hu Jintao in 2004.⁷⁴ Nonetheless, it is in the interests of PLA leaders to try to shape the views of the CPC top leadership on maritime security issues. According to one analyst, the PLA views the South China Sea as “its issue” because it has advocated defending China's rights more robustly and for longer than any of the other actors.⁷⁵

China's armed forces are under the command and control of the Party's Central Military Commission (CMC), the highest CPC body overseeing defence policy and military strategy.⁷⁶ The eleven-person CMC is headed by a civilian, Xi Jinping. The remaining ten men are all PLA officers and members of the Central Committee.⁷⁷ Hence, officially, it is via Xi and the CPC Leading Small Groups that the top military commanders communicate with the senior civilian leadership.

Unofficially, the PLA has several avenues to convey its views to CPC decision-makers. The avenue relied upon for decades — personal networks — is still in use. But today the PLA has also become active in the public domain. Senior PLA officers give public speeches. They try to

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influence both public opinion and the stances of other maritime security actors by providing professional analysis and commentary via the internet, media, public seminars, closed-door discussions, and by hosting their own discussion sessions. In contrast to the previous decade, civilian researchers, media representatives, state-owned enterprise executives, and government officials are invited to PLA roundtables, and occasionally so are foreigners.

The PLA is not a monolithic or single-minded entity. Several PLA interlocutors point out that within the PLA there is a diverse set of views on maritime security issues. Leading officers of all the forces, not only the Navy, are involved in maritime security issues.⁷⁸ Internally, there is competition among the PLA forces. In the security sphere generally, the PLA is “but one institution vying for power, resources, and prestige.”⁷⁹

The PLA's maritime role is rife with contradictions. On the one hand, the PLAN appears to value opportunities for international collaboration. It has been praised by the United States and Asian nations for its constructive role in international anti-piracy efforts in the Gulf of Aden. Its Peace Ark hospital ship represents China's soft power at its best and its visits are valued in developing countries.⁸⁰ The PLAN has been the Chinese counterpart in most of the joint military exercises between China and Australia. The Navy in 2014 took part for the first time in the multilateral Rim of the Pacific exercise in Hawaii. And it is the PLAN with which the United States has begun to discuss maritime confidence-building measures.⁸¹

On the other hand, actions by the PLAN often cause consternation in Washington and capitals across the region. In 2013 a US guided missile cruiser, while in international waters, barely averted a collision with a PLAN vessel after the Chinese ship cut across its bow. Earlier that year a Chinese frigate caused alarm when it locked its radar on a Japanese destroyer in international waters.⁸² While official US statements praised China's participation in the Rim of the Pacific exercise, an uninvited PLA surveillance ship was discovered near the exercise off the coast of Hawaii. Although China has a right to do this, according to the US interpretation of UNCLOS, China has not ceased to complain about US missions off China's own coast, creating the impression of a double standard.

INTERACTION BETWEEN AGENCY FLEETS AND THE PLA

In his first public work report following the official establishment of the China Coast Guard, SOA director Liu Cigui called for deepening coordination between the PLA and Coast Guard.⁸³ Prior to 2013 some institutional interaction took place between the PLA and the five maritime law enforcement agencies, especially the CMS. PLA academies have provided training for CMS officers, political commissars and non-commissioned officers.⁸⁴ In 2012, 11 vessels from the PLAN, CMS, and

FLEC participated in a highly publicised joint exercise. The exercise involved a scenario in which Chinese fishing boats were followed, harassed, and hindered by vessels from another country. With backup from the PLAN, the CMS and FLEC vessels were deployed to enforce China's rights.⁸⁵ A year later, another joint exercise was conducted and included personnel from several additional agencies.⁸⁶

More controversially, in the summer of 2014 the PLA organised a drill in waters close to Vietnam in the South China Sea, simulating a scenario in which an oil rig was surrounded by foreign fishing boats. It was organised by a maritime garrison of the PLAN South Sea Fleet and involved more than ten units from the military and the local administrative region, including the PLA Naval Air Force, FLEC, the PLA Air Force, the China Coast Guard and the maritime militia. Dozens of vessels and several fighter aircraft were deployed.⁸⁷

It is evident the HYSY-981 oil rig episode in May had prompted the exercise and that new oil exploration projects are to be expected. A former PLAN captain was quoted as saying:

The drill will help the authorities to mount powerful counterattacks as well as threaten Vietnam and other countries involved in territorial disputes, showing them that China is well prepared to repel any possible attack against its oil rigs.⁸⁸

Since the oil rig stand-off, the PLA appears to have focused more seriously on civilian–military integration, and organised several drills involving maritime enforcement agencies. In addition to the oil rig exercise in the South China Sea, the PLA General Staff Headquarters organised “meteorological exercises,” involving meteorological and hydrological troops from different military commands as well as staff of the SOA and the China Coast Guard.⁸⁹ In August, a base under the PLAN North Sea Fleet organised exercises that included local enforcement units such as the Coast Guard, FLEC and the Rescue Bureau.⁹⁰ The exercises included a civilian–military maritime denial and control operation. In September the PLAN East Sea Fleet conducted “large-scale” exercises that incorporated combat support ships, destroyers, naval helicopters, and submarines, as well as local law enforcement vessels.⁹¹

These PLAN-led initiatives give credibility to the statements by several interlocutors about the PLAN having had a role in coordinating defence of the HYSY-981 rig. According to a June 2014 *PLA Daily* article, the PLA Navy is “actively building a military–police–civilian joint defence mechanism” and “closely coordinating with maritime forces to implement joint rights protection.”⁹²

One should not draw too far-reaching conclusions from the increased interaction. Over the past few decades innumerable officials, officers, and researchers have argued in articles published in China for the need

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to improve civilian–military cooperation. Things could be changing, but it will be an uphill struggle. A wide gulf still exists between the PLA and government bureaucracies.⁹³ In a 2014 military publication the Jiangsu Military District commander criticised a “mindset of self-interested departmentalism” and underscored the importance of information sharing to seriously address problems in military and civilian integration.⁹⁴

FISHERMEN

For decades, fishermen have been at the centre of numerous potentially dangerous incidents in both the East China Sea and South China Sea. One of the most volatile diplomatic crises between China and Japan in recent years occurred in 2010 in disputed waters near the Senkaku/Diaoyu Islands after a Chinese fishing boat rammed a Japanese Coast Guard vessel that was about to detain the Chinese captain and confiscate his fishing tackle. Illegal fishing is rampant in the East and South China Seas. Fishermen often disregard regulations that deem an area off-limits either due to territorial disputes or a temporary moratorium with the aim of conserving fish. Consequently, fishermen across East Asia are constantly being chased away, detained and/or arrested by law enforcement authorities of East Asian countries.

