

# China's Maritime Law Enforcement: The Role of China Coast Guards & Other Actors

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January 1 2018, the Chinese People's Armed Police Force (PAP) was put under the unified leadership of the Central Military Commission(CMC)

June 22 2018, the China Coast Guard (CCG) fell under the command of the PAP

Is CCG a military force or a government law enforcement force?

I. The China Coast Guard became part of the Chinese Armed Forces while still performing the law enforcement functions at sea

PRC National Defense Law, Article 22:

The armed forces of the People's Republic of China are composed of the active service and reserve forces of the Chinese People's Liberation Army, the Chinese People's Armed Police Force, and the Militia.



State Oceanic Administration  
China Marine Surveillance



Ministry of Public Security  
China Coast Guard



China Coast Guard (CCG)/ State Oceanic Administration  
(March 2013)



Ministry of Agriculture  
China Fishery Law Enforcement



General Administration of Customs  
Anti-smuggling Police



**China Coast Guard (CCG)/ State Oceanic Administration**



**(June 2018)**



**Chinese People's Armed Police Force (PAP)**

**China Coast Guard (CCG)**



Chinese People's Armed Police Force (PAP)  
China Coast Guard (CCG)

Function of Maritime Law Enforcement:

- Maritime rights protection patrol
- Fighting maritime crimes
- Maintaining maritime security
- Marine resources and environment law enforcement
- Marine ecological environment protection
- Fishery management
- Island conservation law enforcement
- Anti-smuggling

PRC Constitution, Article 93:

The Central Military Commission of the People's Republic of China leads the national armed forces.

PRC National Defense Law, Article 13:

The Central Military Commission leads the national armed forces and unifies the national armed forces.

PRC People's Armed Police Law, Article 3:

The People's Armed Police Force is led by the State Council and the Central Military Commission, and implements a system of unified leadership and hierarchical command.

## II. China Coast Guard vessels comply with the international law attributes of warships while still performing law enforcement duties of government ships

Andrew S. Erickson, China has the world's largest coast guard by a sizable margin. Today, China's Coast Guard has 225 ships over 500 tons capable of operating offshore. China has two of the world's largest coast guard ships (10,000+ tons full load)





After the China Coast Guard transferred to the People's Armed Police Force, then what is the legal status of the China Coast Guard vessel?

Is it a government ship operating for non-commercial purposes?  
Or, is it a warship?



## UNCLOS Article 29:

"warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.



Although the legal status of the China Coast Guard vessels are in line with warships, according to the decision of the highest legislature in China, the law enforcement functions of the government ships are still implemented by the China Coast Guard vessels.



## The legal status and duties of Chinese maritime militia

Andrew S. Erickson China has the world's largest maritime militia, and virtually the only one charged with involvement in sovereignty disputes. China's maritime militia is a set of mariners and their vessels which are trained, equipped, and organized directly by the PLA's local military commands.



The Chinese militia is part of the Chinese armed forces. The maritime militia is a branch of the militia and also makes part of the Chinese armed forces.

The duties of the maritime militias are mainly to participate in combat in wartime, and to cooperate with the administrative departments to maintain social security in peacetime.



## i. Responsibilities and legal basis of (maritime) militia

PRC National Defense Law, Article 22: Under the command of military organs, the militia is responsible for combat readiness and defense, and to assist in maintaining social order.

PRC Militia Work Regulations, Article 2: The militia is the assistant and the reserve force of the Chinese People's Liberation Army.

Article 3: The tasks of the militia are:

- a. Reserve the soldiers required for wartime;
- b. Take the battle readiness for duty and maintain social policing;
- c. Participate in the war, support the front line, resist aggression, and defend the motherland.

## ii. Organizational command system of (maritime) militia

The militia, like the army, is under the command of the Central Military Commission (in peacetime and wartime). The specific leading responsibility is of the Military Region (Theater Command) and the Ministry of People's Armed Forces.

(PRC Militia Work Regulations)

The militia carry out joint defense with the resident People's Liberation Army and the People's Armed Police. During the war, the militia cooperated with the combat forces to undertake various combat duties and support the front line. The militia cooperated with public security departments to maintain public order.

(PRC Militia Work Regulations)

### iii. Maritime militia does not have independent law enforcement power

The maritime militia only cooperates with the public security organs to maintain social security. It can cooperate with the China Coast Guard to crack down on illegal activities at sea, maintain and guard maritime security.





### iii. Maritime militia does not have independent law enforcement power

The existing laws do not empower maritime militias the responsibility of assistance of law enforcement:

- Marine resources and environment law enforcement
- Marine ecological environment protection
- Fishery management
- Island conservation law enforcement
- Anti-smuggling