To better understand the role of fishermen as maritime security actors, it is important to know to what extent Chinese fishermen act independently or under orders from the (former) FLEC or the PLAN. There have been several instances in which Chinese fishing boats have collaborated with FLEC, other law enforcement agencies and/or PLAN vessels, so undoubtedly cooperation takes place.⁹⁵ However, whether or not Chinese authorities systematically use fishermen as proxies in disputed zones is unclear.⁹⁶

In recent months the number of Chinese fishing vessels have increased in disputed waters around the Senkaku/Diaoyu Islands. One possibility is that a reduction of Chinese law enforcement patrols in the area is emboldening fishermen to venture into disputed waters.⁹⁷ Another view is that some of the vessels belong to the maritime militia under the guidance of the Navy.⁹⁸ Scant public information is available about maritime militias and even less about the links between the maritime militia and the Navy. Discussions with Chinese interlocutors do not provide a conclusive answer. One provincial fishing official complained at length that fishermen are a unruly group of hardened men who won't take orders from anyone, the PLA included, and are constantly causing trouble for China by defying bans. But the same official at another juncture said that fishermen are happy to earn extra money when asked to “carry out tasks” for the local FLEC officials.

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COMMERCIAL ENTERPRISES

Besides fishermen there are numerous commercial enterprises that, intentionally or inadvertently, impact on China's maritime security. It is in the commercial interests of many energy companies as well as enterprises engaged in tourism for China to energetically pursue its maritime territorial claims. Even mapping companies can profit from sovereignty disputes. In June 2014 the Hunan map publishing house released a map of China with all the South China Sea islands on the same map as continental China, instead of depicting the islands as an inset.⁹⁹ The map garnered much attention (and vociferous complaints from neighbours) for the map maker, helping the company stand out in an otherwise crowded market.

Many tourism-related businesses support the ambitions of Hainan government officials who want to transform the Paracel Islands into a popular tourist destination on par with the Maldives. Vietnam, unsurprisingly, opposes these plans. The voyage in April 2013 to the Paracels by a first group of 200 tourists on board the 800-passenger refurbished supply ship *Coconut Princess* drew condemnation from Vietnam's foreign ministry. One Vietnamese media outlet labelled the action Chinese "imperialism."¹⁰⁰

For years China and Vietnam have engaged in a tit-for-tat struggle over exploration rights in disputed waters.

The decision to tow the oil rig HYSY-981 to a spot off the disputed Paracel Islands thrust energy companies back into the spotlight. For years China and Vietnam have engaged in a tit-for-tat struggle over exploration rights in disputed waters. In early 2009 US oil company Exxon Mobil entered into exploration and production arrangements with PetroVietnam, partially in areas contested by China.¹⁰¹ Six months later China released two blocks for tender in waters contested by Vietnam.¹⁰² After Exxon started seismic surveys in March 2011, China responded by releasing 19 blocks, one located 1 nautical mile from the Paracel Islands, which Vietnam singled out in a March 2012 statement as violating its sovereignty.¹⁰³ Exxon and PetroVietnam drilled two successful wells in 2011 and 2012.¹⁰⁴ In September 2014 several Chinese interlocutors said that the HYSY-981 operation in May was a response to Vietnam's 2011 decision to allow Exxon to develop Vietnam's blocks in what China views as its waters.

Ever since China's state-owned enterprises (SOEs) were encouraged by the central government to go global 15 years ago, analysts have debated the possible role of large SOEs as instruments of the state. Certainly in some cases SOEs inadvertently complicate China's diplomacy by their commercial actions.¹⁰⁵ An ongoing question is, who is in the driver's seat: the large SOEs or the Party? The CEOs of the largest SOEs, such as those of the national oil companies, have the rank of vice-minister or minister. Some of them outrank the Party and state leaders in the locality in which they are based, making it impossible for the local government to order them about.¹⁰⁶ But the CEOs are beholden to the Party because they are appointed by the CPC Organisation

Department and depend on the CPC to maintain stability so they can make profits. The Party, in turn, relies on the commercial success of the SOEs because they provide tax revenue and jobs.

The result of this is often a blurring of lines between commercial and national interests. In the case of HYSY-981, for example, even if the relevant national oil company was pressured to help the government assert China's jurisdiction over contested waters, as Erica Downs, a leading Chinese energy expert, suggested, "its CEO probably had corporate and personal reasons to embrace the move as an opportunity."¹⁰⁷ At the same time, in today's China, being a good Party member, one who is worthy of promotion, entails showing support for China's maritime claims. Moreover, the state — and at times the PLA too — wishes to protect the commercial interests of important SOEs. As the commander of the FLEC South Sea Fleet noted, "our ability to exploit our own oil is equivalent to safeguarding our sovereignty."¹⁰⁸

China National Offshore Oil Corporation (CNOOC) stands out as both a prominent maritime security actor and one that collaborates with other actors. CNOOC chairman Wang Yilin has described HYSY-981 as "mobile national territory" and a "strategic weapon" to promote the development of China's offshore oil industry. The media has publicised his meetings with Hainan provincial leaders when they visit Beijing as well as CNOOC's participation with the Ministry of Agriculture, the China Coast Guard, and Hainan provincial government in jointly organised fisheries-restocking activity in waters around the Paracels.¹⁰⁹ A lecture series for CNOOC employees in 2013 included the topic of maritime rights enforcement. The guest speaker, the commander of the FLEC South China fleet, said that oil in the South China Sea should be extracted as "sovereignty oil."¹¹⁰

A ferocious propaganda war rages over the disputes in the East and South China Seas.

SHAPERS OF PUBLIC OPINION: MEDIA COMMENTATORS, LEGAL SPECIALISTS, NETIZENS

A ferocious propaganda war rages over the disputes in the East and South China Seas. Each government with a claim tries to manipulate perceptions, apply psychological pressure, and publicise 'legal' arguments to assert its claims to resources and territory. A key aim is to convince the domestic audience and foreigners that rival claimants are acting unlawfully. Governments are aware that:

Twenty-first century warfare — where hearts, minds and opinion are, perhaps, more important than kinetic force projection — is guided by a new and vital dimension, namely the belief that whose story wins may be more important than whose army wins.¹¹¹

Whether officials in a one-party authoritarian state like China (or Vietnam) really care about public opinion is a hotly debated question. The short answer is that in China, public opinion does influence policy-

makers to a certain extent and in some situations. Chinese leaders are criticised relentlessly for being too weak and bowing to international pressure on Chinese internet chat sites. Chinese authorities are keenly aware of how quickly this dissatisfaction can give rise to questioning of the CPC's ability to govern. The authorities fear such dissatisfaction spilling into the streets. So when an international incident involves China and the United States or China and Japan, or touches upon sensitive issues such as sovereignty, Taiwan or Tibet, Chinese leaders are, at a minimum, mindful of public opinion.¹¹² Therefore, those Party and government officials, journalists, researchers, military officers, and bloggers who seek to shape public opinion about China's actions in the maritime security domain have to be considered maritime security actors "on the margins."¹¹³

Certainly the Propaganda Department of the CPC Central Committee, headed by Politburo member Liu Qibao, is such an actor. By issuing regular bulletins with guidelines about what mainstream print and television media should emphasise and what they should avoid, propaganda officials at the central level set the tone of editorials about disputes over sovereignty and maritime rights. They also establish the boundaries of the permissible.

In more general terms, CPC propaganda officials are also responsible for the focus in public discourse on the humiliations Chinese people suffered in the nineteenth and twentieth centuries at the hands of Japanese and Westerners. This victimhood narrative, still so prevalent in China today, is evident in new books, plays, films, and exhibitions, even theme parks. It is an undercurrent of Xi Jinping's call for the "great rejuvenation of the Chinese nation" and the "Chinese Dream." The message is two-pronged. On the one hand, one should never forget China's century of shame. On the other hand, one should keep in mind China's great achievements, including the remarkable progress China has made under CPC rule since 1949. It is part and parcel of the insistence by many Chinese of different persuasions that it is high time China stops letting others push it around.

The Propaganda Department, along with the Ministry of Education, ensures that Chinese people are constantly reminded that China's claims to the South China Sea are grounded in history. In the words of Geoffrey Till of King's College, London:

Outsiders often overlook the very basic point that the Chinese genuinely believe the South China Sea to be theirs, on historic grounds. They believe themselves to be *resisting* not effecting changes to the status quo.¹¹⁴

Although a strong nationalist sentiment dominates commentary on maritime rights and disputes in Chinese media and online chat sites, balanced views and even criticism of China's public discourse can also be found.¹¹⁵ Of the dozens of civilian and military research institutes and

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centres across China devoted to maritime security issues and increasingly also international maritime law, some are academic institutions that do scholarly work; some do a mixture of genuine research and commentary, including critical views of overly nationalistic approaches; some are mouthpieces for a specific maritime security actor or the government more generally. For example, the National Institute for South China Sea Studies, based in Hainan and headed by the energetic Wu Shicun, is:

Attached to the Hainan provincial government, working under the policy guidance of the Foreign Ministry... while receiving professional instruction from the State Oceanic Administration.¹¹⁶

Some of the most vocal public opinion-shapers are a dozen or so uniformed senior officers, colloquially known outside China as “PLA media hawks” because they routinely make nationalist hardline comments in print media and on television.¹¹⁷ These PLA commentators are regular participants in debates published by *Huanqiu Shibao* (the Chinese edition of *Global Times*), known for its jingoistic editorials.

The “PLA media hawks” do not have operational experience as commanders in the conventional military sense; rather their backgrounds are in academia, intelligence, and propaganda.

The “PLA media hawks” do not have operational experience as commanders in the conventional military sense; rather their backgrounds are in academia, intelligence, and propaganda. Their comments are indeed propaganda, above all directed at audiences at home and abroad with the intent to bolster the PLA’s image as a formidable military. Not only do they irritate many people overseas; they also upset some senior Chinese officers from the operational side of the PLA as well as respected Chinese academics who have gone on record lamenting the confusion caused by “misleading” and “reckless” comments by PLA media hawks.¹¹⁸

These uniformed commentators undoubtedly have the approval of an authoritative PLA figure or organisation, most probably in the General Political Department (GPD). They should be regarded not as shapers of policy but as implementers of China’s ‘Three Warfares’, a strategy reportedly approved by the CPC Central Committee and the Central Military Commission in 2003.¹¹⁹

The Three Warfares consists of psychological warfare, media warfare and legal warfare.¹²⁰ An example of the pursuit of this strategy can be seen in the decision by the SOA to give several thousand islands and islets names.¹²¹ The renewed efforts on land reclamation on reefs in the South China Sea is also likely to be a tool of legal warfare, intended to solidify China’s claims to maritime rights based on so-called land features, rather than an attempt to militarise the South China Sea as some have claimed.¹²² The artificial islands could allow China to claim an EEZ within 200 nautical miles of each island. The Philippines argues that China occupies only rocks and reefs and not true islands that qualify for economic zones.

COMPLEX INTERACTIONS

Complex interactions among actors, together with Chinese political culture, ultimately determine China's policy in the maritime domain. Obviously, each actor does not influence Chinese policy equally. The PSC forms a collective leadership and is presumed to make decisions by reaching consensus. Xi, as chair, has the final say. The PSC sets the broad contours of China's foreign policy. On the basis of the PSC's guidelines, lower-level Party organs and government units have the responsibility to work out concrete policies and give operational directions.

Xi Jinping has been portrayed in the Western media and in some scholarly analysis as a strongman.¹²³ This image stems in part from his self-assured public style, which is markedly different from his predecessor, Hu Jintao. It also stems from the ambitious anti-corruption campaign Xi launched soon after becoming Party leader, and from the numerous positions he holds — especially the fact that he became “commander-in-chief” of the PLA at the same time as taking over the Party, unlike Hu who had to wait two years for the Central Military Commission chairmanship after becoming CPC head. Much has been written abroad about the fact that Xi is the son of the late revolutionary leader, Xi Zhongxun, implying that not only does he have natural ties to the PLA but he also enjoys the military's support. In April 2014, 18 senior PLA generals swore allegiance to Xi Jinping, leading to observations of his firm hold of the military.¹²⁴

However, even Xi must balance interests within the CPC leadership. For the Party to remain in power the Party leadership must remain unified, or at least be perceived as unified. Collective leadership continues to be paramount. To quote Alice Miller of the Hoover Institution:

The continuity in stress on collective leadership in Chinese state media treatment of the leadership from the Hu period into the Xi era underscores this conclusion.¹²⁵

The key is to strike a balance between the perception of a leader in charge and a leader who shares power.

As of 2008–09, when Chinese law enforcement agency vessels became increasingly embroiled in incidents at sea, some China observers — this author included — assessed that at least in some instances China's law enforcement agency vessels were overzealously pursuing their mandate of safeguarding sovereignty in disputed waters with the blessing of local authorities.¹²⁶ This remains a plausible explanation. The lack of coordination among maritime law enforcement agencies was public knowledge. There were scores of articles published in the PRC lamenting the disarray of the nation's maritime law enforcement. In private, several officials and analysts working in the maritime security sphere noted the inattention by Hu Jintao and other top leaders, who

However, even Xi must balance interests within the CPC leadership.

were preoccupied with domestic challenges. They also emphasised that many Chinese maritime security actors who operate with a high level of autonomy were pushing for a more robust response to provocations by neighbouring countries.

The view that too little attention was being paid by the senior leadership to maritime issues gained credibility after word circulated in mid-2012 that Xi, at that point leader-in-waiting, had been made head of a new CPC Central Committee Leading Small Group on maritime affairs. He was also put in charge of the 'Office to respond to the Diaoyu crisis' after Japan nationalised three of the Senkaku/Diaoyu Islands in September 2012.¹²⁷ According to an official involved in the preparation of meetings of the LSG on maritime affairs, Xi made it clear that he favoured "a determined response" to provocations to China's sovereignty and maritime interests while taking care to stress that "doing more" should not endanger stability.

Jin Canrong of Renmin University of China explained Xi's approach as follows:

For a long period in the past, when certain countries infringed on our maritime rights, we chose to show restraint in order to maintain regional stability. But now to become a maritime power, we have to take both the maintenance of stability and rights protection into account.¹²⁸

A senior CPC official based in Hainan province gave his interpretation of Xi's public statements. "In contrast to the past," he said:

...when *wei wen* (upholding stability) was paramount and our law enforcement agency vessels were ordered to withdraw from any stand-off in disputed waters, *wei quan* (safeguarding rights) now takes precedence over *wei wen*. This allows the vessels to act resolutely.

The same official said that based on guidelines from "the centre" (meaning the senior leadership), he and others are involved in drawing up operational directives as to "how far" the vessels are allowed to patrol and "how strongly" the vessels are allowed to resist intruders into what is perceived to be China's sovereign waters. However, he noted, the directive to avoid the use of lethal weapons was not made at the provincial level, so he presumed this had been decided by "the centre."

The CPC official in Hainan meets at least once a month with senior officials from law enforcement agencies and relevant Hainan government departments. On occasion, about once a year, two senior PLA officers participate in these coordination meetings. Informally, over a meal, the CPC official discusses maritime law enforcement issues with many provincial CPC and government officials, and additionally with numerous other actors such as oil company representatives, provincial

and municipal officials in charge of promoting tourism, maritime scholars, and media representatives. According to the official:

The centre's guidance has provided manoeuvring room to several maritime security actors who want to protect our sovereignty and who have for years argued that we should do more to safeguard our maritime interests.

His view that the Xi era has led to a genuine collusion of local agency interests was shared by many other, less senior officials in separate research interviews.

We still know very little about how decisions are reached among the nation's most senior officials. CPC leaders remain committed to secretiveness despite the modest degree of pluralism that has been injected into China's decision-making processes over the past decade by new foreign policy actors. Therefore, it is impossible to know the degree to which the lobbying efforts of any given actor influences the discussions on a specific issue at the PSB meetings and how the give and take among PSB and CMC members or senior leaders plays out after any major decision is announced. Beijing is rife with gossip of bargaining among senior leaders that has taken place around decisions, but these anecdotes are based on second-, third- or even fourth-hand accounts of PSC meetings.

It is also unclear precisely how the decisions of China's top leaders are transformed into concrete action plans. Many analysts concur that the PSC agrees on guidelines that then become policy documents. These documents usually consist of general prescriptions and ambiguous expressions that are open to interpretation. Compounding the lack of clear-cut directives is the imprecise nature of the Chinese language. According to one mid-level official, most directives are vague — so vague that the guideline can be used to justify an array of sometimes competing policy objectives. A senior researcher who advises two central government ministries on maritime issues said, “anything can be explained, either way.”

According to several Chinese officials and analysts, Xi's public statements form the core of the guidelines; they give the general direction. The implementation of specific policies is decided by lower levels of government. This gives ample room for actors, many with their own agendas, to influence these policy-makers. There are “omnidirectional influences” at play.¹²⁹ For example, senior military leaders, provincial leaders, and CEOs of large state-owned enterprises — people who have access to the top leadership and their aides — seek to have their interests taken into account in any guidelines approved by Xi and other PSC or Politburo members. These same actors, or more likely their subordinates, simultaneously lobby lower-level officials to ensure that more specific policy directives are implemented to accord with their interests.

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Because the People's Republic of China is a one-party authoritarian state, many outsiders presume it is governed on the basis of a rigid top-down political structure. It is not. China's dramatic economic rise would not have been possible without substantial decentralisation, which has made the provincial, municipal, and in some cases even county governments autonomous and powerful. While local governments cannot entirely ignore the centre's directives on significant issues, they have numerous ways to circumvent, mould, or slow down implementation of these directives. To quote Tony Saich of Harvard University, "there is significant deviation from central policy across bureaucracies and at the local level."¹³⁰

In China, competition is extremely fierce between ministries, between central and local government bodies, and between officials within a government entity. Individual government ministries or agencies do not share information with each other and prefer not to collaborate.¹³¹ In fact, sometimes two government entities will refuse to communicate each other.

Third, rank consciousness is taken to the extreme in China. Chinese people are intuitively aware of the systems of ranks that identify the importance of a person or organisation.

There are several reasons for this. First, as in all countries, there is competition for government funding and ultimately for power within the system. Second, information is invaluable in a political system in which decision-making processes are not transparent and decision-makers are not accountable on the basis of publicised rules that can be challenged. Information sharing and genuine collaboration between agencies can adversely affect the building of personal relations with decision-makers, which is essential for career promotion. Third, rank consciousness is taken to the extreme in China. Chinese people are intuitively aware of the systems of ranks that identify the importance of a person or organisation. Entities of equivalent rank cannot issue binding orders to each other. Even coordination between them is arduous and an "entity of lesser rank seeking to coordinate with an entity of higher rank faces a daunting challenge."¹³² An efficient way to circumvent cumbersome inter-agency communication is to rely on personal connections.

The production of maps in China is a good example of how poor coordination and the reluctance to communicate with other organisations can complicate an already delicate issue. Numerous Chinese organisations have overlapping responsibilities for the production of maps depicting disputed areas, which is of course sensitive among China's neighbours. The State Bureau of Surveying and Mapping under the Ministry of Land and Resources has bureaus at the local level under the dual leadership of the central bureau and the provincial government—an arrangement that often results in contradictory policies and practices. In addition, the Maritime Safety Administration, Ministry of Foreign Affairs, and the PLA Navy all have units with responsibilities related to maps. So does the PLA General Staff Department. Its own mapping and navigation bureau finalised what the *People's Daily* called the first Chinese "complete and correct map" of South China Sea

landforms (with a nine-dash line) in 2012.¹³³ Seven months later, SinoMaps Press, under the jurisdiction of the State Bureau of Surveying and Mapping, released a map featuring a tenth dash.¹³⁴ While some analysts point out that this does not automatically change Beijing's claims, the extra dash caused unnecessary confusion in the region and upset the Philippines and Vietnam.¹³⁵

Governance challenges are important to keep in mind when assessing the maritime security landscape. Multiple actors do their utmost to utilise the top leadership's guidance to their benefit, while at the same time they try to outdo and out-manoeuvre each other. For instance, Chinese national oil companies compete against each other. There is also competition between local government entities and within the PLA.

Naturally, when it is in the interests of more than one actor, and especially if personal connections exist to facilitate communication, inter-agency cooperation is possible. The need to "do more" or "do something" to protect China's maritime interests, as opposed to the Hu Jintao era's overriding emphasis on maintaining stability, aligns with many actors' interests.

Obviously Xi cannot be on top of every decision or action taken in China's name. But despite his rapid consolidation of power, Xi also cannot denounce an action that has been officially taken or made in the name of "safeguarding China's sovereignty." No Chinese leader can. In the present political atmosphere, which underscores the need for China to stand up to threats to its sovereignty, if Xi or any other senior leader were to publicly question tough stances it would come across as weakness. The maritime security actors who want to benefit from China's stand-off with other countries know this and at times push the boundaries of the permissible, complicating China's overall foreign policy.

Foreign policy is also intertwined with domestic politics. In situations where tensions suddenly rise to boiling point the top leadership has to find a way to delicately retreat without giving the impression of China acquiescing to outsiders' demands. In the case of the HYSY-981 drilling platform, Vietnam succeeded in shaming China internationally. Several Chinese interviewees, including government officials, were of the view that China underestimated the strength of Vietnam's resistance and that was why the rig was withdrawn ahead of schedule. China's leadership avoided a complete loss of face by declaring that the survey task had been completed more quickly than expected. In other instances, however, Chinese leaders are not willing to risk alienating domestic constituencies by succumbing to outside pressure, especially if there is no viable exit strategy. For example, when the 2012 nationalisation of the Senkaku Islands led to widespread anti-Japan protests in China, it is likely that the leadership was fearful of angry citizens turning on the

But despite his rapid consolidation of power, Xi also cannot denounce an action that has been officially taken or made in the name of "safeguarding China's sovereignty."

government had it not allowed popular dissatisfaction with Japan to manifest itself.

Popular nationalism in China is real. It is partially state-led, but, to quote Jessica Chen Weiss of Yale University, “it is also fuelled by sincere and often visceral feelings.” Rather depressingly, eminent historian John K. Fairbank warned back in 1969, ‘the tradition of Chinese superiority has now been hyper-activated... It will confront us for a long time to come.’¹³⁶

A CASE STUDY: SANSHA’S ROAD TO FAME

Many actors are skilful in utilising nationalism and the prevalent mood among Chinese elites that the country should stand up for itself more forcefully. ‘Safeguarding rights’ (*wei quan*) has now become a mantra. So has the need to strengthen ‘maritime consciousness’. In the coastal provinces officials and citizens alike enthusiastically heed the top leaders’ call to build a strong maritime nation by proposing initiatives that will bring them economic benefit. Under the auspices of ‘safeguarding rights’ and ‘maritime consciousness’, one can justify almost anything. Since Xi announced in October 2013 China’s ambition to build a Maritime Silk Road, this has also started to emerge as a reason to solicit funds or gain approval from the authorities.

The establishment of the city of Sansha on Woody Island is an illuminating case study. Woody is one of the Paracel Islands claimed by both China and Vietnam. For years Hainan provincial officials were eager to secure substantial government funding to develop tourism on the Paracel and Spratly Islands and to encourage fishermen to sail farther into disputed waters.¹³⁷ To this end they lobbied the central government to upgrade Sansha from a county-level to prefectural-level city.¹³⁸ Although Sansha’s population is miniscule (1500 civilians), its jurisdiction is huge. It administers a vast sea area and both major contested island groups, the Paracels and the Spratlys. The State Council approved the plan in 2007 but held off giving its final blessing to the new city for five years.

On 21 June 2012, Vietnam provided those advocating for Sansha to become a city with the needed boost by announcing that it had passed a maritime law declaring Vietnam’s jurisdiction over all of the disputed Paracel and Spratly Islands.¹³⁹ China immediately announced the establishment of the city of Sansha on Woody Island,¹⁴⁰ subsequently pledging a huge sum, USD \$1.6 billion, for infrastructure on the tiny island.¹⁴¹ Many companies followed suit, pledging donations or investments, fulfilling what the official Xinhua news agency called their “due responsibilities and obligations” as members of society.¹⁴² The electrical power utility China Southern Grid invested RMB 300 million (almost USD \$50 million) to set up a power grid; CNOOC donated a natural gas-powered generator; Yingli, the world’s leading solar panel manufacturer, promised RMB 5 million (USD \$0.8 million) worth of

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photovoltaic systems; and Boying Science and Technology Company provided RMB 10 million (USD \$1.6 million) for a water desalination system. During an April 2013 visit to Hainan, Xi highlighted the importance of constructing Sansha and encouraged work there to focus on “safeguarding rights, maintenance of stability, protection, and development.”¹⁴³

Several Chinese interlocutors stressed that local officials focus on gaining profits and prestige for their organisations and themselves. They often do not consider the foreign policy ramifications of their actions, nor do they have experience in dealing with the outside world. For example, the *Hainan Daily* reported in May 2014 that all researchers taking part in a survey agreed that:

There is an urgent need to establish a large-scale fishing base in the Spratly Islands. This will provide significant advantages for developing China’s offshore fishing industry, for utilising marine resources in the South China Sea, for establishing a twenty-first century “Maritime Silk Road,” and also for the establishment of a strong maritime nation.¹⁴⁴

During the hectic searches for the missing Malaysian Airlines flight MH370, Xiao Jie, who serves as Sansha Party secretary and mayor, used the opportunity to draw public attention to his view that China needs a search and rescue centre in the Spratly Islands.¹⁴⁵ All such initiatives, be they fishing or rescue centres, are bound to infuriate the other claimants and be viewed as yet another attempt to strengthen China’s presence on a contested island in order to bolster its claim.

There is a constant push and pull going on between central and local authorities. Local officials, eager to support projects that earn money and employ people, resent having to involve central officials in the decision-making process and often ‘report after the fact’ rather than seek pre-approval. In principle, the MFA should be consulted on any foreign affairs-related activity, but in reality it is far too overstretched to involve itself in the innumerable activities taking place ‘in the name of China’. Consequently, as Wang Yizhou of Beijing University writes, “an ever-increasing level of autonomy and overseas contact for all levels of local government” has become the norm, and “there are contradictions and even conflicts along the process.”¹⁴⁶ In the case of Sansha, according to unconfirmed accounts, the MFA has tried to slow down enthusiastic local officials.

Inter-provincial competition for central government attention and financial support pits provinces against one another, each one trying to outdo the other with innovative initiatives. For example, although developing the maritime economy has been earmarked as an important national goal, an overall national maritime plan is lacking, so each province develops its own maritime economy independently, creating overcapacity and duplicating efforts. In an article published in China, one official expressed

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frustration at this, complaining that “the state should at least give some direction as to which industries each locality should focus on.”¹⁴⁷

As for the Maritime Silk Road, it will be the provinces that shape the initiative that Xi set in motion. If Hainan province gets its way, the Maritime Silk Road will extend all the way to James Shoal in the Spratlys.¹⁴⁸ That in itself would cause several countries to think twice about participation in the Chinese-led project, which, after all, Xi proposed to invigorate China’s ties with its Southeast Asian neighbours, one of many steps to “let the sense of common destiny take root with neighbours.”¹⁴⁹

The PLA also benefited from the establishment of Sansha by creating a military garrison there. While the garrison alone is in itself a “minor development,” the extension of Woody Island’s runway is not.¹⁵⁰ Upon completion, the runway is expected to be able to accommodate fighter aircraft and heavier military aircraft.¹⁵¹ Although reefs and islands are difficult to defend militarily, the extended runway will enhance China’s ability to project air power over the disputed Paracel Islands and could be used if China establishes an air defence identification zone in the South China Sea. Above all, the extended runway’s importance lies in the political message it sends to the region of China’s intent to exercise its sovereignty over the South China Sea.

CONCLUSIONS – CHINA’S MARITIME BEHAVIOUR IN THE NEAR FUTURE

China’s image as an assertive claimant in the South China Sea is not likely to change. Xi Jinping has outlined the direction in which China should pursue its maritime interests in very broad terms by saying that China should “plan as a whole the two overall situations of maintaining stability and safeguarding rights.”¹⁵² But he has not provided specific guidelines on how the two objectives should be balanced. Other officials, among them a diverse set of maritime security actors, will shape the policies and decide on specific actions, often motivated by their own interests.

Besides the China Coast Guard, the most important maritime security actors are: senior PLA officers; senior officials in coastal provinces, the Ministry of Public Security, SOA, and NDRC; and senior executives in the national oil companies. These groups will grasp every opportunity to gain commercial advantage, prestige, or government funding. But they also represent key constituencies that keep the CPC in power. Despite his seemingly strong position, Xi cannot ignore the demands of vital interest groups.

Some Chinese analysts wonder in private if the PLA generals’ pledge of loyalty in June 2014 should be interpreted as a sign of Xi’s insecurity rather than a sign of his strength. The determination with which Xi

These groups will grasp every opportunity to gain commercial advantage, prestige, or government funding.

pursued the anti-corruption drive upon becoming China's top leader may have increased his popularity among ordinary citizens but it has surely created adversaries within both the government bureaucracy and the PLA. A senior Chinese diplomat called the campaign "an outright attack on the government and PLA."¹⁵³ The knowledge that there are many disgruntled senior officials and military officers can only exacerbate the "existential anxiety" the top leaders live with, fearful that the CPC will lose its grip on power as the Communist Party did in the Soviet Union.¹⁵⁴

China's actions in the maritime domain will continue to take place unsystematically and organically, not as part of a grand strategy. Various actors, for example resource company executives and local officials, will cooperate when it serves both parties' interests. However, there is no evidence of a central government-approved 'grand plan' that mandates different actors coercing other claimants in a tailored way towards a mutual goal.¹⁵⁵ For international policy-makers seeking to impress upon China the importance of regional stability, a 'grand plan' would in fact be less threatening than the uncertainty caused by a situation in which various Chinese actors are pursuing ad hoc measures in their own interests. China's nationalistic policy environment now encourages this kind of behaviour.

Chinese interlocutors state that the top leadership keeps closer watch on the East China Sea than the South China Sea begs the question of whether senior leaders are intentionally giving freer rein to actors in the South China Sea. It is possible, but it also depends on the circumstances and timing. When tensions with other claimants suddenly erupt and look likely to damage China internationally, for example when the oil rig HYSY-981 led to anti-Chinese riots in Vietnam, the top leadership decided upon a face-saving explanation and the oil rig was withdrawn. At other times, the leadership succumbs to domestic pressure and the demands of various actors to protect China's sovereign territory (or what China claims as its own). That said, the East China Sea simply does not offer actors the same opportunities as does the vast and sprawling South China Sea. The energy deposits near the Senkaku/Diaoyu Islands are not considered as lucrative as those near the disputed Paracel Islands, for example.¹⁵⁶

The contradictory nature of China's policies in the region will continue. Xi's foreign policy speech at a major CPC conference in November 2014 provided as much substance to those arguing for a conciliatory approach as to those pushing for China to defend its maritime rights.¹⁵⁷ The image of China turning on the charm one minute, for instance during Xi's 2014 visit to Australia, will be offset the next minute by news of controversial land reclamation operations on a disputed shoal. While there are actors pushing the government in a more provocative direction, there are also more moderate voices, such as local governments and corporations investing in Southeast Asia and some scholars, who urge the government to pursue a constructive agenda in the region.¹⁵⁸ They

However, there is no evidence of a central government-approved 'grand plan' that mandates different actors coercing other claimants in a tailored way towards a mutual goal.

argue that China continues to need a stable environment to prosper. Friendly relations in the region are imperative to counter US influence. Constructive relations with the United States also benefit China. If one looks beyond the maritime sphere, many of the trade and investment policies that China implements are welcomed in neighbouring countries.

China will also continue to develop its civilian law enforcement capabilities by strengthening its maritime presence and its ability to police disputed waters. The new China Coast Guard will not shy away from using its enhanced capabilities to coerce its neighbours when deemed necessary. Some in China presume that this intimidation — both psychological and the physical ‘bumping’ by Coast Guard vessels and use of water cannon — will weaken other claimants’ resolve, especially if China’s economy keeps growing and other claimants’ economic dependency on China grows along with it.

It is important to emphasise, as M. Taylor Fravel of the Massachusetts Institute of Technology has, that China does not rely on its navy to assert its claims, nor is China’s Coast Guard using weapons to drive home its message.¹⁵⁹ The PLA can be expected to remain an ‘over the horizon’ force, at least for the time being.¹⁶⁰ Whether the PLA will have a bigger role in coordinating tense situations in disputed waters (as it apparently did with the ‘defence’ of the HYSY-981 rig) is an open question. The recent increase in joint military–civilian exercises could be an indication that the PLA aspires to that role. Alternatively, the PLA’s role as a coordinator could prove to be an exception that was prompted because of the ongoing restructuring problems within the new China Coast Guard.

Foreign and security policy serves Xi’s domestic agenda. One cannot

rule out the idea that some CPC leaders — possibly Xi himself — want to create the image of China as a strong power by resorting to harsh actions in the maritime sphere to counter the criticism the leadership faces from its own citizens on domestic issues. These issues include social injustice and hazardous pollution, both of which grind away at the Party’s legitimacy and affect elites and the middle class. People are also frustrated with the slow pace of economic reforms.

The fierce propaganda war over maritime rights will also continue. The more that outsiders perceive China as a bully, the more difficult it is for anyone to write objectively about the maritime disputes in China’s vicinity.

For policy-makers in the region, the existence in China of diverse, persistent, and nationalist maritime security actors is a source of concern. So is the continuous uncertainty about the role of the PLA Navy. The actors make China’s behaviour unpredictable because they can be expected to continually stretch the boundaries of the permissible, using the pretext of Xi’s very general guidelines on safeguarding

The PLA can be expected to remain an ‘over the horizon’ force, at least for the time being.

maritime rights. These actors are also not united, which impedes coordination and effective governance. Indeed, often fierce rivalry between these actors further increases unpredictability. Consequently, there is a genuine risk of an incident at sea (or in the air) spiralling out of control. The complex interactions between China's maritime security actors will keep the East and South China Seas volatile.¹⁶¹

NOTES

¹ Linda Jakobson and Dean Knox, *New Foreign Policy Actors in China*, SIPRI Policy Paper 26 (Stockholm: Stockholm International Peace Research Institute, 2010), vii.

² “Xi Jinping: China to Further Friendly Relations with Neighbouring Countries,” *Xinhua*, 26 October 2014, http://news.xinhuanet.com/english/china/2013-10/26/c_125601680.htm.

³ The ADIZ announced by China also included islands and their surrounding waters claimed by the Republic of Korea. Seoul issued a few protests but the ADIZ did not escalate into a major issue between Beijing and Seoul.

⁴ Brian Spegele, “Vietnam Spat Represents a Chinese Leap,” *Wall Street Journal*, 8 May 2014 (includes video footage of Chinese vessel ramming Vietnamese vessel), <http://online.wsj.com/news/articles/SB10001424052702304655304579549330994442014?mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702304655304579549330994442014.html>.

⁵ Phillip C. Saunders, “Commentary: China’s Juggling Act. Beijing Balances Stability, Territorial Claims,” *Defense News*, 14 April 2014.

⁶ Wang Jisi, “China’s Search for a Grand Strategy,” *Foreign Affairs* 90, no. 2 (March/April 2011).

⁷ “建设中的大型执法船” [Large Law Enforcement Vessel Under Construction], 新华网 [*Xinhuanet*], 13 October 2014, http://epaper.jinghua.cn/html/2014-01/21/content_58867.htm. Currently, the Japan Coast Guard has 13 vessels of 3000 ton and above and 38 1000 ton-class law enforcement vessels. China’s law enforcement vessels outnumber those of the Japan Coast Guard with a total of 52 patrol craft. In terms of tonnage China is still slightly behind Japan.

⁸ “我国将新建20艘海警船完善海洋战略规划” [My Country Will Begin Construction of 20 New Maritime Police Craft to Consummate the Maritime Strategy Program], china.com.cn (under the State Council Information Office), 20 January 2014, http://blue.china.com.cn/2014-01/20/content_31244952.htm; Ryan Martinson, “Power to the Provinces: The Devolution of China’s Maritime Rights Protection,” *China Brief* 4, issue 17 (The Jamestown Foundation, 10 September 2014); “China Coast Guard,” GlobalSecurity.org, <http://www.globalsecurity.org/intell/world/china/ccg.htm>.

⁹ See for example Chen Xiangyang, “Diplomatic Balancing Act,” *China Daily*, 7 March 2013. (Chen is deputy director of the World Politics Research Institute at the China Institutes of Contemporary International Relations); Li Mingjiang and Zhang Hongzhou, “Restructuring China’s Maritime Law Enforcement: Impact on Regional Security,” RSIS Commentaries, 1 April 2013, <http://www.rsis.edu.sg/rsis-publication/idss/1940-restructuring-chinas-maritime/#.VIPCsKSUf3h>.

¹⁰ Koichi Furuya, “Wu Jianmin: Calm, Rational Diplomacy Serves China’s Interest,” *Asahi Shimbun*, 9 August 2014, <http://ajw.asahi.com/article/views/opinion/AJ201408090015>.

¹¹ “Xi Advocates Methods to Boost China’s Maritime Power,” *Xinhua*, 31 July 2013, http://news.xinhuanet.com/english/china/2013-07/31/c_132591246.htm.

¹² The word ‘marine’ appears once in the text of Jiang Zemin’s report at the 16th Party Congress, 8 November 2002.

¹³ “Full Text of Hu Jintao’s Report at 18th CPC National Congress” *Xinhua* (via World News Connection), 17 November 2012.

¹⁴ In Mandarin, ‘maritime economy’ and ‘marine economy’ are the same terms: 海洋经济.

¹⁵ Bonnie S. Glaser, “People’s Republic of China Maritime Disputes,” Statement before the U.S. House Armed Services Subcommittee on Sea Power and Projection Forces and the House Foreign Affairs Subcommittee on the Asia Pacific, 14 January 2014, http://csis.org/files/attachments/ts140114_glaser.pdf; Patrick Cronin et al., *Tailored Coercion: Competition and Risk in Maritime Asia* (Washington DC: Center for New American Security, March 2014), http://www.cnas.org/sites/default/files/publications-pdf/CNAS_TailoredCoercion_report.pdf. See also Bonnie S. Glaser, “Beijing as an Emerging Power in the South China Sea,” Statement before the House Foreign Affairs Committee, Washington DC, 12 September 2012, http://csis.org/files/attachments/ts120912_glaser.pdf.

¹⁶ It is important to differentiate between competing claims to territorial sovereignty over islands and competing claims to exclusive rights to develop marine resources. See for example M. Taylor Fravel, “Maritime Security in the South China Sea and the Competition for Maritime Rights,” in *Cooperation from Strength: The United States, China and the South China Sea*, eds. Patrick Cronin and William Rogers (Washington DC: Center for New American Security, January 2012), 34.

¹⁷ See Peter Dutton, “Three Disputes and Three Objectives,” *Naval War College Review* 64, no. 4 (Autumn 2011); Michael McDevitt, *The South China Sea: Assessing U.S. Policy and Options for the Future*, A CNA Occasional Paper (Arlington, VA: CNA Corporation, November 2014), iii.

¹⁸ In the South China Sea there are approximately 180 features above water at high tide. These rocks, shoals, sandbanks, and reefs — also called land features — are distributed among four geographically different areas of the South China Sea: the Pratas Islands (2 features), Scarborough Shoal (1), Paracel Islands (35) and Spratly Islands (140). These are claimed in whole or in part by China, Taiwan, Vietnam, the Philippines, Malaysia, and Brunei. China and Taiwan (the Republic of China) both claim all of the land features in the South China Sea.

¹⁹ McDevitt, *The South China Sea*, vii.

²⁰ Mizuho Aoki, “Obama Assures Abe on Senkakus,” *The Japan Times*, 24 April 2014.

²¹ Further complicating the dispute is that the United States has not ratified UNCLOS. China has done so, along with 165 other nations and the European Union. While several American presidents have favoured ratifying UNCLOS, US Congress has opposed it. The US has stated that it operates under UNCLOS guidelines even in the absence of ratification. See Ernest Bower and Gregory Poling, “Advancing the National Interests of the United States: Ratification of the Law of the Sea,” Center for Strategic and International Studies, 25 May 2012.

- ²² In 2001 a Chinese fighter aircraft collided with a US intelligence-gathering aircraft off Hainan Island. A serious diplomatic crisis between the United States and China ensued.
- ²³ "Truth Behind Chigua Reef Construction," *Global Times*, 11 September 2014, <http://www.globaltimes.cn/content/880864.shtml>.
- ²⁴ Jakobson and Knox, *New Foreign Policy Actors*, vi, 1.
- ²⁵ Yiqin Fu, "What Will China's National Security Commission Actually Do?" *Foreign Policy* (8 May 2014).
- ²⁶ See for example Alice Miller, "How Strong is Xi Jinping?" *China Leadership Monitor* 43 (Hoover Institution, Spring 2014).
- ²⁷ Cheng Li, "Xi Jinping's Inner Circle (Part 1: The Shaanxi Gang)," *China Leadership Monitor* 43 (Hoover Institution, Spring 2014).
- ²⁸ Jakobson and Knox, *New Foreign Policy Actors*, 5; Steve Tsang cited in Cary Huang, "How Leading Small Groups Help Xi Jinping and Other Leaders Exert Power," *South China Morning Post*, 20 January 2014.
- ²⁹ 国务委员杨洁篪任中央外事领导小组办公室主任 [State Councillor Yang Jiechi Appointed Director of the Central Committee Foreign Affairs Leading Group Office], *观察者* [*The Observer*], 26 August 2013, http://www.guancha.cn/politics/2013_08_26_168286.shtml.
- ³⁰ *Ibid.*; See also "Fresh South China Sea Dispute," *Sydney Morning Herald*, 5 December 2012, <http://www.smh.com.au/world/fresh-south-china-sea-dispute-20121205-2aupd.html>.
- ³¹ Senior Chinese official working in one of the key CC offices, interview with author, Beijing, 3 September 2014.
- ³² Senior Chinese researcher working at a government research institution and specialising in foreign policy, interview with author, Beijing, 18 March 2014. See also Jakobson and Knox, *New Foreign Policy Actors*, 8.
- ³³ Susan V. Lawrence and Michael F. Martin, *Understanding China's Political System* (Washington DC: Congressional Research Service, March 2013), 30.
- ³⁴ *Ibid.*, 10.
- ³⁵ Linda Jakobson, *China's Foreign Policy Dilemma*, Lowy Institute Analysis (Sydney: Lowy Institute for International Policy, February 2013); M. Taylor Fravel, "Hainan's New Maritime Regulations: A Preliminary Analysis," *The Diplomat*, 1 December 2012.
- ³⁶ M. Taylor Fravel, "Hainan's New Fishing Rules: A Preliminary Analysis," *The Diplomat*, 10 January 2014.
- ³⁷ China's Ministry of Defense website has a detailed description of the People's Armed Police Force, <http://eng.mod.gov.cn/ArmedForces/armed.htm>.
- ³⁸ 国家海洋局海洋发展战略研究所 [State Oceanic Administration's Institute for Ocean Development Strategy], *中国海洋发展报告* [*China's Ocean Development Report*], 海洋出版社 [Maritime Publishing House], 2011, 47.
- ³⁹ *Ibid.*, 47–48.
- ⁴⁰ *Ibid.*, 47; "Changing Tack with Sea Strategy," *People's Daily Online*, 13 May 2011, <http://english.peopledaily.com.cn/90001/90776/90786/6656502.html>.
- ⁴¹ See for example Li Jie, "海上执法力量呼唤高效合一" [Maritime Law Enforcement Power Calling out for Efficient Unification], *PLA Daily (Expert*

Report), 3 July 2010, http://www.chinamil.com.cn/fjbjmap/content/2010-07/03/node_8.htm; 王厉荣 [Wang Lirong], “关于中国海洋战略问题的若干思考” [Some Considerations about China's Maritime Security Problem], 海洋发展与管理 [Maritime Development and Administration] issue 4, June 2011, 19–23; 江淮, 马小军, 李杰, 王翰灵, 樊小菊 [Jiang Huai, Ma Xiaojun, Li Jie, Wang Hanling and Fan Xiaoju], “中国的海洋权益和海军” [China's Maritime Rights and Interests and the PLAN], 世界知识, [Global Knowledge] 1, 2009.

⁴² 周宏春 [Zhou Hongchun], “海洋开发应成为下一阶段我国发展战略的重要组成部分” [Oceanic Development Should be a Major Part of the Next Stage of China's Development Strategy], 海洋开发与管理 [Maritime Development and Management], 3, 2002.

⁴³ Lyle J. Goldstein, *Five Dragons Stirring Up the Sea: Challenge and Opportunity in China's Improving Maritime Enforcement Capabilities*, (Newport RI: US Naval War College, April 2010).

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⁷⁶ In line with the parallel-track power structure there are two CMCs, the Party CMC and the State CMC. They have identical memberships, and are in essence one body.

⁷⁷ Besides Xi, there are two vice-chairmen and eight Commission members. The vice-chairmen are the two PLA representatives on the 25-person Politburo. The Commission members are the Minister of Defense, the directors of the PLA general departments (Political, Staff, Logistics, and Armaments) and the commanders of the navy, air force and strategic missile forces (Second Artillery Corps).

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¹³² Lawrence and Martin, *Understanding China's*, 15.

¹³³ “我国首张三沙市地图发行展示南海诸岛地貌” [China Publishes First Map Displaying all South China Sea Islands and Landforms], 人民网南海视窗 [*People's Daily Online*, South China Sea portal], 23 November 2012, <http://www.chinanews.com/gn/2012/11-23/4353314.shtml>. The nine-dash line refers to a vague and controversial dashed line included in a map outlining what Beijing perceives as China's maritime rights, which China submitted to the United Nations. The U-shaped area marked by the dashes comprises most of the South China Sea, and overlaps the EEZ and continental shelf claims of other coastal states.

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